

VIRGINIA: AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD
IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION
BUILDING, DINWIDDIE, VIRGINIA, ON THE 15TH DAY OF OCTOBER
1997 AT 2:00 P.M.

PRESENT:	HARRISON A. MOODY, CHAIRMAN	ELECTION DISTRICT #1
	EDWARD A. BRACEY, JR., VICE-CHAIR	ELECTION DISTRICT #4
	AUBREY S. CLAY	ELECTION DISTRICT #5
	LEENORA EVERETT	ELECTION DISTRICT #3
	MICHAEL H. TICKLE	ELECTION DISTRICT #2
	BEN EMERSON	COUNTY ATTORNEY

IN RE: CALL TO ORDER - INVOCATION - PLEDGE OF ALLEGIANCE

Mr. Harrison Moody, Chairman of the Board, called the meeting to order at 2:07 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

Mr. Harrison Moody, Chairman, asked if there were any amendments to the agenda.

Mrs. Wendy Weber Ralph, Assistant County Administrator, stated that under the Executive Session we need to add, under legal, contractual services, dealing with the landfill.

Upon motion of Mr. Clay, seconded by Mr. Bracey, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that under Item 13. Executive Session, Section 2.1-344 (A) 7 - consultation with legal counsel, contractual services be added.

IN RE: MINUTES

Mrs. Everett stated that in the October 1, 1997 minutes of the Regular Meeting on page 2, there was an error in the shadow students. Her shadow student was Mr. Jason Tickle, who was not present for the meeting; he was listed as Mr. Edward Bracey's shadow. Mr. Bracey's shadow was Mr. Tyler Ragsdale who was in attendance.

Upon Motion of Mr. Clay, seconded by Mr. Bracey, Mrs. Everett, Mr. Clay, Mr. Bracey, Mr. Tickle, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes of the October 1, 1997 continuation meeting and October 1, 1997 regular meeting are hereby approved with corrections.

IN RE: CLAIMS

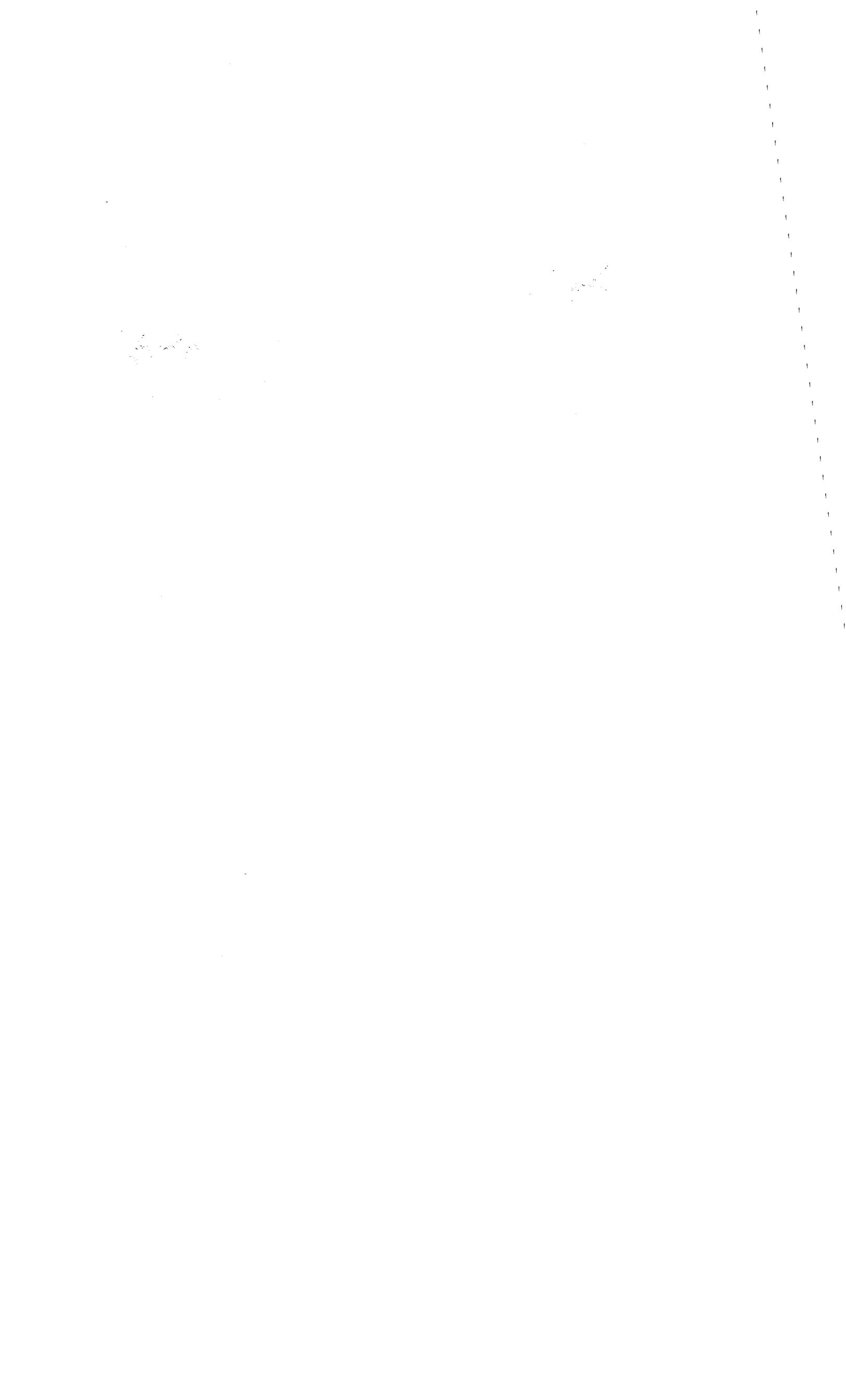
Mr. Moody stated the Board had a copy of the claims for the month and asked if there were questions.

Mrs. Pamla Mann, Administrative Secretary, stated that we have an additional claim supplement in the amount of \$41.08.

Mr. Clay and Mr. Bracey questioned payments listed on page one of the accounts payable list. These were payments regarding convention expenses.

Mrs. Ralph stated that if it is the Commissioner of the Revenue Annual Convention then it is an allowable charge; however, if it is VALECO, then it is not. We will research this before the checks are sent out.

Upon motion of Mr. Clay, seconded by Mr. Bracey, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",



BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the following claims are approved and funds appropriated for same using checks # 1007789 - # 1007921 (void check 1007789); for Accounts Payable in the amount of \$304,002.05 General Fund \$225,671.57; E911 Fund \$1,969.34; Law Library Fund \$77.99; Fire Programs & EMS \$156.91; and County Debt Service \$76,126.24, contingent upon the verification of the meeting in question.

IN RE: APPROVAL OF REQUISITION #6 -- COURTHOUSE CONSTRUCTION

Mrs. Wendy Weber Ralph, Assistant County Administrator, stated that Requisition #6 for the Courthouse consists of payments to:

Hening-Vest-Covey	\$ 5,893.10
DeJarnette & Paul Inc.	1,953.00
Dunbar, Milby, Williams, Pittman & Vaughan	340.00
Total of this Requisition	\$8,186.10

Upon motion of Mrs. Everett, seconded by Mr. Clay, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that Requisition #6 in the amount of \$8,186.10 be approved and funds appropriated for CIP expenses for the Courthouse Project Fund.

IN RE: CITIZEN COMMENTS

There were no citizens wishing to speak at this time.

IN RE: PETFIX COALITION

Mr. R. Martin Long, County Administrator, stated that the Board had a request in their packet from this group. Last year the Board had passed a resolution; it was February of this year that was designated as Petfix month. This year they are asking for the same support but they are additionally asking for a \$1,000.00 donation.

Mr. Moody stated that the Board had a chance to review this letter and asked for the feelings of the Board. They are requesting a \$1,000.00 grant from the county to aid in their quest for a humane solution to the pet overpopulation problem.

Mr. Bracey asked what we had been doing in the past.

Mr. Clay stated that this is the first time they have requested a donation.

Mr. Long stated in February of 1997 we had simply passed a resolution designating February as Petfix month.

Mr. Bracey asked if this meant that we would be taking on another agency for a contribution each year? Should this be something that the Board looks at during budget time? We already have some agencies that came up a little short this year, like the Regional Library. I am thinking that one of our current agencies would love to have this \$1,000.00 put on their budget. He stated that he is all for pets but that he is partial sometimes when it comes down to education. He stated that if we are going to undertake this as a project then we should do it at budget time.

Mr. Long stated that he could take that back to the individual who contacted us that the Board would possibly more favorably consider such a request when we are working on the next year's budget.

Mr. Everett stated that if they want a resolution from the County in support of petfix month she felt that would be appropriate.

Upon motion of Mr. Bracey, seconded by Mrs. Everett, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a resolution in support of Petfix Month, February 1998 be adopted and spread upon the minutes of this meeting:

WHEREAS, dogs and cats give companionship to and share the homes of over 50,000,000 individuals in the United States; and

WHEREAS, two unaltered cats and their kittens can produce 420,000 more kittens in seven years and two unaltered dogs and their puppies can produce 67,000 more dogs in six years; and

WHEREAS, it is estimated that more than 12,000,000 dogs and cats are euthanized each year in the United States, although many of them are healthy and adoptable, simply because there are not enough homes; and

WHEREAS, the Virginia Federation of Humane Societies estimates that there are over 300,000 dogs and cats euthanized in the Commonwealth of Virginia each year; and

WHEREAS, the problems of pet overpopulation costs the taxpayers in this country millions of dollars annually through animal control programs trying to cope with the millions of unwanted animals; and

WHEREAS, spaying and neutering dogs and cats has been shown to drastically reduce cat and dog overpopulation; and

WHEREAS, veterinarians, humane societies, and local animal protection organizations worked together to ensure the spaying and neutering of 2,280 pets during "PETFIX MONTH 1997" reducing the amount of unwanted puppies and kittens born during 1997 by at least 27,360 (12 per animal); added to the 1996 Petfix Coalition total of 1,820 dog and cat births, almost 50,000 unwanted animals have been prevented by their program; and

WHEREAS, veterinarians and humane organizations in the Harrisonburg, Charlottesville and Central Virginia areas have joined together to advocate the spaying and neutering of companion animals during "PETFIX MONTH 1998".

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Dinwiddie, Virginia, recognizes the month of February 1998 as "PETFIX MONTH 1998" and encourages all citizens to observe this month by either having their dogs or cats spayed or neutered or by sponsoring the spaying or neutering of a companion animal for another.

IN RE: RESOLUTION -- CENTER STAR BAPTIST CHURCH -- 124TH YEAR ANNIVERSARY

Mr. Long stated that there was a resolution enclosed in the Board packet for their adoption for their 124th year anniversary of Center Star Baptist Church.

Upon motion of Mr. Clay, seconded by Mr. Bracey, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following resolution be adopted and a copy spread upon the minutes of this meeting:

RESOLUTION
OF THE
DINWIDDIE COUNTY BOARD OF SUPERVISORS
OCTOBER 15, 1997
IN RECOGNITION OF THE
CENTER STAR BAPTIST CHURCH
124TH ANNIVERSARY

WHEREAS, in 1873 a Church was formed under the name Central Baptist Church, changing to Center Star Baptist Church in the year 1883, and

WHEREAS, Center Star Baptist Church has set aside October 19, 1997 to celebrate its 124th year of service in the Dinwiddie community, and

WHEREAS, the Church has been able to support many members and friends in the community by tithing in the Church and establishing a Mission Fund, and

WHEREAS, the Board of Supervisors would like to participate in the celebration with this resolution of recognition for its many years of growth and prosperity.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County, Virginia, hereby commends Center Star Baptist Church for 124 years of devoted service and for its many accomplishments in the community and in the County, and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that a copy of this resolution be presented to Center Star Baptist Church for its October 19, 1997 celebration and a copy spread upon the minutes of this meeting.

