

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, FEBRUARY 5, 2002, IN THE BOARD ROOM OF THE  
WOODWARD BUILDING, SALUDA, VIRGINIA:

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

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

**CALL TO ORDER**

Chairman Williams called the meeting to order at 9:00 A.M. and opened with a prayer.

**MINUTES**

The motion to approve the minutes of January 2<sup>nd</sup>, January 8<sup>th</sup>, January 15<sup>th</sup> and January 18<sup>th</sup> with a correction to the January 18<sup>th</sup> minutes was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

**DISBURSEMENTS**

In discussing the use of credit cards, it was reiterated that no payments would be made without matching invoices. There are currently four (4) credit cards available for use – two for County Administration, one for the Sheriff and one for the Department of Social Services. Fran Shepard, secretary of the Sheriff's Department, explained the confusion with invoices for Verizon Wireless. According to Mrs. Shepard, no payments had been made for invoices from Verizon Wireless for the months of October 2000 – May 2001, a total of \$1,754.18 being due. At the time, Mrs. Shepard said she was under the impression that a check written to Verizon South in the amount of \$1,469.04 should have been credited to the Wireless accounts, when in fact it was payment for the maintenance contract on the land-line phones. Wireless service had been cut off and restored several times since this period. Assistant Administrator, Marcia Jones, discovered the error that had been made. Mr. Crittenden recommended better communication with the County's accounting department since the County Board is ultimately responsible for funding.

An update of airport fuel sales was requested and Mr. Williams commented that it was not fitting for a deputy to stay overnight for a class being held 30 miles away. The motion to approve the disbursements as presented and deducting checks written on January 15<sup>th</sup> and already approved was made by Mr. Weber, seconded by Mr. Miller

and carried unanimously. Checks numbered 40917 through 41069 totaling \$272,781.02 were disbursed as approved.

## **PAYROLL**

The motion to approve payroll for the month of January was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Checks numbered 40819 through 40916 totaling \$159,190.39 were disbursed as approved.

## **CONSTITUTIONAL OFFICERS**

**Treasurer:** Betty Bray, Treasurer, announced that 97% of the real estate tax had been collected and 91% of the personal property taxes had been collected; 4600 decals had been sold to date.

**Commissioner of Revenue:** Mrs. Ebinger had nothing to report.

**Sheriff:** Major Bushey was present representing Sheriff Abbott and announced that year-end statistics would be reported soon.

Deputy Matt Watson gave a demonstration on use of the Early Defibrillation Service and announced that the Department is attempting to purchase seven units at a cost of \$3100 new or \$1700 refurbished. A fundraiser would be held on March 9<sup>th</sup> to raise money for the units. Rappahannock General Hospital has agreed to maintain the units and replace the pads and batteries. As deputies are out in the field and often the first responders to a rescue scene, these units are being promoted as items to assist and enhance the capabilities of the rescue squad.

## **HIGHWAY MATTERS**

Assistant Resident Engineer, Sean Trapani, was present for the meeting and introduced Joyce McGowan as the new contract administrator.

***Route 33, DeWolf Property:*** Being handled by the Fredericksburg District Office

***Route 33:*** The proposal to widen Route 33 is in the primary improvement plan; funding has been approved.

**Sports Complex Signs:** These signs should be erected in time for little league.

## **SCHOOL MATTERS**

### ***Superintendent Myers:***

Mr. Myers was not able to be present for the meeting.

## **VIRGINIA REGIONAL COMPETITIVENESS PROGRAM**

Dan Kavanagh, Executive Director, discussed the phases of splitting Virginia's River Country into two separate divisions. Development issues for the new partnership will focus on resources – farming, fishing, forestry and tourism. The Regional Partnership Committee, possibly the executive board, will interview and hire the director. It was noted that more local government people would be involved. The motion to endorse the partnership resolution was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously.

