

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, FEBRUARY 3, 2004, IN THE BOARD ROOM OF THE  
WOODWARD BUILDING, SALUDA, VIRGINIA:

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

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

**CALL TO ORDER**

The Chairperson, Mrs. Weber called the meeting to order at 9:00 A.M. Mr. Crittenden opened with a prayer; Mr. Culley led the Pledge of Allegiance.

**MINUTES**

The motion to approve the minutes for the meetings of January 6<sup>th</sup> and January 20<sup>th</sup>, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

**DISBURSEMENTS**

The motion to approve the disbursements as presented was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously. Checks numbered 47541 through 47679 totaling \$159,134.07 were disbursed as approved.

**PAYROLL**

The motion to approve payroll for the month of January was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously. Checks numbered 47440 through 47540 totaling \$183,956.43 were disbursed as approved.

**CONSTITUTIONAL OFFICERS**

**Sheriff**

Sheriff Abbott was not able to attend the meeting; Major Jordan attended in his place.

***Appropriations:***

The motion to approve the following appropriation was made by Mr. Williams, seconded by Mr. Miller and carried unanimously: FROM: 3-1-41060-10010, \$1645.00 TO: 4-1-3102-1007 (in and out; revenue received in previous budget year for purchase of equipment).

The motion to approve the following appropriation was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously: FROM: 3-1-23020-0040, \$72.00 TO: 4-1-31020-3002 (from the Christmas dinner donation fund to purchase flowers for Gloria Brooks)

**COMMITTEE REPORTS:**

Mr. Miller:

- Library Board – attended meeting on February 2<sup>nd</sup>; group is working on the budget.

Mr. Williams: No report

Mr. Jessie and Mr. Crittenden:

- Social Services – reception for Kathryn Fitchett was nice.

Mrs. Weber:

- Regional Jail Board – appears there will be no increase in funding request for FY 05.

Mr. Culley:

- Courthouse Construction – Construction meeting was postponed and rescheduled for February 5<sup>th</sup>.

**Treasurer**

Mrs. Bray reported that her office has processed sixty (60) passport applications since December 16<sup>th</sup>.

**Commissioner of Revenue:**

Personal property forms will be mailed in the next few days.

***Tax Relief for the Elderly:***

Mrs. Weber opened a public hearing for comments regarding proposed changes to the County's Ordinance that provides Tax Relief for the Elderly. There being no

comments, the public portion of the hearing was closed. The motion to adopt the proposed changes was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

AN ORDINANCE TO PROVIDE FOR THE EXEMPTION  
FROM TAXATION OF CERTAIN REAL ESTATE IN MIDDLESEX  
COUNTY, VIRGINIA, OWNED AND OCCUPIED BY ELDERLY  
PERSONS OR TOTALLY DISABLED PERSONS.

BE IT ORDAINED by the Board of Supervisors of Middlesex County, Virginia, pursuant to Sections 15.1-504 and 58.1-3210 of the Code of Virginia of 1950 and 1984, as amended, as follows:

ARTICLE 1: GENERAL PROVISIONS

1-1 This ordinance shall be known and may be cited as the Middlesex County Real Property Tax Exemption Ordinance.

ARTICLE 2: TAX EXEMPTED

2-1 Real estate, or any portion thereof, owned by, and occupied as the sole dwelling of a person or persons not less than sixty-five (65) years of age or a person who is determined to be permanently and totally disabled as provided herein shall be exempt from real estate taxes in the amounts as set forth elsewhere in this Article.

ARTICLE 3: DEFINITIONS

3-1 The following words and phrases used shall, for the purposes of this ordinance, have the following meanings, except where the context clearly indicates a different meaning:

3-1-1 INCOME: Income from whatever source derived, including but not limited to, social security payments, inheritance, gifts, gains from the sale or exchange of assets, proceeds of insurance, welfare receipts and benefits under the Virginia Supplemental Retirement System.

3-1-2 NET COMBINED FINANCIAL WORTH: The fair market value of all assets, tangible or intangible, legal or equitable, of the owner or owners, and the spouse of any owner, less the liabilities of such person or persons, but excluding the value of the dwelling and the land, as provided in Section 4-1-3 hereof. Such term includes, but is not limited to, the cash surrender value of any life insurance policy owned by such person or persons.

3-1-3 PERMANENTLY AND TOTALLY DISABLED: A person shall be deemed permanently and totally disabled if he is so certified as required in Section 4-1-1 and is found by the Commissioner of Revenue to be unable to engage in any substantial gainful activity by reason of any medically determined physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.

3-1-4 AFFIDAVIT: The Real Estate Tax Exemption Affidavit.