IN RE: FORD VOLUNTEER FIRE DEPARTMENT -- ADDITIONAL APPROPRIATION

Mr. Brian Iverson and Mr. Dennis Hale, representatives of Ford Volunteer Fire Department, came before the Board to request additional funding for a brush truck in the amount of \$15,000.00. Mr. Iverson began by stating that as they will recall in the July 2, 1997 meeting of the Board of Supervisors, the Board passed a resolution appropriating \$30,000.00 from its 1996 Undesignated Fund Balance and an additional fund not to exceed a total of \$45,000.00, if the County determines that money is available after the 1997 audit. This was done for the purpose of replacing, or purchasing a brush truck, otherwise known as a wildland fire fighting apparatus. The first step in making a decision on the type of truck and equipment necessary to meet our needs was to draft specifications and general terms and conditions. These were then submitted to the Office of the County Administrator following consultation with legal counsel, at the request of the County Administrator on August 21, 1997. A pre-bid conference was held September 7, 1997. Since that time bids have been received. The bids range anywhere from \$64,000 and \$84,000. Our purpose here is two (2) fold. First to seek the availability of that additional \$15,000 in funds and second to again reiterate our commitment that the County will encumber any funds in addition to or over and above \$45,000 to see that this apparatus is placed in service. Finally we need immediate action to be able to place an order for a chassis, given that the chassis specified is a 1997 model year; Ford Motor Company will not carry a 1998 model year and will not accept orders for a 1999 model year chassis, suitable for this apparatus, until mid November, with delivery not expected to take place before February of 1998. In this situation time is of the essence and we would like to be able to take immediate action.

Mr. Moody asked if they were saying that they have a 1997, a couple left, is that their understanding?

Mr. Hale stated that he had spoken with the low bidder on the chassis this week and he had two (2) in Missouri sitting on a lot that he has to get. Once they are sold we will have to go to the 1999 chassis and we will be looking at an eight (8) to ten (10) percent increase in price alone and plus the delay of getting the truck built.

Mrs. Everett asked what the price of the chassis was?

Mr. Hale stated that they did not have a price on the chassis alone. The bid that they accepted on the chassis included the improvement to the chassis to make it a fire apparatus. That figure is \$34,772.00.

Mrs. Everett stated that the Board has appropriated \$30,000.00 toward this cost and said that when we received our 1997 audit we hoped to add the additional \$15,000.00. She stated that we have not received the audit information to date. She asked if the Board had appropriated the \$30,000.00 or if the Board had to take action on that at this time?

Mr. Moody stated that the minutes of the July meeting reflected that the \$30,000.00 has been appropriated, asking Mrs. Ralph if that was correct?

Mrs. Ralph replied that the funds have been approved but the money has not been appropriated.

Mr. Moody stated that what we needed to do was approve the \$30,000.00.

Mrs. Ralph stated that we need to appropriate it and she thought that they were also asking for authorization to order the chassis. This is assuming that you appropriate the funds to be applied toward the chassis.

Mr. Moody stated that if we approved the first amounts that we said we approved, the \$30,000.00 if appropriated would go toward the \$34,000.00.

Mr. Hale stated that they have not finished discussing and pulling apart all the bids for the conversion. We have settled on a contract for the chassis.

Mr. Moody stated that they will be responsible for the \$4,774.00 until audit time. When the audit comes in we will see what that brings up. Addressing Mr. Hale and Mr. Iverson, Mr. Moody asked is that correct?

Mr. Hale responded that the only problem they have is without knowing if we will have the additional funding, \$15,000.00, from the County is that if you do not appropriate it that ups the sum for the Company, it almost doubles what the Company has to put in. Without knowing they would hate to order the chassis and have it sitting in the Station and then not know if they were going to have the funds to do the conversion.

Mr. Bracey stated that he felt that we needed to deal with a word first. The audit report, when it comes in, the extra \$15,000.00 was talked about "if" it was available for this project. We do not know what funds we will have at this point in time. We need to go back to the original concept. Originally Mr. Iverson quoted a price of \$43,000.00 to \$45,000.00 for this apparatus. He asked Mr. Iverson if this was correct?

Mr. Iverson stated it was \$45,000.00.

Mr. Bracey continued that now we are up to \$73,000.00 for the same vehicle. Something is wrong when we come from \$45,000.00 to \$73,000.00. That is my number one concern. The other thing is that he is not concerned about the \$15,000.00; we will probably have it; however, what we are doing is putting that much money in a brush truck that no one on the Board has seen, nobody but the fire personnel, which is alright and at the same time when we talk to people in other localities they have new brush trucks and they are no where near \$73,000.00 or \$68,000.00.

Mr. Iverson stated he agreed and it was on that information that we based our previous information; \$45,000.00 with an established track record of two (2) other localities that had similar trucks.

Mr. Bracey stated that there was a truck that went into operation day before yesterday, what was it \$40 - what - \$45,000.00.

Mr. Iverson stated that one of the competitors that we had anticipated bidding held back because they had underbid two (2) brush trucks at a total of \$6,000.00 each. They refused to bid. The two (2) localities that they had looked at specifically had an established track record, one at \$47,000.00 and one at \$55,000.00. Our specifications nearly matched those trucks and what he later found out was one of the trucks is actually a 1994 model year. He stated that he is not in the business of building fire apparatus.

Mr. Bracey stated he understood that. What he is talking about is that we started with \$45,000.00; now we are up to \$70,000.00. By the time you order it it will be \$75,000.00.

Mr. Hale stated that we have a contract price; all we need to do is sign the contract to order the chassis.

Mr. Bracey stated that he had no problem with it, with the representatives of Ford Volunteer Fire Department, or with the Board of Supervisors members. He wanted to make this statement now so he will not have to make it again. It seems as if we come in, we spend money, and this item was not at the top of the list for the CIP that we have, each time Dinwiddie Volunteer Fire Department gets pushed further and further back. He is fed up with it. They need items also. They need a building to go in, and it seems as if they keep getting pushed further and further back in Dinwiddie, in this area. Now we have a request for a truck at a cost of \$70,000.00. He stated he has no problem however he thinks that sometimes we need to go into our own checkbook a little bit deeper, and you have a checkbook! That checkbook does not have any peanut change in it. When we vote or whatever we do with this let's use the same stick for Dinwiddie.

Mr. Iverson stated that if they would let Mr. Charles Lewis, Fire Chief for Dinwiddie Volunteer Fire Department, speak they would find that he backs this proposal.

Mr. Bracey stated that he was speaking for the constituents in my area. He understands what Mr. Lewis is saying. What he is saying is that we are going to use the same stick for Dinwiddie that we are going to use for Ford, Namozine and the rest. It seems his district is getting pushed further back. A fire house for Dinwiddie came up three (3) years ago, four (4) years ago, we push it back, we push it back, because other people have to have things. He was not against the brush truck, he was just really upset about \$73,000.00 for a truck that he sees other localities getting for less than \$50,000.00 or right at \$50,000.00. The truck that they have now you are complaining, this is too heavy or that is too heavy. He hoped that the truck that they get will be able to go into the bushes and do the job.

Mr. Iverson and Mr. Hale stated that when specs went out, one of the specs was that it had to be meet all of those requirements.

Mr. Moody replied to Mr. Bracey that the brush truck had been on the top of the CIP list.

Mr. Bracey stated that it was not number one, it just came up a couple months ago.

Mr. Moody stated that the truck had been out of service for going on sixteen (16), seventeen (17) months.

Mr. Bracey stated that was the volunteer's problem, that they put it out of service. That the formal request just came before the Board a month or so ago.

Mr. Iverson and Mr. Hale stated that the formal request was given to Mr. Charles Burgess, the former County Administrator, in December 1996.

Mr. Bracey stated that Mr. Burgess was no longer employed by Dinwiddie County. Mr. Burgess had not said anything to him, as a Board member, about this request. He said that was fine, that they were not going to fall out about it, he is just saying that Dinwiddie is going to get something out of this. Don't cry when we ask for the fire truck and the house. He stated that he was really talking to the Board and everybody.

Mr. Iverson stated that he could guarantee Mr. Bracey that Dinwiddie backs their proposals here today and that they will back them when they come before the Board 100%.

Mrs. Everett stated that we have heard about the need for this truck for over a year. It is desperately needed. About three (3) weeks

ago there was a very severe brush fire in her area and homes were in danger of being lost. They had to call in Carson, Petersburg, and Chesterfield because the fire had jumped the tracks. She spoke in support of this brush truck. She stated that we needed to appropriate the \$30,000.00 and she would like to see the Board make a commitment for the additional \$15,000.00.

Mr. Bracey asked how the Board could make that commitment?

Mrs. Everett stated that if the audit came back satisfactory then we could do it.

Mr. Clay asked what the difference was in the \$73,000.00 brush truck and the \$45,000.00 brush truck.

Mr. Hale answered the tank size, the pump size, and the year of the truck.

Mr. Clay stated that he still could not get over buying a \$73,000.00 to run down through the woods to tear up. He voiced his concern about using this vehicle in the woods and as a first responder unit. A ton truck is not going to handle well for these activities. He stated that he felt that they were getting too much truck. He stated that is they had a half-ton truck with 300 gallons of water that should be sufficient.

Mr. Iverson stated it would be overloaded before they placed the first piece of equipment on it. To place the equipment needed on a half-ton truck we would have to cut the tank size to somewhere between 75 and 100 gallons of water. With no hydrant system in their area that would not last any time at all. To ensure that they can control a fire in the woods they need a large water tank.

Mr. Iverson stated that he would be glad to provide the specifications for this truck to him so he could understand what equipment and what capabilities it possesses.

Mr. Clay stated that they were still getting too much truck in his opinion.

Mr. Moody asked Mr. Iverson and Mr. Hale what they were proposing to cut back on, the pump size ---

They interrupted Mr. Moody stating the pump size was downgraded, the tank size was downgraded to make sure the chassis was well under the weight rating, it was right on the numbers with the original specs, so they cut fifty (50) gallons of water. They did have a two hundred fifty (250) gallon tank on the truck. This brought it well under the weight rating so that once the equipment and personnel are loaded they are still in compliance. They also cut the pump size and by so doing we will no longer be able to use this as an attack piece on a house fire, this will strictly be for brush fires.

Mr. Moody asked if this truck was very similar to the other brush trucks that other localities just got at \$45,000.00.

They answered, No. We used Goochland County's specs on the one that is sitting on the 1994 chassis that they referred to and they were in the neighborhood of between \$55,000.00 and \$60,000.00 once the truck was equipped. Mr. Bracey kept referring to \$73,000.00, the truck, that was the average of the bids, the low bid will put it right at \$63,000.00. That would be after down sizing the pump, the tank, and a couple of other items here and there.

Mrs. Everett stated that she moved to appropriate \$30,000.00 toward the purchase of the chassis for the Ford Volunteer Fire Department and further appropriate \$15,000.00 if it becomes available after the audit and to allow them to proceed with the purchase of this chassis.