### **RESOLUTION**

#### *Creation of the "Regional Partnership"*

*WHEREAS, the Middlesex County Board of Supervisors is desirous of participating in Virginia's River Country Economic Development Partnership as a "Regional Partnership" according to the Regional Competitiveness Act.*

*NOW, THEREFORE BE IT RESOLVED, that the Middlesex County Board of Supervisors designates Virginia's River Country Regional Economic Development Partnership as the Regional Partnership representing Middlesex County.*

*BE IT FURTHER RESOLVED that the Middlesex County Board of Supervisors agrees to enter into the attached agreement among the localities creating Virginia's River Country Economic Development Partnership and agree to allow Virginia's River County to determine the method of distribution of funding available from the Regional Competitiveness Act.*

## **COMMITTEE REPORTS**

Mrs. Weber:

- Jail Board – Population has decreased.
- Supervisors Forum – Suggested that to have better control, the school budget should be approved by category and appropriated quarterly.

Mr. Jessie:

- Social Services – Continuing to request hiring an attorney.

- Airport Committee – No quorum
- Supervisors Forum – very informative
- Museum Board – focus on fundraising and possibility of selling flags

Mr. Crittenden:

- Social Services – According to Mrs. Fitchett, there have only been two occasions in the past year needing an attorney's advice. Mrs. Fitchett was asked to submit areas of her budget that could be cut.
- Airport – reported that Mrs. Miller's tree will not be cut down.

### **APPROPRIATION REQUESTS**

Motions to approve the following appropriation requests are listed. All votes were carried unanimously.

***Two for Life Funding:*** FROM: 3-1-24040-0009, \$5612.00 TO: 4-1-32030-5604, \$2806 and 4-1-32030-5605, \$2806. Appropriation of funds received from State Department of Health. Crittenden/Miller

***Sheriff's Department – Computer Equipment:*** FROM: 3-1-23020-0001, \$7355.00 TO: 4-1-31020-7007. Revenue received from the State Compensation Board for Computer Equipment. Miller/Weber

***Sheriff - Deputies:*** FROM: 3-1-23020-0001 \$3439.00 TO: 4-1-31020-1001. Compensation Board adjustment to two deputies salaries.

***Sheriff – Reserve Deputy Donations:*** FROM: 3-1-23020-0035 \$413.00 TO: 4-1-31020-1007. Donations received – in and out

***Sheriff – Bullet Proof Vest Grant:*** FROM: 3-1-23020-0041 \$2936.00 TO: 4-1-31020-5410 Bullet Proof Vest Grant Miller/Weber

***Sheriff's Department:*** FROM: 3-1-23020-0001, \$4527.00 TO: 4-1-31020-1003. Part time adjustment from Compensation Board. Weber/Miller

***Sheriff - Deputies:*** FROM: 3-1-23020-0001 \$3439.00 TO: 4-1-31020-1001. Compensation Board adjustment to two deputies salaries. Milller/Weber

**Sheriff – DUI Overtime Grant:** FROM: 3-1-23020-0009 \$1000.00 TO: 4-1-31020-1004. DUI Grant Miller/Weber

**Sheriff – Bike Helmets:** FROM: 3-1-23020-0001 \$455.00 TO: 4-1-31020-5503. Grant for bike helmets from DMV. Jessie/Crittenden

**Sheriff – DCJS Equipment:** FROM: 3-1-23020-0001 \$1494.00 TO: 4-1-31020-3002. From Department of Criminal Justice Services – Equipment Block Grant Crittenden/Miller

**Sheriff – DCJS Computer Equipment:** FROM: 3-1-23020-0001 \$1474.00 TO: 4-1-31020-3002 (\$500) and 4-1-31020-5410 (\$974). DCJS – Computer Equipment – Block Grant Miller/Crittenden

**Sheriff – DCJS Equipment:** FROM: 3-1-23020-0001 \$1739.00 TO: 4-1-31020-5409. DCJS – Equipment – Block Grant. Jessie/Miller

Action was tabled on a request to appropriate \$950 received in donations for the Sheriff's Christmas Party.

### **HOLLY POINT/MARINER'S MUSEUM**

Gene Ruark and Raynell Smith presented plans for proposed development of the County's Holly Point property into a mariner's museum. Plans include development of a walking path, main building museum, classroom area, small boats, boat house, nature park center, Pette Clark display, nautical playground, replica of the Stingray Point lighthouse and John Smith's boat. It is unknown at this time what would be required to bring the main building up to current building code requirements. Mr. Ruark explained the proposal to fund improvements with fundraising activities and donations and suggested establishing a board to manage. It was suggested that the other house could be rented to help support the museum.

