

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, OCTOBER 17, 2000, IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:

Present: John D. Miller, Jr., Saluda District
Fred S. Crittenden, Pinetop District
Kenneth W. Williams, Pinetop District
Lenora O. Weber, Saluda District
Frank Jessie, Jamaica District

Charles M. Culley, Jr., County Administrator
Michael T. Soberick, County Attorney

CALL TO ORDER

The Chairman, Mr. Miller, called the meeting to order at 7:30 P.M., and opened with a prayer.

PUBLIC HEARING – COMMUNITY DEVELOPMENT FEE ORDINANCE AMENDMENT

Planning Director, Tim Wilson, requested to amend the Community Development Fee Ordinance by increasing the after-the-fact zoning fee from \$45.00 to \$150.00. This has been discussed at previous meetings of the Board. It was noted that this type of application usually involved additional costs by the County because of enforcement action. Mr. Miller opened the public hearing for comments regarding the proposal. There were no comments from the public. The motion to approve the amendment as presented was made by Mrs. Weber, seconded by Mr. Crittenden and carried unanimously.

PUBLIC HEARING – CONSUMER UTILITY TAX

Mr. Culley presented the proposed amendments to the County's Consumer Utility Tax, which would change the way of calculating the tax from a percentage base to a per kilowatt hour, in accordance with State Code changes and the deregulation of electric companies. An error made in advertising the public hearing will require that the issue be re-advertised and another public hearing held. Because the State set an October 31 deadline for adoption of the revised ordinance, Mr. Soberick recommended that the proposed ordinance be adopted as an emergency ordinance, making it good for only 60 days. The same ordinance will be re-advertised and a public hearing held on November 7th.

Mr. Miller opened the floor for comments from the public. There being none, the public portion of the hearing was closed. The motion to adopt an emergency consumer utility tax ordinance as follows was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously:

UTILITY TAX ORDINANCE

With respect to the imposition of a tax on consumers of utility services provided by electric utility suppliers, Section 2 of the Utility Tax Ordinance is hereby amended and superceded by the following provisions to comply with the provisions of §58.1-3814 of the Code of Virginia providing that all such taxes are to be based on kilowatt hours (kwh) delivered including customer charges.

AN ORDINANCE LEVYING A TAX ON PURCHASES OF UTILITY SERVICES, FIXING THE AMOUNT OF TAX, PROVIDING FOR ITS COLLECTION AND PRESCRIBING THE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE

WHEREAS, in order to provide increased public revenues, and to the extent necessary revenues to be used for solid waste disposal, it is deemed necessary by the County of Middlesex, to levy a tax on purchases of utility services.

NOW, THEREFORE, BE IT ORDAINED BY THE MIDDLESEX COUNTY BOARD OF SUPERVISORS as follows:

Section 1. *The following words and phrases when used in this ordinance shall for the purposes of this ordinance have the following respective meanings, except where the context clearly indicates a different meaning.*

- (a) *PERSON. The word "person" shall include individuals, firms, partnerships, associations, corporations and combinations of individuals of whatever form and character.*
- (b) *ELECTRIC SERVICE. The phrase "electric service" as used in this ordinance shall include electric, furnished within the boundaries of the County of Middlesex.*
- (c) *PURCHASER. The word "purchaser" shall include every person who purchases an electric service.*
- (d) *SELLER. The word "seller" shall include every person who sells or furnishes an electric service.*
- (e) *RESIDENTIAL USER. The term "residential user" shall mean the owner or tenant or private residential property or tenant of an apartment who pays for an electric service in or for said property.*
- (f) *COMMERCIAL OR INDUSTRIAL USER. The term "commercial" or industrial user" shall mean the owner or tenant of property used for commercial or industrial purposes, including the owner of master metered apartment buildings, who pays for an electric service for said property.*

Section 2. *Effective with the first bill for electric energy rendered for meter readings on or after January 1, 2001 the rate of tax on the electric energy delivered to an ultimate consumer shall be as follows:*

Residential customers: \$0.014919 per kilowatt-hour (kwh) plus a minimum tax of \$1.40 per month with a maximum tax of \$2.00 per month.

Commercial customers: \$0.003714 per kilowatt-hour (kwh) plus a minimum tax of \$0.57 per month with a maximum tax of \$2.50 per month.

Industrial customers: \$0.003714 per kilowatt-hour (kwh) plus a minimum tax of \$0.57 per month with a maximum tax of \$2.50 per month.

Master-metered dwelling units including, but not limited to, apartments, condominiums, trailers, mobile

homes and manufactured homes shall be taxed at the residential rate per unit per month.

