

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS HELD
ON TUESDAY, MARCH 16, 2010, IN THE BOARD ROOM OF THE HISTORIC
COURTHOUSE, SALUDA, VIRGINIA:

Present: Carlton S. Revere, Pinetop District
Fred S. Crittenden, Pinetop District
John D. Miller, Jr., Saluda District
Pete W. Mansfield, Saluda District
Wayne Jessie, Sr., Jamaica 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 a prayer and Mr. Culley led the Pledge of Allegiance.

PUBLIC HEARING – FLOODPLAIN MANAGEMENT ORDINANCE

Matt Walker, Planning Director, reviewed proposed amendments to the current Floodplain Management Ordinance that have been required by the Department of Conservation and Recreation and FEMA. Mr. Miller opened the hearing for comments from the public. Eric Johnson questioned what the major changes were. David Selph, Building Official and enforcer of the Ordinance explained that the major changes were to the definitions and penalties sections. There were no changes to Flood zone designations. There being no further questions from the public, the hearing was closed.

The motion to adopt the amendments as proposed and incorporate them into the current ordinance was made by Mr. Jessie, seconded by Mr. Revere and carried unanimously.

PUBLIC HEARING – AMENDMENT 2010-001

Mr. Walker presented a proposed amendment to Section 7-6 of the Zoning Ordinance to modify low density rural setback requirements to provide for reasonable setback standards with respect to front setback distances. This amendment was requested by the Ordinance Committee and has been recommended for approval by the Planning Commission. The current requirement for front setback, as adopted in 1997, is that a structure shall be located one hundred feet or more from any street right of way which is fifty feet or greater in width, or one hundred twenty-five feet or more from the centerline of any street right of way less than fifty feet in width. The proposed

amendment would designate front setbacks based on the actual use of the road as follows: structures shall be located one-hundred feet or more from primary street rights of way, seventy-five feet or more from secondary street rights of way, and fifty feet or more from all other street rights of way or easements. Examples were shown of properties, in particular lots created through family exemption, with available building space severely impacted by the current regulations.

Mr. Miller opened the hearing for comments. Greg Chambers, for Habitat for Humanity, commented that approval of the proposed amendment would make more properties available for use by Habitat. There being no further comment, the public portion of the hearing was closed. Mr. Revere commented that it was better to give citizens an opportunity to use their land. The motion to approve the amendment as proposed was made by Mr. Revere, seconded by Mr. Jessie and carried unanimously.

CONSENT AGENDA

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

Payroll: Checks numbered 67051 through 67111 totaling \$299,109.66 were disbursed as approved.

Disbursements: Checks numbered 67112 through 67191 totaling \$145,510.06 were disbursed as approved.

APPROPRIATION REQUEST

The motion to approve the following appropriation request was made by Mr. Revere, seconded by Mr. Mansfield and carried unanimously: FROM: 3-1-18030-0006, \$6,063.25, Insurance Reimbursed; TO: 4-1-31020-5406, Wrecked vehicles; appropriation of portion of insurance money received (total \$6,203.19) for repair of a 2008 Ford Crown Victoria (VIN 6237).

DEBT SERVICE RESTRUCTURING

Discussion continued regarding the debt restructuring proposal presented at the February 2nd meeting. Ted Cole from Davenport and Company presented the bids received from the RFP. Of the four proposals received (Sun Trust Bank, BB&T, EVB, RBC), Sun Trust had the lowest interest scenario, at 3.520%. EVB presented a lower proposal, at 3.44%, however, this required opening and actively using a main demand deposit account, with a deposit amount to be determined. All proposals would restructure the remaining debt of the 1999 and 2002 loans with lower payments in the first three years for a gain in revenue, and payoff in 2018, rather than the current payoff by 2013. This amounts to an additional cost of \$527,917, but eases the burden over

the next few years. All costs for the restructuring have been included in the proposal. All proposals also would require a ground lease of the Woodward Building as security.

Mr. Culley illustrated the impact of the current debt service payments versus the restructured amounts with regard to cash flow and also the tax rate needed to generate revenue to cover expenditures. Mr. Culley explained that the tax rate of \$0.35 established last year was based on one penny generating \$256,118.46 when in fact what has been received is lower and it covers only \$211,704.00 when divided by the \$0.35 rate.

Mr. Mansfield suggested that refinancing the remaining 1999 and 2002 debt with the lower interest rate from EVB but paying it off by 2013 would have an estimated savings of \$60,000. Board members agreed to have a called meeting if necessary to discuss the options further and also to include the Treasurer, Mrs. Bray, as the option to move accounts to another bank would be her decision.

PUBLIC COMMENT

John Moore noted that there may be deed restrictions restricting use of the Woodward Building as security.

Eric Johnson commented that a suggested increase of 10 cents will shock citizens, who can then expect to pay a tax bill of 30% more.

Bob Calves commented that he was dead set against the restructuring proposal and suggested increasing all taxes and fees rather than just real estate to help generate revenue.

Seth Penny, for EVB, commented that in his meeting with Mrs. Bray, he had indicated that it would not be necessary to hold a large sum in their bank in order to qualify for the lower interest rate. He would be meeting again to discuss the matter with Mrs. Bray.

Dan Downs also noted his opposition to the restructuring proposal and borrowing additional funds, but was in favor of doing what ever had to be done to restore the fund balance.

CLOSED SESSION

The motion to convene in closed session to discuss the Middlesex Metals law suit, pursuant to the Code of Virginia, §2.1-3711.a7, was made by Mr. Jessie seconded by Mr. Revere and carried unanimously. Upon reconvening in open session, the following motion was read by Mr. Soberick and carried unanimously:

- To the best of the members' knowledge only public business matters lawfully exempted from open meeting requirements under Code of Virginia §2.2-

3711.A7 as identified in the motion by which the Closed Meeting convened were heard, discussed, or considered by the public body.

Action:

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

RECESSED

The motion to recess the meeting until the School budget presentation, scheduled for March 18th at 7:00 p.m. was made by Mr. Mansfield, seconded by Mr. Jessie and carried unanimously.

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