Mr. Crittenden suggested having a public hearing to receive comments from the public on the project. It was noted that there would need to be continued discussion on leasing the property.

### **APPOINTMENTS**

#### ***Airport Committee:***

Due to difficulties in filling positions on the Airport Committee by District, and at the recommendation of the Committee itself, the motion to restructure the Airport Committee, changing all but three of the positions to at-large appointments was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously. Eight of the positions will be made at-large; three will remain tied to each of the three voting districts. The motion to appoint Frank Watson to an at-large position expiring in 2005

and Watson Felts to an at-large position expiring in 2004 was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously. The make-up of the Committee shall be as follows:

MEMBER	DISTRICT	DATE APPOINTED	TERM EXPIRATION
Peter Kucera	Pinetop	10/6/98	8/31/05
Maxine Walker	At-Large	10/6/98	8/31/02
Randy Coulson	At-Large	3/2/99	8/31/02
John Waldrop	At-Large	8/3/99	8/31/03
Frank Watson	At-Large	2/5/02	8/31/05
Chris Jones	Saluda	8/3/99	8/31/03
Scott Kauffman	At-Large	6/21/00	8/31/04
Robert Crump	At-Large	10/6/98	8/31/02
Watson Felts	At-Large	2/5/02	8/31/04
Lawrence Hardwicke	Jamaica	8/3/99	8/31/03
James M. Barnhardt, III	At-Large	11/07/00	8/31/04
Fred Crittenden	Board	1/15/02	12/31/02
Wayne Jessie	Board	1/15/02	12/31/02

***Planning Commission:***

There was no action regarding an appointment to fill a vacancy from the Saluda District.

***Industrial Development Authority:***

The motion to reappoint Betty Miller to represent the Saluda District was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously. The motion to appoint Phil Alan to represent the Pinetop District was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously. These terms all expire January 31, 2006.

***Dragon Run Steering Committee:***

The motion to reappoint Robert Major to the Dragon Run Steering Committee was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. No action was taken regarding the position held by Cathy Wilson. Mr. Major's appointment will end December 31, 2002.

## **RESOLUTIONS**

### ***Commissioner of the Virginia Marine Resources Commission:***

No action was taken regarding an endorsement for the Commissioner's position with the Virginia Marine Resources Commission.

### ***Prayer in Schools:***

The motion to endorse the following resolution was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously:

#### **RESOLUTION**

*In Support of the Reinstatement of Prayer in Public Schools*

*WHEREAS, our County was founded on the precepts of freedom, liberty, diversity and the right of people to acknowledge God according to the dictates of conscience; and*

*WHEREAS, neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage and traditions on public property, including schools, shall not be infringed; and*

*WHEREAS, the United States and the States shall not compose school prayers, nor require any person to join in prayer or other religious activity; and*

*WHEREAS, the Middlesex County Board of Supervisors urges all cities and counties across the United States to join in an effort to reinstate prayer in the public schools by passing similar resolutions and uniting in a "grass roots" movement for that purpose; and*

*NOW, THEREFORE BE IT RESOLVED, that the Middlesex County Board of Supervisors strongly supports House Joint Resolution 81 introduced in the 107<sup>th</sup> Congress, 1<sup>st</sup> Session on December 20, 2001.*

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

### ***Comprehensive Services:***

The motion to endorse the following resolution was made by Mrs. Weber, seconded by Mr. Miller, and carried unanimously.

