

VIRGINIA: AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD IN THE MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING, DINWIDDIE COUNTY, VIRGINIA, ON THE 7TH DAY OF MARCH, 1990, AT 7:30 P.M.

PRESENT: HARRISON A. MOODY, CHAIRMAN ELECTION DISTRICT #1
AUBREY S. CLAY, VICE-CHAIRMAN ELECTION DISTRICT #4
EDWARD A. BRACEY, JR. ELECTION DISTRICT #3
CHARLES W. HARRISON ELECTION DISTRICT #2
MICHAEL H. TICKLE ELECTION DISTRICT #2

CLAUDE TOWNSEND DEPUTY SHERIFF
DANIEL M. SIEGEL INTERIM COUNTY ATTORNEY

IN RE: MINUTES

Corrections - February 7, 1990 Regular Meeting:

Page 1, IN RE: Citizen Comments, #2, Line 3, delete the word "This" and replace with "She stated that Rt. 636" is a dirt road....
Page 4, IN RE: County Attorney, Line 4, delete the word "on".

Corrections - February 21, 1990 Regular Meeting:

Page 7, para. 6, line 3, change "is" to "his" proffer...

Page 10, IN RE: Appointment - Dinwiddie Airport Industrial Authority, line 2 should read reappointed to the Dinwiddie "Airport" Industrial "Authority".

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes of the February 7, 1990 Continuation Meeting, February 7, 1990 Regular Meeting, and the February 21, 1990 Regular Meeting are hereby adopted and approved with corrections in their entirety.

IN RE: CLAIMS

Upon motion of Mr. Tickle, seconded by Mr. Harrison, Mr. Bracey, Mr. Harrison, Mr. Tickle, Mr. Clay, Mr. Moody 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 #7715 - #7934 (void #7713, #7714 and #7727): General Fund - \$272,825.78; E911 - \$1,994.17; Self-Insurance - \$202.00; Law Library - \$136.35, for a total of \$275,158.30.

IN RE: CITIZEN COMMENTS

Mr. Ronnie Abernathy expressed appreciation to Mr. Dennis King, Director of Sanitation, on the hard work and excellent job he was doing at the Landfill.

Mr. Abernathy asked the Board to take action to restrict what is permitted under co-generation in M-1 zoning to prevent toxic ash. The Chairman asked the Director of Planning to look into the matter.

IN RE: AMENDMENTS TO AGENDA

Upon motion of Mr. Clay, seconded by Mr. Tickle, Mr. Bracey, Mr. Harrison, Mr. Tickle, Mr. Clay, Mr. Moody voting "aye", the following was added to the agenda:

7.1.(1) Target Range Permit - Old Hickory Hunt Club

IN RE: TREASURER - RETAIL MERCHANTS ASSOCIATION

Mr. W. E. Jones, Treasurer, requested authorization to become a member of the Retail Merchants Association to obtain reports to aid in collection of delinquent taxes.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Treasurer's Office is authorized to join the Retail Merchants Association, at a cost of \$72.00 per year, with "ACROFILE" reports \$2.25 each and "DTEC" reports \$2.00 each, to aid in collections of delinquent taxes.

IN RE: PROPOSED PIPELINE -- COMMONWEALTH GAS

Mr. Leonard K. Ponder, Director of Planning, advised Commonwealth Gas is running a proposed pipeline from Petersburg to Emporia, which will run through the eastern and southeastern part of the County. Although the SEC has already approved the pipeline, the Planning Commission has to vote to include it into the comprehensive plan for the county. Under legislation, the Board of Supervisors has a choice whether or not to require a public hearing by the Planning Commission.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the Planning Commission is authorized to conduct a public hearing to receive citizen input on the proposed Commonwealth Gas pipeline to run through the eastern and southeastern portion of the County.

IN RE: TRAINING SEMINAR -- LEONARD K. PONDER

Upon motion of Mr. Tickle, seconded by Mr. Harrison, Mr. Bracey, Mr. Harrison, Mr. Tickle, Mr. Moody voting "aye", Mr. Clay voting "nay";

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that Mr. Leonard K. Ponder is authorized to attend the American Economic Development Counsel Seminar, Washington, DC, from March 19-20, 1990, at a cost of \$435.00, for which funds are available.

