

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, OCTOBER 19, 1999, 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  
Frank Jessie, Jamaica District

Charles M. Culley, Jr., County Administrator  
Michael T. Soberick, County Attorney  
Tim Wilson, Planning Director

**CALL TO ORDER**

Mr. Crittenden called the meeting to order at 7:30 P.M.. There being a number of citizens who required handicap access to the meeting, the motion to recess and reconvene in the Courtroom was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously. Mr. Crittenden reopened the meeting in the Courtroom with a prayer.

**PUBLIC HEARING – SPECIAL EXCEPTION APPLICATION 99-07, BRISTOW**

Mr. Wilson presented the application of C. F. Bristow & Bros, to expand the area of the sand mining operation by five acres over what was previously approved by Special Exception application 91-003 This property is 110 acres in size and is located off Route 702. Mr. Wilson noted that the Zoning Ordinance requires the restoration of mined lands. The Planning Commission has recommended conditional approval of the application.

Mr. Crittenden opened the hearing for comments from the public. Charles Bristow, co-applicant, requested the Board's approval of the request. There being no further comment, the public portion of the hearing was closed. The motion to grant approval with the following conditions, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously:

- Water drainage from the mined area shall be managed by a sediment basin and other management practices as required prior to release.
- An operation and reclamation plan shall be prepared. This plan shall be reviewed and approved by the Virginia Department of Mines, Minerals and Energy.

**PUBLIC HEARING – SPECIAL EXCEPTION APPLICATION SP-9905, SPRINT, PCS**

Mr. Wilson presented the application submitted by Sprint, PCS, for co-location of four (4) panel antennas and two (2) whip antennas on an existing communications tower and accessory equipment cabinets. The tower is located at Tax Map 6-8, State Route 606, in the Laneview area. No increase in the height of the tower is proposed.

Mr. Crittenden opened the hearing for comments from the public. Mr. Ted Kruger, agent for the applicant, presented the application and the purpose for the request, to achieve better cellular communication capabilities and the ability to provide digital cellular communication in the County. Mr. Reuben Amy questioned the effects of radiation from the tower and antennae. Mr. Kruger explained that the radiation emitted was 50 times below government safety standards and dissipated after 35 feet. In addition, no interference with telephone or television receptions is anticipated, however, the company is required by the State Corporation Commission to correct the problem within 24 hours if a problem develops. There being no further comment, the public portion of the hearing was closed. Board members questioned the timeframe for completion of the system. According to Mr. Kruger, it could take another nine (9) months for completion of the permitting process before this proposed antenna could be located. In addition to Special Exception Applications 99-06 and 99-08 for new towers and antennas, to be heard by the Board of Supervisors, there are requests pending in other counties. The multiple tower locations are proposed to provide more reliable coverage. The motion to approve the application for Special Exception 99-06 was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously.

**PUBLIC HEARING – SPECIAL EXCEPTION APPLICATION SP-99-06, SPRINT, PCS**

Mr. Wilson presented application SP-99-06, for construction of a 250' self-supporting communications tower and accessory equipment cabinets at Tax Map 37-4A. The Planning Commission has recommended conditional approval of the application.

Mr. Crittenden opened the hearing for comments from the public. Ted Kruger, agent for the applicant, requested approval by the Board of Supervisors. In addition, Mr. Kruger proffered that his company would provide the County with free co-location of an antenna on the tower for emergency services communications. Mr. Kruger offered that this could be granted by providing the County with the right of first refusal for any remaining space on the tower. Mr. Wilson commented that the County's communication engineer had already reviewed the application and did not anticipate the County needing this site. Mr. Kruger, however, volunteered to send a letter stating his proffer to the County. There being no further comments, the public portion of the hearing was closed.

The motion to table a decision on the application for a period of 30 days was made by Mr. Miller, seconded by Mr. Jessie, and carried unanimously.

**PUBLIC HEARING – SPECIAL EXCEPTION APPLICATION SP-99-06, SPRINT, PCS**

Mr. Wilson presented application SP-99-06, for construction of a 250' self-supporting communications tower and accessory equipment cabinets at Tax Map 26-22, on Highway 17, Saluda. The Planning Commission recommended conditional approval of the application.

