

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, JUNE 19, 2001, IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:

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

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

CALL TO ORDER

The Chairman, Mr. Williams called the meeting to order at 7:30 P.M. and opened with prayer.

RECESS AND RECONVENE IN COURTROOM

Due to the large number of people present for the meeting, the motion to recess and reconvene the meeting in the Courtroom was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously.

CONCURRING BOND RESOLUTION - CAPE HENRY COLLEGIATE SCHOOL, INC.

Tim Wilson, Secretary/Treasurer of the Middlesex County Industrial Development Authority (IDA), presented a request for the Board of Supervisors to adopt a concurring resolution relating to the issuance of revenue bonds for Cape Henry Collegiate School, Inc. The IDA, following a public hearing on June 7, 2001, voted to approve the issuance of the maximum amount of their bonds - \$10 million - to the School. These monies will be used to assist the school in financing new construction and renovation of several buildings and to refinance an outstanding balance on existing revenue bonds. The Lancaster County IDA and Lancaster Board of Supervisors will be asked to provide the additional \$1.5 million required for the project. Mr. C. Grigsby Scifres, bond counsel for the School, was present to answer questions from the Board.

Mr. Culley explained that the maximum amount allowed for issuance in a calendar year is \$10 million. If the Board of Supervisors approves the request, the IDA will not be able to loan any additional money for the calendar year. Mr. Williams suggested checking with the School Board to see if there would be a need for additional funds for school construction before the end of the year. Randy Hester, School Board member, gave an "unofficial" opinion that the School Board would not need any additional money in this calendar year. Mr. Soberick confirmed that there would be no liability on behalf of the County.

The motion to adopt the following resolution was made by Mr. Miller, second by Mr. Crittenden and carried unanimously by a roll-call vote:

At a regular meeting of the Board of Supervisors of the County of Middlesex, Virginia, held on the 19th day of June, 2001, 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
Wayne Jessie, Jamaica District*

On motion by Mr. Miller, seconded by Mr. Crittenden, 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:

<i>MEMBER</i>	<i>VOTE</i>
<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 Internal Revenue Code of 1986, as amended (the "Tax Code"), provides that the highest elected governmental officials of the governmental units having jurisdiction over the issuer of private activity bonds shall approve the issuance of such bonds;

WHEREAS, the Industrial Development Authority of Middlesex County, Virginia (the "Authority") issues its bonds on behalf of Middlesex County, Virginia (the "County") and the members of the Board of Supervisors of the County (the "Board") constitute the highest elected governmental officials of the County; and

WHEREAS, Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), provides that the Board shall within 60 calendar days from the date of the public hearing with respect to revenue bonds either approve or disapprove the issuance of such bonds; and

WHEREAS, the Authority held a public hearing on June 7, 2001 with respect to the application of Cape Henry Collegiate School, Inc. (the "School") for the issuance of the Authority's revenue bonds in the amount now estimated at \$10,000,000.00 (the "Bonds") to assist the School in financing (A) construction and equipping of (i) a classroom building containing approximately 45,000 square feet and (ii) a gymnasium containing approximately 15,000 square feet, both to be located on the School's existing school grounds at 1320 Mill Dam Road, Virginia Beach, Virginia (the "Grounds"), (B) renovation and equipping of locker rooms and offices in an existing gymnasium located on the Grounds, (C) refinancing the outstanding principal balance of the City of Virginia Beach

Development Authority's \$4,500,000 revenue and refunding bonds series 1997 issued for the benefit of the School and (D) costs of issuance of the Bonds (collectively, the "Project"); and

WHEREAS, following the public hearing held June 7, 2001, the Authority approved the issuance of the Bonds in an amount now estimated at \$10,000,000 for the benefit of the School to finance the Project; and

WHEREAS, the Authority has favorably considered the School's application and a copy of the Authority's resolution approving the issuance of the Bonds, subject to terms to be agreed on, a summary of any comments made at the public hearing with respect to the Bonds and a statement in the form prescribed by Section 15.2-4907 of the Virginia Code have been filed with the Board, together with the Authority's recommendation that the Board approve the issuance of the Bonds.

