

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, SEPTEMBER 7, 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

**CALL TO ORDER**

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

**MINUTES**

The motion to approve the minutes for the meeting of August 3 and August 17 was made by Mrs. Weber, seconded by Mr. Williams and carried unanimously.

**DISBURSEMENTS**

The motion to approve disbursements for the month of August was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Checks numbered 33305 through 33443 totaling \$133,825.42 were disbursed as approved. The Board requested a representative from the reassessment firm, Blue Ridge Appraisal, present an update on the current assessment at the next Board meeting.

**PAYROLL**

The motion to approve payroll for the month of August was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. Checks numbered 33214 through 33303 totaling \$144,421.19 were disbursed as approved.

**COMMITTEE REPORTS**

Mr. Williams: No reports given

Mrs. Weber:

- Social Services – a foster care worker has withdrawn her letter of resignation. The number of assisted workers is down from 7 to 4 clients; it was suggested that this group consider car pooling with Lancaster County workers. Federal benefits have been extended to provide funds for transportation, childcare and Medicare. Eligibility workers will be investigating their own cases for fraud.
- Rappahannock River Basin Commission Summit -- did not address solutions for down-river.
- Sports Complex - fundraising is in process for additional playground equipment.

Mr. Jessie:

- Regional Jail – getting ready to close out the other building. The Jail Authority feels it may be better for Mr. Culley to negotiate with Sydnor Hydrodynamics to provide a generator for the water system, rather than the jail installing a new well.

Mr. Miller:

- Chamber of Commerce -- the Cooking School will be held on September 20.
- Dragon Run -- no report

Mr. Crittenden:

- Airport Committee - Committee is concerned about the trees at the end of the runway and has requested that the County move forward. Additional signage will be needed for Wings and Wheels directing traffic to the parking area to be used behind the terminal building.
- PDC - plumbing loan program -- one applicant has declared bankruptcy

Mr. Culley:

- Communications Committee -- the Committee is proceeding with an application for narrow band frequencies, as all the wide band widths have been taken. ATC is negotiating for tower space with GTE. The quality of dispatchers is critical for the coordination of services.

## **CONSTITUTIONAL OFFICERS**

Treasurer:

Mrs. Wilson, Treasurer, has suggested retiring the County's \$500,000.00 loan obtained originally for renovation of the old St. Clare Walker School. Mr. Culley was asked to check on the interest rates paid versus interest received.

### **HIGHWAY MATTERS**

**Six Year Plan** - It was decided that a work session for the 6-year secondary road improvement plan would be held at the October 5th meeting, with the public hearing scheduled for October 19<sup>th</sup>.

**Piankatank River Bridge** - repair work on the bridge has begun; the bridge will be limited to 1 lane traffic.

**Temporary Signs** -- Letters outlining procedures for erecting election signs have been sent to all candidates.

**Wings & Wheels** - Mr. Crittenden requested additional signage for the event. Mr. Barnhardt, organizer of the event, noted that 2 light boards have been offered. VDOT officials agreed that warning signs on each side of the intersection would be helpful.

### **SCHOOL MATTERS**

**Enrollment** - Beginning enrollment was 1365; the budget was based on 1380.

**School Psychologist** -- The system has a vacancy for this position and Mr. Lackey does not wish to contract for services. This position is a requirement for special education students.

**Architectural fee** -- an invoice for \$30,000.00 has been received from the firm, Ballou, Justice & Upton, for fees the firm says were incurred due to change orders with the construction of St. Clare Walker Middle School in 1994. According to Mr. Lackey, a breakdown of the charges has been requested.

**Health Insurance** -- Mr. Lackey has not received rate information from the school's Trigon representative for the County's participation in the health insurance program with the School system.

### **WINGS & WHEELS**

Jamie Barnhardt, organizer of the event, requested the Board's attendance at the event and presented the Board with a sample of the Supervisor's award to be presented at the show. Parking passes would be available for County personnel and Supervisors who attended.

## **CABLEVISION FRANCHISE**

The County's communication engineer from Atlantic Tower Corporation has met with representatives of Cablevision. It has been determined that the fiber optic facilities of Cablevision would not be beneficial to the County's radio communication needs, however, the engineer is looking at the feasibility of installing equipment on the cable company's tower.

