

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 17TH DAY OF MARCH, 1993, AT 2:00 P.M.

PRESENT: A. S. CLAY, CHAIRMAN ELECTION DISTRICT #5  
LEENORA EVERETT, VICE-CHAIRMAN ELECTION DISTRICT #3  
HARRISON A. MOODY ELECTION DISTRICT #1  
DONALD L. HARAWAY ELECTION DISTRICT #2  
EDWARD A. BRACEY, JR. ELECTION DISTRICT #4

DANIEL SIEGEL COUNTY ATTORNEY  
PAUL JACOBSON COUNTY ATTORNEY  
BENNIE M. HEATH SHERIFF

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IN RE: MINUTES

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes of the March 3, 1993 Regular Meeting and the March 3, 1993 Continuation Meeting are hereby approved in their entirety.

IN RE: CLAIMS

Upon motion of Mr. Moody, seconded by Mr. Bracey, Mr. Bracey, Mr. Haraway, Mr. Moody, Ms. Everett, Mr. Clay 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 #23075 thru #23209, (void checks #23074): General Fund - \$69,966.41; E911 - \$4,705.66; Self Insurance - \$1,589.34; CDBG - \$46.22; Capital Projects - \$7,027.23; Fire Programs Fund - \$1,970.00 for a total of \$85,304.86.

IN RE: AMENDMENTS TO AGENDA

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

Move: 7. a. County Attorney to number 13. a. on the agenda

IN RE: COMMISSIONER OF THE REVENUE

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

IN RE: TREASURER -- REPORT

Mr. William E. Jones provided his reports for the month of February.

IN RE: SHERIFF -- REPORT

Mr. Bennie M. Heath, Sheriff, stated he had nothing to report.

IN RE: ANIMAL WARDEN -- REPORT

Mr. John Mellick, Animal Warden, submitted the report for the month of February.

IN RE: SWINE CLAIM -- CORNELIUS W. PARHAM

Mr. Mellick presented to the Board a swine claim from Cornelius W. Parham for five swine in the amount of \$399.00.

Upon motion of Mr. Bracey, seconded by Mr. Moody, Mr. Bracey, Mr. Haraway, Mr. Moody, Ms. Everett, Mr. Clay voting "aye", the swine claim for Ms. Cornelius W. Parham for five swine in the amount of \$399.00 was approved.



IN RE: SHEEP CLAIM -- L. MEADE HARRISON

Mr. Mellick presented to the Board a sheep claim from L. Meade Harrison for fifteen sheep and one ewe in the amount of \$1,120.00.

Upon motion of Mr. Bracey, seconded by Mr. Haraway, Mr. Bracey, Mr. Haraway, Mr. Moody, Ms. Everett, Mr. Clay, voting "aye", the sheep claim for Mr. L. Meade Harrison for fifteen sheep and one ewe in the amount of \$1,120.00 was approved.

IN RE: DIRECTOR OF PLANNING

1. Mr. Leonard Ponder, Director of Planning, stated he did not have a formal report but he did have some information from the U.S. Army Corps of Engineers on "Property Owner's Guide to Wetlands Permits" and "Recognizing Wetlands". Mr. Ponder stated he was going to order some more of the brochures from the Corps of Engineers because he felt the information was both needful and helpful for the citizens and the County.

2. Mr. Ponder updated the Board on the West Petersburg project. He stated there was to be a meeting tomorrow night regarding the streets to be identified as cul-de-sacs. He said he has had several meetings with contractors in the past week to do the rehab work and things are moving smoothly with the project.

3. Mr. Bracey asked about the status of the community profile for the County. Virginia Power is still committed to working on it.

IN RE: DIRECTOR OF SOCIAL SERVICES -- REPORT

Mrs. Peggy McElveen, Director of Social Services, informed the Board she didn't have a report, but she thanked Mr. Cashwell for the tour of Eastside School.