Mr. Crittenden opened the hearing for comments from the public. Ted Kruger, agent for the applicant, proffered a right of refusal for the County's co-location on the tower for emergency services communications and offered to send a letter to the County stating the same. There being no further comment, the public portion of the hearing was closed. The motion to table a decision on the application was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

**PUBLIC HEARING – SIX YEAR SECONDARY ROAD IMPROVEMENT PLAN**

Mr. Bill Sullivan, Resident Engineer, and Mr. Gari Williams, representing the Department of Transportation (VDOT), presented the list of paved and unpaved secondary road projects proposed for the upcoming year, and the budget proposed for these projects and other improvements in the system. These proposed improvements were listed at the Board's October 5<sup>th</sup> meeting.

Mr. Crittenden opened the hearing for comments from the public. Mr. Jerry Davis, thanked VDOT for their work on Route 604, and noted that he was looking forward to pavement of the road, proposed as the number one priority. Carolyn Faivre, requested that improvements to Route 686, in the Topping area, be placed back on the list. According to Mrs. Faivre, this project had been listed as number two until last year. There being no further comments, the public portion of the hearing was closed. Mr. Sullivan noted that with the projects as listed, there would be some funds remaining, and projects could be added to the list for partial funding. Mr. Sullivan suggested prioritizing these additional projects as follows: Route 686, Rt. 650, and Route 615. Mr. Crittenden commented that he had met with Mr. Mannel, who requested consideration of further improvements to Route 650, and added that citizens along the right of way were willing to assist. Some discussion followed regarding the proposed cost of some of the improvements. Mr. Sullivan noted that a great deal of the budget included funds for right of way purchases and major improvements to areas where there were ponds.

The motion to adopt the Six Year Secondary Improvement Plan as proposed, with the inclusion of Route 686 on the Plan, was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously.

**HIGHWAY MATTERS- HEALY'S MILL (RT. 629 AND BARRICK'S MILL (RT. 625)**

Mr. Sullivan advised the Board that the Fredericksburg District office was still awaiting an opinion from the Attorney General regarding repairs to Routes 625 and Route 629, due to the dams bursting because of increased rainfall during Hurricane Floyd. Mr. Sullivan commented that although VDOT took over the roads in 1935, it is doubtful that the Department of Transportation constructed the dams at these locations and they were reluctant to replace them. Mr. Culley noted that he was informed that VDOT had told Delegate Morgan the same thing. The matter has not been discussed directly with Senator Bolling. The motion to approve a resolution, pending telephone review by the Board members, for disbursement to Delegate Morgan and Senator Bolling and VDOT officials, was made by Mr. Miller, seconded by Mr. Jessie and carried by vote of 4 for, 0 opposed, Mr. Williams abstaining due to his holding an interest in the portion of Route 625 under discussion.

**RESOLUTION**  
**ROUTES 629 AND ROUTES 625**

*WHEREAS, the Virginia Department of Transportation is the responsible agency for maintaining the public secondary road system in Middlesex County; and*

*WHEREAS, Route 629 and Route 625 were brought into the State Secondary System under the Byrd Act of 1932; and*

*WHEREAS, both of these roads were incorporated into the System with the public roadway traveling over private dams; and*

*WHEREAS, rainfall in an amount exceeding 17" from Hurricane Floyd caused the dams on both roadways to fail and made the State highways impassable;*

*WHEREAS, the Virginia Department of Transportation immediately started to rebuild the roadways to open the roads for traffic; and*

*WHEREAS, these roads are collector roads with vehicle counts greater than 1000 vehicles per day on Route 629 and greater than 500 per day on Route 625; and*

*WHEREAS, the Virginia Department of Transportation has stopped construction awaiting an opinion by the Attorney General regarding the reconstruction of private dams;*

*NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of Middlesex County, hereby requests that the Virginia Department of Transportation use the necessary means to reopen State Routes 629 and 625 to provide ingress and egress for the citizens traveling in Middlesex County.*

*BE IT FURTHER RESOLVED that the Board of Supervisors of Middlesex County requests that the Attorney General of Virginia issue an opinion to Department of Transportation regarding this matter in an expedient manner.*

*AND FURTHER RESOLVED by the Board of Supervisors of Middlesex County that Senator Bolling and Delegate Morgan intervene on behalf of the citizens of Middlesex County to have this matter resolved promptly, due to the fact that the continued closure of these roads increases vehicle traffic on other secondary roads not necessarily designed to handle the vehicle load, thereby endangering the lives of motorists using alternate routes.*

