

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, NOVEMBER 7, 2006, IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:

Present: John D. Miller, Jr., Saluda District
Wayne Jessie, Sr., Jamaica District
Fred S. Crittenden, Pinetop District
Robert A. Crump, Saluda District
Kenneth W. Williams, Pinetop District

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

CALL TO ORDER

The meeting was called to order at 9:00 A.M. by the Chairman, Mr. Miller and a prayer led by Mr. Williams. Mr. Culley led the Pledge of Allegiance. Mr. Miller noted that the agenda had been amended to remove an Airport Committee recommendation and to add discussion of a possible bond refinancing.

MINUTES

The motion to approve the minutes of the October 3rd and October 17th meetings as presented was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously.

DISBURSEMENTS

The motion to approve the disbursements as presented was made by Mr. Williams seconded by Mr. Crump and carried unanimously. Checks numbered 56596 through 56702 totaling \$367,528.12 were disbursed as approved.

CONSTITUTIONAL OFFICERS

Treasurer

Mr. Williams noted that some localities were also serving as local Department of Motor Vehicle offices. Mrs. Bray has looked into the program, but there is not enough space in her offices for storing the materials.

Commissioner of Revenue:

Mrs. Stephenson had nothing to report.

Sheriff

Sheriff Abbott presented Board members with a list of drivers in his department and a list of vehicles. Board members requested a listing of mileage and drivers assigned to each vehicle. Sheriff Abbott stated that he has had to rotate deputies between vehicles and mileage had been provided to the Board in a letter from his department in August. He noted that he was able to purchase three vehicles for his department with the funds the County had included in his budget; the auxiliary has raised funds for the purchase of additional vehicles. The number of calls his department runs has increased from 2,000 per year when he first took office to over 13,000 last year. The Sheriff stated that he will be asking the State to increase his number of deputies due to the increase in summer population.

HIGHWAY MATTERS

Assistant Resident Administrator, Joyce McGowan, was present representing VDOT.

Pre-Allocation Hearing:

The primary road pre-allocation hearing was held in Fredericksburg on November 6th. Written comments are still being accepted.

Secondary Road Public Hearing – Six Year Plan:

The secondary road public hearing will be scheduled in March after the State has approved the budget. A work session will be scheduled for the December 5th meeting of the Board of Supervisors, with the public hearing scheduled for February 20, 2007.

Construction Projects:

Rural Rustic Road Project - Rt. 650: Construction is complete on this project.

Rural Addition - Pipe-n-Tree Roads: This project is complete except for some culvert and drainage issues.

Route 629:

The study of repair options is being made now and will be available no later than the December 5th meeting of the Board.

Several Board members expressed their frustration that no plans were being made to repair the damage from the other washout. Mrs. McGowan noted that until final decisions have been made on the repairs to the dam, VDOT will not be moving to

make the other repairs necessary to reopen the road. Mr. Williams noted that if the Board is not happy with the report that is generated, then perhaps the Board should go before the Commissioner of Transportation and/or the full Transportation Board.

Stop Light in Saluda:

Traffic Engineering is reviewing the markings and the local office is waiting for their decision.

Route 707/629:

Mr. Crump requested the holes be filled and the pavement widened at this intersection.

Route 33/628:

Mr. Williams expressed his desire that this left turn lane be completed before winter.

COMMITTEE REPORTS:

Mr. Crump: Attended the Emergency Communication Committee, the Emergency Manager's Meeting, the Jamestown Anniversary reception, the sub-committee meeting to discuss reassessment, the Maritime Museum to discuss the water trail, and an event in Urbanna with children from school.

Mr. Williams: Attended the Planning District Commission Meeting, the Holly Point Seafood Festival, the Urbanna outing with school children

Mr. Jessie: Attended the Social Services Meeting and Oyster Festival Foundation reception. Mr. Jessie noted that the parade seemed to go well using the old route with barricades for safety.

Mr. Crittenden: Attended the Holly Point Seafood Festival

Mr. Miller: Attended the Planning District Commission meeting and the Jamestown Anniversary reception.