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

- 1. The recitals made in the preambles to this Resolution are hereby adopted as a part of this Resolution.*
- 2. The Board approves the issuance of the Bonds by the Authority to assist in the financing of the Project for the benefit of the School to the extent of and as required by Section 147(f)(2) of the Tax Code and Section 15.2-4906 of the Virginia Code. The approval of the issuance of the Bonds, as required by Section 147(f)(2) of the Tax Code and Section 15.2-4906 of the Virginia Code, does not constitute an endorsement of the Bonds or the creditworthiness of the School, but, as required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that neither the County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and monies pledged therefore and neither the faith, credit nor taxing power of the Commonwealth of Virginia, the County or the Authority 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 School and no representations of any kind as to the Project or the ability of the School to repay the Bonds has been made by the Authority or the County.*
- 3. The Board designates to the Authority for the Bonds \$10,000,000 of its "qualified tax-exempt obligation" amount for calendar year 2001, within the meaning of Section 265(b)(3) of the Tax Code.*
- 4. In adopting this Resolution, the County, including its elected representatives, officers, employees and agents shall not be liable and hereby disclaims all liability for any damages to any person, direct or consequential, resulting from the Authority's failure to issue the Bonds for any reason.*
- 5. This Resolution shall take effect immediately on its adoption.*

Adopted by a quorum of the Board of Supervisors of Middlesex County, Virginia, on June 19, 2001.

Clerk, Board of Supervisors of Middlesex
County, Virginia

PUBLIC HEARING - MAJOR SITE PLAN APPLICATION - 2001-02, MIDDLESEX COUNTY PUBLIC SCHOOLS

Randy Hester, representing the Middlesex County School Board, presented a

resubmittal of a site plan for improvements to Middlesex High School. The primary change from the previous site plan application reviewed earlier in the year is that the present plan incorporates a new cafeteria addition and the proposed new classroom addition has been relocated from the front of the existing school building to the west side. Mr. Hester added that all permits have been obtained and that permission from the Sibley's has been obtained for additional parking.

A public hearing was held by the Planning Commission on June 14, 2001, at which preliminary approval was granted. The motion to approve Major Site Plan Application 2001-02 was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

At their meeting on June 12th, the School Board passed a resolution requesting the Board of Supervisors pass a resolution to request that the Department of Transportation allow parking by permit only on the street in front of Middlesex High School until the capital improvements at the site are completed. The motion to adopt the following resolution was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously:

RESOLUTION

WHEREAS, the Middlesex County Board of Supervisors has endorsed a capital improvements project for Middlesex High School which is scheduled to begin in October 2001; and

WHEREAS, there will be very limited areas available for parking at Middlesex High School during the time of construction and renovation; and

WHEREAS, the Middlesex County School Board passed a resolution at their meeting on June 12, 2001, endorsing a request for parking by permit on the street in front of Middlesex High School during the time of construction;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Middlesex County does hereby request the Virginia Department of Transportation to allow parking by permit on the street in front of Middlesex High School from October 2001 until capital improvements at the Middlesex High School are completed;

BE IT FURTHER RESOLVED, that permits are to be reserved for construction personnel and are to be used only from Monday through Friday of each week and between the hours of 7:00 a.m., and 6:00 p.m.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

PUBLIC HEARING - STREET NAME ADDRESS LIST

Copies of the proposed list of street names had been hand delivered to each Board member on June 8. Mr. Wilson presented the prepared names.

Mr. Williams opened the public hearing for comments from the public regarding the proposed names and presented a petition with 49 signatures from property owners within the Lucy Coves Subdivision.

Gordon White and Al Wild spoke in opposition to the proposed numbering system, noting they do not wish to change from their current house numbers. Sherry Coker, Phil Allen and Helen Roark also questioned the numbering system - why numbers could not be odd and even and why at times there is a great difference in the numbers of neighbors. Kevin Jordan, the 911 Mapping Coordinator, and Tim Wilson, Planning Director, explained that the numbering system is a mile marker system to allow for growth in the County and that it must remain uniform throughout the County, not varied by established subdivisions and open properties. This is a different system than one used in cities.