Mr. Clay stated that we need to vote on that part second, we do not want a double motion.

Mrs. Everett amended her motion to appropriate \$30,000.00 toward the cost of the chassis for the brush truck and to authorize them to proceed with the ordering of the said chassis.

Mr. Bracey questioned the motion and asked if Ford Volunteer Fire Department had the additional \$4,772.00 to put with this \$30,000.00 to make the full purchase price of the chassis.

They replied that they had those funds.

Upon motion of Mrs. Everett, seconded by Mr. Bracey, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for the Ford Volunteer Fire Department to order the chassis for the brush truck at a cost of \$34,772.00 and that the County will appropriate \$30,000.00 toward that expense from the 1996 Undesignated Fund Balance.

Mr. Iverson left the Board with the following, "We are one of a team of six volunteer fire companies, key emphasis on team, Mr. Bracey, and that truck is available to everyone, the specifications are available to everyone and we stand together behind every other company of this County that provides services to the citizens."

IN RE: NAMOZINE VOLUNTEER FIRE DEPARTMENT -- CAPITAL EXPENDITURE

Mr. William Andrews, representative of the Namozine Volunteer Fire Department, came before the Board to request their help in obtaining funds for tires for two (2) of their units. Mr. Andrews stated that Unit 142 - Pumper needed two (2) tires (385/65R22.5 G286) at a cost of \$285.16 each plus \$50.00 each to mount and balance for a total of each tire being \$335.16 and two (2) tires (equivalent of a 11.00R20 to a G286) for Truck 4 - Aerial Truck at a cost of \$217.32 each plus \$43.00 each for mounting and balancing, with a total of each tire being \$260.32. We are also in need of a clutch for the Tanker at a cost of \$760.00. He stated he needed at least \$1500.00 toward the purchase of the tires and the clutch. Mr. Andrews stated that he hoped to recover \$1000.00 from the fire programs. Even with this recovery they will still be in need of additional funds to make these repairs.

Mr. Moody asked if this would come out of the Maintenance Fund?

Mrs. Ralph stated that this was not the Maintenance Fund; this would come from the Capital Fund. Maintenance is purely preventive maintenance. This is your Capital Fund, \$20,000.00, that all the fire departments use. These funds are for items that are beyond the companies' ability to pay.

Upon motion of Mr. Bracey, seconded by Mrs. Everett, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that \$1500.00 be approved and appropriated from the Capital Projects Fund toward the purchase of four (4) tires and a clutch for the Namozine Volunteer Fire Department.

IN RE: DINWIDDIE VOLUNTEER FIRE DEPARTMENT -- ADDITIONAL APPROPRIATION

Mr. Charles Lewis, representative and Fire Chief of the Dinwiddie Volunteer Fire Department, came before the Board to request funds toward the repair costs of a vehicle. He stated that he has two (2) in need of repair but only wishes to repair one (1). The first vehicle is Unit 4 - which is their tanker. That truck is the vehicle that was obtained from Old Hickory when they got their new tanker. This truck has five (5) items in need of repair; they being: 1) Tank fill valve sticks and linkage broken; 2) Pump gear case leaking oil; 3) PIO leaking oil; 4) Speedometer adp. leaking oil; and 5) Needs fan belts (2 each). The estimated cost to repair this vehicle is \$1000.00 to \$1500.00. We had the pump service done on this truck approximately two (2) weeks ago and in the process they found the above listed problems. The second truck is Unit 3

- this is the one that is a 1971, it is twenty-seven (27) years old. This truck we do not wish to repair because the pumps are no longer repairable because parts are not available.

Upon motion of Mr. Bracey, seconded by Mrs. Everett, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that up to \$1500.00 is approved and appropriated from the Maintenance Fund toward repairs/preventive maintenance on Unit 4 - Chevrolet Tanker for the Dinwiddie Volunteer Fire Department.

IN RE: DEPARTMENT OF TRANSPORTATION -- REPORT

Mr. Harold Dyson, came before the Board to present the monthly report for Mr. Ronald Reekes. Mr. Reekes was out of town and unable to attend. Mr. Dyson stated that he only had one issue, that being the six (6) year plan. He proposed that a meeting be set on November 5, 1997 from 6:30 to 7:15 P.M., prior to the regular Board meeting, as a public information meeting. He proposed a second meeting prior to the Board meeting on November 19, 1997 beginning at 1:00 P.M. as a work session. The final meeting would be proposed for the first meeting in December, which would be a Public Hearing.

The Board discussed the above proposed schedule and saw no problem with this schedule.

Mrs. Everett asked about placing the ridges in the road on Route 85 that wake you up should you fall asleep. Mr. Dyson responded that this had been discussed but the shoulders on Route 85 need some rehabilitation before that can be done.

IN RE: COMMISSIONER OF THE REVENUE -- REPORT

Mrs. Deborah M. Marston, Commissioner of the Revenue, was not present.

Mrs. Ralph stated that Mrs. Marston was in a meeting and requested that any questions the Board had be relayed to her and she would be glad to answer them.

IN RE: TREASURER -- REPORT

Mr. William E. Jones, Treasurer, came before the Board to present his monthly report. Mr. Jones stated he was available for questions.

Mr. Moody asked the Board is they had any questions for Mr. Jones. There were none. Mr. Moody noted that the bills for the second half were out mighty early. Mr. Jones responded they were out early this time last year and that it is one of the benefits of twice a year billing.

IN RE: COMMONWEALTH ATTORNEY -- REPORT

Mr. T. O. Rainey, III, Commonwealth Attorney, came forward stating that he had nothing to report and was available for questions.

Mr. Bracey asked for information regarding making application for openings in the Courthouse Complex. He wanted to know if a state application was required. Mr. Rainey stated when a position came open it was posted and applications were received.

IN RE: SHERIFF -- REPORT

Mr. Samuel H. Shands, Sheriff, came before the Board distributing his monthly report. He stated he was available for questions.

IN RE: SHERIFF -- PURCHASE OF POLICE CARS

Mr. Shands continued that in the Board's packet they received copies of the bids which were received for the purchase of ten (10) new vehicles for the Department. In his 1997-98 budget he was approved for

\$210,000.00 for the purchase of these vehicles. The bids received are as follows:

- 1) Winner Group, Inc., 591 South DuPont Highway, Dover, Delaware 19901
Unit Price - \$20,060.00 X 10 = \$200,600.00
- 2) Freedom Ford, Inc., 7520 North Military Highway, Norfolk, VA 13518
Unit Price - \$21,477.00 X 10 = \$214,770.00
- 3) Beach Ford, 2717 Virginia Beach Blvd, Virginia Beach, VA 23452
Unit Price - \$19,964.00 X 10 = \$199,640.00

After receiving these bids, State Contract was awarded to Ourisman's World of Ford Sales, 6129 Richmond Highway, P O Box 7068, Alexandria, Virginia 22307-0068

- 4) Virginia State Contract
Unit Price - \$208,440.00 X 10 = \$2,084,400.00

Mr. Shands recommended that the County accept the low bid from Beach Ford and that authorization be granted for him to place the order immediately in order that they may obtain the 1998 models. The vehicles will not be received until after the first of the year.

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to order ten (10) 1998 Ford Crown Victoria Police Interceptor vehicles at a price of \$19,964.00 each for a total contract price of \$199,640.00 from Beach Ford, 2717 Virginia Beach Boulevard, Virginia Beach, Virginia.

Mr. Bracey asked if the vehicles are retired by milage. Mr. Shands stated that is no longer the rule, they are kept until they are no longer serviceable to the County. Mr. Bracey further asked if a vehicle that he retired would not be suitable for another department to use. Mr. Shands stated that if they were not out chasing or running the vehicle hard, yes it could be used.

IN RE: BUILDING INSPECTOR -- REPORT

Mr. Dwayne Abernathy, Building Inspection, came before the Board to present the monthly report and stated he was available for questions.

IN RE: ANIMAL WARDEN -- REPORT

Mr. Steve Beville, Animal Warden, came before the Board stating that they had his monthly report and he was available for questioning.

IN RE: DIRECTOR OF PLANNING -- REPORT

Mr. Guy Scheid, Director of Planning, came before the Board stating that they had his monthly report before them. He stated that he wished to touch on Item Number 3 -- The Indoor Plumbing and Rehabilitation Program. He gave suggestions for seven (7) members of a Rehab Oversight Board that is required by the State. The following are suggested to be appointed to the Rehab Oversight Board: Jean Thomasson, Department of Social Services; LeeNora Everett, Member, Board of Supervisors; Pauline Bonner, WPVA; Wendy Ralph, Assistant County Administrator; and William Scheid, Director of Planning. He felt that the Board might like to appoint one additional member who would be an "at large" member representing the entire County. He further stated that the Bank of McKenney has agreed to take on the bookkeeping of this program at no expense to the County and he will be asking the County Administrator to enter into a contract between the County and the Bank of McKenney.

Mr. Bracey passed to Mr. Scheid a letter concerning the lack of indoor plumbing at 12005 and 12308 Wheelers Road. Mr. Moody added that he too had a home in his district that was without bath facilities. These names/addresses were from the home health care nurse.

Mr. Bracey asked Mr. Scheid about information that had been requested by Mrs. Vadnais a couple of meetings past. Mr. Long stated that he would be responding, that he had spoken with her and everything was under control.

IN RE: ZONING ADMINISTRATOR -- REPORT

Mr. March Altman, Zoning Administrator, came before the Board to present his monthly report.

Mrs. Everett asked about the Board of Zoning Appeals meeting on October 16, 1997 regarding the group home.

IN RE: DEPARTMENT OF SOCIAL SERVICES -- REMODEL OF OFFICE

Mrs. Peggy McElveen, Director, came before the Board to present her report. She also reported to the Board that her office had been chosen to pilot a computer imaging program at no cost to the County. This should help in cutting time in getting help to those who need it. This program will require some remodeling of her office building.

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for the remodeling of the Dinwiddie Department of Social Services building, at no cost to the County of Dinwiddie.

IN RE: COMPREHENSIVE SERVICES ACT -- TRANSFER OF FUNDS TO OYCS

Mrs. Peggy McElveen reported to the Board that Mrs. Francene Newman is the new chairperson of the CSA team that has been appointed by them. They continue to struggle with the very difficult job of trying to serve some of the children of families that are sort of last resort. They do not normally come to us unless all other avenues have been exhausted. She gave a summary of the Comprehensive Services for at Risk Children 1996-97 Annual Report. She requested that the Board consider transferring \$5,000.00 from the surplus CSA 1996-97 budget funds to the Office on Youth for 1997-98 to continue preventive programs. These programs assist in diverting children and families from CSA. These programs include parent to parent; anger management; and after school programs for at risk children which are held at all elementary schools.

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to transfer and appropriate \$5,000.00 from the 1996-97 CSA surplus budget to the Office on Youth for the 1997-98 budget year in order that they may continue the preventive programs.

IN RE: SUPERINTENDENT OF SCHOOLS -- REPORT

Mr. Ray Watson, came before the Board to present the monthly report for the Superintendent of Schools. He was proud to add that Mrs. Troilen Seward is on the State management team for CSA. Mrs. Seward was unable to attend because she was in Lynchburg at the Superintendent's Conference.