3-1-5 COUNTY: Middlesex County, Virginia.

3-1-6 COMMISSIONER OF REVENUE: The Commissioner of the Revenue of Middlesex County, Virginia, or his duly authorized deputies or agent.

3-1-7 DWELLING: The full-time residence, including mobile homes as defined in 36-71-(4), of the person or persons claiming exemption.

3-1-8 EXEMPTION: Exemption from the real estate tax of the County of Middlesex, according to the provisions of this ordinance.

3-1-9 PROPERTY: Real property.

3-1-10 TAXABLE YEAR: The calendar year, from January 1 until December 31, for which exemption is claimed.

ARTICLE 4: QUALIFICATION FOR EXEMPTION

4-1 Such elderly or disabled exemptions may be granted for any tax year following the date that the head of the household and/or his or her spouse occupying such dwelling and owning title or partial title thereto reaches the age of sixty-five (65) years and in addition:

4-1-1 If such person is under sixty-five (65) years of age, such form shall have attached thereto a certification by the Veterans Administration, Social Security Administration, Railroad Retirement Board, or, if such person is not eligible for certification by any of these agencies, a sworn affidavit by two (2) medical doctors licensed to practice medicine in the Commonwealth, to the effect that such person is permanently and totally disabled, as defined in Section 3-1-3, and that at least one of the medical doctors has physically examined the applicant.

4-1-2 The total combined income during the immediately preceding calendar year from all sources of the owners of the dwelling living therein and of the owners' relatives living in the dwelling does not exceed Fifteen Thousand Dollars (\$15,000), provided that the first Three Thousand Dollars (\$3,000.00) of the income of each relative, other than spouse, of the owner or owners, who is living in the dwelling shall not be included in such total.

4-1-3 The net combined financial worth, including equitable interests, as of the thirty-first day of December of the immediately preceding calendar year, of the owner, and of the spouse of the owner, excluding the value of the dwelling and the land not exceeding one acre, upon which it is situated, does not exceed \$50,000.00.

ARTICLE 5: AMOUNT EXEMPT

5-1 Any person or persons qualifying for such exemption shall be exempt from taxation of real estate to the extent indicated below, based on income:

<u>Total Combined Income</u>	<u>Percentage Exemption of Tax</u>	
Less than \$7500	100%	
\$7501 to \$10,000	80%	
\$10,001 to \$12,500		60%
\$12,501 to \$15,000	40%	
\$15,001 to above	0%	

In no case shall the total annual exemption exceed Five Hundred Dollars (\$500.00).

ARTICLE 6: APPLICATION

6-1 Any person or persons claiming such exemption shall file every three (3) years with the Commissioner of Revenue, on forms to be supplied by the County, an affidavit setting forth the names of the related persons occupying such real estate, and stating that the total combined income from all sources of the person or persons as specified in Article 4 does not exceed the limits prescribed in this ordinance. See Article 7. During the two (2) year period between the filing of aforesaid affidavits, any person who has so qualified shall file an annual certification that no information contained on the last preceding affidavit has changed to violate the limitations and conditions set forth herein. Said certification shall be filed on forms supplied by the County at the time and place specified in this ordinance.

6-2 Such affidavit or certification shall be filed on or after the first day of January, but no later than the first day of April, of each year in which an exemption is sought.

6-3 The Commissioner of Revenue shall also make such further inquiry of persons seeking such exemption, requiring answers under oath, as may be reasonably necessary to determine qualifications therefore as specified in this ordinance. In addition, certified tax returns shall be produced by the applicant to establish income or financial worth.

6-4 Changes in respect to income, financial worth, ownership of property or other factors occurring during the taxable year for which the affidavit is filed and having the effect of exceeding or violating the limitations and conditions provided herein shall nullify any exemption for the then current taxable year and the taxable year immediately following.

ARTICLE 7: SEVERABILITY

7-1 Should any article, section, subsection, paragraph, clause or other provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so held to be unconstitutional or invalid.

ARTICLE 8: CONFLICTING ORDINANCES

8-1 All conflicting ordinances or parts thereof which are inconsistent with the provisions of this ordinance are hereby repealed.

ARTICLE 9: PENALTY FOR VIOLATION

9-1 Any applicant making false statements to obtain tax relief under this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed Two Hundred Dollars (\$200.00).

The effective date of this ordinance will be January 1, 2004.

Voting in Favor: Mrs. Weber, Mr. Miller, Mr. Williams, Mr. Crittenden, Mr. Jessie, Sr.  
Voting Opposed: None

## **HIGHWAY MATTERS**

Resident Engineer Marcie Parker and Assistant Engineer Sean Trapani were present.

