

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON WEDNESDAY, NOVEMBER 7, 2007, IN THE BOARD ROOM OF THE  
WOODWARD BUILDING, SALUDA, VIRGINIA:

Present: John D. Miller, Jr., Saluda District  
Kenneth W. Williams, Pinetop District  
Wayne Jessie, Sr., Jamaica District  
Fred S. Crittenden, Pinetop District  
Robert A. Crump, Saluda 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. Mr. Miller led the group in prayer; Mr. Culley led the Pledge of Allegiance.

**MINUTES**

The motion to approve the minutes from the meetings of October 2<sup>nd</sup> and October 16<sup>th</sup> was made by Mr. Williams, seconded by Mr. Crump and carried unanimously.

**DISBURSEMENTS**

The motion to approve the disbursements as presented was made by Mr. Crump, seconded by Mr. Crittenden and carried unanimously. Checks numbered 59853 through 59947 totaling \$128,949.57 were disbursed as approved.

**COMMITTEE REPORTS**

Board members presented their reports of individual committee meetings.

**CONSTITUTIONAL OFFICERS**

**Treasurer**

Mrs. Bray reported that 279 rabies shots were given at the recent clinic. Mrs. Bray thanked Mr. Warren, Animal Control Officer, for creating a computer form that made the paperwork part much easier.

**Commissioner of Revenue**

Mrs. Ebinger supplied copies of her correspondence for trying to become a DMV Select office. No reply has been received on her recent appeal.

Mrs. Ebinger suggested that the Board may wish to increase the income eligibility amount in the Tax Relief for the Elderly ordinance. The motion to advertise an increase to \$25,000.00 with annual adjustments by the Consumer Price Index was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously.

Mrs. Ebinger also presented the Board with a suggestion of a Deferred Tax Ordinance, which would allow taxes to be deferred on certain properties. The Board asked that Mrs. Ebinger prepare an ordinance for review and public hearing.

### Sheriff

No one was present from the Sheriff's Department.

## **SCHOOL MATTERS**

Superintendent Rusty Fairheart presented Rosalyn Ball, the new Director of Special Education.

Mr. Crittenden requested a report on the number of tuition paying students attending Middlesex Schools.

Mr. Fairheart reported that the second of two septic pumps for St. Clare Walker School would be installed today. Work needed to be done to either divert water from the pumps that are below grade or the manholes needed to be raised.

Mr. Crittenden asked about the well servicing the school. The last survey of the well by Don Caskie of Bay Design revealed that it was in good shape.

New bleachers are about to be installed at the high school.

Board members had been provided with a summary of the roof project at the high school. Norman Company of Mechanicsville was the lowest bidder and all references have come back positive for them to do the project. This project includes repair to all the flat roofs at the high school. The motion to approve an appropriation of \$657,653.00 for the contract with Norman Company was made by Mr. Crump, seconded by Mr. Crittenden and carried unanimously. A clerk of works was not included in the price. The Board requested that the School Board try and obtain the services of the same man who served as clerk of works on the St. Clare Walker roof project.

### **BAY AGING LEASE**

The motion to approve renewal of the lease agreement between the County and Bay Aging for use of a portion of the Puller Center as a senior center was made by Mr. Jessie, seconded by Mr. Crittenden and carried unanimously.

### **MAINTENANCE CONTRACT - GENERATOR**

The Board reviewed the proposed contract for maintenance of the new generator installed at the courthouse. The motion to approve the contract was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously.

### **HIGHWAY MATTERS**

No one was present to represent the Highway Department, however, Mr. Culley updated the Board on the Route 629 project. Mr. Crittenden and Mr. Crump had met in October with Mrs. Parker from the Highway Department and Delegate Morgan and Senator McDougle to discuss moving the project forward. The Highway Department is waiting for a response to their March 2007 letter outlining options for the County. The option of opening the road even partially is dependent on whether or not the remaining dam is safe. Additional study, borings and other tests are needed to determine this, and could cause further damage to the dam. In addition, the legislators had offered to support the County's request to the Commonwealth Transportation Board, requesting deficit funding of the bridge project that is currently in the six-year plan. Mr. Williams commented that the legislators also needed to assist with finding the necessary funds.

The motion for Mr. Culley to send a letter to David Ogle, Fredericksburg District Administrator, requesting that the study and borings be made without further damage to the dam, was made by Mr. Crump, seconded by Mr. Crittenden and carried unanimously. Mr. Culley stated that he was worried that VDOT would then send a letter back asking the County to hold them harmless for further damage.

Mr. Crittenden left the meeting to attend the monthly meeting of the Regional Jail Board.

### **MIDDLESEX MUSEUM**

Dr. Shores reported that on November 18<sup>th</sup>, from 2:00 – 5:00 p.m., the Middlesex Museum will be sponsoring tours of historical churches in the county. This event will be followed by a song program at Calvary Baptist Church and refreshments.

## **APPROPRIATION REQUESTS**

**VPA:** The motion to approve the appropriation of \$279.95 in VPA funds (3-1-18030-0002) returned was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously. The funds will be appropriated to 4-1-53010-5801, Dues, \$235.00 and 4-1-53010-5203, Refunds, \$44.95.

