

VIRGINIA: AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE ADMINISTRATION BUILDING, DINWIDDIE, VIRGINIA, ON THE 1ST DAY OF FEBRUARY, 1989, AT 7:30 P.M.

PRESENT: A. S. CLAY, CHAIRMAN ELECTION DISTRICT #4
HARRISON A. MOODY, VICE-CHAIRMAN ELECTION DISTRICT #1
EDWARD A. BRACEY, JR. ELECTION DISTRICT #3
CHARLES W. HARRISON ELECTION DISTRICT #2
GEORGE E. ROBERTSON, JR. ELECTION DISTRICT #2

ALVIN BOOTH DEPUTY SHERIFF
JAMES E. CORNWELL, JR. COUNTY ATTORNEY

IN RE: MINUTES

Upon motion of Mr. Moody, seconded by Mr. Harrison, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", the minutes of the January 18, 1989 were approved as presented.

IN RE: CLAIMS

Upon motion of Mr. Robertson, seconded by Mr. Harrison, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye",

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the following claims be approved and funds appropriated for same, using checks numbering 3151 - 3319: General Fund - \$76,507.53; E911 Fund - \$283.22; Self-Insurance Fund - \$28.50; Payroll - \$163,900.53, for a Total of \$240,719.78.

IN RE: ANIMAL WARDEN -- TRUCK REPAIR

Ms. Wendy Quesenberry, Interim County Administrator, advised the 1985 Animal Control truck had been repaired. Three bids had been received for a long block: Interstate Motor Support - \$702; Dinwiddie Auto Parts - \$750; Roanoke Rapids - \$887. The long block was purchased from Interstate Motors at a cost of \$702 and installed by DeWitt Country Store for approximately \$200, and was put back into service on January 24, 1989.

IN RE: PUBLIC HEARING A-88-33 -- PERMISSION TO ADVERTISE

Mr. Joe Emerson, Director of Planning, requested authorization to advertise for the Public Hearing on A-88-33, regarding private landfills in the County.

Upon motion of Mr. Harrison, seconded by Mr. Bracey, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", the Director of Planning is authorized to advertise Amendment A-88-33 for a Public Hearing to be held on Thursday, February 16, 1989, at 7:00 p.m., at the Dinwiddie Senior High School.

After some discussion as to the format of the meeting Mr. Jim Cornwell, County Attorney, advised the Board of Supervisors could set the format that it feels is within reason. He emphasized this is an Application by an applicant; therefore, he is entitled to present his application and the public is entitled to present either their support or opposition. The Chairman instructed the Interim County Administrator and staff to prepare a recommended format for this public hearing, to be considered at the regular Board meeting on February 15, 1989.

IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. MacFarland Neblett, Resident Engineer, was present and advised the bridge on Route 672 was complete and open to traffic.

IN RE: INDUCEMENT RESOLUTION - MANCHESTER TANK --
 DINWIDDIE AIRPORT AND INDUSTRIAL AUTHORITY

Mr. Joe Emerson, Director of Planning, introduced Mr. Ben Sampson of Manchester Tank. Mr. Sampson announced Manchester Tank's plans on building a manufacturing facility at the Dinwiddie Airport. The complex will be 48,000 sq. ft., and is approximately a \$3 million investment for the company. They anticipate hiring 35 to 40 employees on initial startup, and within two years have more than 100 employees working there. They also plan on hiring all of these people from the local area and having the State of Virginia train them.

Mr. Jim Cornwell read the resolution requesting the Board to approve the Small Issue Revenue Bond by the Dinwiddie Airport Industrial Authority.