### ***Route 630 Truck Restriction***

Mrs. Parker informed the Board that the through truck restriction for Route 630 had been approved and the department was waiting on signs to install. Mr. Crittenden expressed his concern that drivers of passenger trucks may be confused that the restriction applied to them.

### ***Rural Rustic Roads***

Mrs. Parker advised that she had met with Matt Higgins, County Planning Director, to discuss future development off of two unpaved secondary roads in the County – Route 615 and Route 686. These roads were being considered for paving under the rural rustic roads program which allows for paving roads that are already in the secondary system, but are unable to be widened to meet current standards. There are also restrictions as to the number of cars per day that may be served by the road. The motion to adopt the following resolutions, beginning the road development process, was made by Mr. Jessie, seconded by Mr. Crittenden and carried unanimously. It was noted that Route 686 has been fully funded and improvements should be able to proceed.

### **RESOLUTION**

**WHEREAS**, during the 2002 session of the General Assembly, legislation was passed to revise §33.1-70.1 of the Code of Virginia, to allow for the improvement and hard surfacing of certain unpaved roads deemed to qualify for and be designated a **Rural Rustic Road**; and

**WHEREAS**, such roads must be located in a low-density development area and have a minimum of 50 vehicles per day (vpd), and have no more than 500 vpd; and

**WHEREAS**, the Board is unaware of pending development that will significantly affect the existing traffic on the road; and

**WHEREAS**, the citizens that utilize this road have been aware of this road being paved with minimal improvements; and

**WHEREAS**, the Board believes Route 615 should be designated a Rural Rustic Road, from Route 17 to the End of State Maintenance, owing to its qualifying characteristics; and

**WHEREAS**, the road aforesaid is in this Board's six year plan for improvements to its secondary system of state highways:

**NOW, THEREFORE, BE IT RESOLVED**, this Board hereby designates and requests the Virginia Department of Transportation's Resident Engineer to concur in the aforesaid road as a Rural Rustic Road.

**BE IT FURTHER RESOLVED**, this Board request that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution is forwarded to the Resident Engineer of the Virginia Department of Transportation.

**RESOLUTION**

**WHEREAS**, during the 2002 session of the General Assembly, legislation was passed to revise §33.1-70.1 of the Code of Virginia, to allow for the improvement and hard surfacing of certain unpaved roads deemed to qualify for and be designated a **Rural Rustic Road**; and

**WHEREAS**, such roads must be located in a low-density development area and have a minimum of 50 vehicles per day (vpd), and have no more than 500 vpd; and

**WHEREAS**, the Board is unaware of pending development that will significantly affect the existing traffic on the road; and

**WHEREAS**, the citizens that utilize this road have been aware of this road being paved with minimal improvements; and

**WHEREAS**, the Board believes Route 686 should be designated a Rural Rustic Road, from Route 622 to the End of State Maintenance, owing to its qualifying characteristics; and

**WHEREAS**, the road aforesaid is in this Board's six year plan for improvements to its secondary system of state highways:

**NOW, THEREFORE, BE IT RESOLVED**, this Board hereby designates and requests the Virginia Department of Transportation's Resident Engineer to concur in the aforesaid road as a Rural Rustic Road.

**BE IT FURTHER RESOLVED**, this Board request that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution is forwarded to the Resident Engineer of the Virginia Department of Transportation.

**Outfall Pipe:** Mr. Crittenden requested that Mrs. Parker provide him with a copy of the file that he requested at the January 6<sup>th</sup> meeting. Mrs. Parker responded that she had put in the request for the file, but it was not complete yet. She would check into this again.

**Bus Loops:** The Highway Department is waiting for the plats of the bus loops to be recorded in the Circuit Court Clerk's Office. The deed book and page number referencing has to be included in the resolutions that the Board of Supervisors must adopt. The Highway Department pushed snow from the loops during the recent snow.

**Route 631:** This project is out for bid for the third time, with bids due in March.

## **LEGISLATIVE MATTERS**

**House Bill 693:** Mr. Williams advised the Board of a new recording fee that is to be turned over to the Department of Natural Resources. Board members were opposed to this legislation.

**House Bill 673:** Mrs. Weber announced that this legislation, if adopted, would make it mandatory that the chairman of the regional jail board be one of the sheriffs.

## **MILL CREEK LANDING**

The Department of Game and Inland Fisheries has applied for funding to make improvements at the Mill Creek Public Landing to help keep the landing from filling in with sand. The Department has asked that the County be responsible for trash removal, grass cutting and continued maintenance of the County dock. The motion to take over the grounds keeping as long as it will help keep the landing open was made by Mr. Miller, seconded by Mr. Williams and carried unanimously. Board members also mentioned that the small beach area east of the public landing also needs to be maintained.

