

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, NOVEMBER 3, 1998, IN THE BOARD ROOM OF THE  
WOODWARD BUILDING, SALUDA, VIRGINIA:

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

Absent: Frank Jessie, Jamaica District

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

**CALL TO ORDER**

Mr. Crittenden called the meeting to order at 9:00 A.M., and opened with a prayer.

**MINUTES**

The minutes of the October 6th and October 20th meetings of the Board were reviewed. The motion to approve the minutes as written was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

**DISBURSEMENTS**

Supervisors discussed the recent purchase of a used truck by the Sheriff's Department for undercover work and the Sheriff's funding of the purchase, for a total of \$5,495. The Sheriff is also to be questioned regarding using Hampton Roads Academy for training, rather than the academy in Fredericksburg.

The motion to approve disbursements dated November 3, was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously. Checks numbered 30798 through 30926 totaling \$130,118.43 were disbursed as approved.

Mr. Culley clarified a statement regarding expense reports that had appeared in a recent newspaper article. The article made it appear as if the administrator did not have to provide an account for his expenses. Mr. Culley noted that while he does not have a separate expense account, he does provide documentation for any purchases he makes and the Board reviews the purchases and must approve of them before funds are disbursed.

**PAYROLL**

The motion to approve payroll for the month of October was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. Checks numbered 30706 through 30796, totaling \$130,623.31 were disbursed as approved.

**COMMITTEE REPORTS**

Mr. Williams:

- Planning District Commission – did not attend meeting due to conflict
- Deltaville Civic Association – met with representatives to continue discussion on possible water system.

- Rappahannock River Basin Commission – 16 of 18 localities joined (Green and Madison Counties did not); officers were elected. Middlesex will need to host one of the quarterly meetings.

Mrs. Weber:

- Social Services Board – did not attend last meeting; approval given to request state funding, 80/20 match, for an additional social worker.
- Anniversary Committee – The committee's newest project is the cataloging of cemeteries in the County.
- Museum Board – reviewing plans for a gift shop and winter hours.
- Comprehensive Services – several new cases have been approved for funding; still within budget, due to changes in services for other cases.

Mr. Miller:

- Chamber of Commerce – Christmas party scheduled for December 11 at Christ Church.

Mr. Crittenden:

- Airport Committee – Concerned that Mr. Barber's building did not receive Board approval for construction. Mr. Williams questioned the Committee's disapproval of the Board's decision, considering at their September meeting the Committee recommended approval of the application as long as the hanger met approved state guidelines for obstructions.

## **CONSTITUTIONAL OFFICERS**

### ***Commissioner of Revenue:***

The Commissioner did not attend the meeting.

### ***Sheriff:***

The Sheriff did not attend the meeting.

### ***Treasurer:***

According to Mrs. Wilson, there has been no response from the compensation board concerning her request for funding an additional position to assist with car tax reimbursement.

## **HIGHWAY MATTERS**

***Dragon Run Bridge:*** Mrs. Elizabeth Johnson, a board member with Laurel Shelter, a shelter for battered and abused women and children, was present to request the Board's consideration of naming the bridges over the Dragon Run on Route 17. According to Mrs. Johnson, naming the bridges "Laurel Shelter Bridge" will coincide with the shelter's motto of "building a bridge for a better life". Mrs. Johnson will be making the same request to the Gloucester County Board of Supervisors. Funding for the purchase of signs at \$200 each and the planting of laurel at the site will be provided through other sponsors. If approved, an unveiling ceremony will be planned for a later date.

The motion to approve the following resolution and requesting the Department of Transportation to forward it to the proper agencies and authorities was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously:

RESOLUTION  
LAUREL SHELTER BRIDGES

**WHEREAS**, The Laurel Shelter is a community funded organization which provides a safe haven for victims of domestic violence on the Middle Peninsula; and

**WHEREAS**, Laurel Shelter's slogan is "Building a Bridge to a Better Life"; and

**WHEREAS**, it is hoped, each time someone crosses the bridge, they will reflect on the importance of community involvement in helping domestic violence victims build bridges to better lives.

**NOW, THEREFORE, BE IT RESOLVED** that each bridge over the Dragon Run at the Gloucester/Middlesex County line on Route 17, be named Laurel Shelter Bridge.