**RESOLUTION**

*Regarding Proposed Changes to the Method Whereby the Commonwealth and Its Localities Fund the Comprehensive Services Act for At-Risk Youth and Families*

*WHEREAS, the Commonwealth of Virginia mandates the implementation of the Comprehensive Services Act for At-Risk Youth and Families (CSA) in each locality; and*

*WHEREAS, Local governments across the Commonwealth have established Community Policy and Management Teams (CPMT) serving the unique interests of the at-risk population of each locality; and*

*WHEREAS, When the CSA was enacted localities were assured that their financial participation was limited to their ability to fund such programs based on an ability-to-pay formula which capped local share at fifty percent; and*

*WHEREAS, the 2002-2004 biennial budget submitted by Governor Gilmore has proposed a fifty percent local share for each locality in financing services to Youth and Families as a means of reducing the State budget by some \$27 million; and*

*WHEREAS, the projection to save \$27 million in State funds is thought to be a low estimate; and*

*WHEREAS, any savings in State funds will reflect an equal increased cost to local governments in the Commonwealth; and*

*WHEREAS, the Middlesex County Board of Supervisors is committed to the efficient and effective delivery of services to the citizens of Middlesex County and the Commonwealth of Virginia; and*

*WHEREAS, the Middlesex County Board of Supervisors recognizes the fiscal dilemma that currently exists in the Commonwealth; now*

*THEREFORE BE IT RESOLVED, that the Middlesex County Board of Supervisors strongly opposes changes in law or regulation which increase local costs in order to save state funds in the system through which services are delivered to at-risk Youth and Families; and*

*BE IT FURTHER RESOLVED that the Middlesex County Board of Supervisors urges the General Assembly and the Governor of Virginia to maintain the sharing of fiscal responsibility for at-risk Youth and Families as currently provided in the laws of the Commonwealth.*

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

**DEBT FINANCING**

Ned Smither, of Morgan Keegan & Co., Inc., underwriter and Dan Siegel of Sands, Anderson, Marks and Miller, bond counsel, were in attendance to discuss the resolutions required to proceed with requesting financing through the Industrial

Development Authority. The first resolution is required for federal tax purposes and gives the Board the ability to be reimbursed from tax-exempt bond proceeds, but does not commit to a final amount. The motion to adopt this resolution was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously. The second resolution sets the amount to borrow and will be dependent on whether a reserve fund is required or if the insuring company will bid for a surety bond. The motion to approve this resolution and authorize submittal of the application by the Chairman, Vice Chairman or County Administrator was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously by a roll call vote.

**RESOLUTION OF THE BOARD OF SUPERVISORS OF MIDDLESEX COUNTY, VIRGINIA  
DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF  
ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE  
AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION,  
RENOVATION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS FOR THE  
COUNTY**

*WHEREAS, the County of Middlesex, Virginia (the "County") is a political subdivision organized and existing under the laws of the Commonwealth of Virginia; and*

*WHEREAS, the County has paid, beginning no earlier than 60 days prior to the date hereof, and will pay, on and after the date hereof, certain expenditures (the "Expenditures") in connection with (i) the acquisition, construction, equipping and furnishing of a new County Courthouse Facility (the "Courthouse Project") and the completion of the acquisition, construction, equipping and renovation of the County High School (the "School Project") (together, the Courthouse Project and the School Project are hereinafter referred to collectively as the "Project"); and*

*WHEREAS, the Board of Supervisors of the County (the "Board") has determined that those moneys previously advanced no more than 60 days prior to the date hereof and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the County for the Expenditures from the proceeds of one or more issues of tax-exempt bonds (the "Bonds");*

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:**

*Section 1. The Board hereby declares, in accordance with U.S. Treasury Regulation Section 1.150-2, as amended from time to time, the County's intent to reimburse the County or the School Board, as appropriate, with the proceeds of the Bonds for the Expenditures with respect to the Project made on and after the date which is no more than 60 days prior to the date hereof. The County reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.*

*Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of the Expenditures), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the County so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the County.*

*Section 3. The maximum principal amount of the Bonds expected to be issued for the Courthouse Project is \$ 7,635,000 and for the School Project is \$2,365,000.*

*Section 4. The County will make a reimbursement allocation, which is a written allocation by the County that evidences the County's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or*

*abandoned, but in no event more than three years after the date on which the Expenditure is paid. The County recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.*

Section 5. *This resolution shall take effect immediately upon its passage.*

*PASSED AND ADOPTED THIS 5th day of February, 2002.*

*The vote on the following resolution was as follows:*

*AYES:*

*Kenneth W. Williams  
Fred S. Crittenden  
John D. Miller, Jr.  
Lenora O. Weber  
Wayne H. Jessie*