VOTE

<i>Fred S. Crittenden</i>	<i>aye</i>
<i>Lenora O. Weber</i>	<i>aye</i>
<i>Kenneth W. Williams</i>	<i>abstained</i>
<i>John D. Miller, Jr.</i>	<i>aye</i>
<i>Frank Jessie</i>	<i>aye</i>

**VIRGINIA POWER PRESENTATION**

Elizabeth Harper, Senior Designer, Project Support/Siting & Permitting, with Virginia Power, presented the Board with information regarding proposed improvements by the utility company. The Company proposes to construct a parallel transmission line, totaling 12 miles, three of which are in Middlesex County, to leave the Harmony Village substation, cross the Piankatank River and go to another substation in Gloucester. This line would provide customers in Gloucester with a back-up power supply. Currently, if the existing line goes out, 85% of the customers in Gloucester will be without power.

Existing pylons at the river will be replaced. The company is undecided at this time whether to place both wires on the same poles across the river. New poles at other locations will be placed adjacent to existing poles and within the existing utility right of way. Permitting will be required for the water crossing, in addition to environmental assessments. A public meeting will be scheduled for County citizens to review the proposal. Mr. Crittenden requested that the Board be kept informed of the status of the application and the meeting schedule.

**CONCURRING BOND RESOLUTION**

Mr. John Moore, School Board Chairman, requested the Board's approval of the concurring bond resolution, which if adopted, would concur, with the recommendation made by the Industrial Development Authority with regard to selling bonds to fund school construction. It was noted that by using private sources for bond revenue, the County has been able to receive longer periods of financing. Mr. Moore noted that a considerable saving had been obtained by providing County land value data to the insurance companies securing the debt.

The resolution has been drafted by the IDA bond counsel and reviewed by the County Attorney, with some minor changes. The motion to adopt the following resolution was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously:

***RESOLUTION OF THE BOARD OF SUPERVISORS  
OF MIDDLESEX COUNTY, VIRGINIA***

*WHEREAS, the Board of Supervisors of Middlesex County, Virginia (the "Board of Supervisors") has determined that the County of Middlesex, Virginia (the "County") together with the Middlesex County School Board (the "School Board") have an immediate need to implement certain capital projects and has requested the Industrial Development Authority of Middlesex County, Virginia (the "Authority") to assist it in the financing of such projects and in furtherance of such financing (a) to issue, offer and sell (i) its lease revenue bonds in an*

amount not to exceed \$10,000,000 (**the "Series 1999 Bonds"**) to finance the construction of a new elementary school to replace two existing elementary schools which are in need of extensive renovation, updating and improvements and new classrooms and administrative offices and to make certain other upgrades and capital improvements at Middlesex High School (**collectively, the "Project"**) on real property owned by the School Board (**the "Real Estate"**) and (ii) its lease revenue bonds in an amount not to exceed \$1,500,000 (**the "Series 2000 Bonds"**) to finance that portion of the cost of the Project not covered by the Series 1999 Bonds; and (b) to lease the Project to the County to accomplish certain purposes of the Virginia Industrial Development and Revenue Bond Act (**the "Act"**); and

**WHEREAS**, there has been presented to the Board of Supervisors a plan for lease financing of the acquisition, construction, renovation and equipping of the Project involving issuance of the Series 1999 Bonds and the Series 2000 Bonds by the Authority, which would not create debt of the County or the School Board for purposes of the Virginia Constitution; and

**WHEREAS**, there have been presented to this meeting drafts of the following documents (**the "Documents"**), copies of which shall be filed with the records of the Board of Supervisors:

- (a) a Ground Lease between the Authority and the School Board conveying to the Authority a leasehold interest in the Real Estate, which is to be acknowledged and consented to by the County (**the "Ground Lease"**).
- (b) a Financing Lease between the Authority and the County conveying to the County a leasehold interest in the Project (**the "Financing Lease"**);
- (c) an Indenture of Trust between the Authority and a bank to be designated by the Authority, as the trustee (**the "Trustee"**), pursuant to which the Series 1999 Bonds and the Series 2000 Bonds are to be issued, including the form of the Series 1999 Bonds and the Series 2000 Bonds, which is to be acknowledged and consented to by the County (**the "Indenture"**);
- (d) an Assignment of Rents and Leases between the Authority and the Trustee, assigning to the Trustee certain of the Authority's rights under the Financing Lease, which is to be acknowledged and consented to by the County (**the "Assignment Agreement"**);
- (e) an Option Agreement among the County, the School Board and the Authority providing the County and the School Board with the option to purchase the Project (**the "Option Agreement"**); and
- (f) a Bond Purchase Agreement among the Authority, the County and First Union Capital Securities, Inc., as Underwriter (**the "Underwriter"**) for the purchase of the Series 1999 Bonds and the Series 2000 Bonds (**the "Bond Purchase Agreement"**);
- (g) a Continuing Disclosure Agreement among the County, the Authority and the Underwriter for the purpose of assuring compliance with continuing disclosure obligations under Rule 15c2-12 (**the "Continuing Disclosure Agreement"**); and
- (h) a Preliminary Official Statement for the offering and sale of Series 1999 Bonds and the Series 2000 Bonds.

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

1. The following plan for financing the acquisition, construction, renovation and equipping of the Project for the County as described in the preambles above is hereby approved. The Authority

*will be requested to issue the Series 1999 Bonds in the maximum amount of \$10,000,000 and the Series 2000 Bonds in the maximum amount of \$1,500,000 and to use the proceeds therefrom to finance the acquisition, construction, renovation and equipping of the Project. The Authority will acquire, construct, renovate and equip a portion of the Project on the Real Estate, which will be leased to the Authority under the Ground Lease, and the Authority will lease the Project to the County pursuant to the Financing Lease. The Authority will also enter into the Indenture with the Trustee, pursuant to which the Series 1999 Bonds and the Series 2000 Bonds will be issued, which Indenture is to be acknowledged and consented to by the County. The Authority will also enter into the Assignment Agreement whereby the Authority's rights under the Financing Lease will be assigned to the Trustee, which Assignment Agreement is to be acknowledged and consented to by the County. The Authority will be requested to lease the Project to the County for the term of the Series 1999 Bonds and Series 2000 Bonds, under a "triple net lease" at rents sufficient to pay interest and principal due on the Series 1999 Bonds and the Series 2000 Bonds all pursuant to the Financing Lease. The obligation of the Authority to pay principal and interest on Series 1999 Bonds and the Series 2000 Bonds will be limited to rent payments received from the County. The obligation of the County to pay rent will be subject to the Board of Supervisors making annual appropriations for such purpose. The Series 1999 Bonds and the Series 2000 Bonds will be secured by an assignment of the Financing Lease to the Trustee for the benefit of the bondholders. If the County exercises its right not to appropriate money for rent payments, the Trustee or the holder of the Series 1999 Bonds and Series 2000 Bonds may terminate the Financing Lease or otherwise take possession of the Project, subject to the terms of the Financing Lease, the Assignment Agreement, the Ground Lease, and the Indenture. The issuance of the Series 1999 Bonds maturing on July 15, 2026 at a per annum interest rate not to exceed 6.30% and of the Series 2000 Bonds, maturing, whether in serial or term form, not later than July 15, 2026 at a per annum interest rate not to exceed 6.30% is hereby approved.*

2. *The School Board had previously selected Sands, Anderson, Marks & Miller as Bond Counsel, and in connection therewith, the Underwriter for the purchase of the Series 1999 Bonds and the Series 2000 Bonds and the Board of Supervisors is hereby requested to designate the Underwriter as such.*
3. *The Chairman or Vice Chairman of the Board of Supervisors, either of whom may act, is hereby authorized and directed to execute and deliver the Financing Lease, the Option Agreement and the Continuing Disclosure Agreement.*
4. *The Chairman or Vice-Chairman of the Board of Supervisors, either of whom may act, is hereby authorized and directed to acknowledge and consent to the provisions of the Indenture, the Assignment Agreement, the Ground Lease, the Bond Purchase Agreement and any other instruments executed by the Authority in connection with an assignment of the Financing Lease for the purpose of securing the Series 1999 Bonds and the Series 2000 Bonds, including designating and confirming the final interest rate, maturities, redemption provisions and other terms of the Series 1999 Bonds and the Series 2000 Bonds.*
5. *The Documents shall be in substantially the forms submitted to this meeting, which are hereby approved, with such completions, omissions, insertions and changes as may be approved by the officer executing them, his execution to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes.*
6. *The Project is hereby declared to be essential to the efficient operation of the County and the County School System, and the Board of Supervisors anticipates that the Project will continue to be essential to the operation of the County and the County School System during the term of the Financing Lease. The Board of Supervisors, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to make all*