Upon motion of Mr. Robertson, seconded by Mr. Harrison, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", the following Inducement Resolution for Manchester Tank was approved:

EXTRACT

WHEREAS, the Dinwiddie Airport and Industrial Authority (the "Authority") has considered the application of Manchester Tank and Equipment Company, a corporation whose principal business address is 2880 Norton Avenue, Lynwood, California 90262 (the "Applicant"), for the issuance of the Authority's qualified small issue revenue bonds in an amount not to exceed \$3,000,000 to assist the Applicant in the acquisition, construction and equipping of an approximately 50,000 square foot manufacturing facility to be owned and operated by the Applicant in the manufacturing of metal tank products for commercial and industrial use and to be located on a portion of a 10 acre parcel of land located in the Dinwiddie Air Park adjacent to the industrial access road into the Dinwiddie Air Park approximately 1/4 mile from the intersection of U.S. Route 460 and said access road (the "Project") in Dinwiddie County, Virginia (the "County"), and has held a public hearing thereon; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental units having jurisdiction over the issuer of qualified small issue revenue bonds and over the area in which any facility financed with the proceeds of qualified small issue revenue bonds is located shall approve the issuance of such bonds; and

WHEREAS, the Authority issues its bonds on behalf of the County, the Project is to be located in the County and the Board of Supervisors of the County (the "Board") constitutes the highest elected governmental officials of the County; and

WHEREAS, the Authority recommends that the Board approve the issuance of the bonds; and

WHEREAS, a copy of (1) the Authority's resolution approving the issuance of the bonds, subject to terms to be agreed upon (2) a reasonably detailed summary of the public hearing on the Project and (3) the Authority's fiscal impact statement for the Project have been filed with the Board;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia:

(1) The Board approves the issuance of the bonds by the Dinwiddie Airport and Industrial Authority for the benefit of the Applicant, as required by Section 147(f) of the Code and Section 15.1-1378.1 of the Code of Virginia of 1950, as amended (the "Stated IDB Act") to permit the Authority to assist in the financing of the Project.

(2) The approval of the issuance of the bonds, as required by Section 147(f) of the Code and Section 15.1-1378.1 of the State IDB Act does not constitute an endorsement to a prospective purchaser of the bonds of the credit worthiness of the Project or of the applicant; and, as required by Chapter 94 of the Acts of the Assembly of 1980, as amended, the bonds shall provide that neither the County nor the Authority shall be obligated to pay the bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor and neither

the faith or credit nor the taxing power of the Commonwealth, the County nor the Authority shall be pledged thereto.

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

IN RE: RESCUE SQUAD AMBULANCE

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

EXTRACT
WHEREAS, by resolution adopted July 6, 1988, the Board of Supervisors authorized the execution and delivery of a master equipment lease/purchase agreement, and related instruments, and determining other matters in connection therewith -- 1988 police cars and ambulance with Signet Leasing and Financial Corporation; and

WHEREAS, the 1988 GMC Type-I ambulance was purchased from Ashley Emergency Vehicles and Equipment, Inc. and delivered to the Dinwiddie Rescue Squad on January 27, 1989 at a cost of \$43,380; and

WHEREAS, the Dinwiddie County Ambulance and Rescue Squad contributed \$20,000 towards this purchase, leaving a balance due of \$23,380;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the County Administrator is hereby authorized to execute the necessary paperwork to enter into a lease agreement with Signet Leasing and Financial Corporation for the financing of the above described ambulance in the amount of \$23,380.

IN RE: BAY DISPOSAL -- APPROVAL OF APPLICATION FOR PERMIT

EXTRACT
Upon motion of Mr. Bracey, seconded by Mr. Moody, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye",

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the letter of application submitted by Bay Disposal for use of the Dinwiddie County Landfill is approved contingent upon the needed paperwork from the Health Department, and the issuance of the annual vehicle license and business license as required by the Commissioner of the Revenue; and,

BE IT FURTHER RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA that the Bond is set at \$2,000 per vehicle.

IN RE: BAY DISPOSAL -- SIGNING OF CONTRACT FOR USE OF THE LANDFILL

Upon motion of Mr. Moody, seconded by Mr. Bracey, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye",

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA that the Chairman of the Board of Supervisors is authorized to sign the agreement with Bay Disposal which sets forth the conditions for the use of the County Landfill pursuant to their contract with Central State Hospital.