PUBLIC HEARING – SHOOTING LIMITS IN PIANKATANK SHORES

Mr. Culley presented the proposed ordinance which would make it unlawful to shoot or discharge any firearm or arrows from bows in the Piankatank Shores Subdivision. Mr. Culley stated that he had been contacted by several people from the area who reported that shooting from bows was not a problem and that text could be eliminated. Mr. Miller opened the hearing for comments from the public. Mrs. Sandy Jacobson spoke in support of the ordinance, but requested that the language against

shooting arrows was removed. There being no further discussion, the public portion of the hearing was closed.

Mr. Crittenden and Mr. Williams noted that they had visited with several people within the subdivision who had expressed a concern about guns being fired. No opposition had been received; however, they did agree that the language regulating bows and arrows should be removed. Mr. Crump noted that he had only received one comment, and that was from a citizen who was concerned that the regulation may spread to other subdivisions. The motion to approve the ordinance was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously.

AN ORDINANCE OF THE COUNTY OF MIDDLESEX, VIRGINIA PROHIBITING THE
OUTDOOR SHOOTING OF FIREARMS IN THE PIANKATANK SHORES SUBDIVISION

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MIDDLESEX COUNTY, VIRGINIA, THAT
THE FOLLOWING ORDINANCE IS HEREBY ADOPTED:

SECTION ONE

It shall be unlawful to shoot or discharge any firearm in the following described area of the county:

Piankatank Shores Subdivision: All those certain lots or parcels of land lying along each side and at the end of State Route 690, shown on Tax Map 37A, and recorded within the Deed Books of the Circuit Court Clerk's Office. Middlesex County, Virginia, at the following pages: Section A-Book 80, page 294; Section B-Book 81, page 290; Section C-Book 81, page 301; Section D-Book 84, page 83; Section E-Book 85, page 442; Section G-Book 86, page 166; Section H-Book 86, page 171.

In addition, the prohibitions contained herein shall not apply to the killing of deer pursuant to Section 29.1-529, of the Code of Virginia, pertaining to killing of deer or bear damaging fruit trees, crops, livestock, or personal property or creating a hazard to aircraft or motor vehicles. In addition the exemption for the shooting of firearms shall apply only on land of at least five acres that is zoned for agricultural use.

This section shall not apply to police officers lawfully engaged in the pursuit of their duties or for the firearms being fired or discharged while protecting life.

SECTION TWO

Any violation of this section shall constitute a Class I misdemeanor punishable by up to one year in jail and/or a \$2,500.00 fine.

This ordinance shall be effective upon adoption.

Adopted pursuant to the authority of Section 15.2-1209 of the Code of Virginia.

SCHOOL MATTERS

Mr. Goforth, Chairman of the School Board, was present.

Appropriation Requests:

Bleachers: \$12,500 was requested to refurbish the bleachers at the High School, adding guardrails and something to the back so that people will not fall through. These bleachers may be moved at a later date, but something has to be done now to make them safe. Bids were received for the equipment, but only one bid included installation. The motion to approve the appropriation was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously. FROM: 3-1-41060-0001, \$12,500 TO: 4-24-010010-8100.

As a note, Mr. Goforth stated that the School Board has agreed to support a committee that wishes to create a plan for improvements to the athletic fields. Letters have been sent to individuals who were interested in being on the committee.

EMT Program: The motion to approve the appropriation of funds received from the Peninsula EMS Council, Inc to be used for the MET program at the High School was made by Mr. Crump, seconded by Mr. Williams and carried unanimously.

Soil: Mr. Goforth requested \$10,000 to have the waste dirt that was put on the ball fields moved to the low areas of the field and spread. This is one thing that can be done now, regardless of the future of the ball fields. This dirt is only good as a fill material, and will need to be covered with topsoil. Mr. Culley noted that this was dirt that was supposed to have been removed from the school property with the construction of the parking lot. An Erosion and Sediment Control permit will also be required. The motion to approve the appropriation was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously.

MHS Roof: Mr. Goforth requested the appropriation of funds that were approved in the County's CIP and submitted with their budget last year of \$355,400.00 for replacement of the older roof at the high school (21,400 square feet total). The east wing (11,550 square feet) portion was estimated in 2004 to cost \$98,000. No engineering has been done to see if the work could be done in phases. Mr. Crittenden suggested that it may be better to look at the cost of a new building versus renovating the existing facility and putting on a new roof. Mr. Goforth indicated he would get together some figures and would also see what state resources are available. He added that they would also have to include the cost of demolition and mobile units if the existing facility is rebuilt. Mr. Jessie questioned whether the old building would support new HVAC systems on the roof along with the new roof. This would also have to be considered. There was no action taken at this time on this request.