IN RE: SUPERINTENDENT OF SCHOOLS -- SUPPLEMENTAL APPROPRIATION

Mr. Watson continued by stating that he had two (2) supplemental appropriations to present to the Board. The first being that each quarter they request a transfer from the County's Self-Insurance Fund to cover their payments for insurance. In July 1997 the Board of Supervisors approved a transfer of \$44,046.25 to cover payment they had made. However, no action was taken to increase our budget by this amount. The next payment for Worker's Compensation Insurance is due in October 1997 and will be \$17,441.25. The next payment for their other insurance policies is \$26,800.00 and is due on November 1, 1997. He stated that

they request that the Board of Supervisors transfer \$44,241.25 from the Self-Insurance Fund to the School Fund to make these payments. They also request that the Board of Supervisors amend the FY-98 Budget with a supplemental appropriation of \$88,287.50 to include the July 1997 transfer and the current transfer request.

Upon motion of Mr. Bracey, seconded by Mrs. Everett, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that they give authorization for the transfer of \$44,241.25 from the Self-Insurance Fund to the School Fund and further authorize a supplemental appropriation to the FY-98 Budget of \$88,287.50 to make the insurance payments.

IN RE: SUPERINTENDENT OF SCHOOLS -- SUPPLEMENTAL APPROPRIATION

Mr. Watson continued that the fall membership appears to be 4187 students. The FY-98 Budget was constructed on the intentionally conservative number of 4020 students in average daily membership (ADM). Remaining conservative, they felt confident that the FY-98 ADM will be at least 4110 students when calculated at the end of March 1998. As a result of this increase, they need to adjust the FY-98 School Board Budget by \$264,683.00 in the School Fund and by \$4,713.00 in the Textbook Fund. These funds need to be distributed in categories as listed below:

<u>SCHOOL FUND</u>	<u>TEXTBOOK FUND</u>
Transportation \$ 80,000.00	
Maintenance 74,000.00	
Instruction <u>110,683.00</u>	+ \$4,713.00 for Textbooks (= \$115,396.00)
Total \$264,683.00	+ \$4,713.00

Mr. Watson stated that they were making a request for a supplemental appropriation of state funds for this amount. No local funds are requested.

Upon motion of Mrs. Everett, seconded by Mr. Bracey, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for a supplemental appropriation in the amount of \$264,683.00 for the School Fund and \$4,713.00 for the Textbook Fund to be distributed as follows:

<u>SCHOOL FUND</u>	<u>TEXTBOOK FUND</u>
Transportation \$ 80,000.00	
Maintenance 74,000.00	
Instruction <u>110,683.00</u>	+ \$4,713.00 for Textbooks (= \$115,396.00)
Total \$264,683.00	+ \$4,713.00

IN RE: SUPERINTENDENT OF SCHOOLS -- ADDITIONAL ITEMS

Mr. Bracey asked if the pamphlets that were passed out on "WHAT YOU SHOULD KNOW ABOUT THE PERSONAL PROPERTY TAX", could be distributed to Mr. Stone's Government class at Dinwiddie High School. This is a subject that his shadow student was very much interested in and he felt that this information would be beneficial to the students. Mr. Watson stated he would do his best to comply with Mr. Bracey's request. Mr. Bracey wanted to be sure his shadow student, Mr. Ragsdale, received a copy of this pamphlet.

Mr. Bracey continued by stating that he was requesting, in writing, information on all County employees that appear on the payroll. The information included Name; Position/Title; Years of Service; Degree /Education; Salary; Bonuses or Stipend; and Total. Mr. Bracey stated that he understood that anyone making under \$10,000.00 is not public information. He stated that he was informed that he would have to wait until October to receive this information and it was now October. Mr. Watson stated that he would pass this request to Mrs. Seward.

MR. MOODY, CHAIRMAN, CALLED FOR A FIVE MINUTE BREAK AT 3:40 P.M. THE MEETING RECONVENED AT 3:50 P.M..

IN RE: RECREATION DIRECTOR -- REPORT

Mr. Tony Rinaldi, Recreation Director, presented his report for the month, stating he was available for questions. He wanted to thank the Board for the bleachers. He reported that the bleachers are in place and were appreciated by the spectators on Saturday. He has a total of fourteen (14) soccer teams. He was instructed by the Board to begin looking for a portable concession stand.

IN RE: DIRECTOR OF WASTE MANAGEMENT -- REPORT

Mr. Denny King, Director of Waste Management, came before the Board and presented his report for September/October 1997. He reported that newspaper recycling bins will be placed around the County. This will be at no cost to the County for the bins and as a bonus they are going to pay us for the paper that is placed in these bins. He stated that the color of the bins are not best but people will adjust to this.

There was discussion regarding three phase current at the landfill. Mr. King explained why this was no longer necessary for the landfill.

IN RE: DEPUTY EMERGENCY SERVICES COORDINATOR -- REPORT

Mrs. Dawn Titmus, Deputy Emergency Medical Services Coordinator, came before the Board and distributed her monthly report.

IN RE: DEPUTY EMERGENCY SERVICES COORDINATOR -- ZOLL MONITOR/DEFIBRILLATOR

Mrs. Titmus continued by stating that she would like to request approval of funds for the purchase of a new Zoll monitor/defibrillator that will be placed on the new ambulance. The funds needed are \$10,695.00. This is part of the grant award. The state will reimburse the County in the amount of \$8,556.00.

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to order the new Zoll monitor/defibrillator that will be placed on the new ambulance at a cost of \$10,695.00 of which \$8,556.00 will be reimbursed the County by the State from the grant award. The total cost of the Zoll monitor/defibrillator to the County will be \$2,139.00 which is appropriated from the 1996 Undesignated Fund Balance.

IN RE: DEPUTY EMERGENCY SERVICES COORDINATOR -- OTHER BUSINESS

Mrs. Titmus stated that the last grant for a new ambulance that they applied for had been withdrawn, as requested by the Board.

Mr. Long stated that we had received the pager relay device for the ambulance. Mrs. Titmus stated it had been received and the ambulance no longer had to be left running when the crew was out of the cab.

Mr. Clay asked about the response time and the letter that had been placed in the newspaper. There was discussion among the Board in reference to page-outs when they have other calls. Mrs. Titmus stated that she only has one (1) crew and when they are on a call people have to wait. The average time for response is twenty (20) minutes; it takes about three (3) minutes to get on the road. Mr. Tickle asked about documentation on calls on a monthly basis, such as: who made the call; how long to respond/get to the scene; how long to do what you need to do; and he would like to have some of that information. He requested information on how the paid service is interacting with the volunteers in the County, and how the volunteers are interacting with us. He also would like to

know from her department, not from the volunteers, how they can best help the paid personnel to serve the County better.

IN RE: COUNTY ATTORNEY -- REPORT

Mr. Ben Emerson, County Attorney, stated he had nothing to report but was available for questions. There were none at this point.

IN RE: CONSTRUCTION INSPECTOR -- REPORT

Mr. Donald Faison, Construction Inspector, came before the Board and presented his report for the month. He stated that he had some good news to share with the Board. Working with the architect, engineer, contractor, and subcontractor there will be approximately a \$10,000.00 credit coming on the Courthouse. This has come about by the elimination of one (1) opening in the floor which will eliminate some duct work.

Mr. Faison continued by stating that we were thankful for the rain; however it will slow down work on the building and the asphalt work planned.

He reported to the Board that he had been working with Mr. Scheid on Sediment and Erosion Control in the County and completed two (2) of the required courses towards certification. He stated he will be taking the test for certification in November.

IN RE: COUNTY ADMINISTRATOR COMMENTS - IMPACT PRINTER

Mr. Long stated in the Board packet there was information on a printer that was to be shared by the Commissioner of the Revenue and Treasurer's Office. This is an item that had been agreed to with the State Compensation Board. The Compensation Board will be providing 33-1/3% of the funding for this printer. The remainder of the funding for this printer will be taken out of equipment bonds that were issued in 1992; therefore, it will not have any effect on the current year's budget. Mrs. Cathy Carwile, Data Processing Coordinator, is present if the Board has any questions. The quotes that she received on an IBM 6400-012 Cabinet Model printer are as listed:

1) IBM DIRECT	\$13,393.00
2) YOREL INTEGRATED SOLUTIONS	10,109.00
3) SUMMIT BUSINESS SOLUTIONS	10,580.00

It is the recommendation that we accept the low bid from Yorel Integrated Solutions.

Upon motion of Mr. Clay, seconded by Mr. Bracey, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to order an IBM 6400-012 Cabinet Model printer, to be shared by the Commissioner of the Revenue and Treasurer's Office, for \$10,109.00 to be funded from the equipment bonds from the year 1992.

IN RE: COUNTY ADMINISTRATOR COMMENTS -- COMMUNITY HOME
HAZARDOUS WASTE PROGRAM

Mr. Long continued by stated that information was placed in the Board packets regarding the Community Home Hazardous Waste Program which will be held on October 25, 1997, at the West End Baptist Church. This will be for residents of Dinwiddie County only as Petersburg opted not to participate in the program.

IN RE: COUNTY ADMINISTRATOR COMMENTS -- SHERIFF'S DEPARTMENT
-- TRANSFER OF TITLE

Mr. Long continued by stating that on August 22, 1997, a Deputy Sheriff, lost control of his vehicle and ran off the road. The vehicle was a total loss. The title needs to be transferred to the insurance company to recover the salvage value of the vehicle. Mr. Long stated that

he needed action from the Board to allow him to sign off on the Power of Attorney for this action.

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to R. Martin Long, County Administrator to sign the Power of Attorney to transfer the title of the 1993 Ford, 4 door sedan, vehicle identification number 2FACP71W9PX179371, to allow the insurance company to recover the salvage value.

IN RE: COUNTY ADMINISTRATOR COMMENTS -- REQUEST FOR LEGISLATIVE PACKET

Mr. Long stated that he again wanted to bring up the legislative issues of concern that have been talked about over the previous twelve (12) months. He was concerned about what we might want to take to our representatives for this year's session of the General Assembly. He is trying to complete that package and wanted to urge the Board members to see that he had this information by the end of October or bring it to the retreat in early November.

IN RE: DINWIDDIE LIONS CLUB -- MEMENTOS

Mrs. Pamela Mann, reported to the Board that she had received a request from Ms. Evelyn Neace, President of the newly formed Dinwiddie Lions Club, for two (2) or three (3) mementos with some kind of an official seal of the county that can be presented to their District Governor of the Lions Club and to a guest speaker from Lions International. Mrs. Mann suggested that we donate copies of Dinwiddie County's History Book.

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to donate up to three (3) Dinwiddie County History Books to the newly formed Dinwiddie Lions Club as mementos for guest speakers at their Charter Night Banquet on November 22, 1997.

IN RE: BOARD MEMBER COMMENTS

Mrs. Everett -- She stated that we had put aside action on the Campground and that we need to put this issue back on the table. After some discussion it was decided to place this on the agenda for the November 19, 1997 Board meeting.

Mr. Tickle -- no comments

Mr. Clay -- no comments.

Mr. Bracey -- no comments

Mr. Moody -- no comments

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye", pursuant to the Virginia Freedom of Information Act, Section 2.1 - 344 (A) 1 - Discussion of employment, salaries, disciplining of public officers, appointees, or employees of any public body (Administration); Section 2.1 - 344 (A) 6 - The investing of public funds where competition or bargaining is involved, where if made public initially the financial interest of the governmental unit would be adversely affected; and Section 2.1 - 344 (A) 7 - consultation with legal counsel (Inducement for Industry and Contractual Services for Landfill). The meeting moved into Executive Session at 4:30 P.M. moving to the Homeplace Restaurant after a brief session at the Pamplin Administration Building. A vote having been made and approved the meeting reconvened into Open Session at 7:31 P.M.