**Passport Fees:** The motion to approve the appropriation of \$8496.00, 80% of passport fees collected from October 27, 2006 to October 17, 2007, was made by Mr. Williams, seconded by Mr. Crump and carried unanimously. FROM: 3-1-16030-0001 TO: 4-1-12030-1001. The total collected was \$10,620.00.

## **RESOLUTIONS**

**Reimbursement Resolution:** The motion to adopt the following resolution in support of reimbursement to the County for the hangar project and school roof project in the event future bonds are used to finance these projects, was made by Mr. Crump and seconded by Mr. Jessie. Mr. Williams commented that he was opposed to the hangar project. Mr. Crump stated that he also was opposed to the hangar project, but would still vote for refunding the county for the project. The motion passed unanimously with Mr. Williams' concerns expressed.

**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 10-unit T-hangar (**the "Hangar Project"**) and the completion of the acquisition, construction, equipping and renovation of Middlesex High School Roof Project (**the "Roof Project"**) (**together, the Hangar Project and the Roof Project are hereinafter referred to collectively as the "Projects"**); 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 Projects 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 Hangar Project is \$350,000 and for the School Roof Project is \$657,653.00.*

*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 7th day of November, 2007.*

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*Chairman, Board of Supervisors  
of Middlesex County, Virginia*

*Attested to:*

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*Clerk, Board of Supervisors  
of Middlesex County, Virginia*

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

<i>Aye</i>	<i>Nay</i>
<i>John D. Miller, Jr.</i>	
<i>Robert A. Crump</i>	
<i>Kenneth W. Williams</i>	
<i>Wayne H. Jessie, Sr.</i>	

**Plastic Bags:** The motion to adopt the following resolution in support of a ban on plastic bags was made by Mr. Williams, seconded by Mr. Crump and carried unanimously:

**Joanne Smith:** The motion to adopt the following resolution for Joanne Smith was made by Mr. Williams, seconded by Mr. Crump and carried unanimously:

*Middlesex County, Virginia*

*Board of Supervisors*

*WHEREAS, Joanne Smith serves at the direction of the Juvenile Detention Commission and is the Executive Director of its secure detention facility, The Merrimac Center; and*

*WHEREAS, Middlesex County is one of the eighteen localities that are members of this Commission; and*

*WHEREAS, Joanne Smith was hired prior to the construction of the facility, and was a key participant in its design and construction and training and operation of the facility since its opening in 1996; and*

*WHEREAS, Joanne Smith is widely recognized throughout the Commonwealth of Virginia and the Nation for her commitment to juvenile justice services; and*

*WHEREAS, Joanne Smith will retire from her position on December 31, 2007; and*

*WHEREAS, the Middlesex County Board of Supervisors recognizes Joanne Smith for her years of dedicated service to the community and the citizens of Middlesex County;*

*NOW, THEREFORE, BE IT RESOLVED, that the Middlesex County Board of Supervisors expresses its sincere thanks and appreciation to Joanne Smith for her years of public service; and*

*BE IT FURTHER RESOLVED, that the Middlesex County Board of Supervisors showers Joanne Smith with best wishes for a retirement full of good health and pleasures.*

*Adopted this 7<sup>th</sup> day of November, in the two thousand and seven year of our Lord.*

## **HEALTH INSURANCE RENEWAL**

The motion to approve the plan for employee health insurance for the FY 07/08 year with a 12% increase in premiums was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously. The cost for an individual on the "lesser" plan increases from \$422.65 to \$675.53. Mr. Culley advised the Board that he had included enough in the current budget to cover the increase in premium. The County will continue to fund this cost for employees.

## **RENOVATIONS TO HISTORIC COURTHOUSE**

Mr. Crittenden returned to the meeting.

Mr. Culley advised Board members of his proposal to renovate the first floor of the historic courthouse to accommodate the Registrar, voting machines and record storage. Work would include creating a separate entrance where there is currently a window on the east side of the building, accessible to the handicap and covered by a roof to extend from the existing door over the ramp and connecting with the brick

breezeway. These would allow this side of the building to be protected from rain, which currently soaks the building, seeping through the brick walls and damaging the plaster. Existing plaster damage would be repaired, ceilings lowered with new ceiling tiles and new lighting installed. A new bathroom for the registrar would also be created.

Renovation to the second floor would include lowering the ceilings, replacing lighting, installing a projector screen and projector, replacing carpet and constructing a new, rounded table large enough to seat all the Planning Commission members that could also be used by the Board of Supervisors. The jury box would need to be removed for this purpose. Most of the work could be done using county labor; the new outside entrance and porch would be contracted.

Board members questioned whether the building would continue to be used by the Judge. The motion to request a letter from the Judge releasing the building was made by Mr. Crump, seconded by Mr. Crittenden, and carried unanimously. Board members also asked that Mr. Culley obtain estimates for the work and work as necessary with the Department of Historic Resources to preserve the historical integrity of the building. Work could continue on removing the existing carpet, since that would have to be replaced even if the other improvements are not made.

### **CLOSED MEETING**

The motion to convene for a closed meeting to discuss a personnel matter, pursuant to §2.2-3711.A1 of the Code of Virginia, was made by Mr. Crump, seconded by Mr. Williams and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Jessie, seconded by Mr. Crittenden 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.A1 as identified in the motion by which the Closed Meeting convened were heard, discussed, or considered by the public body.

Action:

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

### **ADJOURN**

There being no further business, the motion to adjourn was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously.

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