*payments under the Financing Lease and hereby recommends that future Boards of Supervisors do likewise during the term of the Financing Lease.*

7. *The Chairman or Vice-Chairman of the Board, the County Administrator, the County Treasurer and all other officers of the County are hereby authorized and directed to work with representatives of the Authority, the County Attorney, Bond Counsel, and the Underwriter to perform all services and prepare all documentation necessary to bring the Series 1999 Bonds and the Series 2000 Bonds to market, including without limitation, final forms of the Documents.*
8. *The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the Series 1999 Bonds and the Series 2000 Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, including regulations issued pursuant thereto (the "Code"), or otherwise cause interest on Series 1999 Bonds and the Series 2000 Bonds to be includable in the gross income for Federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Series 1999 Bonds and the Series 2000 Bonds.*
9. *The County covenants that it shall not permit the proceeds of the Series 1999 Bonds or the Series 2000 Bonds to be used in any manner that would result in (a) 10% or more of the proceeds of either the Series 1999 Bonds or the Series 2000 Bonds being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, provided that no more than 5% of such proceeds may be used in a trade or business unrelated to the County's use of the Project, (b) 5% or more of such proceeds being used with respect to any "output facility" (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than as governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the County receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Series 1999 Bonds and the Series 2000 Bonds from being includable in the gross income for Federal income tax purposes of the registered owners thereof under existing law, the County need not comply with such covenants.*
10. *The Board of Supervisors hereby consents to Sands, Anderson, Marks & Miller, as Authority Counsel also serving as Bond Counsel and recommends that such firm be appointed by the Authority as such.*
11. *The Board of Supervisors hereby recommends that the Authority appoint the Trustee under the Indenture.*
12. *All other acts of the Chairman or Vice-Chairman of the Board and other officers of the County that are in conformity with the purposes and intent of this resolution and in furtherance of the plan of financing, the issuance and sale of Series 1999 Bonds and the Series 2000 Bonds and the acquisition, construction, renovation and equipping of the Project are hereby approved and ratified.*
13. *Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.*
14. *The County hereby agrees to indemnify, defend and save harmless the Authority, its officers, directors, employees and agents from and against all liabilities, obligations, claims, damages, penalties, fines, losses, costs and expenses in any way connected with the County, the issuance of*

*the Series 1999 Bonds and Series 2000 Bonds or the acquisition, construction, renovation and equipping of the Project.*