Section 3. *It shall be the duty of every seller in acting as the tax collecting medium or agency for the County of Middlesex to collect from the purchaser for the use of the County the tax hereby imposed and levied at the time of collecting the purchase price charged therefore and the taxes collected during each calendar month shall be reported by each seller, then the County Treasurer and each seller shall remit the amount of tax shown by said report to the County Treasurer on or before the last day of the second calendar month thereafter, together with the name and address of any purchaser who has refused to pay his tax. The tax levied or imposed under this ordinance with respect to the purchase of electric service shall become effective on bills rendered on meter readings taken on and after January 1, 2001, 12:01 A.M.*

Section 4. *Each and every seller shall keep complete records showing all purchases in the County of Middlesex, which records shall show the price charged against purchaser with respect to each purchase, the date thereof; and the date of payment thereof, and the amount of tax imposed hereunder, and each record shall be kept open for inspection by the duly authorized agents of the County of Middlesex at reasonable times, and the duly authorized agents of the County shall have the right, power and authority to make such transcripts thereof during such times as they may desire.*

Section 5. *Where the tax here levied is collected by the seller in acting as the tax collecting medium or agency for the County of Middlesex and remitted by the seller to the County, such seller shall be allowed, as compensation for the collection and remission of taxes, zero per centum (0%) of the amount of the tax collected in the form of a deduction in making payment.*

Section 6. *The United States of America, the State of Virginia, Churches, and the political subdivisions, boards, commissions and authorities thereof, are hereby exempted from the payment of the tax imposed and levied by this ordinance with respect to the purchase of utility services used by such governmental agencies*

Section 7. *Any purchaser failing, refusing or neglecting to pay the tax hereby imposed or levied and any seller violating the provisions hereof, and any officer, agent or employee of any seller violating the provisions hereof, shall upon conviction, be subject to a fine or not more than One Hundred Dollars (\$100.00). Each failure, refusal, neglect or violation and each day's continuance thereof, shall constitute a separate offense.*

Section 8. *The tax levied or imposed under this ordinance shall become effective sixty days subsequent to written notice by certified mail to the registered agent of the utility corporation required to collect the tax.*

This ordinance is effective upon its adoption.

PUBLIC HEARING - VIRGINIA DEPARTMENT OF TRANSPORTATION - SIX YEAR PLAN

Mr. Jamie Surface, Virginia Department of Transportation, presented the proposed six-year plan for secondary improvements and budget for July 1, 2001 - June 30, 2002. Net revenue to be received equaled \$562,454, for distribution as proposed: incidental improvements - \$74,900; regular improvements - \$388,554; unpaved road improvements - \$99,000. The following improvements were presented as paved road projects, in order of priority:

1. Route 631, North End Road, 0.79 miles. Total cost estimate: \$1.1 million. Current year's funding: \$235,000. Expected advertisement date: 8/2001; expected completion date: 6/2003.
2. Route 630, Stamper's Bay Road, 1.00 mile. Total cost estimate: \$1.2 million. Current year's funding: \$48,758.00. Expected advertisement date: 10/2003; expected completion date: 6/2005.
3. Route 637, Flats Road, 0.75 mile. Total cost estimate: \$850,000.00. Current year's funding: \$95,796.00. Expected advertisement date: 7/2004; expected completion date: 6/2006.

The following projects were presented as unpaved projects:

1. Route 604, Nesting Road, 1.04 mile. Total cost estimate: \$190,000.00. Current year's funding: \$54,000.00. Expected advertisement date: 3/2001; expected completion date: 11/2001.
2. Route 604, Nesting Road, 1.01 mile. Total cost estimate: \$160,000. Current year's funding: \$45,000.00. Expected advertisement date: 3/2001; expected completion date: 3/2002.
3. Route 686, Miller's Road, 1.55 miles. Total cost estimate: \$95,000. Funding scheduled to begin 2002-03. Expected advertisement date: 7/2002; expected completion date: 4/2003.
4. Route 650, Montgomery Cove Lane, 0.19 mile. Total cost estimate: \$60,000.00. Funding scheduled to begin 2003-04. Expected advertisement date: 7/2003; expected completion date: 11/2003.
5. Route 615, Braxton-Corr Lane, 0.55 miles. Total cost estimate: \$90,000.00. Funding scheduled to begin 2003-04; Expected advertisement date: 3/2005; expected completion date: 12/2005.

Mr. Miller opened the public hearing for comments. Bob Henkel and Don Richwine requested that Route 615/616, Town Bridge Road, be considered for improvements. Mr. Henkel noted that traffic has increased on the road, especially the number of towed vehicles because of Bethpage Campground, and suggested that while it might not be feasible to straighten the roads, the shoulders could possibly be widened. There were no other comments and the public portion of the hearing was closed.

Mr. Bill Sullivan, Resident Engineer, commented that improvements to Route 615/616 could be handled as a budget maintenance item. Mr. Sullivan also suggested that improvements to correct sections of Route 629 that are crooked and narrow, west of the pond to the Healy's Mill Subdivision, could be added to the plan as a paved project. Mrs. Weber requested that the paving of Route 669, an unpaved road, be added to the Plan now that the turnaround issue has been resolved.

The motion to approve the budget as presented and proposed projects as submitted, with the addition of the above projects, was made by Mrs. Weber, seconded by Mr. Williams and carried unanimously.

