

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 4TH DAY OF NOVEMBER, 1992, AT 7:30 P.M.

PRESENT:	EDWARD A. BRACEY, JR., CHAIRMAN	ELECTION DISTRICT #4
	A. S. CLAY VICE-CHAIRMAN	ELECTION DISTRICT #5
	HARRISON A. MOODY	ELECTION DISTRICT #1
	DONALD L. HARAWAY	ELECTION DISTRICT #2
	LEENORA EVERETT	ELECTION DISTRICT #3
	BENJAMIN EMERSON	COUNTY ATTORNEY
	CLAIBORNE FISHER	DEPUTY SHERIFF

IN RE: PRESENTATION OF PLAQUES

1. Mr. Moody presented a plaque of appreciation to Mr. James Martin for his service on the Dinwiddie County Planning Commission.
2. Mr. Bracey presented a plaque of appreciation to Mr. Willie Maitland for his service on the Dinwiddie County Recreation Advisory Board.
3. Mr. Clay presented a plaque of appreciation to Ms. Geraldine Spicely for her service on the Dinwiddie County School Board.

IN RE: MINUTES

Upon motion of Mr. Haraway, seconded by Ms. Everett, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes of the October 21, 1992 Regular Meeting are hereby approved in their entirety.

IN RE: CLAIMS

Upon motion of Mr. Moody, seconded by Mr. Haraway, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey 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 #21146 thru #21343, (void checks #21150 - 21201 and #21343): General Fund - \$328,832.10; E911 - \$2,748.78; Self Insurance - \$5,610.14; Capital Projects - \$3,152.77; CDBG - \$5,068.39; Law Enforcement Fund - \$1,265.85; for a total of \$347,678.03.

IN RE: DISCUSSION OF CLAIM -- NAMOZINE VFD

Mr. Donald Porter, Chief, Namozine Volunteer Fire Department, appeared before the Board to request payment of a \$619.00 repair bill for the pumper truck at the Namozine Volunteer Fire Department. He explained to the Board that they had had a lot of other unbudgeted expenses this year and they needed help with this bill.

The Chairman explained to Mr. Porter that in the future, before the work is done to bring the items to the Board, or call the County Administrator or Assistant County Administrator to make sure funds are available.

Mr. Clay stated the capital fund is for emergencies only.

Upon motion of Ms. Everett, seconded by Mr. Haraway, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey voting "aye", \$619.00 was appropriated from the Capital Fund of the 1992-93 fire department budget for the repair of the pumper truck at the Namozine Volunteer Fire Department.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Haraway, seconded by Mr. Clay, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey, voting "aye", pursuant to the Virginia Freedom of Information Act, Section 2.1-344(a) (7) Legal; the

Board moved into Executive Session at 7:47 P.M. A vote having been made and approved, the meeting reconvened into Open session at 7:58 P.M.

IN RE: CERTIFICATION OF EXECUTIVE MEETING

Upon motion of Mr. Clay, seconded by Mr. Moody, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey, 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: RECOGNITION -- VOLUNTEER AWARD -- PAULINE BONNER

Ms. Everett said that Ms. Pauline Bonner is the recipient of the 1992 Golden Rule Award from J.C. Penney. Ms. Bonner was recognized for her contribution to the West Petersburg area community.

IN RE: DISCUSSION OF CONDITIONAL USE PERMIT

1. Robert Ragsdale told the Board that when the conditional permit was issued to Picture Lake Associates for the proposed drag strip that the noise level would not go above 40 decibels. He said he was in the midst of striking a deal for a golf course in that area. He said he needed to know something immediately so he could give the developers a progress report. Mr. Ragsdale stated he felt the people in the area would rather have a golf course near them than a drag strip.

2. Charles Cabell an attorney representing a group of property owners in that area stated that a large constituency has some concerns about the race track. He said statements had been made at the Planning Commission meeting and the Board of Supervisors meeting about the noise level which were inaccurate. The developer of the strip, Ashland-based Picture Lake Associates, misled the county when it claimed the noise levels would not go above 40 decibels. He said the statements were not confirmed even the developers admitted they were incorrect. The representatives of the drag strip said the noise levels at the strip would probably max out at around 70 to 80 decibels. He told the Board he felt there was misinformation which had not been detected by the County. Mr. Cabell said that some of the affected property owners were present and that they deserved to have a commitment from the Board, either to rescind the permit or have a rehearing of the matter so the Planning Commission can make a decision based on the true facts. He asked the Board for a decision tonight.

3. Anne Scarborough declared she was surprised the issue has come up again. She said her last recollection was that the gentleman that was going to open the drag strip was discontented with the admissions tax and that he was not going to locate here.

4. Christine Avery told the Board she lived across from the race track and that she was concerned about the noise level. She said the property owners had been misled but the the Board had been lied to. There is one house that is 1,000 feet away.

5. George Scott said he was concerned about the noise level.

6. Gwen Rowland declared she was concerned about the noise level and her daughter had written a letter in opposition also.