**Coves of Wilton Creek:** A representative from the Coves of Wilton Creek Homeowner's Association was present to continue the request to enter an agreement with the County to maintain the dam under a road in their subdivision. The Association desires the State Department of Transportation to take over maintenance of the roads after they have been brought up to the state's standards. According to Mr. Sullivan, Resident Engineer, there is still some question as to whether the roads were constructed to meet the state's standards.

Discussion continued regarding the issuance of an insurance policy to hold the County harmless for any damages involving the dam. According to Mr. Soberick, the County has no way to insure that the Association pay the premium to maintain the insurance. It was suggested that there be a special assessment of property owners to allow the County to pay the insurance. Mr. Soberick requested the Board table action on this issue to allow him further time to study. Mr. Sullivan indicated that he would proceed with the construction issues once the dam issue is resolved, or looks like it can be solved.

**Rt. 636:** VDOT officials will be meeting the contractor this morning to discuss this project.

**Rt. 652:** Mr. Crittenden requested that VDOT install caution signs indicating "Children Playing" on Rt. 652 and Rt. 664. According to Mr. Sullivan, it was the State's policy not to routinely install this type of sign, as it could be seen as an encouragement for children to play in the road, however, with a Board resolution VDOT could install them. Citizens also had an option to install their own signs off the State right of way without permission from the State.

Mr. Crittenden expressed his concern over the safety of children in the area under discussion. Mr. Sullivan indicated he would visit the site and provide the sample resolution for the Board to consider.

**SCHOOL MATTERS**

**Fuel Tanks:** Superintendent Lackey informed the Board that the schools would be participating in a fleet program within the next 10 days and that the temporary gasoline tank would be removed soon. A solution for the diesel program has not been worked out yet. It was indicated that he did not want to do a short-term option if something long term is available, such as a new bus shop/maintenance facility.

**Capital Improvements:** A complete program/package should be available for discussion January. The Committee is now looking at building one, versus renovating two, elementary schools.

**Enrollment:** School enrollment has not changed more than 10 students either way. Information will be provided to Mr. Culley for distribution.

### **MIDDLESEX COUNTY MUSEUM, INC.**

Charles Mangum, President of the Museum, was present to ask that the Board consider scheduling a public hearing and making a recommendation on a request to relieve the Museum from paying local real estate taxes. According to the Code of Virginia, Section 30-19.4, final approval is granted by the General Assembly. The Board conducted a public hearing on December 17, 1996, but noted their reluctance at that time to grant exemption to the taxes when there was no public use being made of the property.

The motion to advertise the public hearing was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

### **CHRISTMAS CONTEST SPONSORSHIP**

The motion approving co-sponsorship of the Christmas Decorating Contest with the Chamber of Commerce was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

### **VIRGINIA PUBLIC SCHOOL AUTHORITY BONDS**

The motion to adopt the following resolution, authorizing the County Administrator to execute and deliver associated documents, was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously:

**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE AGREEMENT, USE OF PROCEEDS CERTIFICATE AND ANY OTHER NECESSARY OR USEFUL TAX LAW DOCUMENTS IN CONNECTION WITH THE DISTRIBUTION BY THE VIRGINIA PUBLIC SCHOOL AUTHORITY OF THE NET SAVINGS REALIZED BY THE VIRGINIA PUBLIC SCHOOL AUTHORITY THROUGH THE ISSUANCE BY THE VIRGINIA PUBLIC SCHOOL AUTHORITY OF ITS SCHOOL FINANCING AND REFUNDING BONDS (1997 RESOLUTION) SERIES 1997-I, CERTAIN OF THE PROCEEDS OF WHICH REFUNDED COUNTY OF MIDDLESEX, GENERAL OBLIGATION SCHOOL BONDS, 1994 SERIES A; AND AUTHORIZING ANY OTHER ACTIONS NECESSARY TO ACHIEVE THE OBJECTIVES CONTEMPLATED HEREBY**

**WHEREAS**, the Virginia Public School Authority (the "Authority") pursuant a resolution duly adopted on August 13, 1987, as amended and supplemented (the "1987 Resolution") issued, amongst other series, two certain series of bonds designated as "Virginia Public School Authority School Financing Bonds (1987 Resolution) 1991 Series A" and "Virginia Public School Authority School Financing Bonds (1987 Resolution) 1992 Series A" (the "1987 Resolution Bonds") for the purpose of purchasing general obligation school bonds of certain cities and counties within the Commonwealth of Virginia;

**WHEREAS**, the Authority used a portion of the proceeds of the 1987 Resolution Bonds to purchase certain duly authorized and issued general obligation school bonds of the County of Middlesex, Virginia designated County of Middlesex, General Obligation School Bonds, 1994 Series A ("Local School Bonds");