YMCA

Martha Herrick, Chairman of the YMCA Board, was present to request an additional \$50,000.00 for FY 07 from the Board of Supervisors and also an extension of the lease. Mrs. Herrick explained that in order to make room for additional equipment and services, the YMCA has had to expand into the older section of the facility. Building code issues have required additional renovations, including replacement of the HVAC equipment. Donations are being accepted for the projects; it is anticipated that

at least \$100,000.00 in donor contributions will be needed. The group has an operating budget of \$450,000.00.

The motion to appropriate \$50,000.00 for FY 07 was made by Mr. Crump, seconded by Mr. Williams and carried unanimously. The motion to grant a 25 year lease with an option for 25 additional years was made by Mr. Crittenden, seconded by Mr. Crump and carried unanimously. Mr. Jessie expressed his concern that the upper end of the County is still being left out of services and requested that the YMCA consider moving to a more central location.

APPROPRIATIONS

Land Purchase: The motion to approve the appropriation of \$94,539.00 from the Industrial Development Authority Account for the purchase of land for the new wastewater treatment plant was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously. This money is a portion of the \$300,000 borrowed by the IDA that was going to be repaid by them selling a portion of the plant capacity. Because the scope of the treatment plant project has changed, the IDA would like to use this money to pay for the land, surveys, and other items associated with development of the plant. The Board of Supervisors would repay the IDA directly. FROM: 3-49-24040-0011, \$94,539.00 TO: 4-49-10010-7016

Insurance Reimbursement: The motion to approve the appropriation of an insurance reimbursement was made by Mr. Crump, seconded by Jessie and carried unanimously. FROM: 3-1-18030-0006, \$527.41 TO: 4-1-31020-5407.

Insurance Reimbursement: The motion to approve the appropriation of an insurance reimbursement was made by Mr. Crump seconded by Jessie and carried unanimously. FROM: 3-1-18030-0006, \$520.30 TO: 4-1-31020-5407.

Passport Fees: The motion to approve the appropriation of 80% of the passport fees collected through October 26, 2006, to be distributed to employees in the Treasurer's Office was made by Mr. Jessie, seconded by Crittenden and carried unanimously. FROM: 3-1-16030-0001, \$5,568.00 TO: 4-1-12030-1001.

Lightning Damage: The motion to approve the appropriation of an insurance reimbursement for a lightning claim from July 23, 2006, was made by Mr. Crump seconded by Williams and carried unanimously. FROM: 3-1-18030-0006, \$440.25 TO: 4-1-12190-5300.

Middlesex Health Department: The motion to approve the appropriation of an additional \$7,129.00 to the Middlesex County Health Department was made by Mr. Crump seconded by Jessie and carried unanimously. These funds are required to match an increase in state funding from what was originally budgeted. FROM: 3-1-41060-0001, \$7,129.00 TO: 4-1-51010-5714.

LAND PURCHASE

The motion authorizing Mr. Culley to accept the deed and sign off on documents for the purchase of land from Mrs. Rice for the wastewater treatment plant was made by Mr. Crump, seconded by Mr. Crittenden and carried unanimously.

SURVEY PROPOSAL

The Board reviewed a proposal submitted by D & M Surveyors, P.C., for work associated with the new wastewater treatment project. The proposal includes courthouse research, topographic survey, location of improvements adjacent to the route and marking underground utilities, all along the route from the entrance of Food Lion on the north side of Route 17 Business to the property just purchased (Tax Map 27, parcel 52A). The project could be flown at a total cost of \$20,000.00; if the project were not flown, the costs would be between \$25,000 and \$30,000.00. Mr. Culley explained that the IDA had approved the use of a portion of their proceeds to pay for this project. The motion to approve having the project flown, using the IDA funds to pay for the services with reimbursement to the IDA was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously.

RESOLUTION – BOND SALE

The motion to approve the following resolution that will allow the sale of bonds by the IDA for the Rappahannock Regional YMCA was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously. This sale will replace the one previously approved for Virginia Blood Services, which has used other sources for funding.