7. Gilbert Charboneau injected that he had been told the noise level would be no louder than a window air conditioner. He said he also had concerns about the entrance and exit to the drag strip. He stated he didn't want to pay to make the bridge wider on U.S. #1 either.

8. Mrs. Barr said she lived near a drag strip in Ohio and that you could hear the cars from a five mile radius. She also expressed concerns about the safety of the area with the types of persons it would attract.

9. Robert Ragsdale told the Board he was concerned about the notifications being sent from the Administration Office for the hearings. He said that there was not sufficient time given for people to be prepared for the hearings.

10. Nick Krauzer said he lived in Dabney Estates and he is concerned about now. He asked these questions: 1. Why do we want this? 2. What benefit will it be? 3. How much has this been investigated? 4. How big of an area will it affect? 5. Who does it do good for?

11. Anne Blazek said this past summer once every six weeks, an all-night party was held on the property and she had to call the Sheriff's Office.

12. Robert Ragsdale asked the Board to give them an answer now. He wanted them to either rescind the permit or rehear the issue.

Mr. Benjamin Emerson stated that the Board would take a look into the legal implications but the issue would be worked out and the people will be notified.

13. Mr. Haraway stated he represents District #2 where the proposed race strip will be located. He said in the last week he had received six to seven phone calls, had several citizens talk to him personally and had received a letter from Mr. Ragsdale, which each Board member had. He said he thought it was fair to say that the discomfort level of the Dinwiddie residents that are in district #2, concerning this proposed drag strip, is much greater today than it was at the time the conditional use permit was issued. The main concern is the noise factor, no doubt, but there are other concerns that they have spoken to me about, crowd concern, traffic concerns, and environmental problems. He said provided that the drag strip does become a reality, at the proposed site, the type of housing and development that takes place in the area around the drag strip will be of a lesser quality. We all would have to admit that. It is going to have a negative impact on Dinwiddie County, especially financially. Regardless of the decision that this Board makes tonight, Mr. Haraway said he thought the residents that live around the proposed drag strip have made one message perfectly clear tonight, and that is to the drag strip officials, that they are opposed to the drag strip and if there is a drag strip that does materialize in Dinwiddie County next year, the residents will do whatever is humanly possible to see that the noise level is kept at the level that was presented when they applied for the conditional use permit.

14. The Chairman stated that the Board would be in touch after it receives legal advise from counsel. He asked the citizens to leave their name, telephone number, and address if they wanted to be notified of the Board's decision.

IN RE: CITIZEN COMMENTS

1. Margie Ingram appeared before the Board to ask who is responsible for the keeping up with the County's inventory. The Assistant County Administrator said the Administration was responsible for the inventory. Ms. Ingram asked why things are behind and why there is not better management?

The Assistant County Administrator stated we do not have the staff to keep up with the inventory. She explained that the last inventory had been taken by a summer part-time help and that we had not been fortunate enough to have someone else do it. Ms. Ingram told the Chairman that the inventory needed to be caught up and then kept up each time a purchase is made. We need to know where every item is on the inventory list. The Assistant County Administrator agreed with Ms. Ingram.

The Chairman stated that the inventory issue will be taken care of.

IN RE: AMENDMENTS TO THE AGENDA

Upon motion of Mr. Moody, seconded by Mr. Clay, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey voting "aye", the following amendments were approved.

- Add: 6. Executive Session 1. Legal
- 9. Scouting for Food Drive
- 12. Resolution for Virginia Bio-Fuels Corp. Bond Financing
- 13. Lease Financing Resolution
- 16. 4. Acquisition of Real Property

IN RE: RECESS

The Chairman declared a recess at 8:45 P.M. to allow the Planning Commission to hold a hearing on A-92-8. The meeting reconvened at 9:25 P.M.

IN RE: A-92-8 -- COUNTY OWNED SOLID WASTE DISPOSAL FACILITY
& ANIMAL CONTROL FACILITY

This being the time and place as advertised in the Progress-Index Newspaper on October 20, 1992, October 21, and October 27, 1992, for the Board of Supervisors and the Dinwiddie County Planning Commission to conduct a joint public hearing to consider adoption of an ordinance to amend Chapter 22 of the Dinwiddie County Code by adding the following definitions:

Mr. Leonard Ponder, Director of Planning, stated that Dinwiddie County is requesting that Section 22-1 of the Zoning Ordinance be amended to add the following definition:

"Animal Control Facility" shall mean a facility for impoundment, observation and disposal of animals.

"Permitted Waste" shall mean solid waste originating in the County and which includes the following categories of solid waste: sludge, food processing waste, garbage, household waste, ash residue, bottom ash, clean fill, stabilized sludge, sewage sludge, residue, industrial waste, residuals, yard waste, construction and demolition debris, refuse, commercial waste, recyclables, waste tires, ashes and food chain crops, each as defined under U.S. Environmental Protection Agency Regulation Section 360-1.2.