The motion to approve the extension of the cablevision franchise, the new expiration date being February 22, 2008, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

## **INDUSTRIAL DEVELOPMENT AUTHORITY**

### ***Bond Resolution:***

The Church Diocese of Virginia has made application to the City of Alexandria for a bond issuance in the amount of 13 million dollars to refinance construction and renovation debts, the majority of which was incurred in Alexandria. Before funds can be expended to refinance debt incurred by Christ Church School in Middlesex, the Board must approve the resolution. The Bond council for the applicant has indicated the refinancing of Christ Church debt would save approximately \$30,000. The original resolution has been reviewed and amended by Dan Siegel, Council for the Middlesex IDA, and recommended for approval by the Middlesex IDA following a public hearing. The motion to adopt the following resolution, including endorsement of the fee scheduled 1/8 of 1% charged by the Middlesex IDA, was made by Mrs. Weber, seconded by Mr. Jessie and approved unanimously by the following roll call vote:

*At a regular meeting of the Board of Supervisors of the County of Middlesex, Virginia, held on the 7th day of September, 1999, the following members of the Board of Supervisors were recorded as present:*

#### ***PRESENT:***

*Fred S. Crittenden, Pinetop District  
Kenneth W. Williams, Pinetop District  
Lenora O. Weber, Saluda District  
John D. Miller, Jr., Saluda District  
Frank Jessie, Jamaica District*

*On motion by Mrs. Weber, seconded by Mr. Jessie, the attached Resolution was adopted by a majority of the members of the Board of Supervisors by a roll call vote, the votes being recorded as follows:*

<b><i>MEMBER</i></b>	<b><i>VOTE</i></b>
<i>Mr. Crittenden</i>	<i>aye</i>
<i>Mr. Williams</i>	<i>aye</i>
<i>Mrs. Weber</i>	<i>aye</i>
<i>Mr. Miller</i>	<i>aye</i>
<i>Mr. Jessie</i>	<i>aye</i>

### ***RESOLUTION OF THE BOARD OF SUPERVISORS OF THE***

**COUNTY OF MIDDLESEX, VIRGINIA**

*WHEREAS, the Industrial Development Authority of Middlesex County, Virginia ("Authority"), has been asked by Church Schools in the Diocese of Virginia ("Borrower") to approve the issuance of revenue bonds by the Industrial Development Authority of the City of Alexandria ("Alexandria Authority") in an amount not to exceed \$13,000,000 ("Bonds") to assist the Borrower in refinancing certain of the Borrower's existing indebtedness which was used to finance certain capital improvements at the Borrower's elementary and secondary educational facilities known as (a) St. Stephen's and St. Agnes School, including the development of a master facilities plan; acquisition, construction and equipping of an approximately 88,000 square foot upper school facility located at 1000 St. Stephen's Road, and an approximately 42,000 square foot middle school facility located at 4401 W. Braddock Road, both in the City of Alexandria, Virginia; and renovation and equipping of an approximately 76,000 square foot lower school facility located at 400 Fontaine Street in the City of Alexandria, Virginia; and (b) Christchurch School, located at Route 33, Christchurch, Virginia, in the County of Middlesex, Virginia, including the acquisition, construction, renovation and equipping of the approximately 22,000 square foot dormitory facility, including an infirmary and cafeteria extension; and the acquisition of a phone and voicemail system and several automobiles and buses (collectively, the "Project") and has held a public hearing on August 19, 1999;*

*WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds;*

*WHEREAS, Section 15.2-4906 of the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended ("Act"), provides that if a locality has created an industrial development authority, no industrial development authority created by a second locality may finance a facility located in the first locality unless the governing body of such first locality concurs with the inducement created by the second locality;*

*WHEREAS, the Board of Supervisors of the County of Middlesex, Virginia ("Board") has created an industrial development authority, a portion of the Project is located in the County of Middlesex, Virginia ("County") and the Board constitutes the highest elected governmental unit of the County;*

*WHEREAS, the Authority has recommended that the Board approve the issuance of the Bonds; and*

*WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, as well as a copy of the Alexandria Authority's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Board.*

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

*1. The Board concurs with the resolution adopted by the Alexandria Authority and approves the issuance of the Bonds by the Alexandria Authority for the benefit of the Borrower, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended ("Virginia Code").*

*2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Borrower. As required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that neither the Alexandria Authority, the Authority, the City of*

*Alexandria nor Middlesex County shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including the Alexandria Authority, the Authority, the City of Alexandria and Middlesex County, shall be pledged thereto. The purchaser of the Bonds must acknowledge that any purchase of Bonds will be made solely based on representations of the Borrower and no representations of any kind as to the Project or the ability of the Borrower to repay the Bonds has been made by the Authority or Middlesex County.*

*3. Pursuant to the limitations contained in Temporary Income Tax Regulations Section 5f 103-2(f)(1), this resolution shall remain in effect for a period of one year from the date of its adoption.*

*4. This resolution shall take effect immediately upon its adoption.*

*Adopted by the Board of Supervisors of the County of Middlesex, Virginia this 7th day of September 1999.*

### **Resignations:**

Resignations from the Industrial Development Authority have been received from Donald Wagner and David Adams. It was decided that applications would be accepted, with the Board to review the applications and interview selected applicants.

### **VIRGINIA POWER**

Mr. Culley presented preliminary information from Virginia Power regarding an upgrade of their systems to provide additional power supplies to the Gloucester area. The supply would be fed from the Harmony Village sub-station, parallel existing lines and cross the Piankatank River into Gloucester County. The company proposes to conduct public information meetings, but also desired an opportunity to present the proposal to the Board. Mr. Culley was asked to schedule a presentation for an evening meeting.

### **OLDER AMERICANS ACT**

Allyn Gemerek, Executive Director of the Chesapeake Bay Agency on Aging, requested the Board's endorsement of actions encouraging no further cuts to the Older Americans Act by Congress. The motion adopting the following resolution was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously:

#### **RESOLUTION IN OPPOSITION TO REDUCING OLDER AMERICANS ACT FUNDING**

*WHEREAS, The Middlesex County Board of Supervisors has learned that the United States Congress is considering reducing funding for the Older Americans Act in the Federal Budget for the Fiscal Year 2000; and*

*WHEREAS, The Older Americans Act provides funding for the Chesapeake Bay Agency on Aging, the organization that is responsible for programs that assist older residents of the Virginia Middle Peninsula and Northern Neck; and*

*WHEREAS, The proposed twelve percent (12%) reduction in funding would damage programs in place to provide home delivered meals, transportation, and home care to senior citizens throughout the nation; and*

*WHEREAS, It is the understanding of the Middlesex County Board of Supervisors that this twelve percent (12%) funding reduction would amount to \$93,000 in real dollars lost for senior services in our area; and*

*WHEREAS, With the growth in the population of senior citizens in our area and across the nation, it would appear that Congress should be increasing funding for programs rather than reducing it; and*

*WHEREAS, IT appears that this funding cut would disproportionately affect our poorest and most vulnerable citizens.*

*NOW, THEREFORE BE IT RESOLVED: By the Middlesex County Board of Supervisors that the United States Congress and the Middlesex County representatives in it, are respectfully requested not to support any reduction in the Older Americans Act funding at a time of record surpluses within the federal budget.*

## **STREET NAMING**

The following names were approved for private streets within the Mariner's Woods Subdivision, by motion of Mr. Miller, seconded by Mr. Williams and carried unanimously: Mariner's Woods Drive, Schooner's Point Drive and Sunset Vista Drive.

## **APPROPRIATIONS**

- E-911 Professional Services – The motion approving the following appropriation was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously: TO: 4-1-36090-3002, \$35,000; FROM 3-1-12020-0001 (E-911 revenue) to fund the Project Management Contract approved at the Board's July 20, 1999 meeting.
- Communications - Professional Services – The motion approving the following appropriation was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously: TO: 4-1-10010-7035, \$36,700; FROM 3-1-41060-0001 (General Fund); Roll-over \$28,500 unspent from FY 99 budget plus \$12,200 new money added to FY 00 monies to meet total contract cost approved at 7/20/99 meeting
- Courthouse and Woodward Building HVAC – The motion approving the following appropriation was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously: TO: 4-1-10010-7012, \$40,000; FROM 3-1-41060-0001 (General Fund) Roll-over of funds unspent in FY 99 budget.