SCHOOL RESOURCE OFFICER

Evelyn Scott, President of the Middlesex High School Parent Teacher Organization, and Sherry Fuller, requested the Board provide funding to restore the position of School Resource Officer at the High School. According to Mrs. Scott, the officer helps with prevention, counseling, and increases a student's respect for fellow students, faculty and property, and is available as an additional officer for the entire county. Mrs. Scott submitted a petition of names in support of restoring the position.

Mr. Crittenden questioned Mrs. Fuller as to whether the School Board had been asked for funds from the surplus they had from hiring teachers at lower salaries. Mrs. Fuller commented that they had not requested funds from the School Board, because she knew they did not have enough funds to provide for everything that was needed at the schools. Mr. Lackey, School Superintendent, stated that the surplus funds were earmarked and specifically applied. Mr. Lackey noted that because of a lower enrollment, state revenue would be reduced from what was budgeted and the school system was being careful not to spend the State portion. Mr. Moore, School Board Chairman, said that the School Board would like to keep the local portion of funding for the higher enrollment. According to Mr. Lackey, of all the priorities, the School Resource Officer was lower than the ones they have funding for. The School Board had qualified for a truancy reduction grant of approximately \$6,000 that could be used to help fund the position. The Sheriff's Department had been approved for a grant that could be used for the School Resource Officer, amounting to \$14,455, requiring a local match of \$18,837.

It was the consensus of the Board of Supervisors that they would support the position as long as the School Board funded the position. It was also the consensus of the Board that only local funds or grant funds were to be used to support the position.

CONSIDERATION OF HOLDING A SPECIAL MEETING

Mr. Wilson suggested that the Board consider holding a special meeting to review site plans for the new elementary school and high school renovations. If the applications are received by October 23rd, a meeting could be held on November 15th, a date already tentatively scheduled by the Planning Commission. Mr. John Moore, School Board Chairman, requested the Board take no action to schedule a special meeting. According to Mr. Moore, the land issue for the elementary school has not been settled and the School Board would be the party to submit an application, not the architects or consultants for the project.

Mr. Miller commented that no action would be taken to schedule a special meeting.

REQUEST TO WAIVE FEES

Mr. Culley requested that the Board take action to waive any fees associated with permits from the Community Development Department for the elementary and high school projects. These permits would include, but not be limited to, zoning, building, site plan and erosion and sediment control permits. Bonds or assurances for the school projects cannot be waived. The motion to waive the fees for the school projects was made by Mr. Williams, seconded by Mrs. Weber and carried unanimously.

EMPLOYEE HEALTH INSURANCE

The motion to contribute \$222.60 to an employee's health insurance coverage through the County, until June 30, 2001, was made by Mr. Crittenden, seconded by Mrs. Weber and carried unanimously.

DELINQUENT TAX LISTING

The motion to publish the list of delinquent taxpayers in the Oyster Festival edition of the *Southside Sentinel* was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously.

VIRGINIA COASTAL RESOURCES MANAGEMENT PROGRAM GRANT

The motion to accept the VCRMP grant in the amount of \$25,000.00, requiring a local match of \$18,550, was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously. The local portion of this grant is funded in the Planning and Building/E & S Control Inspector's departments.

TOURISM

Mr. Culley presented the Board with messages received from someone requesting information about Middlesex County. The person had called information numbers for the Williamsburg and Hampton Roads areas and the State and was told that they did not know where Middlesex County was, nor would they make any effort to help find information. Mr. Culley suggested that a letter be written to the State advising them where Middlesex County is. Mrs. Weber also requested that a copy of the letter be sent to Pete Johns, Director of Virginia's River Country.

RESCUE SQUAD

Mrs. Weber updated the Board on the meeting she attended with Mr. Miller and representatives of the Central Middlesex Volunteer Rescue Squad (CMVRS). The

squad members advised Mrs. Weber that they would look into hiring a consultant to work with fundraising and recruitment and would get back to Mrs. Weber and Mr. Miller; there has been no response. Mrs. Weber noted that recent letters to the Editor of the *Southside Sentinel* read as if the Board does not support the squads. Mrs. Weber noted that while the County does not have to provide the service, it does contribute \$37,458 to each of the two volunteer squads in the County.

It has been suggested that the squads be waived from having to provide Advanced Life Support service if qualified personnel are not available to run the calls. Creation of a junior squad has also been suggested.

CLOSED MEETING

The motion to conduct a closed meeting for the purpose of discussing personnel issues, pursuant to §2.1-344.a1 of the Code of Virginia, was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously. Upon reconvening in open session, the following motion was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously:

- To the best of the members' knowledge, only public business matters lawfully exempted from open meeting requirements under Code of Virginia §2.1-344.a1, and identified in the motion by which the Closed Meeting convened, were heard, discussed, or considered by the public body.

Action:

There was no action as a result of the Closed Meeting.

ADJOURN

The motion to adjourn the meeting was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously. The next regular meeting would be held on Tuesday, November 7, 2000, beginning at 9:00 A.M.

John D. Miller, Jr., Chairman
Board of Supervisors