IN RE: SUPERINTENDENT OF SCHOOLS -- REPORT

Dr. Richard Vaughn, Superintendent of Schools, had these comments:

1. The School Board is on schedule with declaring surplus items for approval for the April School Board meeting.

2. A pilot breakfast program will be started April 1, 1993 at Southside, Dinwiddie Elementary, and Sunnyside for students who qualify. The students who qualify for lunch assistance are also eligible for breakfast assistance.

3. The School Fire Inspections requirements and follow up will be handled by Mr. Jim Hutchenson and Mr. Charles Chambers.

IN RE: REPORT -- VIRGINIA DEPARTMENT OF TRANSPORTATION

Ms. Penny Forrest, Resident Engineer, Virginia Department of Transportation, was not present for the meeting but called and said that if anyone had any questions to call the office and she would report back to the Board.

Mr. Haraway stated the residents on Sunset Drive between Route 226 and US #1 highway are complaining about the number of trucks that are going through that subdivision and they would like to know if a sign could be put up there saying "no through trucks".

Ms. Everett stated she had a letter from the residents also complaining about the log trucks using the cut-through. She said the log trucks come down Ferndale Road and they turn on to Route 226 and when they get to US #1 they are having a hard time turning on to highway #1. They also have a problem coming from the other direction turning on to Route 226. She stated there was a real problem at those intersections and something needed to be done about the situation.

IN RE: RECREATION DIRECTOR -- REPORT

1. Mr. Tony Rinaldi, Recreation Director, submitted the progress report for the month of February, 1993.

2. Mr. Rinaldi informed the Board that work on the ball fields would resume as soon as there was a break in the weather.

3. He stated that there had been some very good publicity on the inside hockey program.

4. Mr. Rinaldi stated there was not going to be a soccer program offered this spring because the coaches needed a break. He told the Board that they would be using this time to work on the soccer fields.

IN RE: PUBLIC SAFETY DIRECTOR -- REPORT

1. David W. Nichols, Public Safety Officer, submitted his reports including the Fire Department's and Rescue Unit's responses for the month of February, 1993.

2. Mr. Nichols asked the Board for authorization to advertise an Ordinance to allow the Building Inspector to require installation of Fire Hydrants before issuing a building permit for any building which is not a one or two family dwelling.

Upon motion of Ms. Everett, seconded by Mr. Moody, Mr. Bracey, Mr. Haraway, Mr. Moody, Ms. Everett, Mr. Clay, voting "aye", the Public Safety Officer was authorized to advertise the proposed ordinance to require installation of fire hydrants before issuing a building permit for any building which is not a one or two family dwelling.

3. Mr. Nichols explained to the Board that the County needed to revise the Emergency services ordinance to provide cost recovery provisions for "real" or "suspected" hazardous materials incidents. He said if response units were dispatched in a nonhazardous situation which had all the earmarkings of a hazardous situation now the County would not be able to recoup funds expended, if "real or suspected", is not in the County code.

The Assistant County Administrator stated it has been a real problem in the past. When you have an incident and you can't wait or you want the State to come down and there is an hour lag time for them to get down here and you have to do some things or take some action to protect the citizens; so the County does need to be able to recover the costs because at that point it is the County's responsibility.

The County Administrator asked the Public Safety Director if the ordinance would have any teeth in it to the extent of having penalties or fines if someone would not comply. The County Attorney responded that that was a different issue. The main issue was that the County be allowed to seek reimbursement for its expenses incurred. There is a State statute which allows counties to do so in cases of nuisances and nuisances include in that statute "hazardous materials situations". Therefore there is good authority for the Public Safety Officer's request. Mr. Jacobson told the Board if they wanted him to he would look into a criminal statute he would look into it also. The Board felt it would be wise to include the criminal statute with the ordinance advertisement to be all inclusive. The Board instructed the County Attorney to postpone advertising until all the fines/penalties have been included.