15. *Nothing in this Resolution, the Series 1999 Bonds, the Series 2000 Bonds or the Documents shall constitute a debt or a pledge of the faith and credit of the County, and neither the County nor the Authority shall be obligated to make any payments under the Series 1999 Bonds or the Series 2000 Bonds or the Documents except from payments made by or on behalf of the County under the Financing Lease pursuant to annual appropriation thereof in accordance with applicable law. The Underwriter shall acknowledge on behalf of the Bondholders that any purchase of Series 1999 Bonds or Series 2000 Bonds pursuant to the Bond Purchase Agreement is made solely based on representations of the County and no representations of any kind as to the Project or the ability to repay the Series 1999 Bonds or the Series 2000 Bonds has been made by the Authority.*
16. *The distribution of the Preliminary Official Statement and a final Official Statement is hereby authorized. The authorization and approval of the Preliminary Official Statement is deemed "final" for purposes of complying with Rule 15c2-12 of the Securities Exchange Act of 1934, as amended, and the County is understood and agreed to be the sole "obligated person" under such Rule.*
17. *The Board on behalf of the County hereby designates the Series 1999 Bonds and the Series 2000 Bonds as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code, including regulations issued pursuant thereto, allocates to the Authority \$10,000,000 of its allocation of "qualified tax-exempt obligations" for the Series 1999 Bonds for purposes of such section and represents and covenants that not more than \$10,000,000 in bonds, notes, leases, and other obligations of the County (including any subordinate entities), excluding private activity bonds, will be issued in calendar year 1999 and that the County will not designate more than \$10,000,000 of qualified tax-exempt obligations pursuant to Section 265(b)(3) of the Code during such calendar year.*
18. *The Board on behalf of the County hereby designates the Series 2000 Bonds as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code, including regulations issued pursuant thereto, allocates to the Authority \$1,500,000 of its allocation of "qualified tax-exempt obligations" for the Series 2000 Bonds for purposes of such section and represents and covenants that not more than \$10,000,000 in bonds, notes, leases, and other obligations of the County (including any subordinate entities), excluding private activity bonds, will be issued in calendar year 2000 and that the County will not designate more than \$10,000,000 of qualified tax-exempt obligations pursuant to Section 265(b)(3) of the Code during such calendar year.*
19. *The Board on behalf of the County hereby designates the Series 1999 and Series 2000 Bonds as eligible for the "small issuer exception" to the rebate requirements of Section 148(f)(2) and (3) of the Code pursuant to Section 148(f)(D)(vii) of the Code, as the Authority is a subordinate entity of the County under Section 148(f)(4)(D) of the Code and the County is a governmental unit with general taxing powers, no bond which is a part of the Series 1999 Bonds and Series 2000 Bonds will be a private activity bond, 95% or more of the net proceeds of the Series 1999 Bonds and Series 2000 Bonds are to be used for local governmental activities of the Authority and the County, and the aggregate face amount of all tax-exempt bonds, excluding private activity bonds to be issued by the County and the Authority during the calendar year 1999 is not reasonably expected to exceed \$5,000,000 increased by the lesser of \$5,000,000 or so much of the aggregate face amount of the Series 1999 Bonds and Series 2000 Bonds as are attributable to financing the construction of public school facilities within the meaning of Section 148(f)(D)(vii). The Board on behalf of the County hereby allocates to the Authority \$10,000,000 of its small issuer size limitation for the calendar year 1999 to the Series 1999*

*Bonds and \$1,500,000 of its small issuer size limitation for the calendar year 2000 to the Series 2000 Bonds for purposes of Section 148(f)(4)(D) of the Code.*

20. *This resolution shall take effect immediately.*

*PASSED AND ADOPTED this 19th day of October, 1999.*

*Present and voting:*

<i>Fred S. Crittenden</i>	<i>aye</i>
<i>Lenora O. Weber</i>	<i>aye</i>
<i>Kenneth W. Williams</i>	<i>aye</i>
<i>John D. Miller, Jr.</i>	<i>aye</i>
<i>Frank Jessie</i>	<i>aye</i>

### **SCHOOL APPROPRIATIONS**

- Literacy Grant – The motion approving the following appropriation was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously: TO: 023-060010-6201, \$75,000; FROM 3-23-33020-0320 (literacy program) Federal Grant reimbursed at 100% for family literacy program.
- Textbook Carryover – The motion approving the following appropriation was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously: TO: 4-023-63000-6210, \$62,185.59; FROM 3-1-41060-0001 (General Fund) Roll-over of funds unspent in FY 99 budget for textbooks.
- Trigon Stock Proceeds to Employee Premiums – The motion approving the following appropriation was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously: TO: 4-023-60010-6201, (Instruction) \$51,866.74; FROM 3-1-18030-0009 (Trigon Stock Proceeds).
- Trigon Stock Proceeds to Capital Improvements Special Fund - The motion approving the following appropriation was made by Mr. Williams, seconded by Mr. Miller and carried unanimously: TO: 4-027-010010-1010 (Elementary School Construction Fund), \$117,319.74; FROM: 3-1-18050-0009 (Trigon Stock Proceeds). School Board Chairman, John Moore, explained that these proceeds, along with other funds slated for capital improvements/school construction, such as lottery funds and Wyker study funds, will be placed into a fund (sweep account), established by the School Board, that will yield a higher interest rate, yet have the flexibility to withdraw funds as needed without penalty. The Board reminded Mr. Moore that these funds still remain in the control of the Board of Supervisors with regard to their expenditure; Mr. Moore agreed. Bond proceeds will also be placed in this account.
- Transfer of Current Capital Improvements Funds to Capital Improvements Special Fund - The motion approving the following appropriation was made by Mr. Miller, seconded by Mr. Williams and carried unanimously: TO: 4-027-010010-1010 (Elementary School Construction) \$320,963.00; FROM 3-1-41060-0001 (General Fund); current capital funds to be placed in "sweep account" for school construction. These funds also remain in control of the Board of Supervisors.