IN RE: REPORT -- SUPERINTENDENT OF SCHOOLS

Dr. Richard Vaughn reported the Sunnyside Elementary School roof was completed per the contract; however, the Building Inspector will be meeting with the contractor next week for a final inspection.

Asbestos removal at Eastside Elementary School, as well as all the schools, has been completed.

IN RE: RESOLUTION - SCHOOL BUS LEASE/PURCHASE AGREEMENT

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

WHEREAS, Dinwiddie County, Virginia, a political subdivision of the Commonwealth of Virginia (the "County") was requested by the School Board of the County (the "School Board") to acquire certain school buses for the use of the County's public school system (the "Leased Property"), as more further described and approved in a Resolution adopted by the School Board on June 6, 1989; and

WHEREAS, The Board of Supervisors of the County (The "Board") adopted a resolution on February 21, 1990, which approves the financial terms of a lease purchase agreement between the County and Central Fidelity Bank, as the most responsive bidder, for the financing of the Leased Property; and

WHEREAS, in order to participate in the acquisition and financing of the Leased Property, the County will (i) enter into the Lease Purchase Agreement with Central Fidelity Bank as lessor (the "Lessor"), to be dated as of March 1, 1990 (the "Lease Purchase Agreement"), which provides for the payment by the County of monthly lease payments over a term of sixty (60) months, beginning July 1, 1990; and

WHEREAS, funds to provide for the payment of the costs of acquiring and financing the Leased Property will be obtained through an offering of Certificates of Participation (the "Certificates") evidencing undivided beneficial interests in the payments to be made by the County pursuant to the Lease Purchase Agreement, which Certificates will be issued pursuant to a Trust Agreement dated as of March 1, 1990 (the "Trust Agreement") among the County, the Lessor and The First National Bank and Trust Company of Tulsa, as trustees (the "Trustee"); and

WHEREAS, the monthly lease payments made by the County will be invested pursuant to a Master Repurchase Agreement dated as of March 1, 1990 (the "Investment Agreement"), between the Trustee and Central Fidelity Bank, pursuant to which Central Fidelity Bank is obligated to pay interest on amounts deposited with it by the Trustee for the benefit of the County at a rate which, assuming timely deposits, will be sufficient for timely payment of the required lease payments; and

WHEREAS, all amounts payable by the County under the Lease Purchase Agreement are subject to appropriation by the County and the County is under no obligation to make any appropriation with respect to the Lease Purchase Agreement; and the Lease Purchase Agreement is not a general obligation of the County or a charge against the general credit or taxing powers of the County; and amounts payable by the County under the Lease Purchase Agreement do not constitute a debt of the County within the meaning of any constitutional, charter or statutory limitation; and

WHEREAS, the Board deems the Leased Property to be essential to the governmental functions of the County and reasonably expects the Leased Property to continue to be essential to the governmental functions of the County for a period not less than the term of the Lease Purchase Agreement; and

WHEREAS, the County has determined that its participation in the acquisition and financing of the Leased Property will facilitate the provision of County Services to residents of the County and is, therefore, in the best interests of the County; and

WHEREAS, The Board does not reasonably expect that the County, together with any and all subordinate issuing entities or authorities, will issue bonds, notes, leases or other evidences of indebtedness or obligations, in excess of \$10,000,000 during calendar year 1990, not including "private activity bonds" other than "qualified 501(C)(3) bonds," as those terms are defined in the Internal Revenue Code of 1986, as amended; and

WHEREAS, at the request of Central Fidelity Bank as Lessor, the County desires to designate the Lease Purchase Agreement and the Certificates "qualified tax-exempt obligations" under the provisions of Section 265(B)(3)(B)(ii) of the Internal Revenue Code:

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

Section 1. The participation of the County in the acquisition and financing of the Leased Property, as described above, is hereby approved. The recitals to this Resolution are hereby incorporated by reference and are declared to be the legislative findings of the County in connection with its decision to participate in the acquisition and financing of the Leased Property.