## **HEALTH INSURANCE**

Mr. Culley advised that he had met with another brokerage firm and was waiting for their rates. The School system has not provided information for county participation in their Trigon plan. Discussion will continue at the evening meeting.

## **WORKFORCE INVESTMENT AREAS & LOCAL BOARDS**

The motion to adopt the following resolution, establishing the Bay Consortium area as the work service area, subject to other localities in the area participating, was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously:

### **RESOLUTION**

#### **WORKFORCE INVESTMENT ACT**

*WHEREAS, The Workforce Investment Act (Public Law 105-220) was signed into law on August 7, 1998; and*

*WHEREAS, The Workforce Investment Act will replace the Job Training Partnership Act on July 1, 2000; and*

*WHEREAS, The Workforce Investment Act requires the governor to designate sub-state areas, which will be governed by the local Workforce Investment Boards, in partnership with local elected officials; and*

*WHEREAS, The Bay Consortium Private Industry Council and the local governments of Service Delivery Area XII, of which Middlesex County is one, have successfully administered the Job Training Partnership Act since 1983; and*

*WHEREAS, The Bay Consortium Private Industry Council and the sixteen member jurisdictions of Service Delivery Area XII meet the requirements of Section 116(a)(3)(A)(i, ii) of the Workforce Investment Act; which states the Governor shall approve any request, made not later than the date of submission of the initial State plan under this subtitle, for temporary designation as a local area from any unit of general local government (including a combination of such units) with a population of 200,000 or more that was a service delivery area under the Job Training Partnership Act on the day before the date of enactment of this Act if the Governor determines that the area --*

- (i) performed successfully, in each of the last two years prior to the request for which data are available, in the delivery of services to participants under part A of Title II and Title III of the Job Training Partnership Act (as in effect on such day); and*
- (ii) has sustained the fiscal integrity of the funds used by the area to carry out activities under such part and title.*

*WHEREAS, The Bay Consortium Private Industry Council and Service Delivery Area XII will make application to the Governor, through the Virginia Employment Commission, to be designated a local Workforce Investment Board and a local Workforce Investment Area respectively.*

*THEREFORE, BE IT RESOLVED: That Middlesex County agrees to participate as a member of a consortium of local governments to serve as a local Workforce Investment Area and further agrees to appoint individuals to serve on a local Workforce Investment Board.*

*Members present and voting:*

<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>John D. Miller, Jr.</i>	<i>aye</i>
<i>Frank Jessie</i>	<i>aye</i>

**CLOSED MEETING**

The motion to convene in Closed Meeting, for the following purpose was made by Mr. Williams, seconded by Mr. Miller and carried unanimously: discussion of potential candidates for the position of E911/GIS technician, per exemption of §2.1-344.A1, and for a briefing by the Planning Director regarding potential litigation, per §2.1-344.A7, Code of Virginia, as amended. Upon reconvening in open session, the following motion was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously:

- To the best of the members' knowledge, only public business matters lawfully exempted from open meeting requirements under Code of Virginia §2.1-344.1 and identified in the motion by which the Closed Meeting convened were heard, discussed, or considered by the public body.

Action:

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

**ENVIRONMENTAL PROTECTION AGENCY**

As information, a letter received from the EPA indicated that Virginia did not declare the Chesapeake Bay as impaired, however, the Federal government is declaring the Bay to be in violation of the Clean Water Act.

**DISBURSEMENT**

The motion to approve a disbursement in the amount of \$566.00 for construction of a ladder rack for a County vehicle was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

**ADJOURN**

There being no further business, the meeting was adjourned by motion of Mr. Williams, seconded by Mr. Miller and carried unanimously. The next regular meeting of the Board was scheduled for September 21, 1999, at 7:30 P.M.

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Fred S. Crittenden, Chairman  
Board of Supervisors