IN RE: DIRECTOR OF WASTE MANAGEMENT -- REPORT

Mr. Denny King, Director of Waste Management, submitted his report for the month of February to the Board. Mr. King told the Board he was going to extend the hours at the landfill for Spring cleaning until 6:00 P.M. on week days.

The County Administrator extended congratulations to Mr. King and Donna on their new addition to the family, Dane King, their son.

IN RE: BUILDING INSPECTOR -- REPORT

Mr. Dwayne Abernathy, Building Inspector, submitted his report for the month of February.

IN RE: APPOINTMENT -- RECREATION ADVISORY COMMITTEE

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

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Ms. Sandra S. Buyalas, is hereby appointed to the Dinwiddie County Recreation Advisory Committee from District #3.

IN RE: APPOINTMENT -- INDUSTRIAL DEVELOPMENT AUTHORITY

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

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Mr. Robert Wallace, is hereby reappointed to the Industrial Development Authority for District #5 for a four year term ending February 28, 1997.

IN RE: SALE OF TIMBER ON 7 ACRES BEHIND ROHOIC SCHOOL

The County Administrator told the Board that he had received information back on an issue, the timber sale, on the seven acres behind Rohoic School. He stated he had been approached by an adjacent landowner, Mrs. Gladys Brown, who is also interested in having her property timbered. But unfortunately the contacts she made told her it would not be advantageous for them to cut her property alone. Ms. Brown called and asked if the County might wish to collaborate with her on the effort. The Administrator stated he had contacted, Mr. Wallace Newman, Department of Forestry, and he looked at the property. The County Administrator said Mr. Newman said the timber is quite marketable. Mr. Newman advised that if the County should so desire, the wood is good, the market is good, and it is a good time to market the timber. The Board authorized the County Administrator to go ahead with bids.

Mr. Haraway expressed concern about the school situation and the safety of the children with trucks entering the property. Mr. Haraway asked if it could be made part of the bid to wait until summer to have the timber cut? Mr. Bracey felt it would hinder the bid process and Mr. Clay expressed the same concern.

Upon motion of Mr. Bracey, seconded by Mr. Moody, Mr. Bracey, Mr. Haraway, Mr. Moody, Ms. Everett, Mr. Clay voting "aye", the County Administrator was authorized to proceed with bids for cutting the timber on the seven acres behind Rohoic School to include Mrs. Gladys Brown's property.

IN RE: COUNTY ADMINISTRATOR COMMENTS

1. The County Administrator advised the Board he had received a letter from the VDOT in regard to the Revenue Sharing Program which is basically a 50/50 program where the County would share on a 50% basis for any such project. The annual allocation for the State funds is limited to \$10 thousand, \$20 million in the entire program for industrial development. The County does not have anything at the present time for that program, but if the Board has anything in mind, the deadline for submittal is April 30, 1993.

2. The County Administrator stated that a letter from Virginia Power concerning the Clover to Carson transmission line was included in the Board packet and if they had any further questions to call them.

3. The County Administrator said he had received two estimates on reupholstering the chairs in the Board meeting room and the executive meeting room ranging from \$90 to \$180 per chair. He asked for authorization to look into it further. The Board agreed.

IN RE: TREASURER'S ACCOUNTABILITY STATEMENT

The Assistant County Administrator told the Board that the County has an official audit which has not been approved by the State but the State gave Robinson, Farmer, Cox Associates authority to release the audit. When the audit is released there is a requirement by the State to

publish the Treasurer's Accountability report and she asked for authorization to advertise the report.

Upon motion of Mr. Bracey, seconded by Mr. Moody, Mr. Bracey, Mr. Haraway, Mr. Moody, Ms. Everett, Mr. Clay voting "aye", the County Administrator was authorized to advertise the Treasurer's Accountability Statement for fiscal year ending, June 30, 1992.