IN RE: CERTIFICATION

Upon motion of Mr. Clay, seconded by Mr. Bracey, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye", the following resolution was adopted:

WHEREAS, the Board of Supervisors of Dinwiddie County convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board of Supervisors of Dinwiddie County, that such Executive meeting was conducted in conformity with the Virginia law;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, hereby, certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Executive meeting to which this certification resolution applies; and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board of Supervisors of Dinwiddie County, Virginia.

IN RE: LANDFILL CLOSURE

Mrs. Ralph stated that authorization is needed from the Board for the landfill engineer, Draper Aden, to continue with the closure activities that are required by DEQ which would include retrofitting and permitting of the transfer station.

Upon motion of Mr. Bracey, seconded by Mrs. Everett, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for the landfill engineer, Draper Aden, to continue with completion of the closure activities that are required by DEQ to include retrofitting and permitting of the transfer station.

IN RE: PUBLIC HEARING -- ~~B-97-15~~ -- COMMUNITY DEVELOPMENT BLOCK GRANT -- ECONOMIC DEVELOPMENT

Mr. Jim McClure came before the Board to present an overview of the proposed Community Development Block Grant for economic development funds.

Mr. Moody opened the Public Hearing. There being no citizens signed up to speak Mr. Moody closed the Public Hearing.

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following resolution be adopted:

WHEREAS, the Virginia Department of Housing and Community Development published a Fund Distribution Plan that outlined the proposed allocation of Community Development Block Grants funds in Virginia for fiscal year 1997; and

WHEREAS, Community Improvement Grants will provide funds to eligible Virginia local governments to assist local governments in increasing business and employment opportunities, conserving and improving housing conditions, and improving the availability and adequacy of community facilities; and

WHEREAS, economic growth and the creation of jobs is essential for Dinwiddie County's continued economic well-being; and

WHEREAS, a major industrial facility is planning to locate in Dinwiddie County; and

WHEREAS, the service capacity of the existing water and sewer system needed to be increased to meet the industry needs; and

WHEREAS, an access road has to be constructed serve the industrial plant site; and

WHEREAS, the Dinwiddie County Board of Supervisors have complied with the citizen participation requirements by conducting two public hearings; one on October 2, 1997 to receive input regarding community development needs, and the second on October 15, 1997 to receive input regarding a proposal for Community Improvement funds.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia does hereby agree to submit an application to the Virginia Department of Housing and Community Development requesting \$700,000 under its Community Improvement Grant Program for the Chapparral Steel East Project said funds will be used to construct a water line to serve the major manufacturing facility and to cover grant administrative costs; and

BE IT FURTHER RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia commits to apply for the Virginia Department of Transportation (VDOT) for a \$450,000 grant under the Industries Access Road Program, which will require \$150,000 in local matching funds; commits to submit thru the Dinwiddie County Water Authority a \$1,430,000 loan application to the Virginia Resource Authority for water and sewer construction costs, and Texas Industries commits to expend \$350 million for the development of the Chapparral East Project.

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the planned location of the major distribution facility will create 250 new jobs, 51% of which are projected to be made available to persons with low to moderate incomes; and

BE IT FURTHER RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, hereby authorizes the County Administrator to sign the application on behalf of the Board of Supervisors, submit all appropriate documentation, execute the grant contract, and administrator the GIC Program.

IN RE: P-97-15 -- PUBLIC HEARING -- REZONING FOR DINWIDDIE COUNTY

Mr. Guy Scheid, Director of Planning, came before the Board to present P-97-15, Rezoning. He stated that the Board received a packet of information at the prior meeting. What we propose to do is review the information that was given to them and also advise them of the Planning Commission action that was taken on this case. This is file P-97-15, which involves multiple tracts of land, under individual ownership, contained in the request. The applicant, Dinwiddie County, is seeking a rezoning of these properties from A-2 Agricultural General, R1 Residential Limited, and M2 Industrial General Districts to PMD (Planned Industrial District). The County has made this request for the purpose of developing the property for industrial purposes. The property is bounded generally as follows: on the west by Church Road; on the south by Plank Road; on the east by Squirrel Level Road; and on the north by the railroad tracks.

BACKGROUND INFORMATION

The County has held several discussions with an industry interested in locating in the County. The site criteria is specific and there is only one site in the County that seems to suit their requirements. The land owners in the area have been contacted and have executed purchase options for their property. Various State and local agencies and departments have been contacted for their input on this development proposal. Utilities companies, as well as railroad companies, have been included in the discussions. It appears that this site can be developed with minimal adverse impact on the surrounding neighborhood. The Zoning Ordinance was recently amended to provide for the Planned Industrial Development. Also the Comprehensive Land Use Plan was amended to reflect this area be used as a Planned Industrial District and was included in the Urban Planning Area. There are several existing zoning classifications on these parcels, as was previously discussed. The

industry is considering constructing their mill in the general vicinity of the railroad tracks. The area is currently zoned M2. They wish to own sufficient acreage around the mill for accessory uses and structures and for buffering and landscaping against adjacent properties. The PMD district reflects emerging of several predominant uses found within the existing zoning districts. Since there is no other land in Dinwiddie County zoned PMD consideration of identical zoning on adjacent properties is not possible. Obviously this has been a consideration used by the County Planning Commission, as well as Boards, in past rezoning cases. The Comprehensive Land Use Plan identifies this general area for industrial purposes. As a guidance in rezoning matters the plan outlines policies, statements, goals and objectives, as well as defining areas for urban planning areas. The area under consideration is designated as an urban planning area and is in the northeastern part of the County. In reviewing pages 105-106 of Land Use Plan the following statements can be made:

- 1) This area is intended for the significant commercial and industrial development.
- 2) Primary public facilities and utilities shall be available or extended to the intended development.
- 3) Adequate buffers shall be provided to adjacent properties.
- 4) Industrial park developments are preferred.
- 5) Nonintensive agricultural land uses shall be permitted.

Under the policy statement in the Land Use document, found on page 8, number 3 states: maintain and enhance the County's ability to coordinate a balanced land use program among various types of residential, commercial, and industrial interests by encouraging development within areas defined as growth centers and or growth corridors. Under the economic development section, found on page 12, goal 1 states: strengthen the economic base of the County by broad based industrial development. The objective contained under this section specifies the following: a) insure that sufficient land and infrastructure exists or can be provided to promote industrial and commercial development; b) locate all industries in areas served or to be served by public water and sewer facilities, such as the industrial park. As previously mentioned several agencies and departments have been involved in reviewing the ability of these properties to be used in a PMD classification. Issues such as the environment, wetlands, historic preservation, road access, rail access, electric, and water have been reviewed in detail. It appears that all of these concerns can be dealt with in a manner acceptable to the County and it's citizens.

Mr. Scheid continued by stating that this case was heard by the Planning Commission on Wednesday, October 8, 1997. On a 6-0 vote, one member being absent, the Planning Commission recommended to the Board of Supervisors approval of the rezoning request P-97-15. As normally found in our procedure that concludes not only the staff report but the summary of the Planning Commission comments.

Normally what follows is that there is a statement by the applicant, and as we did at the Planning Commission meeting, since this was done by the Board of Supervisors, and being staff a brief statement was prepared as to why the County's involvement is what it is and what their feelings are on this matter. He stated he would like to read this text, as it was read at the Planning Commission meeting.

The Board of Supervisors of Dinwiddie County, while listed as the applicant, is acting in conjunction with Chaparral Steel Company in trying to locate their east coast company in Dinwiddie County. The propose to construct buildings and structures costing between \$350 and \$400 million dollars. The construction period is estimated at 18 months during which time it is anticipated that there will be an \$80 million dollar construction payroll. There should be an average of 630 people employed during the 18 months. The annual operating payroll will be approximately \$15 million dollars. It is reasonable to expect that 30 to 35 million dollars will be paid annually for local goods and services. While the Board is interested in expanding the County's tax base and providing job opportunities they are also concerned with the type of industry locating in the County. With this in mind the Board, in conjunction with some County staff, visited their multi steel facility in

Midlothian, Texas. It was the consensus of all that this company operated their facility in a environmentally favorable manner. They have state of the art technology and cannot be compared with steel mills which operated decades ago without current Federal and State regulations which are now in effect. Their work force met with us, as well as community leaders. In all areas of our conversation we received favorable comments. It was our observation that they care for their employees and community. They are committed to continuing education and improving the community as a whole. The specific site under consideration in Dinwiddie was chosen for many reasons, most of which were previously stated in the staff report as well as at the Planning Commission meeting. Dual rail access and electricity are extremely important considerations, as well as road access. Discussions have been held with the Virginia Department of Transportation since it is recognized that the existing secondary road system is not adequate to serve this site. It is anticipated that a new road would be needed to connect this site with Route 1. That would mean that it would head in a westerly direction from the site that is under consideration. Dinwiddie County Water Authority has stated that they can supply the water needs, also local electric company can supply them with their electrical needs. In summation the County has spend considerable time and effort in investigating this proposed industry for Dinwiddie. It is because the County found that this company is a high quality company that is community orientated that the County has initiated the rezoning request.

At this point Mr. Scheid stated that they had a five (5) minute tape that he wished to show before the representative from Chaparral Steel came before the Board and citizens of Dinwiddie County to make their statements and answer questions and concerns.

Mr. Barry Bone, Vice-President for Real Estate with TXI which is the parent corporation for Chaparral Steel and Mr. Dennis Beach, Vice-President of Administration for Chaparral Steel came forward to present some slides and present Chaparral Steel to Dinwiddie County citizens. Mr. Beach spoke briefly on the design of the mill and showed the slides of the proposed site.

Mr. Moody asked if there were any questions from the Board members at this time. There being none Mr. Moody opened the Public Hearing for P-97-15.

- 1) Loid Hodnett, representative of the IDA (Industrial Development Authority), came before the Board to voice support for Chaparral Steel, stating that they have supported and will continue to support this project.
- 2) Mike Buhrman, 27315 Flank Road, came forward to voice his concern regarding the traffic and the bridges that currently exist in this area.
- 3) Art DeMario, 7410 Vaughan Road, came before with Board with many questions and concerns that he felt that the Board needed to consider before a decision was made. The questions dealt mainly with environmental concerns, traffic, and how this mill would change life in this area of Dinwiddie County.
- 4) Anne Scarborough, Boydton Plank Road, came forward with a suggestion that the County enter into a contract with Chaparral Steel listing what they planned to do. She was also interested in the by products that the mill would be having, what four (4) by products they will be, and how would they be handled or disposed of?
- 5) Charles C. Wagstaff, 7409 Vaughan Road, better known as Sunny Acres, came forward stating that he did not want this plant/mill in his area of Dinwiddie County.
- 6) Charlotte Moore, 8201 Squirrel Level Road, came before the Board stating that she was concerned about the air pollution and traffic problem. She stated that she did not feel as bad after seeing the film. She was concerned about the violations that Chaparral Steel has had in the past. These violations had to do with not reporting fires in a timely manner and improperly managing a landfill. She had questions and concerns about the fire station, the buffer of trees/plants; and roads in the mill area.