*NAYS:*

*None*

*ABSTENTIONS:*

*None*

**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"***) has an immediate need to implement certain capital projects relating to (i) the acquisition, construction, renovation, equipping and furnishing of new County Courthouse Facilities (***the "Court Facilities"***) in an amount expected to be approximately \$7,635,000 (ii) the completion of the acquisition, construction, renovation and equipping of the new County High School (***the "School Facility"***) in an amount expected to be approximately \$2,300,000 and (iii) the refinancing of certain existing capital financings for the County relating to (a) in an amount of approximately \$385,000 to refund the County's subject to appropriation note dated November 6, 1996 in the original amount of \$500,000 (***the "1996 Note"***) and (b) the refinancing of an equipment lease purchase financing for emergency dispatch equipment from Motorola Corporation in an amount of approximately \$1,695,000 to refund the County's prior equipment lease purchase financing in the original principal amount of \$1,731,882 dated June 22, 2000 (***the "2000 Lease"***) and has requested the Industrial Development Authority of Middlesex County, Virginia (***the "Authority"***) to assist the County and the County's School Board (***the "School Board"***) in the financing of such the Court Facilities and the School Facility and the refinancing of the 1996 Note and the 2000 Lease (***together, the 1996 Note and the 2000 Lease are hereinafter referred to collectively as the "Prior Financing"***) and in furtherance of such financing (a) to issue, offer and sell its lease revenue bonds in an amount not to exceed \$12,015,000 (***the "Bonds"***) to finance the Court Facilities and the School Facility (***together, the Court Facilities and the School Facility are collectively referred to as the "Project"***) and to refinance the Prior Financing, 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 the County will be requesting the Authority to do so; and

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

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

1. *The following plan for financing the acquisition, construction, equipping and furnishing of the Project for the County and the refinancing of the Prior Financing as described in the preambles above is hereby approved. The Authority will be requested to issue the Bonds in the maximum amount of \$12,015,000 and to use the proceeds therefrom to finance the acquisition, construction, equipping and furnishing of the Project and the refinancing of the Prior Financing. The Authority will acquire, construct, renovate, equip and furnish a portion of the Project on the certain real estate owned by the County which will be leased to the Authority under a Ground Lease (the "**Ground Lease**"), and the Authority will lease the Project to the County pursuant to a Financing Lease (the "**Financing Lease**"). The Authority will also enter into the Indenture of Trust (the "**Indenture**") with a corporate trustee (the "**Trustee**"), pursuant to which the Bonds will be issued, which Indenture is to be acknowledged and consented to by the County. The Authority will also enter into an Assignment Agreement (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 Bonds at rents sufficient to pay interest and principal due on the Bonds, all pursuant to the Financing Lease. The obligation of the Authority to pay principal and interest on 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 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 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 Bonds, maturing, whether in serial or term form, not later than thirty years following the issuance date at a per annum interest rate not to exceed 6.00% is hereby approved.*
2. *The Board has selected Sands, Anderson, Marks & Miller as Bond Counsel, and in connection therewith, Morgan, Keegan & Company, LLC as the Underwriter (the "**Underwriter**") for the purchase of the Bonds, and the Authority is hereby requested to designate the Underwriter and Bond Counsel 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 Ground Lease, Financing Lease, Indenture, Assignment Agreement and a Bond Purchase Agreement for the purchase of the Bonds by the Underwriter (collectively, such documents to be hereinafter referred to as the "**Documents**") and related instruments thereto.*
4. *The Chairman or Vice Chairman, or County Administrator, either of whom may act, is hereby authorized and directed to execute and deliver an Application to the Authority in connection with the issuance of the Bonds, including, but not limited to the payment of the application fee therefor.*
5. *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 Documents and any other instruments executed by the Authority in connection with an assignment of the Financing Lease for the purpose of securing the Bonds, including designating and confirming the final interest rate, maturities, redemption provisions and other terms of the Bonds.*
6. *The Project is hereby declared to be essential to the efficient operation of the County, and the Board of Supervisors anticipates that the Project will continue to be essential to the operation of the County 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, County Attorney, 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, the Authority Counsel, Bond Counsel, and the Underwriter to perform all services and prepare all documentation necessary to bring the Bonds to market, including without limitation, final forms of the Documents and a preliminary and final official statement describing the Bonds and the Project.*
8. *The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the 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 the 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 Bonds.*
9. *The County covenants that it shall not permit the proceeds of the Bonds to be used in any manner that would result in (a) 10% or more of the proceeds of the 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 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 serving as bond counsel, counsel to the Authority and Underwriter's Counsel and recommends that such firm be appointed by the Authority as such.*
11. *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 Bonds and the acquisition, construction, renovation and equipping of the Project and the refinancing of the Prior Financing, are hereby approved and ratified.*
12. *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.*
13. *The County hereby agrees, to the extent permitted by law, 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 Bonds or the acquisition, construction, renovation and equipping of the Project and refinancing of the Prior Financing.*