RESOLUTION OF THE BOARD OF SUPERVISORS

OF MIDDLESEX COUNTY, VIRGINIA

The Industrial Development Authority of Middlesex County, Virginia (the "Authority"), has considered the application of Rappahannock Area YMCA, Inc., a Virginia nonstock, nonprofit corporation (the "Applicant"), requesting the issuance of the Authority's revenue bonds in a principal amount not to exceed \$10,000,000 (the "Bonds"). The proceeds of the Bonds will be used to assist the Applicant in financing or refinancing all or portions of one or more of the following capital projects (collectively, the "Projects"):

1. New approximately 78,000 square foot family recreation, fitness, community service and educational facility to be located on the south side of Mountain View Road (State Route 627) at its intersection with Choptank Road in the County of Stafford, Virginia 22556;
2. Expansion of facilities at the Applicant's existing facility located at 212 Butler Road, Falmouth, Virginia 22405, in the County of Stafford, Virginia, including an approximately 13,000 square foot wing for youth and other activities, a new water park and tennis courts;
3. New approximately 50,000 square foot family recreation, fitness, community service and educational facility, including swimming pool, to be located on approximately 20 acres at the southeast corner of the intersection of Rte. 3 and Rte. 205, known as Purkins Corner, in the County of King George, Virginia 22485;
4. Approximately 30,000 square foot expansion of existing facility located at 5700 Smith Station Road, Spotsylvania, Virginia 22553, in the County of Spotsylvania, Virginia, including a new gymnasium, racquet ball facilities, locker rooms and classrooms; and
5. New machinery and equipment and supplies for each of the foregoing facilities.

Proceeds of the Bonds may also be used to pay (i) any additional costs beyond current expectations of the Applicant for any of the foregoing facilities, (ii) the costs of overall project management, engineering, design and other aspects of the foregoing projects, (iii) the current refinancing of certain existing indebtedness of the Applicant incurred in connection with the Applicant's existing facilities described in subparagraphs (2) and (4) above, having an outstanding principal balance of approximately \$4,082,500, and (iv) certain costs of issuance of the Bonds. The Projects will be owned by the Applicant and used in the Applicant's business of providing charitable, recreational, fitness, community service and educational services to the general public.

The Applicant is a nonprofit Virginia nonstock corporation that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"). It has its principal place of business at 212 Butler Road, Falmouth, Virginia 22405.

The Bonds will be issued by the Authority on behalf of Middlesex County (the "County") for the Projects located outside the County, as permitted by Section 15.2-4905 of the Code of Virginia of 1950, as amended (the "Virginia Code"). Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code provide that the highest elected governmental unit of the locality 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. The Board of Supervisors of the County (the "Board") constitutes the highest elected governmental unit of the County. The Applicant has acknowledged the necessity of obtaining the concurrence of the boards of supervisors of the Counties of Stafford, Spotsylvania and King George in the approval for the financing or refinancing of the portions of the Projects respectively located in each of those political jurisdictions, in accordance with the requirements of Section 147(f) of the Code and Section 15.2-4905 of the Virginia Code

The Authority adopted an inducement resolution on September 21, 2006 (the "Inducement Resolution"), immediately following a public hearing held by the Authority on such date. In the Inducement Resolution, the Authority approved the issuance of the Bonds and the financing or refinancing of the Projects and recommended and requested that the Board approve of the issuance of the Bonds and the financing or refinancing of the Projects. A copy of the Inducement Resolution, a reasonably detailed summary of the comments expressed at the Authority's public hearing and the Applicant's Fiscal Impact Statement have been filed with the Board.

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

The Board accepts the documents submitted to it by the Authority. The Board approves the issuance of the Bonds by the Authority in a principal amount not to exceed \$10,000,000 and approves the financing or refinancing of the Projects. The Bonds may be issued in one or more series and from time to time.

These approvals are given for the benefit of the Applicant, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code, and to permit the Authority to assist in the financing or refinancing of the Projects.

The approval of the issuance of the Bonds and the financing or refinancing of the Projects does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Projects or the Applicant. Further, as required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that neither the Authority nor the 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 Authority and the County, shall be pledged thereto.