**WHEREAS**, the Authority refunded certain of the 1987 Resolution Bonds (the "Refunded Bonds") from a portion of the proceeds of its Virginia Public School Authority School Financing and Refunding Bonds (1997 Resolution) Series 1997-I (the "Refunding Bonds") issued pursuant to a resolution duly adopted by the Authority on October 23, 1997 (the "1997 Resolution");

**WHEREAS**, the Authority anticipates delivering to the County of Middlesex, its allocable share of the savings realized from the refunding of the Refunded Bonds;

**WHEREAS**, the Authority in effecting the refunding has pledged the Local School Bonds for the benefit of the holders of Bonds issued under its 1997 Resolution;

**WHEREAS**, the Authority is required to assist the underwriters (the "Underwriters") of the Refunding Bonds with their duty to comply with Securities and Exchange Commission Rule 15c2-12 (the "Rule");

**WHEREAS**, the Authority has requested the County of Middlesex, Virginia to execute a Continuing Disclosure Agreement in order for the Authority to assist the Underwriters in complying with the Rule, and;

**WHEREAS**, the Authority has requested the County of Middlesex, Virginia to execute a Use of Proceeds Certificate and any other instruments necessary or useful to evidence compliance with the requirements for maintaining the tax-exempt status of the Virginia Public School Authority's bonds;

**WHEREAS**, the Board of Supervisors of the County of Middlesex, Virginia considers it to be advisable for the County to fulfill the request of the Authority to execute a Continuing Disclosure Agreement, Use of Proceeds Certificate and other instruments necessary or useful to comply with requirements for maintaining said tax exempt status;

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MIDDLESEX, VIRGINIA:**

1. Continuing Disclosure Agreement.

The County Administrator and such officer or officers as he may designate are hereby authorized to enter into a Continuing Disclosure Agreement in the form presented at this meeting as Exhibit I hereto, containing such covenants as may be necessary in order for compliance with the provisions of the Rule.

2. Documentation Required for Tax Law Purposes.

The officers of the County of Middlesex, Virginia are hereby authorized and directed to execute a Use of Proceeds Certificate and any other instruments, including an 8038-G form, (collectively, the "Tax Documents") necessary or useful for evidencing compliance with the requirements for maintaining the tax-exempt status of the Virginia Public School Authority's bonds.

3. Further Actions.

The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the execution and delivery of the Continuing Disclosure Agreement and the Tax Documents and any such action previously taken is hereby ratified and confirmed.

4. Effective Date.

This resolution shall take effect immediately.

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Members Present: Fred S. Crittenden  
Kenneth W. Williams  
John D. Miller, Jr.  
Lenora O. Weber

Members Absent: Frank Jessie

It was suggested that similar bonds or loans be checked to see if refinancing to secure lower interest rates is an option.

### **APPROPRIATION REQUESTS**

**Clerk's Office:** The motion to appropriate \$75,092.00, to 4-1-21060-1001, Clerk's Office Compensation, from 3-1-23080-0001, Revenue, Clerk's Office Compensation was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. This transfer of funds will cover the processing of the Clerk's Office payroll with other County employee checks.

**Juvenile Detention:** The motion authorizing the appropriation of \$15,625.00 from the general fund to 4-1-21050-3005, Merrimac Center, Detention Costs, was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously. These funds are necessary to fund an over-expenditure of the 1<sup>st</sup> and 2<sup>nd</sup> quarter billings from the juvenile detention center.

It was noted that the General Assembly is considering authorizing a 50% local match of per diem detention costs. Mr. Culley was requested to add this to a list of concerns to discuss with legislators.

### **PRELIMINARY ENGINEERING AND PLANNING STUDY**

No action was taken regarding the Middle Peninsula Planning District Commission's request for funding to do a preliminary engineering and planning study for the Middle Peninsula Regional Airport Industrial Park. The Middle Peninsula PDC will be acting as the applicant for grant funding of up to \$25,000, with a minimum 25% local cash match required from participating localities.

### **LANDFILL MATTERS**

Mr. Culley was requested to have the County's landfill engineers attend the next meeting to discuss landfill issues.

### **ADJOURN**

There being no further business, the meeting was adjourned. The next regular meeting of the Board would be on November 17, 1998, at 7:30 P.M.

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Fred S. Crittenden, Chairman  
Board of Supervisors