14. *The Board of Supervisors on behalf of the County hereby designates the Bonds as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code, allocates to the Authority up to \$10 million of its allocation of "qualified tax-exempt obligations" for the 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 issuing entities), excluding private activity bonds other than qualified Section 501(c)(3) bonds, will be issued in calendar year 2002 and that neither the Board of Supervisors nor the County will designate more than \$10,000,000 of "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Code.*
15. *The County represents and affirms to the Authority that no representations of any kind as to the Project, the Prior Financing or the ability to repay the Bonds has been made by the Authority.*
16. *This resolution shall take effect immediately.*

*PASSED AND ADOPTED this 5th day of February, 2002.*

*The Resolution set forth above was adopted at a regular meeting of the Board of Supervisors of the County of Middlesex, Virginia by the following votes:*

*AYES:*

*Kenneth W. Williams  
Fred S. Crittenden  
John D. Miller, Jr.  
Lenora O. Weber  
Wayne H. Jessie*

*NAYS:*

*None*

*ABSTENTIONS:*

*None*

## **CLOSED MEETING**

The motion to conduct a closed meeting for the purpose of the discussion or consideration of the acquisition of real property for a public purpose, pursuant to §2.2-3711.A.3 of the Code of Virginia, and consultation with legal counsel pertaining to contracts at the High School, pursuant to §2.2-377.A7 and personnel, pursuant to §2.2-3711.A1 was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. 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 §2.2-3711. A.3, A.7 and A.1 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 the following action was taken: the motion to authorize the purchase of Tax Parcel 26B-1-84, for \$95,000, subject to its suitability for County purposes was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously.

The motion to endorse a resolution requesting cooperation by the Regional Jail for connection to the sewage treatment system was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

**RESOLUTION**

*WHEREAS, the Middlesex County Board of Supervisors has been considering potential sites for locating a new courts facility; and*

*WHEREAS, it is a recognized fact that there are issues of poor sewage disposal capabilities in the Village of Saluda; and*

*WHEREAS, as part of the Security Center operation the Middlesex Peninsula Regional Jail Authority maintains and operates a sewage treatment plant; and*

*WHEREAS, the Middlesex County Board of Supervisors has considered options available to provide sewage treatment of 4,300 gallons per day or less for the proposed courts facility, the Sheriff's Office and existing courthouse complex offices.*

*NOW, THEREFORE BE IT RESOLVED, that in response to the will of the people, the new courts facility will be located in the Village of Saluda;*

*BE IT FURTHER RESOLVED, that the Middlesex County Board of Supervisors, after consideration of the available options for sewage disposal, requests connection to the sewage treatment plant of the Middle Peninsula Regional Security Center for the purpose of serving the proposed courts facility, the Sheriff's Office and offices in the courthouse complex;*

*BE IT FURTHER RESOLVED, that the Middle Peninsula Regional Jail Authority consider and respond favorably to this request and authorize the negotiation of an appropriate fee for connection and maintenance.*

**SPORTS COMPLEX LIGHTING GRANT**

The motion to endorse the application for lighting at the Sports Complex was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

*RESOLUTION*

*MIDDLESEX COUNTY SPORTS COMPLEX*

LIGHTING PROJECT

*WHEREAS, the Department of Conservation and Recreation, (DCR), under the Virginia Outdoors Fund, provides funds to assist political subdivisions of the Commonwealth of Virginia in acquiring and developing open space and park lands; and*