IN RE: APPOINTMENTS

1. Dinwiddie Airport and Industrial Authority

EXTRACT
Upon motion of Mr. Harrison, seconded by Mr. Robertson, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", the appointment to the Dinwiddie Airport and Industrial Authority was removed from the Table for action.

Mr. Harrison nominated Ms. Barbara Shell for appointment to the Dinwiddie Airport and Industrial Authority. Mr. Robertson seconded the motion. Mr. Moody nominated Mr. Bill James, seconded by Mr. Bracey.

The vote in reverse order was as follows:

Mr. Bill James: Mr. Bracey, Mr. Moody voting "aye"; Mr. Harrison, Mr. Robertson, Mr. Clay voting "no".

Ms. Barbara Shell: Mr. Harrison, Mr. Robertson, Mr. Clay voting "aye"; Mr. Bracey, Mr. Moody voting "no",

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Ms. Barbara Shell be appointed to the Dinwiddie Airport and Industrial Authority, for a three year term, ending January 31, 1992.

2. Dinwiddie Industrial Development Authority

Upon motion of Mr. Robertson, seconded by Mr. Bracey, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye",

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Mr. Aubrey Pennington and Mr. Robert Wallace be reappointed to the Dinwiddie Industrial Development Authority for a four year term, ending February 5, 1993.

IN RE: APPOINTMENT -- CUSTODIAN/GROUNDS WORKER

Upon motion of Mr. Bracey, seconded by Mr. Moody, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye",

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Mr. Eli Clanton is promoted from a part-time position to the full time position of Custodian/Grounds Worker at a beginning salary of \$9,068.80, which is Grade 1, Step 3A of the County salary Scale, effective February 1, 1989.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Bracey, seconded by Mr. Moody, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", pursuant to Section 2.1-344 (1), (4) and (6) of the Virginia Freedom of Information Act, the Board moving into Executive Session at 8:22 p.m. to discuss personnel, legal and industrial matters. A vote having been made and approved, the meeting reconvened into Open Session at 10:32 p.m.

IN RE: ACLU SUIT -- CONSENT DECREE

Mr. Jim Cornwell, County Attorney, advised the pending ACLU suit would require the county to be redistricted. He advised there is a redistricting plan that is being advertised for a public hearing on February 15, 1989. Subject to the Board's approval on February 15, 1989, and subject to approval by the Attorney General's Office of the redistricting plan, Mr. Cornwell asked permission to enter into a consent decree on February 9, 1989, in the United States District Court, in which the consent decree will be contingent upon the above two items, but will state that if those things do occur, the suit against the County will be dismissed. He advised the County will be required to have elections on November 7, 1989, for the entire Board of Supervisors, and the deadline for candidates for the election will be August 25, 1989. One polling place will be moved, which is the Reams precinct where it will be moved to Little Zion Baptist Church. The tentative agreement does not move any other polling places. This redistricting plan will be good only until the next General Redistricting, which will be in 1991. Mr. Cornwell stated a tentative settlement figure has been reached with the ACLU attorneys for the plaintiffs in the amount of \$6,500.

Upon motion of Mr. Robertson, seconded by Mr. Harrison, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", Mr. Jim Cornwell, County Attorney, is hereby authorized to enter into the consent decree on February 9, 1989, in the U.S. District Court for settlement of the ACLU suit against Dinwiddie County.