Section 2. The terms and conditions of the Lease Purchase Agreement, in substantially the form presented to the Board, are hereby approved, and the County Administrator of the County is hereby authorized and directed to execute and deliver the Lease Purchase Agreement, with such changes as the County Administrator may approve, such approval to be evidenced conclusively by his execution and delivery of the Lease Purchase Agreement.

Section 3. The terms and conditions of the Trust Agreement, in substantially the form presented to the Board, are hereby approved, and the County Administrator of the County is hereby authorized and directed to execute and deliver the Trust Agreement, with such changes as the County Administrator may approve, such approval to be evidenced conclusively by his execution and delivery of the Trust Agreement.

Section 4. The terms and conditions of the Investment Agreement, in substantially the form presented to the Board, are hereby approved.

Section 5. All officials, employees and agents of the County, including the County Administrator, are hereby authorized and directed (i) to take any and all action necessary or appropriate to consummate the transactions contemplated by this Resolution and to effect the participation of the County in the acquisition and financing of the Projects and (ii) to execute and deliver all documents, instruments, certificates and opinions necessary or appropriate in connection therewith.

Section 6. Based upon the County's reasonable expectation expressed above that not more than \$10,000,000 in bonds, notes, leases and other obligations of the County, including any subordinate issuing entities, will be issued in calendar year 1990, the Lease Purchase Agreement and the Certificates are hereby designated as "qualified tax-exempt obligations" under Section 265(b)(3)(B)(ii) of the Internal Revenue Code of 1986, as amended.

Section 7. This Resolution shall become effective immediately upon its adoption.

IN RE: TARGET RANGE PERMIT -- OLD HICKORY HUNT CLUB

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the Old Hickory Hunt Club is granted a Target Range Permit to hold a turkey shoot on March 17, 1990, on its property located 1/4 mile west of Rt. 40 and Rt. 619, at the Intersection of Rt. 40, with all conditions stated therein.

IN RE: GRANT APPLICATION -- AMBULANCE

Mr. James C. Rice, Public Safety Officer, presented the Application for an EMS Financial Assistance Grant totalling \$66,287, with an attached cost breakdown. He advised a unit and equipment could not be purchased for \$50,000, as approved at the February 7, 1990 Board meeting, and requested the limit be increased to \$66,287.

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

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia hereby authorizes Mr. James C. Rice to proceed with the Application for EMS Financial Assistance Grant and increases the amount by \$16,287, for a total of \$66,287 for the purchase of a EMS unit and equipment.

IN RE: "ONE FOR LIFE" FUNDS

Mr. Rice advised the "One For Life" fund from the State Emergency Medical Services Division for FY 1988-89 in the amount of \$4,058 had been received, which is used to purchase emergency medical equipment and supplies.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the \$4,058 received for the "One For Life" fund from the

State Emergency Medical Services Division be held for 60 days and that requests for use of the funds be submitted to the County to certify they meet County and State guidelines.

IN RE: PRESENTATION OF CHECK - WILLIAM B. SLOAN CONSTRUCTION CO.

Mr. William B. Sloan, President of William B. Sloan Construction Company, presented the County with a \$250,950 check for payment in full for the ash placed in the Landfill to date. The money will be placed in the Landfill Capital Projects Fund.

IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION - SIX YEAR PLAN

Mr. MacFarland Neblett, Resident Engineer, Virginia Department of Transportation, presented the Six Year Plan as adopted at the February 21, 1990 Board meeting for the Chairman's signature.

Upon motion of Mr. Harrison, seconded by Mr. Tickle, Mr. Harrison, Mr. Tickle, Mr. Clay, Mr. Moody voting "aye", Mr. Bracey voting "nay";

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the Chairman and County Administrator are authorized to execute the Secondary Roads System Six Year Plan as presented and previously approved at the February 21, 1990 Board of Supervisors Meeting.