3. This resolution shall take effect immediately upon its adoption.

Adopted: November 7, 2006

HOLIDAY SCHEDULE

The motion to approve the following additional leave time for County employees for the 2006 and 2007 Thanksgiving and Christmas was made by Mr. Williams, seconded by Mr. Crump and carried unanimously:

2006:	Thanksgiving	close at noon on Wednesday, November 22
	Christmas	close at noon on Friday, December 22 and closed all day on Tuesday, December 26
	New Years	closed all day on Tuesday, January 2, 2007
2007	Thanksgiving	close at noon on Wednesday, November 21
	Christmas	closed all day on Monday, December 24
	New Years	closed all day on Monday, December 31

These days are in addition to the normal holidays already approved in the personnel policy.

PULLER CENTER REPAIRS

Rainwater flooded a portion of the Puller Center that is used as the Senior Center for Bay Aging. It was already planned that the carpet would be replaced with tile, however, the water wicked up into the sheetrock walls creating a mold problem. Air scrubbers have been rented to help remove the mold. Flooding on the back side of the building will continue to be a problem due to the topography and building construction.

Mr. Culley suggested that the sheetrock walls be replaced with cinderblock or some product that would not absorb water. Mr. Culley was asked to get estimates for the repairs.

REASSESSMENT PROPOSALS

The Board reviewed the revised proposal submitted by William Coulson of Tri-County Appraisal for performing the County's next assessment. The revision includes provisions that the County is not responsible for providing space or clerical assistance for the data input. The price for performing the assessment increased from \$14.50 per parcel to \$17.50 per parcel, for a total of \$226,800.00. Mr. Coulson's proposal also requires a 3-month extension in the final submission. Mr. Jessie stated that he did not believe the County should go with the Tri-County firm because the firm was overloaded with jobs now and the County would get a poor job. Mr. Soberick advised that the County needed to find out the procedure for getting an extension.

The motion to contract with Tri-County Appraisal for \$226,800.00 was made by Mr. Williams, seconded by Mr. Crittenden and carried by a vote of three to two (Mr. Crump and Mr. Jessie opposed)

REVENUE BOND REFINANCING

Mr. Culley advised the Board that he had been contacted by representatives of the Virginia Association of Counties/Virginia Municipal League Financial Group, regarding an opportunity to refinance a revenue bond at a lower interest rate. Mr. Robert Laderberg and Mr. Will Turnage from the Financial Group were present. It was anticipated that by participating in the group bond sale, the County could save approximately \$450,000.00 over the life of the bond, or approximately \$18,000 per year. Because the Industrial Development Authority issued the original bonds they would lose the financing fee (1/8 of 1% of the balance) if the county refinanced. The IDA could be kept as part of the process and be paid a portion of the savings the County would receive. Because this is a time sensitive issue, an immediate decision from the Board was needed. The Financial Group's representatives explained that unless there was at least an almost 3% savings to the County they would not proceed with the sale.

Mr. Williams stated that he was not ready to take action on the proposal. Mr. Crump made a motion that the Board authorize VACo/VML to proceed with the bond sale as long as there was no cost to the County. This motion was seconded by Mr. Jessie. The motion carried by a vote of four to zero to one, with Mr. Crittenden abstaining from the vote.

CLOSED MEETING

The motion to meet in Closed Session for consultation with legal counsel regard Rosegill litigation pursuant to §2.2-3711.A7, was made by Mr. Crump, seconded by Mr. Williams and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Crump, 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.A7 as identified in the motion by which the Closed Meeting convened were heard, discussed, or considered by the public body.

There was no action as a result of the closed session discussion.

LANDFILL ISSUES

Mr. Crittenden asked for an update on landfill issues. Mr. Culley advised the Board that Mr. Thacker does not wish to have a sentinel well installed; he wants to hook on to the VPPSA well or have the county install a deep well on his property. None of these options may get the County out of doing any remediation. According to Mr. Culley, the Director of the Department of Environmental Quality has retired and this is holding up action on applications.

ADJOURN

There being no further business, the motion to adjourn was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously. The next regular meeting is scheduled for November 21, 2006, at 7:30 p.m.

John D. Miller, Jr., Chairman
Board of Supervisors