IN RE: COUNTY HEALTH INSURANCE

The Assistant County Administrator informed the Board that the County had received notice of the health insurance increase for the upcoming year from Local Choice with Blue Cross and Blue Shield. The increase is 12.2%. She stated the staff had looked for other options and had found one real good option and another possibility and with that knowledge Administration would like to have authorization to communicate with the Local Choice program that the County wants to get out of their program and go out for bids. Ms. Weber said notification to Local Choice had to be done before the end of March.

Upon motion of Mr. Bracey, seconded by Mr. Haraway, Mr. Bracey, Mr. Haraway, Mr. Moody, Ms. Everett, Mr. Clay voting "aye", the County Administrator was authorized to notify the Local Choice Program that the County wants to be removed from their health insurance program and also to solicit for bids for health insurance.

IN RE: LAKE CHESDIN BOAT LANDING PIER REPLACEMENT

Ms. Wendy Weber, Assistant County Administrator, informed the Board that the boat landing pier at Lake Chesdin was removed in December. The boat landing is State property, the land is State property, the pier is State property and the responsibility is that of the State of Virginia--not Dinwiddie County. In the past several years, the County has assisted by providing a service to cut the grass, pick up litter and take care of the bathroom facilities. Last summer, representatives from the Department of Game and Inland Fisheries met with the County to discuss improvements which needed to be made at the boat landing which included replacement of the pier. Ms. Weber stated she felt an agreement had been worked out to install a stationary pier and continue operations as they have been in the past. She stated that there were a couple of items in the agreement that she was concerned about which she would like to work out with the County Attorney. Ms. Weber said for some reason the State does not want to do the project of replacing the pier. The State will reimburse the County for the construction of the pier. Ms. Weber stated she had a problem with a portion of #4 on the agreement, the minimal security section:

4. The County of Dinwiddie may charge a parking fee not to exceed \$2.00 plus Virginia State tax per vehicle with minimal security provided during normal operating hours. A season pass for parking at some rate of savings is not only authorized but encouraged.

Ms. Weber stated that all throughout the County's agreement, the County has not provided any security and is not responsible for security in any way. The individual there is not there to provide security to boats or trailers or cars or anything that is parked there. She stated that the wording bothered her and she did not want the County to get into accepting any responsibility for security. Ms. Weber stated that there is nothing different in the agreement except the security clause. But again the County is only doing the contracting; it is not the County's pier and the State will reimburse the County for it. She asked for authorization to work on the agreement and proceed with the construction of the pier.

Upon motion of Ms. Everett, seconded by Mr. Bracey, Mr. Bracey, Mr. Haraway, Mr. Moody, Ms. Everett, Mr. Clay voting "aye", the County Administrator was authorized to move ahead with the amendment to the Cooperative Agreement with the Department of Game and Inland Fisheries to operate and maintain the Lake Chesdin Boat Landing and to have the pier replaced as soon as possible with full reimbursement by the State.

IN RE: COMMONWEALTH ATTORNEY -- REPORT

Mr. T.O. Rainey, III, Commonwealth Attorney, stated he had nothing to report but would be happy to answer any questions. He stated his firm has donated a copier to the County and he was asking the County to pick up the maintenance. The Assistant County Administrator stated the bill has been paid out of his existing budget because it was signed and submitted for payment. She was not sure how it would affect his overall budget. Mr. Rainey stated he could take care of it.

IN RE: BOARD MEMBER COMMENTS

1. Mr. Clay stated he had a request from the Town of McKenney to purchase one of the Sheriff's old cars when the new ones arrive, specifically Mr. Mathias' car.

2. Mr. Clay stated the tour of the Co-composting Plant was extremely good and encouraged the citizens to go out and inspect the facility.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Moody, seconded by Mr. Haraway, Mr. Bracey, Mr. Haraway, Mr. Moody, Ms. Everett, Mr. Clay voting "aye", pursuant to the Virginia Freedom of Information Act, Section 2.1-344(a) (1) personnel; and Section 2.1-344(a) (7) legal; the Board moved into Executive Session at 3:15 P.M. A vote having been made and approved, the meeting reconvened into Open session at 4:10 P.M.