## **DELTAVILLE COMMUNITY ASSOCIATION**

The motion to waive the \$50.00 land disturbing permit application for filling in an area behind the swimming pool at the Community Center was made by Mr. Crittenden, seconded by Mr. Williams and carried unanimously.

## **EMERGENCY OPERATIONS PLAN**

The motion to use State grant funds in the amount of \$6,229.00 to hire Howlett and Associates, to update the County's Emergency Operations Plan as required by the State Department of Emergency Management, was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

## **TIMBER CRUISING**

The Board reviewed the timber cruise information and evaluation report completed by John Magruder, Three Rivers Forestry for the county property located on the west side of Route 3 at Hummel Field. Mr. Magruder reported a value of the timber at \$53,282.00, based on approximately 25 acres of harvestable timberland and approximately 2 acres of timber that has been damaged from the hurricane. The County would be required to establish an accessible route onto Route 3 before the timber could be advertised for sale. Board members discussed leaving a border on the roadside and also the possibility of using a 4-H Club to reforest the property. The

motion to proceed with the sale but requiring a 50' buffer of trees on the road-side, was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously.

### **APPROPRIATION REQUEST**

***Merrimac Center:*** The motion to approve the following appropriation was made by Mr. Williams, seconded by Mr. Miller and carried unanimously: FROM: 3-1-41060-0001, \$10,243.00; TO: 4-1-21050-3005 – Merrimac Center – Detention Costs

***Electrical Service – Courthouse Project:*** The motion to approve the letter of authorization for installation of underground electrical service for the courthouse project was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously. The additional cost to run the service under ground is \$7,929.41, to be paid from the bond account.

### **LAWSUITS**

Mr. Soberick advised the Board of Supervisors that the lawsuits filed in July 2003 by Water View Partnerships had been served on him and Matt Higgins, Planning Director on January 22, 2004. A response is required by February 12, 2004.

### **SCHOOL MATTERS**

Acting Superintendent Cynthia Pitts was present to update the Board of Supervisors on several issues:

#### ***Elementary School:***

Mrs. Pitts advised the Board that there had been a meeting to discuss the air conditioning at the Elementary School with ACES (controller manufacturer), KBS (the general contractor) and EMC (installer). It was determined that the humidifier grids are wrong. Between these three firms approximately \$25,000 costs will be taken care of to install the correct grids, install new ceiling tiles, perform an air quality study and there will be training of the maintenance department.

Mrs. Pitts discussed the possibility of combining service agreements and suggested having Mr. Culley's assistance with this.

#### ***Firewall:***

Mrs. Pitts reported that an inspection of the firewall would be scheduled for later in the week.

**Air Conditioning Project:**

Mrs. Pitts commented that ten (10 ) days were required to complete the project. March 15<sup>th</sup> is scheduled as the substantial completion date.

**Capital Improvement Priorities:**

Mrs. Pitts presented the following list of capital improvement priorities for which the remaining \$198,000.00 in bond funds could be used:

<b>HIGH SCHOOL</b>	<b>COST</b>	<b>PRIORITY</b>
Outstanding invoices to architects for construction project	\$14,662	1
Baseball Field Rebuilt in new location	\$25,000	4
Gymnasium Bleacher replacement	\$55,000	5
Exterior Painting of Gymnasium Building (Metal)	\$21,000	6
Landscaping	\$5,000	7
Protective bollards for HVAC Units	\$1,120	9
	<b>\$121,782</b>	
<b>ELEMENTARY SCHOOL</b>	<b>COST</b>	<b>PRIORITY</b>
Diesel Fuel Storage Tank Fence	\$2,000	2
Exterior Signage	\$4,000	3
PA System	\$4,000	8
	<b>\$10,000</b>	

Other projects that are needed, but for which the bond funds could not be used are as follows:

<b>OTHER FUNDING NEEDS</b>		
<b>ST. CLARE WALKER</b>	<b>COST</b>	<b>PRIORITY</b>
Roof Replacement Project	\$550,000	1
Well Replacement Project	\$30,000	2
	<b>\$580,000</b>	

Mrs. Pitts reported that the fencing project and sign at the Elementary School had been prioritized high by the School Board, however, they had no funds available in the regular school budget to pay for them. It was noted that the roof replacement project at St. Clare Walker would be proposed for inclusion in the 2004-05 school budget. A firm that Dr. Shores had been in contact with at an association meeting had prepared estimates.