IN RE: FARM ANIMALS/FARM MACHINERY

On May 21, 1980, the Board of Supervisors set up Farm Machinery as a separate tax classification and set a separate tax rate. The Board also excluded livestock from the Personal Property Tax. Since that time, Farm Machinery has always been set as a separate class and taxed at a separate rate. During the last few years, the rate on Farm Machinery has been zero and Farm Animals and Livestock have not been assessed or taxed. A question has arisen on the propriety of the Board's action on May 21, 1980. Mr. Cornwell stated there was no problem with Farm Machinery being set up as a separate class with a separate rate. However, there is a problem as to how farm animals were excluded. Therefore, Mr. Cornwell requested permission to advertise an ordinance to clarify these two issues. Mr. Cornwell advised that with Farm Machinery being set up as a separate class, the mere fact that that class is zero, does not relieve the Commissioner of Revenue from assessing it. However, she has some concerns on the cost of assessment of Farm Machinery when the tax is set at zero.

Upon motion of Mr. Harrison, seconded by Mr. Moody, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", Mr. Jim Cornwell, County Attorney, is authorized to advertise two ordinances to clarify the Board's action on May 21, 1980. One ordinance will set up Farm Machinery as a separate class; the other is to set up Farm Animals and livestock as a separate class and exempt it from taxation.

Mr. Cornwell advised he had informed the Commissioner of Revenue that under law, she has to assess Farm Machinery since it has not been exempted from taxation by action of the Board.

Mr. Moody requested Mr. Cornwell advertise an ordinance to exempt Farm Machinery from taxation. Mr. Robertson stated there would be no opportunity to replace the tax on the farm machinery and that would remove any future opportunity to tax farm machinery. Mr. Robertson felt that businessmen in the County were buying licenses and paying taxes for their trucks and other equipment, and he would like to keep the farm machinery tax on the books, even if the tax at the present time is zero. He hoped one day it would be a taxable item and encouraged the board to vote no on this resolution.

Mr. Moody stated the assessment of the Farm Machinery is going to cost more than the tax, even if it was reinstated. He advised the Board could always have a public hearing to reinstate the tax if it is the Board's desire at a later time. But the assessment and the cost of same is the issue at this time.

Upon motion of Mr. Moody, seconded by Mr. Bracey, Mr. Bracey, Mr. Moody, Mr. Clay voting "aye", Mr. Harrison, Mr. Robertson voting "no", Mr. Cornwell is authorized to advertise an ordinance to exempt farm machinery from taxation.

IN RE: DIRECTOR OF PLANNING & ECONOMIC DEVELOPMENT

EXTRACT
Mrs. Wendy Quesenberry, Interim County Administrator, advised that with the increase in industrial development within the County, the Director of Planning has taken over the job and his duties have increased in that area. Because of these additional duties, she recommended that his job title be changed to Director of Planning and Economic Development. There would be no change in salary grade structure.

Upon motion of Mr. Robertson, seconded by Mr. Harrison, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye",

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Mr. Joe Emerson's title be changed from Director of Planning to Director of Planning and Economic Development.

IN RE: COMMISSIONER OF REVENUE -- LIFTING OF SPENDING FREEZE

Mrs. Deborah Marston, Commissioner of Revenue, advised the Board that the Business License was not a budgeted item. She requested the Board lift the freeze on spending so she can properly enforce this license tax

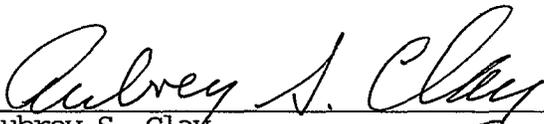
as she felt she had stayed within the freeze limit of \$5,000 on expenditures.

Upon motion of Mr. Robertson, seconded by Mr. Harrison, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye",

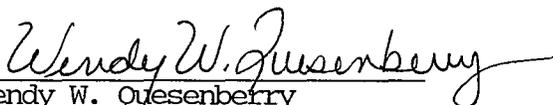
BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the necessary funds are allocated to the Business License budget for the Commissioner of Revenue to enforce the requirements of the Business License Tax.

IN RE: ADJOURNMENT

Upon motion of Mr. Harrison, seconded by Mr. Moody, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", the meeting was adjourned at 10:45 p.m.



Aubrey S. Clay
Chairman, Board of Supervisors

ATTEST: 
Wendy W. Quesenberry
Interim County Administrator