The following citizens had questions or comments regarding various roads in the County:

Winston Wright - Heritage Point Road; Orion Road
Helen Roark - Jamaica Shores Drive; Jamaica Shores Place
Jim Foster - Bay Port Road
Nancy Dickson - Chickadee Court - Urbanna Creek Farms Road or Court
Sherry Coker - Fishing Bay Road; Ruark's Road to Ruark's Lane
Paul DuBickie - Sturgeon Creek Road; Martin Lane
Cathy Wilder - Pipe Lane; Tree Lane; Piping Tree Lane
Carol & Jim Elliott - Chesapeake Street; Cranberry Street
Kathleen Mosher - Lord Mott Road
Jim Synder - Cox Landing Road; Dunlevy Lane

Mr. Williams closed the public hearing. Mr. Miller commented on the need to following the numbering system that has been outlined by the mapping company. Mr. Ed Hudgins requested to be allowed to have two addresses - the one already established by the Lucy's Cove Homeowner's Association and the new address assigned by the County. Gordon White offered to assist with getting all the questionnaires completed so the subdivision could keep their current numbers.

Mr. Crittenden commented on his previous meetings with Mr. White and added that the County could not make exceptions for Lucy's Cove. Mr. Crittenden reminded all that this is a County-wide system, not just for one area, and the entire County needed to cooperate to make it work.

Mr. Jessie requested that Mt. Zion's Lane be changed, and asked where most of the names came from. Mr. Jordan explained that most of the names were also names on existing plats of property and were shown on the County's tax maps.

There was a consensus to change the name School Road to General Puller Highway.

Mr. Culley suggested that the Board of Supervisors conduct a work session at a later date to finalize the names of unnamed streets.

AMENDMENT OF PROFFERS - REZONING APPLICATION R-1994-06, JAMES FITZGERALD, SR.

Discussion continued from a previous meeting regarding Mr. Fitzgerald's request to amend the proffers attached to Rezoning approval R-1994-06. Tim Wilson, Planning Director, noted that he had checked the property and it was currently in compliance with restrictions and existing proffers. Mrs. Weber had questions about what would be included in the term "other equipment". Attorney James Ward, representing Mr. Fitzgerald, noted that this could include lawn and garden equipment, such as tractors, and material handling equipment such as land moving equipment.

Mr. Crittenden commented that he had suggested 60 days previous that the site be brought into compliance and it was still lacking shrubbery. Mr. Fitzgerald noted that the shrubbery had not been placed because there was some question as to whether the setbacks would change. Mr. Fitzgerald added that he would not mind proffering additional setbacks, but he would like to be able to put equipment for sale on the property. Mr. Crittenden suggested Fitzgerald list out the equipment that is intended for sale.

The motion to table the issue for another 30 days was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

DISBURSEMENTS

The motion approving disbursements was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously. Checks dated numbered 38895 through 38974 totaling \$86,744.82 were disbursed as approved.

BUILDING CODE APPEALS BOARD

Discussion continued regarding proposed appointments to the Building Code Appeals Board. The motion to reappoint the following members: Ed Tinsley, Clinton Carter and Don Caskie, to serve and to appoint James Redmon and Edward Letchworth as the other two members was made by Mr. Miller, seconded by Mr. Jessie. Butch Liverman and Jack Whitehead were also named for appointment in the event that either Mr. Redmon or Letchworth could or would not serve. The motion carried unanimously.

SHOOTING RANGE ORDINANCE

Mr. Soberick noted that he would research a possible ordinance to regulate shooting ranges within the County

CLOSED MEETING

The motion to conduct a closed meeting for the purpose of discussing consultation with legal counsel regarding the Courthouse Lawsuit, pursuant to §2.1-344.a7 of the Code of Virginia, and Personnel issues, pursuant to §2.1-344.a1 of the

Code of Virginia, was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Crittenden, seconded by Mr. Miller 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.a7 and §2.1-344.a1 and identified in the motion by which the Closed Meeting convened, were heard, discussed, or considered by the public body.

Action:

As a result of the Closed Meeting there was no action taken. Mr. Soberick advised the Board that he would need authorization from the Board to proceed with filing the question for the referendum. The motion authorizing the County Attorney to file for a referendum on the November ballot to move the Courthouse site to Cooks Corner was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

ADJOURN

The motion to adjourn until a work session scheduled for June 27, 2001, at 1:00 P.M. was made by Mr. Miller, seconded by Mr. Crittenden, and carried unanimously.

Kenneth W. Williams, Chairman
Board of Supervisors