*WHEREAS, in 1994, the Middlesex County Board of Supervisors used assistance from the DCR to develop the Middlesex County Sports Complex, a facility that provides baseball and softball fields, basketball goals, playground, volleyball, walking and jogging areas for the citizens of Middlesex County; and*

*WHEREAS, the Middlesex County Board of Supervisors desires to continue the improvement of the County's parks and recreation facilities by providing lighting to a portion of the Middlesex County Sports Complex to allow for extended hour access to recreation opportunities;*

*WHEREAS, the total cost of this project has been estimated at \$127,100; and*

*WHEREAS, the Middlesex County Board of Supervisors will fund a proportionate project share of \$30,000.*

*NOW, THEREFORE, BE IT RESOLVED, by the Middlesex County Board of Supervisors, that Charles M. Culley, Jr., County Administrator, is hereby authorized to cause such information or materials as may be necessary to be provided to the appropriate state agency and to enter into such agreements as may be necessary to permit the formulation, approval, and funding of the Middlesex County Sports Complex Lighting Project;*

*BE IT FURTHER RESOLVED, that the Middlesex County Board of Supervisors gives its assurance that the funds needed as the proportionate share of the cost of the approved project will be provided up to \$65,100;*

*AND BE IT FURTHER RESOLVED, that the Middlesex County Board of Supervisors gives its assurance that the General Provisions of the L & WCF Act and the Virginia Outdoors Fund Fiscal Procedures will be complied with in the administration of this project.*

*AND BE IT FURTHER RESOLVED, that the Middlesex County Board of Supervisors will operate and maintain the public recreation facility in good condition in perpetuity and will provide permanent project acknowledgements of the participating funding agencies.*

*AND BE IT FURTHER RESOLVED that the Middlesex County Board of Supervisors gives its assurance that all other applicable federal and state regulations governing such expenditure of funds will be complied with in the administration and operation of this project.*

*AND ALSO BE IT FURTHER RESOLVED that the DCR is respectfully requested to assist in the prompt approval and funding of the Middlesex County Sports Complex Lighting Project in order to enhance the standard of recreational enjoyment for all our citizenry.*

**RECESS AND RECONVENE**

The Chairman recessed the meeting for lunch. Upon return, the Board heard requests for budget funding, beginning at 1:30 P.M.

## **BUDGET REQUESTS**

The following departments and agencies made requests for funding from the County:

AGENCY	REPRESENTATION
Chesapeake Agency on Aging	Allyn Gemerek,, Ken Pollard, Kathy Vestley
Middlesex County Library	Carolyn Boxley, Shirley Inabinet, Michael Hurd, Ed Fischer, Bill Wills
Rappahannock Community College	Dr. Norman Scott
Virginia Peninsulas Public Service Authority	Steve Geissler
Middlesex County Health Department	Dr. Winter
Middlesex County Registrar	Eileen Howard
Commissioner of the Revenue	Mary Lou Ebinger
Northern Neck Free Health Clinic	Jeannie Nelson
Middlesex County Airport Committee	Scott Kauffman

## **COURTHOUSE DESIGN**

Representatives from the architectural firm, Wiley and Wilson, presented the results of the space needs assessment to move the Sheriff's Department to the proposed Courts facility. The Study showed that 7464 square feet of space would be required, including circulation, mechanical/electrical and plumbing areas. In addition, 35 parking spaces would be required. It was determined that the cost would be quite prohibitive. It was decided that the Judge would be presented with a proposal to add space for the bailiff and security.

Mrs. Weber commented that it needed to be determined whether or not the Magistrate's office would be going into the Jail. It was the consensus that assistance would be required from the Judge to find out the status of the Magistrate's Office.

## **AUDIT**

It was requested that Irvin Farmer, from the accounting firm, Robinson Farmer Cox be asked to appear before the Board at their March 5<sup>th</sup> meeting.

## **ADJOURN**

The motion to adjourn was made by Mr. Crittenden, seconded by Mrs. Weber and carried unanimously.

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Kenneth W. Williams, Chairman  
Board of Supervisors