7) Robert Belcher, 27516 Flank Road, spoke in opposition and stated that no member of the Board lives in his neighborhood. If they did this mill would not be coming to his area.

8) Ray Watson, Assistant Superintendent of Schools, came before the Board to represent a Dinwiddie County School Board member, Mr. Gregory E. Davis, who could not attend the meeting tonight. Mr. Watson read a statement that Mr. Davis had prepared for him:

"Having sat on the School Board for the past six years, I have seen teachers, parents and staff support the schools, support attempts to renovate, update, and replace the schools as well as put up the many, many years of budget constraints and our needs not being fully met. First of all, I think those supportive persons need to be thanked routinely.

I address my comments to the downside of moving forward with all of these renovation and building projects. Our Board of Supervisors have gone out on a limb ahead of most other regional governments who continue to do the same thing they have done for thirty or forty years and let the school physical plants fall apart by not funding renovation and maintenance needs. Our Board went ahead and said "we will do it." They have always been very up-front, honest and open saying that it would probably affect our personal property taxes, etc. and that these monies would more than likely be paid directly out of the citizens' pockets. They have not shied away from that; they have not hidden the fact that all of these projects are being paid by each and every one of us. At the same time, our Board of Supervisors, I think, have worked very diligently to see if they could come up with some other options. Specifically, they have sought industries for possible location in our county.

They are presently working with Chapparral. I live approximately a mile from the proposed industrial development and I do not stand to gain from making these comments. My farm will not be affected; they are not buying my farm and I am not going to make a lot of money. I probably will not even see whatever traffic there may be so I'm definitely not saying that I am being immediately impacted. However, I will have to say that it will impact that district, and it will probable be a favorable impact.

Dinwiddie County is going to grow; there is no doubt about it! We cannot avoid it! I believe Mr. Scheid made a comment that I did not hear, but I was told that he said there will be trucks running up and down those roads in our end of the county, whether it's to Chapparral or whether it's to other different businesses that have to come in to do the same thing. I certainly am not in a position to say whether Chapparral is a great thing to happen to Dinwiddie or an awful thing to happen to Dinwiddie. I personally think it will be a great thing to happen, if they come.

I do know that I trust our members of the Board of Supervisors to look into these businesses and industries that they are trying to bring to the county and to bring us the best. I would like to give my personal support to our Board of Supervisors for going our and trying to bring the level of our county up. We know that if we are to progress and grow, then it is going to be paid for by somebody ---- I know I can't pay any more taxes, hopefully, industry will help foot these costs!"

signed Gregory E. Davis

9) Richard Hotchkins, 27518 Flank Road, came before the Board to voice his opinion on the coming of the mill. He was opposed to this industry. He quoted violations that he had obtained on Chaparral Steel which have occurred over the past several years.

At this point Mr. Art DeMario asked that these violations be made a part of the record. The violations letters received by the Board are copied below:



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FOR IMMEDIATE RELEASE
FRIDAY, AUGUST 29, 1997

CONTACT: PATRICK SHAUGHNESSY
512\239-5000 (Pager 512/896-3727)

CHAPARRAL STEEL FINED FOR AIR, WASTE VIOLATIONS

The Texas Natural Resource Conservation Commission (TNRCC) has fined Chaparral Steel Midlothian L.P. almost \$100,000 for air and waste violations at its steel manufacturing facility in Midlothian.

The TNRCC will allow the company to offset a portion of the penalty, however, on the condition that it contributes to a Supplemental Environmental Project (SEP) that will provide direct environmental benefits to the Midlothian area.

The order alleges that Chaparral, 300 Ward Road, violated waste regulations by improperly managing a landfill at the facility. The order also alleges the company violated air regulations by failing to timely report fires that occurred at the facility on August 27 and February 21, 1996.

The TNRCC fined the company \$99,920, but will allow Chaparral to offset half of the penalty, \$49,960, on the condition that it contributes \$49,960 toward the removal and replacement of two underground petroleum storage tanks at 990 U.S. Highway 67. The tanks are owned by the city of Midlothian.

All TNRCC news releases are available at www.tnrcc.state.tx.us/exec/media/press/

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TNRCC disclaimer

Comments regarding Agency Communications: media@tnrcc.state.tx.us
Technical questions regarding the TNRCC Web Server: webmaster@tnrcc.state.tx.us
<http://www.tnrcc.state.tx.us/exec/media/press/index.html>

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Barry R. McBee, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
John M. Baker, *Commissioner*
Dan Pearson, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

CERTIFIED MAIL

October 26, 1995

James C. Morris III, Esq.
Simpson & Knight
San Jacinto Blvd., Suite 1200
Austin, TX 78701

CHAPARRAL STEEL; Docket No. 95-0676-IHW-E; SWR No. 30661
Agreed Order requiring certain actions

Enclosed is a certified copy of:

an enforcement order of the Commission determining substantial noncompliance, assessing administrative penalties, imposing stipulated penalties, and/or requiring certain actions, details being more fully set out therein.

an order cancelling a Commission permit. This cancellation is a memorandum of official action taken with respect to the permit and is notification that the permit is no longer in effect.

an order dismissing an application for a Commission permit.

an emergency order issued by the Commission. If applicable, please note the date and time at which the Commission will affirm, modify, or set aside the order.

an order affirming, modifying or setting aside an emergency order of the Commission.

an order approving construction of facilities.

an order authorizing discharge of wastewater.

an order regarding the above-referenced matter.

If you have any questions, please contact us.

Sincerely,

Louisa A. Vasquez
Louisa A. Vasquez, Chief Clerk

cc

TNRCC Region 4
Glenn Hall, Staff Attorney, TNRCC
Ravi Rao, Enforcement Coordinator, TNRCC
Jerry Balbo; Environmental Manager; Chaparral Steel; 300 Ward Road; Midlothian, TX
76065-9651

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TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



DOCKET 95-0676-IHW-E

IN THE MATTER OF CHAPARRAL
STEEL;
SWR NO. 30661

§
§
§
§
§

BEFORE THE
TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION

AGREED ORDER

Requiring Certain Actions of
Chaparral Steel Company Under the
Authority of the Solid Waste
Disposal Act, TEX. HEALTH AND SAFETY
CODE ANN. Chapter 361 (Vernon 1992
and Supp. 1994), the Texas Water
Code, Chapters 5 and 26 (Vernon 1988
and Supp. 1994), and the Texas Clean
Air Act, TEX. HEALTH & SAFETY CODE
ANN. Chapter 382 (Vernon 1992 and
Supp. 1994)

OCT 11 1995

On _____, the Texas Natural Resource Conservation Commission (the "Commission" or "TNRCC") (references to the TNRCC include, as appropriate, references to predecessor agencies including the Texas Water Commission and the Texas Air Control Board) considered an oral report by the Executive Director to the Commission alleging violations of the Solid Waste Disposal Act, TEX. HEALTH AND SAFETY CODE ANN. Chapter 361 (Vernon 1992 and Supp. 1994) (the "Act"), the Texas Water Code, TEX. WATER CODE ANN., Chapter 26 (Vernon 1988 and Supp. 1994) (the "Code"), and the rules of the Commission, and requesting appropriate relief. The facility made the subject of this Agreed Order is Chaparral Steel Company, ("Chaparral"), located at 300 Ward Road, in Midlothian, Ellis County, Texas.

After proper notice, the parties appeared and announced before the Commission that they had reached a settlement and requested the Commission to enter this Agreed Order.

Chaparral understands that it has certain procedural rights,

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violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Chaparral agrees to waive all notice and procedural rights. Chaparral acknowledges that, a Preliminary Report was not issued in this matter by the Executive Director in order to expedite issuance of this Agreed Order.

This Agreed Order is entered without trial or final adjudication of any issue of law or fact and is the result of the compromise and settlement of disputed issues of law and fact. In consenting to the entry of this Agreed Order, Chaparral does not admit any allegations or to any violation. Chaparral agrees, however, not to contest the Findings of Fact and Conclusions of Law or matters resolved by this Agreed Order in any Commission proceeding or proceeding brought on behalf of the Commission. Because of the cost and uncertainties of litigation and to continue to address promptly and effectively its environmental responsibilities by implementing technical remedial actions approved by the TNRCC, Chaparral agrees to entry of this Agreed Order, and to perform the actions set forth in this Agreed Order.

It is understood and agreed by the Executive Director and Chaparral that accepting this Agreed Order does not, in any way, release Chaparral, any of its officers, agents, assigns, employees, or any other person acting for or on behalf of Chaparral, from federal criminal liability, if any, arising out of the situation this Agreed Order addresses.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall remain valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Chaparral and upon its successors and assigns.

This Agreed Order requires Chaparral to perform an investigation both on property owned or controlled by Chaparral and on property owned or controlled by persons not presently parties to this Agreed Order. Chaparral shall use best efforts to gain access to the off-site areas necessary for performance of this Agreed Order. In the event that Chaparral cannot secure such access, Chaparral shall notify the TNRCC and request assistance in

obtaining access. If the Executive Director determines that Chaparral cannot obtain access despite using best efforts to do so, such lack of access shall be considered good cause for extending additional time for work dependent upon such access. Chaparral, however, is not relieved of the obligation to investigate in accordance with this Agreed Order. Once access is obtained, Chaparral shall proceed with the investigation in accordance with this Agreed Order. If necessary access is not obtained, upon

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this Agreed Order. If necessary access is not obtained, upon concurrence of the Executive Director, Chaparral shall utilize alternate investigative measures, such as alternate sampling locations, where practicable and consistent with the scope and goals of this Agreed Order.

If Chaparral fails to comply with any of the deadlines imposed by this Agreed Order or the Workplans attached hereto and such failure is caused (in whole or in part) by events beyond the control of Chaparral, such failure shall not be construed as a violation of this Agreed Order. The burden of establishing that an event is beyond its control lies with Chaparral. When events are occurring or have occurred which may cause such delay, Chaparral shall notify the Executive Director within seven (7) days of becoming aware of such a delaying event and shall take reasonable measures to mitigate and/or minimize the delay. The notice shall specify the reason for and expected duration of the delay and shall provide a revised timetable for any tasks affected by the delay. The revised timetable shall become effective upon approval, or approval with modification, by the Executive Director.

If a dispute arises concerning the implementation of this Agreed Order, including any decision of the Executive Director under this Agreed Order, Chaparral and the TNRCC staff shall attempt to resolve it informally. If the matter cannot be resolved informally, Chaparral or the TNRCC staff may refer the matter to the appropriate Deputy Director, or his or her designee. The Deputy Director, or his or her designee, shall have sole discretion whether to hear any dispute under this provision. All decisions of the Deputy Director under this provision, or a decision not to hear a dispute, shall be binding and shall constitute a final determination by the Commission for purposes of judicial review. The pendency of a dispute shall not stay any requirement or deadline contained in this Agreed Order that is not the subject of the dispute or that is not dependent upon the completion of the action that is the subject of the dispute, unless the parties otherwise agree.

The Commission, after hearing a report by the Executive Director and considering the settlement of the parties, makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Chaparral Steel operates a steel manufacturing facility located at 300 Ward Road, Midlothian, Ellis County, Texas.
2. Chaparral Steel manufactures structural steel and rebars from metal scrap and wrecked automobiles.