### **ENHANCED 911 PROPOSAL**

Mr. Culley presented a breakdown of costs proposed by GTE to implement a turn-key enhanced 911 system for the County. Total cost for the system as proposed by GTE was \$665,723.54, however, this quote did not include several mapping items requested, but not included in the proposal bid. These items totaled \$21,819.97, which would bring the total cost of implementing the system to \$687,543.51. Included in the proposal was a four (4) hour response time for maintenance on all equipment (\$73,683.58), including the dispatch and mapping and addressing equipment.

Mr. Culley reviewed his proposal to separate the purchase of the mapping and addressing equipment from the essential 911 equipment to be placed in the dispatch office. Purchasing the GIS workstation and plotter separately, removing the maintenance of the items from GTE, results in a total GTE contract of \$514,149.97, a savings of approximately \$88,277.59. The GIS workstation and plotter would cost approximately \$63,295.98. Mr. Culley noted that the rapid response maintenance time was not necessary for the mapping and addressing equipment and downtime would not effect the dispatch capability of the system.

Board members expressed concern for maintenance of the mapping equipment and questioned if GTE would honor the maintenance contracts for the dispatch equipment if the two systems were separated. Also, would GTE negotiate to reduce the cost of their proposal if \$88,277.59 in maintenance and some equipment is removed? Mr. Culley was requested to contact GTE regarding separating this equipment from their proposal. This matter was tabled.

### **VIRGINIA COASTAL RESOURCES MANAGEMENT PROGRAM**

The motion to accept the VCRMP grant of \$19,000, from the Department of Environmental Quality, was made by Mrs. Weber, seconded by Mr. Williams and carried unanimously. This grant is matched by County funds of \$27,816.00.

### **OFFICE REARRANGEMENT**

The Board was presented with a proposed floor plan showing rearrangement of office space on the second floor of the Woodward Building. The proposed arrangement, which includes some wall adjustments, would accommodate the staff and mapping/addressing equipment necessary for implementation of the enhanced 911 system. This matter was tabled.

### **VETERAN'S DAY**

Marcia Jones, Assistant Administrator, updated the Board on the status of Veteran's Day preparations. The motion to approve payment of \$250.00 for the Virginia Commonwealth University brass ensemble, who will perform military marches

at the ceremony and one of the schools, was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

### **APPROPRIATIONS**

The motion to approve the preliminary distribution of \$12,415.74 from the general fund for health insurance was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. This money will be reimbursed to the general fund when payroll is processed at the end of the month.

### **FEDERAL EMERGENCY MANAGEMENT AGENCY**

The motion to appoint Mr. Culley as the agent for disaster applications was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

#### **DESIGNATION OF APPLICANT'S AGENT** **RESOLUTION**

*BE IT RESOLVED BY The Board of Supervisors of Middlesex County, that Charles M. Culley, Jr., County Administrator, is hereby authorized to execute for and in behalf of the Board of Supervisors of Middlesex County, a public entity established under the laws of the State of Virginia, this application and to file it in the appropriate State office for the purpose of obtaining certain Federal financial assistance under the Disaster Relief Act (Public Law 288, 93<sup>rd</sup> Congress) or otherwise available from the President's Disaster Relief Fund.*

*THAT the Board of Supervisors of Middlesex County, a public entity established under the laws of the State of Virginia, hereby authorizes its agent to provide to the State and to the Federal Emergency Management Agency (FEMA) for all matters pertaining to such Federal disaster assistance the assurances and agreements printed on the reverse side hereof.*

*Passed and approved this 19<sup>th</sup> day of October 1999.*

<b>Board of Supervisors</b>	<b>Vote</b>
<i>Fred S. Crittenden</i>	<i>aye</i>
<i>Kenneth W. Williams</i>	<i>aye</i>
<i>Lenora O. Weber</i>	<i>aye</i>
<i>Frank Jessie</i>	<i>aye</i>
<i>John D. Miller, Jr.</i>	<i>aye</i>

### **ADJOURN**

There being no further business, the meeting was adjourned. The next regular meeting of the Board was scheduled for Wednesday, November 3, 1999, at 9:00 A.M.

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Fred S. Crittenden, Chairman  
Board of Supervisors