"Solid Waste Disposal Facility" shall mean a co-composting facility, a material recovery facility and landfill facility, and accessory structures, including but not limited to facilities for bio-methanization reclamation for electrical power generation and for the disposal of permitted waste as properly licensed or permitted by the appropriate Commonwealth or federal agencies or departments.

Dinwiddie County is also requesting that Section 22-59 (Permitted Uses) be amended to add the following description:

"(28) County Owned Solid Waste Disposal Facility with a conditional use permit."

"(29) County Owned and Operated Animal Control Facility."

These amendments will allow the animal control facility to come into conformance with the Zoning Ordinance and will also define the operation of the co-composting facility.

Since these amendments are merely housekeeping measures, such as 22-59 (20) and the definitions for an animal control facility or necessary to facilitate the construction of the solid waste disposal facility, staff recommends approval of these amendments.

No one spoke for or against the amendments.

Upon motion of Mr. Moody, seconded by Mr. Clay, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey voting "aye", Section 22-1 of

the Zoning Ordinance is amended to add the definition, "Animal Control Facility" shall mean a facility for impoundment, observation and disposal of animals.

Upon motion of Mr. Clay, seconded by Mr. Moody, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey voting "aye", Section 22-1 of the Zoning Ordinance is amended to add the definition, "Solid Waste Disposal Facility" shall mean a co-composting facility, a material recovery facility and landfill facility, and accessory structures, including but not limited to facilities for bio-methanization reclamation for electrical power generation and for the disposal of permitted waste as properly licensed or permitted by the appropriate Commonwealth or federal agencies or departments.

Upon motion of Ms. Everett, seconded by Mr. Haraway, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey voting "aye", Section 22-1 of the Zoning Ordinance is amended to add the definition, "Solid Waste Disposal Facility" shall mean a co-composting facility, a material recovery facility and landfill facility, and accessory structures, including but not limited to facilities for bio-methanization reclamation for electrical power generation and for the disposal of permitted waste as properly licensed or permitted by the appropriate Commonwealth or federal agencies or departments.

Upon motion of Mr. Clay, seconded by Mr. Moody, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey voting "aye", Section 22-59 (Permitted Uses) is amended to add the subscription, "(28) County Owned Solid Waste Disposal Facility with a conditional use permit."

Upon motion of Mr. Moody, seconded by Ms. Everett, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey voting "aye", Section 22-59 (Permitted Uses) is amended to add the subscription, "(29) County Owned and Operated Animal Control Facility."

IN RE: PUBLIC HEARING -- P-92-4 -- COUNTY OF DINWIDDIE

This being the time and place as advertised in the Progress-Index Newspaper on October 20, 1992, October 21, and October 27, 1992, for the Board of Supervisors and the Dinwiddie County Planning Commission to conduct a joint public hearing to consider a request from the County of Dinwiddie to rezone a parcel of property described as Tax Parcels 44-1B, 44-1C, from Agricultural General, A-2, to Agricultural Limited, A-1.

Mr. Leonard Ponder, Director of Planning, stated that the County of Dinwiddie is seeking to rezone from A-2, Agricultural, General District to A-1, Agricultural, Limited District, Tax Parcels 44-1B, 44-1C and a fifty (50') foot easement alongside the southern border of the Dinwiddie County Landfill for the purpose of operating a County Owned and Operated Solid Waste Facility and a County Owned and Operated Animal Control Facility.

Currently there is no property in the County zoned A-1. This rezoning would allow the County to bring both the current landfill, the future co-composting facility, and the current animal control facility into compliance with the Zoning Ordinance. As two of these facilities currently and for years have existed on this property, this is essentially a housekeeping matter. The inclusion of the co-composting facility is the means that the County has decided upon to best meet both the landfill needs of the County, its residential, industrial, and commercial uses and also the recycling mandates of the State of Virginia.

STAFF RECOMMENDATION:

As legal counsel, the Board of Supervisors, staff, and a citizen committee have given the co-composting contract an extensive review, the planning staff recommends that the Planning Commission recommend P-92-4 to the Board of Supervisors for approval.

No one spoke for or against the rezoning request.

Upon motion of Mr. Haraway, seconded by Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Clay, Mr. Bracey voting "aye", the rezoning request P-92-4 from the County of Dinwiddie to rezone a parcel of property described as Tax Parcels 44-1B, 44-1C, and a fifty (50') foot easement along the southern border, from Agricultural General, A-2, to

Agricultural Limited, A-1 is approved. In all other respects, said zoning ordinance is hereby reordained.

IN RE: PUBLIC HEARING -- C-92-7 -- COUNTY OF DINWIDDIE

This being the time and place as advertised in the Progress-Index Newspaper on October 20, 1992, October 21, and October 27, 1992, for the Board of Supervisors and the Dinwiddie County Planning Commission to conduct a joint public hearing to consider an application from the County of Dinwiddie requesting a conditional use permit to operate a County owned Solid Waste Disposal Facility on a parcel of property described as Tax Parcels 44-1B, and 44-1C and a fifty (50') foot easement along the southern border.