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3. Chaparral Steel's operations generate industrial solid waste and hazardous waste. Chaparral Steel has notified the Commission that it generates, in part, the following wastestreams:
 - a) Waste No. 001 - Automobile shredder residue;
 - b) Waste No. 002 - Baghouse dust, EPA Hazardous Waste No. K061; and
 - c) Waste No. 016 - Landfill leachate, EPA HW No. K061 (wastewater).
4. Chaparral Steel has been issued TNRCC Permit No. HW-50162. This permit authorizes the operation of certain hazardous waste landfills (Landfills #2 and #3). Landfills #2 and #3 which were used for the disposal of baghouse dust were closed in 1987 and 1994 respectively. Landfill #1 which was operated before the issuance of the permit for the disposal of baghouse dust, was closed in 1987 and the property has been deed recorded.
5. Chaparral Steel has been issued Air Permit Nos. 1634, 1635, 3026, 8097, 8098, 8099, and PSD-TX-138M4, and Standard Exemption No.'s 5, 76, and 106 to operate sources of air contaminants at its facility. Chaparral formerly operated under Air Permit No. 1636 which was voided on October 10, 1985. On December 8, 1977, Air Permit No. 5983 was issued to International Mill Services, Inc. ("IMS") to operate the metallic recovery processing plant / slag handling area. IMS has operated the metallic recovery processing plant / slag handling area since approximately that time.
6. TNRCC Region 4 representatives conducted a sampling inspection in the vicinity of the Chaparral facility from February 3, 1994 through May 20, 1994. Based on the results of this sampling, the Executive Director alleged that cadmium, chromium, copper, lead, manganese, molybdenum, and zinc levels in soils samples collected from property to the north and south of Chaparral Steel's property were greater than apparent background levels.
7. Chaparral has agreed to conduct an investigation of metal concentrations in soils and air emissions from its facility.
8. In 1985 the State of Texas brought suit against Chaparral, in part for unauthorized discharges of industrial solid waste from Landfill No. 2, which was used to dispose of industrial solid waste (EPA Hazardous Waste No. K061). An Agreed Final Judgment was entered against Chaparral on September 12, 1985 settling that suit. That Judgment expressly retains the State's right to require Chaparral to take action under the Solid Waste Disposal Act to address conditions resulting from unauthorized discharges from Landfill No. 2.

CONCLUSIONS OF LAW

1. Chaparral has managed industrial solid waste and sources of air contaminants at the facility located in Midlothian, Ellis County, Texas and is therefore subject to the jurisdiction of the Texas Natural Resource Conservation Commission pursuant to the Solid Waste Disposal Act, Texas Clean Air Act, TEX. HEALTH & SAFETY CODE ANN. Chapter 382 (Vernon 1992 and Supp. 1994) ("TCAA") and the Texas Water Code.

2. The Commission has the authority to issue orders directing compliance with the Act and the Code and requiring monitoring pursuant to the following provisions: §361.302 of the Act, §26.019 of the Code, §§382.016, 382.023, and 382.024 of the TCAA, and 30 TAC §337.1.
3. In accordance with §2001.056 of the Administrative Procedure Act, TEX. GOV. CODE ANN., Chapter 2001 (Vernon 1993), Sections 26.136(p) of the Code and Section 361.2152 (r) of the Act, the Commission may resolve this matter by entry of this Agreed Order.

NOW, THEREFORE, THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION ORDERS that:

This Agreed Order resolves only violations alleged or which could have been alleged regarding conditions which are present on property outside the Chaparral facility boundary as defined in TNRCC Permit No. HW-50162 on the date of this Agreed Order ("Original Boundary") and which are the subject of the investigation and remediation described in the Investigation Plans attached hereto as Attachment 1 and in Ordering Provisions Nos. 1-3. The Commission shall not be constrained from seeking penalties and/or requiring technical actions for violations occurring after the date this Agreed Order is issued or that are not addressed by this Agreed Order. Specifically, the Commission reserves the right to seek additional relief for violations of statutory or regulatory requirements not addressed by this Agreed Order, including, but not limited to, the following items: 1) violations of TNRCC rules, the Act, the Code, or the TCAA relating to conditions within the Original Boundary; and 2) violations of TNRCC rules, the Act the Code, or the TCAA relating to contamination or nuisance conditions not required to be remediated by Ordering Provisions Nos. 2 and 3. Chaparral may raise any defenses it has in any subsequent proceeding except that Chaparral shall not contest the Findings of Fact and Conclusions of Law of this Agreed Order.

IT IS FURTHER ORDERED BY THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION that:

1. Immediately upon issuance of this Agreed Order, Chaparral Steel shall implement the Southern Area and Northern Area

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Investigation Plans (collectively "IP"), attached to this Agreed Order as Attachment 1 and incorporated herein for all purposes, in accordance with the schedule set forth therein.

2. Within 120 days of issuance of this Agreed Order, Chaparral Steel shall submit an Investigation Report ("IR") describing the results of the completed IP to the Executive Director for approval or approval with modifications. This report shall include at a minimum, but not be limited to:
 - a. A topographic map at a scale not to exceed 1 inch to 1000 feet showing all the sampling locations for all the contaminated media;
 - b. A detailed description of the results of all samples collected and analyzed during the investigation and copies of all original (following QA/QC) laboratory reports including a summary of analytical results in tabular form and a computation of background using data from both the Northern Area and Southern Area;
 - c. A graphical depiction showing the horizontal extent of contamination for all the constituents of concern;

- d. Discussion of results of soil, water and sediment contamination, and recommendations including any steps Chaparral will take to control any contaminants from migrating off-site; and
- e. A determination of what areas, if any, to the south of the Original Boundary have been impacted in whole or in part by unauthorized discharge(s) from industrial solid waste management activities. The phrase "unauthorized discharges from industrial solid waste management activities" is intended to include the unauthorized discharge of materials that might not otherwise be considered solid waste except when discharged (e.g., products), but is not intended to include permitted air emissions. The south side of the Original Boundary shall be considered the area south of the Original Boundary and extending along the same parallel line of that boundary both east and west. The determination of what areas to the south side of the Original Boundary have been impacted shall begin with the assumption that the cross-hatched area set forth in Figure 4-1 of Attachment 1 has been impacted by unauthorized discharges from industrial solid waste activities. Chaparral shall also include any information developed in IP indicating what additional areas, if any, have been impacted by unauthorized discharges from industrial solid waste management activities.
- f. A provision for submission of a Remediation Plan ("RP"), including implementation schedules, for actions

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addressing all media contaminated in whole or in part by unauthorized discharges from industrial solid waste management activities. The RP shall comply with the requirements of 30 TAC Chapter 335, Subchapter S, relating to Risk Reduction Standards, and shall be submitted to the Executive Director for review and approval or approval with modifications.

3. Within 30 days of written approval or approval with modifications of the RP by the Executive Director, including the determination of what areas have been impacted by unauthorized discharges from industrial solid waste management activities, Chaparral shall implement the RP in accordance with the schedule set forth therein and in accordance with the requirements set forth in 30 TAC Chapter 335, Subchapter S, to address all the contaminated media identified in the IR, as approved or approved with modifications, as contamination attributable to unauthorized discharges from industrial solid waste management activities at Chaparral.
4. Immediately upon issuance of this Agreed Order, Chaparral shall implement in accordance with the schedule set forth therein, the Air Monitoring Plan attached to this Agreed Order as Attachment 2 and incorporated herein for all purposes. Chaparral shall provide to the Executive Director the reports described in the Air Monitoring Plan in accordance with the schedules described therein.

IT IS FURTHER ORDERED BY THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION AS FOLLOWS:

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Chaparral Steel shall be made in writing to the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. No deadline is extended until the Executive Director approves the extension in writing.

6. Notwithstanding any other provision of this Agreed Order, the Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General if the Executive Director determines that Chaparral Steel is noncompliant with the requirements set forth in this Agreed Order.
7. This Agreed Order shall not negatively affect Chaparral's compliance history or the compliance history of any parent, subsidiary, or corporate affiliate of Chaparral.

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8. Any notice to Chaparral required by this Agreed Order is satisfied by mailing to: Jerry M. Balbo, Manager - Environmental, Chaparral Steel, 300 Ward Road, Midlotian, Texas 76065-9651 with a courtesy copy to counsel for Chaparral Steel, James C. Morriss III, at Thompson & Knight, P.C., 98 San Jacinto Blvd., Suite 1200, Austin, Texas 78701.
9. The item "Executive Director" as used in this Agreed Order may mean TNRCC staff, as appropriate.
10. This Agreed Order shall terminate when the Executive Director determines in writing that all terms and conditions of this Agreed Order have been complied with by Chaparral.
11. The Chief Clerk shall provide a copy of this Order to each of the parties.

Issuance date: OCT 18 1995

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



Barry R. McBee, Chairman

ATTEST:



Gloria A. Vasquez, Chief Clerk

I, the undersigned, have read and understand the attached Agreed Order in the matter of Chaparral Steel Company.

I am authorized to agree to the attached Agreed Order on behalf of Chaparral Steel Company, and do agree to the specified terms and conditions.

I understand that by entering into this Agreed Order, Chaparral Steel Company waives certain procedural rights, including but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, an evidentiary hearing, and the right to appeal.

I agree to the terms of this Agreed Order in lieu of an evidentiary hearing.

Dennis Beach
Authorized Representative
Chaparral Steel *AMB*
(signature)

Dennis E. Beach, Vice President Administration
Printed Name and Title

Date: October 3, 1995

ACCEPTED:

Jim Phillips
Jim Phillips
Deputy Director, Office of Legal Services
Texas Natural Resource Conservation Commission

Date: October 9, 1995

There being no more citizens signed up to speak Mr. Moody closed the Public Hearing. Mr. Moody asked Mr. Bone and Mr. Beach, representatives of Chaparral, to come forward and address the questions that had been raised.

Mr. Beach stated, for those who spoke in favor of Chaparral coming to Dinwiddie County, he wanted to say thank you very much and for those who are opposed, there was not much that he could offer them in the way of any explanation. An industrial facility is different than a farm or any other type of thing. It does create jobs, it does create economic impact, and it does create a change of that environment. There is no question about that. There was nothing he could say or do that would change that fact. As to the effects of their facility, he still stands very strongly behind the statement that their company is one of the most technologically advanced and one of the most environmentally sound steel making facilities that can be found anywhere. They have contracts with people that supply them with raw materials and part of that contract for our automobiles states that they do not want to have tires, they do not want to have batteries, and they do not want to have exhaust systems or gasoline tanks on these vehicles. Most of them have had the engine blocks and tires, as well as the rims, removed by the time Chaparral receive them. If they do get an occasional tire, they handle it in an environmentally safe manner. Metal is separated into ferrous, which is the iron units that they want, and nonferrous, the portion that they do not use. Those nonferrous materials are further separated. What remains is what we call automobile shredder residue and it is plastics, glass, and other, just dirt. The plastics are further separated and are used as an alternate fuel source because it does have BTU's. As you all know plastic is not biodegradable. Prior to 1988 the Federal Government required that any particular pollution captured in a steel making facility was required to go into a specially mandated landfill. At the steel plant in Chaparral Steel Company, we have those landfills that were mandated by the Federal Government. Subsequent to 1988 the Government changed their mind and said no, you will not landfill this material anymore, you will close them, and you will manage them. That is what we did and that is what we are doing. One of the management requirements is that Chaparral drill wells surrounding that landfill to collect any water that leaches into those wells; we then take that water and transport it to a certified deep well injection process. This is where they are permitted to push the water down in the ground. Water that is collected has been tested to be no different than other water but it is derived from something that is called a hazardous waste. The fine that Chaparral experienced was the result of a three (3) year investigation and negotiation with the Texas State Environmental Agency. The contractor that was hired to transport that water left a hose in that tank which caused a siphon action and some of the water escaped into a drainage ditch. Testing was done on soil samples and water samples in this area. It was determined, after this testing, there was no harm to the environment. Nevertheless a violation of the land management contract had occurred; this contract said that there would be no water handled in that manner. They are in hopes that water will be delisted and they will not have to manage the water. They will always manage the landfills on site unless they can find a way to use that additional raw material. Fires on their site were reported within twenty-four (24) hours of the occurrence. The state had said that was not soon enough, however they have not as yet told them what would have been soon enough. Rather than continue the dialogue they elected to settle and move on with other things that they are doing on their site and in other places. The City of Midlothian, Texas; Ellis County, Texas is tested more than any city in Texas or the United States. The field around their facility in Midlothian, Texas has been and is being used for farming. The plant that they are proposing to build in Dinwiddie County contains pollution control devices that were not available when they built their existing facility. They will build the new plant with state of the art technology.

