

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS HELD
ON TUESDAY, AUGUST 17, 2010, IN THE BOARD ROOM OF THE HISTORIC
COURTHOUSE, SALUDA, VIRGINIA:

Present: Carlton S. Revere, Pinetop District
Fred S. Crittenden, Pinetop District
Pete W. Mansfield, Saluda District
Wayne Jessie, Sr., Jamaica District
John D. Miller, Jr., Saluda District

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

CALL TO ORDER

The Chairman, Mr. Miller, called the meeting to order. Mr. Revere offered prayer; Mr. Culley led the Pledge of Allegiance.

METROCAST

Bill Newborg, General Manager, Virginia Systems of MetroCast, was present to update the Board on recent conversions and updates to their systems and programming.

PUBLIC HEARING – ZONING ORDINANCE AMENDMENT APPLICATION 2010-007

Matt Walker, Planning Director, presented this application, submitted by Richard Marquardt to amend Article 9-3 of the Zoning Ordinance by allowing private communication facilities by special exception in a Residential Zoning District.

The Chairman opened the public hearing for comments. There being no comments, the public portion of the hearing was closed. Mr. Crittenden asked if this amendment would impact the County's emergency communications. Mr. Revere noted if anything it would enhance communications. In this case, the applicant has a large wooded lot that would screen the antenna. The motion to approve the request as presented was made by Mr. Revere, seconded by Mr. Jessie and carried unanimously.

PUBLIC HEARING – TRANSIENT LODGING TAX

Mr. Soberick presented the proposed Transient Lodging Tax Ordinance that had been prepared at the request of the Board. This ordinance would impose a tax in the amount of 2% of the cost of lodging on persons staying less than 30 consecutive dates at a hotel, bed and breakfast or camping facility.

Mr. Miller opened the public hearing for comments. Harold Muller spoke in favor of the proposed ordinance and encouraged the Board to also seek legislation to increase the proposed tax, using the balance to supplement tourism. Bob Calves spoke in favor of the tax, noting that real estate tax payers have been paying too much of the tax burden.

Katy Helebush, Director of Government Relations with the Virginia Hospitality and Travel Association, David Goren with the Virginia Campground Association, and Greg Davis, Kauffman and Canoles, all spoke against the proposed tax. It was noted that this tax would discourage travelers from coming and using other businesses at a time when the County should be doing all it can to support and encourage tourism. Mr. Davis commented that this is an unfair tax with a disproportionate tax burden; threatening a shrinking business and the loss of visitors will have a cumulative impact.

Dan Downs commented that he hoped that all those people opposed to this tax would support the meals tax. Mr. Downs asked if the proposed meals tax ordinance would provide a collector's fee; Mr. Soberick responded, yes.

There being no further comments, the public portion of the hearing was closed. Mr. Miller commented that recreational vehicle users spread their money around and did not think it is necessary at this time. Mr. Crittenden noted that the County needed more revenue, but he did not believe the way to get it is to penalize one of the largest industries and employers in the county. Mr. Crittenden also encouraged everyone to support the meals tax. Mr. Jessie commented in opposition to adopting the ordinance. Mr. Mansfield questioned Mr. Davis with how he had come up with the estimate of tourism revenue. Mr. Revere noted that regardless of the estimate given for tourism benefits, this tax is not fair and equitable.

The motion to oppose adoption of the ordinance was made by Mr. Crittenden, seconded by Mr. Revere and carried unanimously. Mr. Culley noted that the Board of Supervisors taxes everything that it can; however, those taxes just do not generate the dollars that real estate does. The County Attorney researched optional taxes and the lodging tax and meals tax were the last ones that were available for the county to consider.

PUBLIC HEARING – DELINQUENT TAX ORDINANCE

Mr. Soberick explained the proposed delinquent tax ordinance, to allow the collection of administrative and attorney's fees on delinquent tax bills. Mr. Miller opened the hearing for comments from the public. Bob Calves commented in favor of the tax. Mr. Calves noted that taxes are not unplanned expenses; people know when they are due and how much they are. Collection costs the county time and money to collect. There being no further comments, the public portion of the hearing was closed.