Mr. Leonard Ponder, Director of Planning, told the Board that the County of Dinwiddie is requesting a conditional use permit to operate a County Owned and Operated Solid Waste Facility on Tax Parcels 44-1B, 44-1C and a fifty (50') foot easement along the southern border of the Dinwiddie County Landfill. The County's contention is that this facility is the most practical solution to the future landfill and recycling needs that will be faced by residential, commercial, and industrial users in Dinwiddie County.

Quite simply put, this process entails an anaerobic process that will turn organic materials brought into the landfill into a safe compostable material. The major by-product of this process is methane which will be captured along with methane from the landfill and used to produce electricity which will then be used to produce power for the facility. Any excess electricity will be sold to Southside Electric Cooperative. Any recyclable items will be recycled while all non-compostable and non-recyclable items will be landfilled at places other than the County Landfill.

This type of facility needs to be viewed as an industrial project and any conditions imposed by this permit should be in place to protect adjacent property owners and the facility alike. It is also important to make this facility aesthetically pleasing since it will most likely become a showpiece for other facilities such as these elsewhere.

STAFF RECOMMENDATION

Staff recommends approval of C-92-7 with the following conditions:

1. This facility must be managed and maintained according to the regulations of all applicable state and federal agencies.
2. Screening and buffering along with a security fence will be required between this facility and the animal control facility. This and a landscaping plan for the whole facility must be resubmitted to the Planning Department along with the complete site plan for approval.
3. Copies of any normal tests and results of these tests for the facility must be submitted to the Planning Department within thirty (30) days of the receipt of the results.
4. The terms and conditions of this permit must be reviewed yearly on the site to insure conformance with said conditions.
5. A plan detailing security fencing or other security measures must be submitted and will be placed on file in the Planning Department and the Public Safety Officer's office.

No one spoke for or against the conditional use permit request.

Upon motion of Ms. Everett, seconded by Mr. Haraway, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey voting "aye",

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that the conditional use permit to operate a County Owned and Operated Solid Waste Facility on Tax Parcels 44-1B, 44-1C and a fifty (50') foot easement along the southern border of the Dinwiddie County Landfill, is approved with the aforementioned conditions. In all other respects, said zoning ordinance is hereby reordained.

IN RE: RESOLUTION -- SCOUTING FOR FOOD DRIVE

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

WHEREAS, Citizens of Dinwiddie are being asked to donate products to the annual Scouting for Food Drive within the County; and

WHEREAS, food donated during this drive is slated for shipment to the Central Virginia Foodbank in Richmond where organizations serving the County's needy citizens must pay a fee to retrieve it when it is needed; and

WHEREAS, none of the food collected in Scouting for Food drives within Dinwiddie County Churches Emergency Relief Program instead of shipping them to the Central Virginia Foodbank in Richmond will insure that a priority is placed on using them to meet needs of local citizens.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County, Virginia hereby calls upon leaders of the Scouting for Food Drive within the County to take all steps necessary to retain all donations of food collected in the County for use in meeting needs of the County's needy citizens by deposition of these donations with the Dinwiddie Food Bank; and

BE IT FURTHER RESOLVED, that the Board of Supervisors of Dinwiddie County, Virginia calls upon Citizens of the County to designate their donations to the Scouting for Food Drive for use in meeting needs of their fellow citizens within the County.

IN RE: PUBLIC HEARING -- A-92-10 -- PERSONAL PROPERTY TAX
RELIEF FOR ELDERLY & DISABLED TAXPAYERS

This being the time and place as advertised in the Progress-Index Newspaper on October 21, and October 27, 1992, for the Board of Supervisors to conduct a public hearing to consider adoption of an ordinance to amend Chapter 19 of the Dinwiddie County Code to provide personal property tax relief for elderly and disabled taxpayers.

No one spoke for or against the amendment.

Upon motion of Ms. Everett, seconded by Mr. Moody, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey voting "aye",

BE IT ORDAINED, by the Board of Supervisors of Dinwiddie County, that Chapter 14 of the Dinwiddie County Code is hereby amended to include the following:

ARTICLE X

PERSONAL PROPERTY TAX EXEMPTIONS FOR ELDERLY AND DISABLED PERSONS

Sec. 19-127. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Affidavit: Exemption affidavit.

Commissioner: The Commissioner of Revenue of the County and any of his duly authorized deputies or agents.

Elderly: An individual who has attained the age of sixty-five years on or before December 31 of the year immediately preceding the taxable year or is permanently and totally disabled on December 31 of the year immediately preceding the taxable year.

Exemption: Exemption from the County personal property tax according to the provisions of this article.

Net Financial Worth: The assets, including the present value of all equitable interest, less the liabilities of the individual or individuals prepared in accordance with generally accepted accounting principles.

Permanently and Totally Disabled: Unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.

Property: Personal Property

Taxable Year: The calendar year, from January 1 until December 31, for which exemption is claimed.