IN RE: PUBLIC HEARING -- P-90-3 - ROBERT F. MAREK

This being the time and place as advertised in the Progress-Index Newspaper on Friday March 23, and Friday March 2, 1990, for the Board of Supervisors to conduct a Public Hearing to consider a rezoning request by Robert F. Marek.

Mr. Leonard K. Ponder, Director of Planning, presented an Application for an Amendment to the Zoning Ordinance to rezone Tax Parcel 20-33 from Agricultural, General, District A-2 to Business, General, District B-2. He stated this was a housekeeping measure as the use of a fruit and vegetable stand on the property has been in existence for several years. Building a new structure for the business necessitates rezoning since the code does not allow the owner to expand a nonconforming structure. The Current A-2 zoning necessitates a 75 foot front setback which would be impossible for the parcel. At the Planning Commission February 14, 1990 meeting, the request was approved as a housekeeping measure and also as an extension of a reasonable use for this property.

No one spoke in favor of or against the rezoning.

Upon motion of Mr. Harrison, seconded by Mr. Clay, Mr. Bracey, Mr. Harrison, Mr. Clay, Mr. Moody voting "aye"; Mr. Tickle "abstain":

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that Tax Parcel 20-33 of the Dinwiddie County Zoning Maps be amended by changing the district classification from Agricultural, General, District A-2 to Business, General, District B-2, in the Rohoic District on the north side of Rt. 460 at Rt. 226. In all other respects, said zoning ordinance is hereby reordained.

IN RE: SPECIAL ENTERTAINMENT PERMIT -- PIGNIC

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Petersburg Jaycees are hereby granted a Special Entertainment Permit to hold their annual PIGNIC on May 2, 1990 from 4:00 to 8:00 p.m., at the Petersburg-Dinwiddie Airport, with all conditions stated therein.

IN RE: BOAT LANDING OPERATION -- CONTRACT RENEWAL -- 1990

Mr. Frank Blaha has requested his contract be renewed to operate the Boat Landing for 1990. The Game Commission approved an increase last year of the season pass fee from \$20.00 to \$25.00 and Mr. Blaha again requested the Board approve this fee increase for this year.

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

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia hereby renews the Lake Chesdin Boat Landing Contract with Mr. Frank Blaha for 1990, with the amendment to allow Mr. Blaha to begin his operation on weekends, beginning in March; and,

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the season pass will be \$25.00; and,

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the County will pay the entire cost of the liability insurance for Mr. Blaha in the amount of \$864.01.

IN RE: FORD VFD

Mr. Jack P. Dance, II, Chief of Ford VFD, advised his department has a fire truck out of service due to worn tires and requested financial assistance to purchase new tires at a cost of \$1,238.22.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Ford Volunteer Fire Department be issued their budgeted quarterly contribution to help meet their expenses.

IN RE: AUDIO TAPES

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that in an effort to provide accurate, concise minutes, and still have the details of each meeting available, the County Administrator is authorized to retain the reel to reel audio tapes of the Board of Supervisors meetings, which will be kept on file for one year before reusing them.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Harrison, seconded by Mr. Clay, Mr. Bracey, Mr. Harrison, Mr. Tickle, Mr. Clay, Mr. Moody voting "aye", pursuant to Section 2.1-344(4) of the Virginia Freedom of Information Act, the Board moved into Executive Session at 9:31 p.m. to discuss industrial matters. A vote having been made and approved, the meeting reconvened into Open Session at 10:02 p.m.

IN RE: CERTIFICATION OF EXECUTIVE MEETING

Upon motion of Mr. Clay, seconded by Mr. Harrison, Mr. Bracey, Mr. Harrison, Mr. Tickle, Mr. Clay, Mr. Moody voting "aye", the following certification 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.

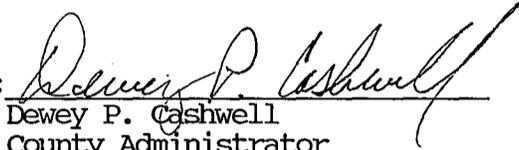
IN RE: ADJOURNMENT

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



Harrison A. Moody, Chairman

ATTEST:



Dewey P. Cashwell
County Administrator