Board members spoke in support of this tax. The motion to approve the proposed tax ordinance was made by Mr. Mansfield, seconded by Mr. Jessie and carried unanimously.

AN ORDINANCE OF THE COUNTY OF MIDDLESEX, VIRGINIA AUTHORIZING THE COLLECTION OF ADMINISTRATIVE FEES, ATTORNEY FEES AND COLLECTION AGENCY FEES TO COVER THE COSTS ASSOCIATED WITH THE COLLECTION OF DELINQUENT TAXES

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MIDDLESEX COUNTY, VIRGINIA, THAT THE FOLLOWING ORDINANCE IS HEREBY ADOPTED:

Section 1. Payment of administrative fees, attorneys fees and collection agency fees.

Any person, firm or entity liable for local taxes who fails to pay the taxes on or before the due date shall, in addition to all penalties and interest, pay a fee to cover the administrative costs associated with the collection of delinquent taxes. Such fees shall be imposed no earlier than thirty (30) days after the notice that the delinquency has been sent to the taxpayer and shall be equal to the maximum amounts allowed by §58.1-3958 of the Code of Virginia, as amended, or such other Virginia statute regulating the amount of such fees or covering the subject of fees in such cases. In addition to the administrative fee, the treasurer may add to the delinquent tax bill, any collection agency fees, or attorneys' fees actually contracted for, not to exceed twenty percent (20%) of the delinquent tax bill.

THIS ORDINANCE SHALL BE IN EFFECT UPON ADOPTION.

PROPOSED ABANDONMENT – ROUTE 629

Board members continued their discussion regarding Route 629 at Healy's Mill and options to abandon, discontinue or do nothing. Mr. Crittenden questioned who would be taking care of the road past the closure. Mr. Soberick stated that no funds are being applied for maintenance. Another option would for the County to allow use of the road for hiking/biking. While it is lawful by Code, this is not a good option for this property. Part of the problem with the decision is that there is no identifiable property owner. After much discussion, Mr. Revere commented that he could not in good conscience abandon the road and made a motion to deny the proposed resolution to abandon the right of way. Mr. Jessie argued in favor of abandoning as a way to keep people off of the right of way and helping to limit the liability. Adjoining property owners spoke of their concerns with the potential of abandoning the right of way. There was no second and no vote on Mr. Revere's motion. Mr. Revere agreed that there are safety measures that will need to be taken even if the road is discontinued. Mr. Jessie made the motion to abandon the right of way. There was no second and no vote on this motion. There was no further action by the Board.

APPOINTMENT

There was no action regarding appointment of a citizen to fill the position of Mr. John McKone, who has resigned from the Board of Zoning Appeals.

CONSENT AGENDA

The motion to approve payroll and disbursements was made by Mr. Crittenden, seconded by Mr. Mansfield and carried unanimously.

Payroll: Checks numbered 68201 through 68261 totaling \$306,720.76 were disbursed as approved.

Disbursements: Checks numbered 68262 through 68323 totaling \$231,046.77 were disbursed as approved.

OLD/NEW BUSINESS

The motion to approve a request from the Master Gardeners to maintain the community garden behind the Health Department for an additional five years, to 2015, was made by Mr. Jessie, seconded by Mr. Mansfield and carried unanimously.

Board members agreed to discuss outreach opportunities for the meals tax at the next meeting.

PUBLIC COMMENT

Dan Downs thanked the Board for their patience and consideration of alternatives related to Route 629. Mr. Downs also thanked the Board for approving the Master Gardener plan for the community garden.

ADJOURNED

There being no further business, the motion to adjourn the meeting was made by Mr. Jessie, seconded by Mr. Crittenden and carried unanimously.

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