Mrs. Pitts stressed the School Board's desire to have the outstanding invoices to architects paid. School Board Vice Chairman, Richard Shores, commented that these invoices were mostly related to additional costs that were incurred as a result of

change orders that Mr. Moore had approved. Mr. Moore commented that some of the change orders were due in part to errors or omissions by the architects, resulting in more costs to the County. Mr. Moore stated that he believed the architects should not have charged the additional costs and that the architects should also be responsible for the additional costs the county had to pay the contractors for their omissions. According to Mr. Moore, the architects had a short-term errors and omissions policy that expired prior to some of these discoveries.

Mrs. Weber suggested having a meeting with herself, Mr. Crittenden, Mr. Moore, Dr. Shores and the architects to discuss these outstanding invoices. Dr. Shores commented that he would try to contact the architects to schedule a meeting. School officials were reminded that Mr. Moore must be kept in the loop because he was responsible for making funding requests to the trustee.

Mr. Crittenden commented that the roof at the High School over the east wing and the part that has just been refurbished should be a high priority. Mr. Williams agreed and added that any money saved with the architect could possibly go to the roof replacement at the high school. Mr. Crittenden noted that this should be a truss roof and that the school system should work to find local contractors to do the work.

Board members stated that they had already approved the fencing project at elementary school. Repair of the ball field at the high school was a project that should be bid out and shared with Mr. Culley. The Board was informed that Mr. LaBrier is scheduled to meet with a company to discuss spray-on siding for the gymnasium. Supervisors advised Mrs. Pitts to hold off on the exterior signage at the elementary school.

## **VIRGINIA COOPERATIVE EXTENSION**

Extension Agents David Moore and Carl Theil-Goin were present to update the Board on 4-H/Extension projects.

## **YMCA**

Joe Heyman presented a revised proposal for parking at the old Wilton Elementary School for use by the YMCA, putting it on the western side, making a curb cut in the bus loop to access the area. Board members discussed the condition an existing wing that partially blocked the view of the building that the YMCA is using. Mr. Culley noted that the building was in very poor condition and was not cost effective to renovate. The YMCA had made an earlier offer to have the wing removed at their expense. Mr. Miller expressed his opposition to tearing down the wing; Mrs. Weber, Mr. Williams and Mr. Crittenden were in favor of its removal, if the wing really was in such bad condition. Mr. Jessie was asked to take a look at the roof during the lunch recess and report back to the Board.

Mr. Heyman reminded the Board members of the grand opening scheduled for Saturday, February 7<sup>th</sup>, with a gala event scheduled for Friday evening.

### **CLOSED MEETING**

The motion to convene in closed session to discuss matters relating to legal counsel, per Code of Virginia §2.1-3711.A7, Victor Morrisette and Water View Landing, was made by Mr. Jessie, seconded by Mr. Crittenden and carried unanimously.

Upon reconvening in open session, the following motion was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously:

- To the best of the members' knowledge only public business matters lawfully exempted from open meeting requirements under Code of Virginia §2.1-3711.A7 as identified in the motion by which the Closed Meeting convened were heard, discussed, or considered by the public body.

Action:

As a result of the Closed Session, there was no action taken.

### **RECESS AND RECONVENE**

The Board recessed the meeting for lunch and for Mr. Jessie to take a look at the condition of the wing at Wilton Elementary that the YMCA had offered to demolish.

Upon reconvening, Mr. Jessie confirmed that the building was in too poor a condition to renovate. Mrs. Weber advised Mrs. Jones, Assistant Administrator, to contact Mr. Heyman and give him the go ahead to have the wing demolished and the parking area placed in the location that was originally proposed.

### **BUDGET WORK SESSION**

Mr. Ned Smither of the brokerage firm Morgan Keegan, was present to discuss a refinancing option that could save approximately \$460,000 in debt service payments. According to Mr. Smither, if interest rates came back down to allow an approximate 4% present value savings, new bonds could be sold to pay off the 1999 bonds that were used for the elementary school construction and high school renovation/addition. Funds could be borrowed to pay for roof repairs and the debt service would still be less than currently being paid. Mr. Smither would let Mr. Culley know if the interest rate came down to a rate that would make this plan feasible and would prepare the paperwork so that the Board could act quickly to lock in the rate. The Board authorized Mr. Smither to work with Dan Siegel, IDA Bond Counsel to prepare the necessary bond documents in anticipation of refunding the 1999 series bonds.

Mr. Culley briefly discussed some of the proposed budget for FY 05.

**ADJOURN**

The motion to adjourn the meeting was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. The next regular meeting was scheduled for February 17, 2004.

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Lenora O. Weber, Chairperson  
Board of Supervisors