At this point Mr. Barry Bone came forward to try to address some of the questions that had been raised during the meeting. On one of the site plans they have shown a build-in from the CSX line into the site. This build-in has been mentioned by a number of people. Mr. Bone stated that they have verbally been told by the Norfolk Southern that they will allow CSX on their line. Since he did not yet have that in writing he

cannot commit to that but he could say that he had been told that verbally. He continued that the site plan also shows a primary access road where the trucks and the employees will be coming in and out of the facility. A secondary access was shown by their engineer, he did not know if that was needed and he did not know that it was not needed, however he could say that the primary access will be coming where the new road is proposed to be coming in. The facility will have one primary access where everyone comes through and there will be a guard station located at that site. He was unaware of why a secondary access is necessary. There will not be a landfill on this site. There was a mention of a water run off; other than rain water that occurs on their property, they will design a system that will collect water that is used in the system and it will all be recycled and reused. The water is a precious commodity to them and they will recycle it. A few people have mentioned surveyors being on the property. Mr. Bone stated that in order for them to be sure, to know for sure, that this site is suitable and can legally be used for their intended use, many things have to be done. It has to have the proper zoning, that is why we are here tonight; surveys have to be completed on the property to see if there are any easements that adversely effects the land or if there are any boundary line disputes. This is a normal process. They are also doing wetland delineations and they are making sure people have accurate titles to their property. This does not mean that a decision has been made. This means that they are doing their do diligence to make sure that this site can be used. Someone asked how other states are reacting to our plant, he would just say that they are receiving a warm welcome where they go, in all the locations and it is because they are a very good company and they are a very responsible company. They are also a people oriented company and community oriented. That is what they are in Midlothian, Texas and that is what they will be here. There was a mention of the buffer areas; without finishing the site plan he was not prepared to say actually what will be done in the buffer area but it would be his intention to leave, other than the access road coming into the property, the buffer areas in the state that they are in. That does not mean that they might not want to use those areas for some uses in the future or for the uses for which they are presently being used. He asked if there were any other questions?

Mrs. Everett asked that he address the light pollution question.

Mr. Bone stated without knowing how the plant sites and the elevations; he thought the light poles will be sixty (60) feet tall and the light is a valuable thing and we will direct it down to the ground, that is why they have them. They have to be sixty (60) feet because we need some area between the poles to maneuver the trucks. The lights will not be shining out, they will be shining down toward the ground. Their intention is to have a five hundred (500) foot buffer around the entire site and he would be surprised if any light pollution could escape from that. He stated that he was also not an engineer and that he could not guarantee that. He stated that the access road would be an at grade crossings, he would assume that there would be a traffic light at that crossing, although he did not know that would be the case, VDOT would be responsible for the design of that. The rail crossings -- he stated is not familiar with the area.

Mr. Moody interrupted by stating that these gentlemen were not familiar with the area in question and that if these items need to be addressed it will be at the conditional use process. At this time we will be sure the road systems and light systems and all those things are taken care of.

Mr. Scheid stated that he was familiar with the area that was in question; however, he would not be able to answer any questions on the roads or rail system at this time. If the systems are being upgraded it would be at the expense of Norfolk Southern, CSX and/or the Department of Transportation, not at the expense of Dinwiddie County or Chaparral Steel.

Mr. Long suggested that Mr. Bone place the site plan drawing out on an easel in order that citizens could see where the proposed access road is proposed to be added. Mr. Bone stated that he had that drawing and would be pleased to point out where that road is proposed.

Mr. Moody asked if any Board member or staff member had any question that were not addressed or brought up during the Public Hearing portion of the meeting.

Mr. Bracey asked if we addressed all of the concerns of those citizens that spoken; were the basic issues covered?

Mr. Moody stated that of the items that he wrote down, he felt that most of them were, with the exception of those maybe the County might have to answer. One was a contract type of arrangement, he asked Mr. Bone if they could stick to that?

Mr. Bone stated that they are very careful with the information that they presented to the County on the jobs that were going to be created, on the payroll that was going to be created, and he did not know of any reason that they would not make a commitment.

Mr. Moody asked if by careful he meant conservative?

Mr. Bone stated that he believed that they would meet the representations that they had made on that. If the County wished to pursue that further then they were open to do that.

Mr. Beach stated one thing they need to consider when they come into a community is that you do not move a steel plant lightly. When they come in, the promises made in the beginning establishes their first impression and their reputation. If they want to make a good impression it would be better if they exceed or met those representations. They are concerned about that reputation and the kind of impression that they make on a prospective community.

Mr. Tickle stated that he wanted to say that he thought Mr. DeMario had a lot of nice comments and he felt he had spent time thinking about this. He is concerned about where he lives and his community. Mr. Tickle stated that he felt that we need to take heed of the matters he addressed. He did not feel that with the information we currently had that we could answer all Mr. DeMario's concerns. He did believe that if we get to the next level, Mr. DeMario has supplied them with a starting point of things that should be addressed. These things should not go to the next stage if they are not met. He stated that he was highly impressed with some of his comments. He continued by stating, to the citizens in the audience, was that they had gone, as the Board of Supervisors, to Midlothian, Texas, to the site. He had to say that, his personal opinion was, that he was highly impressed. He stated that one mistake that the Board made was that they did not take a couple of citizens on that trip. He stated that he did not go to Texas saying that is going to be a great site or that this is something I am going to enjoy looking at or it will be impressive. He was highly impressed with the site and by the way that they educate the people on the site. He was also impressed by how the employees talked about their company. It reminded him of going to Phillip Morris. Many of the audience knew Phillip Morris and how their employees were impressed about their company. These people fought for their company, stood up for their company, and they had nothing to gain by this company coming to Dinwiddie County. His comment was that he was impressed and that he did on the flip side, as a representative of the County, have to be impressed with Mr. DeMario's comments and they would be very foolish if when they get to the next step that they do not take heed and address each one of his concerns on this proposed industry. He thanked Mr. DeMario for opening his eyes to these matters.

Mr. DeMario asked if they rezone this property and Chaparral Steel does not come into Dinwiddie County, can the property be rezoned back to the original zoning?

Mr. Long stated that they have been advised, by legal counsel, that at this point that will be possible.

Mr. Bracey remarked that it had been questioned by a citizens if the Board talked to citizens in the community of Midlothian, Texas. The answer is yes. They met with the Chamber of Commerce, a real estate agent, and the whole nine yards. What he saw he felt would be good for

Dinwiddie County and he did not think that they, Chaparral Steel, had anything to hide. He hoped that Chaparral would come and be a part of our community.

Mr. Clay echoed what Mr. Tickle and Mr. Bracey had stated. He was very impressed with the employees and their attitude toward the company. Something that he believed had not been said is that every employee is a stock holder in the company. The vice-mayor stated that if they had an opportunity to get another industry like Chaparral they would jump right into it and get another. He felt that it would be good for Dinwiddie County. He knew that it was an inconvenience to some people in that end of the County but he felt that it was good for the whole County on the tax base and they would be a good corporate citizen.

Mr. Moody stated again that he had closed the Public Hearing.

Mrs. Everett stated that when they were in Texas she asked an official if that 600 trucks a day figure was accurate and she was told that that figure might only be 300 per day.

Mr. Beach stated that he could not comment on that because it would depend on the availability of the rail service.

Mrs. Everett stated that she wished every resident of Dinwiddie County could have made that trip to Midlothian, Texas and we were very impressed. The grounds at Chaparral Steel were spotless, everything was so neat. Their educational program was also very impressive. In the community the people that they spoke with had nothing but praise for the company.

Mr. Moody stated he wished to say that the intention of this industry for the County, in his opinion, is to help the tax base. He knew it will inconvenience some people in that end of the County but services are being required in the County more and more every year. We are having to do construction work and several other things. We will either have to tax the people more money or try to find good industry for the County. We have to look at those things and this industry -- one of his main things is hopefully we can lower taxes to the citizens if this industry comes in. He certainly would like to do that. He wants this move to be good for all the citizens of Dinwiddie County.

Mrs. Everett stated that she realized that the original intention of the Board was not to take action on the rezoning at this time but to wait until Chaparral Steel had announced that they would make a decision to locate in Dinwiddie County. However, the Board has been told by Chaparral Steel that it is important in their decision making process that the rezoning be accomplished at this time and must be completed before a decision is announced. The Company had advised the Board that they will pay any costs occurred by the County to rezone the parcels back to their former zoning classification should Chaparral Steel decide not to locate in Dinwiddie County.

Upon motion of Mrs. Everett, seconded by Mr. Bracey, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

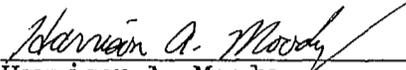
BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia that Section 21 - Parcels 47G, 47H, 47I & 47L, Section 22 - Parcels 20, 20A, 20B, 20C, 38A, 38B, 38C, 39, 42, 43, 56, 59, (4) A-B-C-D-E-F, 44, 46, (49 {now (6) 1-2-3}), 52, 55, 45, 47, 48, 50, 50A, 50B, 50C, 50D, 63, 51, 53, 54, 62 & 64 of the Dinwiddie County Zoning Maps situated generally bounded on the west by Church Road, south by Flank Road, east by Squirrel Level Road, and north by the railroad tracks is amended by changing the district classification from A-2 Agricultural General, R1 Residential Limited, and M2 Industrial General to PMD (Planned Industrial Development) for the purpose of developing the property for industrial purposes. This includes all parcels listed in the rezoning request with the exception of Section 21 - Parcels 47E, 47F, 47J, Section 22 - Parcels 40, and 41 which shall retain their current classification as requested by Dinwiddie County. This unanimous approval is done with the understanding that if Chaparral Steel does not commit to Dinwiddie County that they, Chaparral Steel, will pay all

costs associated with rezoning the property to its originally zoned districts, and

BE IT FURTHER RESOLVED, that in order to assure compliance with Virginia Code Section 15.1-491(g) it is stated that the public purpose for which this resolution was initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice.

IN RE: ADJOURNMENT

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye", the meeting adjourned at 9:00 P.M.



Harrison A. Moody
Chair, Board of Supervisors

ATTEST:



R. Martin Long
County Administrator

/pam

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100

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