Vehicle: A private passenger automobile, van or light pickup truck used primarily by or for the person or persons seeking the exemption. The fact that a passenger vehicle has been modified to accommodate a person with a disability does not disqualify the vehicle from the relief provided under this ordinance. Vehicle shall not recreational vehicle or RV, mobile home, camper or other types of trucks or vehicles not expressly set forth herein.

Sec. 19.128. Authorized.

Personal property tax exemption is provided for qualified vehicle owners, who are not less than sixty-five years of age, or who are permanently and totally disabled, and who are eligible according to the terms of this article. Persons qualifying for exemption are deemed to be bearing an extraordinary personal property tax burden in relation to their income and financial worth.

Sec. 19-129. Administration.

The exemption shall be administered by the Commissioner of Revenue according to the provisions of this article. The Commissioner is hereby authorized and empowered to make such inquiry of persons seeking exemption, requiring answers under oath, as may be reasonably necessary to determine qualifications for exemption as specified by this article. The Commissioner may require the production of certified tax returns to establish income or financial worth.

Sec. 19-130. General Prerequisites to Grant.

Exemptions shall be granted to persons subject to the following provisions:

1. The exemption is applicable only to that portion of a person's personal property tax attributable to a single vehicle as defined by this section.
2. The title of the property for which exemption is claimed is held on January 1 of the taxable year, by the person or persons claiming exemption.
3. The total combined income during the immediately preceding taxable year, from all sources of the owner of the personal property, and of the spouse of the source, does not exceed twenty-three thousand dollars (\$23,000.00); provided, however, that the first five thousand dollars (\$5,000.00) of income of each relative, other than spouse of the owner, who is living in the dwelling shall not be included in such total.
4. The net combined financial worth, including equitable interest, as of December 31 of the immediately preceding taxable year of the owner and of the spouse of the owner, excluding the value of the owner's principal residence and the land, not exceeding one (1) acre, upon which it is situated, does not exceed fifty-five thousand dollars (\$55,000.00).

Sec. 19-131. Applicant's Affidavit and Certificate of Disability.

(a) Annually, not later than May 1 and not before February 1 of the taxable year, the person or persons claiming an exemption must file an affidavit with the Commissioner of Revenue. The affidavit shall set forth, on a form to be furnished by the Commissioner, the names of the person for which the exemption is claimed, his or her and spouse, if any, their combined income and their net combined financial worth, including equitable interests.

(b) If the applicant for exemption is under sixty-five (65) years of age, the affidavit required by this section shall have attached thereto a certification by the Social Security Administration, the Veteran's Administration or the Railroad Retirement Board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two (2) medical doctors licensed to practice medicine in the Commonwealth, to the effect that such person is permanently and totally disabled, as defined in Section 19-127. The affidavit of one (1) of such doctors may be based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining such permanent and total disability.

Sec. 19-132. Certification of Commissioner.

If after any audit and investigation, the Commissioner of Revenue determines that a person is qualified for exemption, he shall so certify to the County Treasurer, who shall deduct the amount of exemption from the claimant's personal property tax liability.

Sec. 19-133. Amount of Exemption.

Where the person claiming exemption conforms to the standards of this article and does not exceed the limitations contained in this article, the tax exemption for any taxable year shall not exceed three hundred dollars (\$300.00).

Sec. 19-134. Nullification Upon Change in Status.

Changes in respect to income, net financial worth, ownership of the vehicle or other factors occurring during the taxable year for which an affidavit is filed under this article and having the effect of exceeding or violating the limitations and conditions provided in this article shall nullify any exemptions for the then current taxable year and the taxable year immediately following. No reassessment shall be applied for a tax year of a change in circumstances is attributable to the death during the tax year of the person whose age or disability qualified the personal property for the relief granted by this ordinance.

Sec. 19-135. False Claims.

Any person falsely claiming any exemption shall be guilty of a Class 3 misdemeanor.

This ordinance shall become effective immediately.

Ms. Everett asked that a display ad be run in the newspaper to alert the taxpayers of the tax relief ordinance.

IN RE: LANDFILL CLOSURE CONTRACT

Mr. Benjamin Emerson, County Attorney, told the Board that this was the contract with Virginia Bio-Fuels for the closure of the existing landfill. The contract provides for the closure of the majority of the landfill to begin immediately, with a small portion to be left open until closer to the deadline for closure under Federal law; so that the county can continue to use that portion of the landfill while the co-composting facility is being constructed.

Mr. Haraway questioned the blanks on page nine of the contract. He asked if it dealt with the financing terms which would have to be finalized before the blanks could be filled in.

Mr. Emerson stated that was exactly right.

The County Administrator stated that LFG, Landfill Gas, should be added to the definitions since it was used in the contract.

The County Administrator asked the Board to approve the basic document and contract price.

The County Attorney said the price is stated in two different ways, it is really a formula, because we do not know the exact acreage. The way cost is broken down mimics the response given to the RFP submitted by Virginia Bio-Fuels which is the reason it is stated in the contract.

The base price is \$317,916 for an area up to 5.9 acres, and any area in excess of that 5.9 acres based on the survey will be at an additional cost of \$1.37/per square foot.

The County Administrator said it looks as if the total acreage is approximately 17 acres. The original Draper-Aden closure report supports that acreage. We knew we would not know what the actual closure amount would be until we have the area surveyed and until we had actually had a look at the landfill in certain areas to be sure after we dug down and found out if there is any waste in there. The regulatory requirement is that the county must effect closure over all that area and had we missed anything the county would have been liable for it later on. So that is the reason for the per square foot figure.

The County Administrator stated it would be close to \$1,000,000 dollars to close the landfill.

Mr. Haraway expressed his displeasure at not knowing the dollar cost involved in the closure. He stated that the average person reading the contract would think that the \$1.37 cost would be immaterial to the \$317,000. He said in the future the Board should be kept abreast of these matters.

Upon motion of Ms. Everett, seconded by Mr. Clay, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey, voting "aye", the basic closure contract and price was approved with authorization to fill in the blanks on the contract pending the lease agreement terms for the existing landfill cells at the county landfill.

IN RE: WEST PETERSBURG CDBG PROJECT

Mr. Leonard Ponder, Director of Planning, told the Board that the Dinwiddie County's FY 1992 Community Improvement Grant (CIG) Program is a Comprehensive Program with multiple activities. This program has several funding sources in addition to CIG funds to include in-kind match from the County for staff time and forgiven dump fees and mortgage funds under VHDA's Urban Homeownership Opportunities Program (UHOP) and regular mortgage loans to be provided by local lenders. The overall program will be carried out in accordance with county, state, and federal regulations and requirements. County staff, West Petersburg and Vicinity Awareness, Inc., (WPVA), consultants, contractors, and the Crater Planning District Commission will all have roles in successfully implementing this program. Mr. Ponder asked the Board to approve the project plan.

Upon motion of Ms. Everett, seconded by Mr. Haraway, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey, voting "aye", the Dinwiddie County Project Management Plan for West Petersburg Improvement Project was approved.

IN RE: WEST PETERSBURG HOUSING REHABILITATION PROGRAM DESIGN

Mr. Leonard Ponder, Director of Planning, explained to the Board that the West Petersburg Housing Rehabilitation Program Design needed to be approved for the CDBG Grant.

Upon motion of Ms. Everett, seconded by Mr. Moody, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey, voting "aye", the West Petersburg Housing Rehabilitation Program Design was approved.

Ms. Pauline Bonner thanked the Board Members, Mr. Cashwell, and Mr. Ponder for their assistance and help given to the West Petersburg Vicinity Group in the West Petersburg area. She said she hoped that they would be as proud of the job that will be done in West Petersburg as the community will be.

IN RE: RESOLUTION FOR VIRGINIA BIO-FUELS CORPORATION BOND FINANCING

Mr. Ben Emerson, County Attorney, told the Board this is the resolution to provide for the issuance of \$6,000,000 bonds by the Industrial Development Authority to finance the construction of the co-composting facility and also to finance the acquisition of the equipment to use and operate in the facility. This is being done on a lease-purchase plan, whereas at the end of the lease-purchase, the

facility and the equipment will be owned by the County. He asked the Board to adopt the resolution.

Mr. Haraway stated he felt a little uncomfortable approving a \$6,000,000 bond issue without knowing what the interest rate will be.

The County Attorney responded that there was no way of knowing what the rate will be at the time of issuance.

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

WHEREAS, the Industrial Development Authority of Dinwiddie County, Virginia (the "Authority"), has considered the application of Virginia Bio-Fuel Corporation, a Virginia corporation (the "Applicant"), for the issuance of (a) up to \$3,000,000 of the Authority's solid waste disposal facility equipment revenue bonds (the "Equipment Bonds") to finance the acquisition and installation of solid waste disposal equipment (the "Equipment"), such Equipment to be owned by the Applicant and used in the operation of a methane fueled electrical generation facility to be located at the Dinwiddie County Landfill, 10809 Wheeler's Pond Road, Dinwiddie, Virginia 23841, and (b) up to \$3,000,000 of its solid waste disposal facility lease revenue bonds (the "Lease Revenue Bonds") to finance the construction by the Applicant of a building in which the Equipment will be located, which building will be leased by the Authority to the County of Dinwiddie, Virginia (the "Equipment and the building, are collectively, the "Project"), and has held a public hearing thereon on November 3, 1992 (the "Equipment Bonds and the Lease Revenue Bonds, are collectively, the "Bonds"); and

WHEREAS, the Authority has requested the Board of Supervisors (the "Board") of the County of Dinwiddie, Virginia (the "County"), to approve the issuance of the Bonds to comply with Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to terms to be agreed upon, a record of the public hearing and a "fiscal impact statement" with respect to the Project have been filed with the Board;

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF DINWIDDIE, VIRGINIA:

1. The Board of Supervisors approves the issuance of the Bonds by the Authority for the benefit of the Applicant to the extent required by Section 147(f) of the Code and Section 15.1-1378.1 of the Code of Virginia of 1950, as amended (the "Virginia Code").

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 Virginia Code, does not constitute an endorsement to a prospective purchaser of the Bonds or the creditworthiness of the Applicant or the Project, and, as required by Section 15.1-1380 of the Virginia Code, 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 money pledged therefore, and neither the faith or credit nor the taxing power of the Commonwealth of Virginia, the County nor the Authority shall be pledged thereto.

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

4. Pursuant to the limitations contained in Temporary Income Tax Regulations Section 5f.103-2(f)(1), this resolution shall remain in effect for a period of one year from the date of its adoption.

IN RE: LEASE FINANCING RESOLUTION

Mr. Ben Emerson, County Attorney, told the Board this is the resolution authorizing the sale of bonds for the purchase of certain property and maintenance items. The total of amount of the bonds is \$1,625,000. At the last Board meeting you accepted a proposal by Carter

Kaplan Company to purchase the bonds at par value. The Authority will issue bonds and purchase the equipment under the terms of the lease.

The items to be purchased are:

Seven (7) modular classrooms	-	\$199,000
Ten (10) school buses	-	370,000
School maintenance	-	300,000
School computers	-	125,000
Two (2) fire trucks	-	370,000
One (1) trash truck	-	90,000
One (1) Roll off conversion truck for trash collection	-	40,000
E911 Equipment	-	105,000
Cost of Issuance (less Underwriting Spread and costs referenced above)	-	<u>26,000</u>
TOTAL		\$1,625,000

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

WHEREAS, the Board of Supervisors of Dinwiddie County, Virginia (the "Board"), has determined that Dinwiddie County (the "County") has an immediate need for certain new vehicles, equipment and other personal property (the "Property") and to construct certain improvements related to the Property and make certain repairs to real property owned by the County and/or the School Board of the County (the "Improvements"); and

WHEREAS, there has been presented to the Board a plan for lease financing of the acquisition, installation and construction of the Property and Improvements which would not create debt of the County for purposes of the Virginia constitution; and

WHEREAS, there have been presented to this meeting drafts of the following documents (collectively, the "Documents") in connection with the transactions described above, copies of which shall be filed with the records of the Board:

- (a) A Lease Agreement between the Authority and the Board conveying to the County a leasehold interest in the Property and Improvements (the "Lease Agreement");
- (b) A Trust Agreement between the Authority and a corporate trustee to be designated as set forth below (the "Trustee"), pursuant to which the Bonds (as defined below) are to be issued, which is to be acknowledged and consented to by the Board (the "Trust Agreement"); and
- (c) An Assignment Agreement between the Authority and the Trustee, assigning to the Trustee certain of the Authority's rights under the Lease Agreement, which is to be acknowledged and consented to by the Board (the "Assignment Agreement");

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

1. The following plan for financing the acquisition, installation and construction of the Property and Improvements for the County as described in the preambles above is hereby approved. The Authority will be requested to issue the lease revenue bonds in the maximum amount of \$1,625,000 (the "Bonds") and to use the proceeds therefrom to finance the acquisition, installation and construction of the Property and Improvements. The Authority will also enter into the Trust Agreement with a corporate trustee (to be designated by the Chairman or Vice Chairman of the Board), pursuant to which the Bonds will be issued, which is to be acknowledged and consented to by the Board. The Authority will also enter into the assignment Agreement between the Trustee and the Authority whereby the Authority's rights under the Lease Agreement will be assigned to the Trustee, which is to be acknowledged and consented to by the Board. The Authority will be requested to lease the Property and

Improvements to the County under a "triple net lease" for the term of the Bonds at a rent sufficient to pay interest and principal due on the Bonds all pursuant to the Lease Agreement. The obligation of the Authority to pay principal and interest on the Bonds will be limited to rent payments received from the County. The obligation of the County to pay rent will be subject to the Board making annual appropriations for such purpose. The Bonds will be secured by an assignment of the Lease Agreement and rents to a trustee for the benefit of the bondholders and may be additionally secured by a first lien security interest in the Property. If the County exercises its right not to appropriate money for rent payments, the Trustee may terminate the Lease Agreement or otherwise take possession of the Property.

2. The Board has requested and received proposals from an underwriter to purchase the Bonds from the Authority and make a public offering of the Bonds. On the basis of such proposals, the Board has selected CKC Capital Markets, a Division of Carter Kaplan & Company as underwriter (the "Underwriter") for the Bonds, and the Authority is hereby requested to designate it as such.

3. The Chairman or Vice Chairman of the Board, either of whom may act, is hereby authorized and directed to execute and deliver the Lease Agreement.

4. The Chairman or Vice Chairman of the Board, either of whom may act, is hereby authorized and directed to acknowledge and consent to the provisions of the Trust Agreement, the Assignment Agreement and any security agreement or other instruments executed by the Authority for the purpose of creating and perfecting a security interest in the Property in favor of the Trustee for the benefit of the Holders of the Bonds.

5. The Documents shall be in substantially the forms submitted to this meeting, which are hereby approved, with such completions, omissions, insertions and changes as may be approved by the officer executing them, his execution to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes.

6. The Property and Improvements are hereby declared to be essential to the efficient operation of the County, and the Board anticipates that the Property and Improvements will continue to be essential to the operation of the County during the term of the Lease Agreement. The Board, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to make all payments under the Lease Agreement and hereby recommends that future Boards of Supervisors do likewise during the term of the Lease Agreement.

7. The Chairman or Vice Chairman of the Board, the County Administrator, the County Treasurer and all other officers of the County are hereby authorized and directed to work with representatives of the authority, the County Attorney, Bond Counsel, and CKC Capital Markets, a Division of Carter Kaplan & Company as the Underwriter to perform all services and prepare all documentation necessary to bring the Bonds to market, including without limitation, final forms of the Documents.

8. The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, including regulations issued pursuant thereto (the "Code"), or otherwise cause interest on the Bonds to be includable in the gross income for Federal income tax purposes of the registered owner thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bonds.

9. The County covenants that it shall not permit the proceeds of the Bonds to be used in any manner that would result in (a) 10% or more of such proceeds being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, provided that no more than 5% of such proceeds may be used in a trade or business unrelated to the County's use of the Property and Improvements,

(b) 5% or more of such proceeds being used with respect to any "output facility" (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than as governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the County receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Bonds from being includable in the gross income for Federal income tax purposes of the registered owners thereof under existing law, the County need not comply with such covenants.

10. The Board hereby consents to Sands, Anderson, Marks & Miller, P.C., Richmond, Virginia serving as counsel to the Underwriter and the County as well as bond counsel.

11. All other acts of the Chairman or Vice Chairman of the Board and other officers of the County that are in conformity with the purposes and intent of this resolution and in furtherance of the plan of financing, the issuance and sale of the Bonds and the acquisition, installation and construction of the Property and Improvements are hereby approved and ratified.

12. This resolution shall take effect immediately.

IN RE: COUNTY ADMINISTRATOR COMMENTS

1. A Legislative Workshop is scheduled for November 18, 1992 at 1:00 p.m. A legislative dinner is scheduled for 6:00 P.M., December 3, 1992.

2. On November 10, 1992 an EMS Workshop is scheduled for 7:00 p.m. and the Board is invited to attend.

3. Judge Hume sent a letter requesting the Board to appoint a representative to serve on the 11th Judicial District, Citizens Advisory Council or each local governing body may also elect to have its representatives to be appointed by the local judge of the Juvenile and Domestic Relations District Court. Judge Hume requested the Board to advise the Court as to the option it chooses.

4. The County Administrator told the Board that the appointment needed by the Disabilities Commission is going to be done through the District 19 Board.

IN RE: BOARD MEMBER COMMENTS

1. Ms. Everett said the County needed to help look for a new site for the Rohoic Library Facility.

2. Mr. Clay said two IDA members contacted him because they have not been receiving their materials ahead of time. He said they are doing us a service and we needed to make sure they have our cooperation in receiving there due notification. The County Administrator was instructed to meet with them on Monday evening to set some procedures.

3. The Chairman asked for improvement in communications with the authorities. He also apologized to Ms. Anne Scarborough for not having the disclosure ordinance on the agenda for this meeting.

4. Ms. Everett stated that we need to be more sensitive to the IDA and that they needed to be more involved in things.

5. The Chairman said he would like to have the background notes in the packet again. He also asked that any appointments in the future be given two months in advance.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Clay, seconded by Mr. Haraway, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey, voting "aye", pursuant to the Virginia Freedom of Information Act, Section 2.1-344(a) (1) personnel; Section 2.1-344(a) (7) Legal; Section 2.1-344(a) (5) Industrial; Section 2.1-344(a) (3) Acquisition of Real Property; the Board moved into

Executive Session at 10:55 P.M. A vote having been made and approved, the meeting reconvened into Open session at 12:40 A.M.

IN RE: CERTIFICATION OF EXECUTIVE MEETING

Upon motion of Mr. Clay, seconded by Mr. Moody, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey, 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: NOTIFICATION OF CONDITIONAL USE PERMIT

Upon motion of Mr. Moody, seconded by Ms. Everett, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey voting "aye", the County Attorney was authorized to draft a letter to Mr. Robert Ragsdale and Citizens on the respond to their request to the Board to revoke or rehear the conditional use permit.

IN RE: ADJOURNMENT

Upon motion of Ms. Everett, seconded by Mr. Haraway, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey voting "aye", the meeting adjourned at 12:50 A.M., to be continued to 8:00 A.M. November 14, 1992, for the purpose of a joint retreat with the School Board at the Southeast 4-H Educational Center, Inc. in Wakefield, Virginia.


Edward A. Bracey, Jr.
Chairman, Board of Supervisors

ATTEST: 
Dewey P. Cashwell, Jr.
County Administrator