IN RE: CERTIFICATION OF EXECUTIVE MEETING

Upon motion of Mr. Bracey, seconded by Mr. Moody, Mr. Bracey, Mr. Haraway, Mr. Moody, Ms. Everett, Mr. Clay 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: RESOLUTION -- SOLID WASTE DISPOSAL FACILITY LEASE  
REVENUE BONDS

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

WHEREAS, the Industrial Development Authority of Dinwiddie County, Virginia (the "Authority") is proposing to issue its \$1,230,000 Solid Waste Disposal Facility Lease Revenue Bonds (Dinwiddie County Materials Recovery and Co-Composting Project), Series 1993 (the "Bonds") for the purpose of financing the construction of a building (the "project") to be used by the county as a solid waste disposal facility; and

WHEREAS, in order to proceed with the issuance of the Bonds, the Board of Supervisors (the "Board") of the County of Dinwiddie, Virginia (the "County") has been advised that it is necessary to lease the land (the "land") on which the Project will be undertaken to the Authority pursuant to a Lease to be dated as of March 1, 1993 (the "IDA Lease"); and

WHEREAS, the Authority will lease the Project to the County pursuant to a lease to be dated as of March 1, 1993 (the "County Lease"), the rental payments on which are designed to be sufficient to pay the principal of, or premium on, if any, and interest on, the Bonds; and

WHEREAS, the County's obligations to make rental payments under the County Lease will be subject to annual appropriation and will not constitute a debt or a pledge of the full faith and credit of the County within the meaning of any Constitutional or Statutory provision; and

WHEREAS, there have been presented to this meeting the forms of the following documents (the "Documents"):

a. the IDA Lease pursuant to which the County will lease the Land to the Authority; and

b. the County Lease pursuant to which the County will lease the Project from the Authority.

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

1. The execution, delivery and performance of the Documents are hereby authorized, directed and approved. The Documents shall be in substantially the forms submitted to this meeting, as hereinabove recited, with such changes, insertions or omissions as may be approved by the Chairman or Vice Chairman of the Board, whose approval thereof shall be conclusively evidenced by the execution and delivery of the Documents by such person with such changes, insertions or omissions.

2. The County's obligations to make payments to the Authority under the County Lease are subject to annual appropriations by the Board. Nothing in this Resolution, the Bonds or the County Lease shall constitute a pledge of the full faith and credit of the County.

3. This Resolution shall be effective upon its adoption.

IN RE: RESOLUTION -- AMENDMENT TO CONSTRUCTION AND OPERATIONS  
CONTRACTS FOR MATERIALS RECOVERY FACILITY AND CO-COMPOSTING  
FACILITY

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

RESOLVED, that the Board of Supervisors of Dinwiddie County (the "Board") hereby adopts and approves the proposed Amendment to the Construction for Materials Recovery Facility and Co-Composting Facility and the Operations Contract for Materials Recovery Facility and Co-Composting Facility, each between the County and Virginia Bio-Fuel Corporation, joined in by Gentry Well Works, Inc., dated March 17, 1993 (the "Amendment to Contracts") which contains, among other items, changes to the definition of "Permitted Waste", amendments to the "Contract Price" in the event of failure to satisfy the "Evaluation Criteria", provisions relating to escrow payments, provisions related to annual and monthly lease payments, additional payments from the sale of electricity or certain minimum payments therefore, increases in the credit amount for the "Tipping fee" paid by the County, changes in the termination date of the "Test Period" and the addition of Gentry Well Works, Inc. as an additional party to the Construction Contract referred to above for purposes of compliance with license issues; and

RESOLVED FURTHER, that the Board of Supervisors of Dinwiddie County, Virginia authorizes and directs the County Administrator, the Chairman or the Vice Chairman of the Board to execute and deliver the Amendment to Contracts in substantially the form presented to this Board at this meeting, with such changes, amendments or modification as either of them may deem necessary, whose execution thereof shall be conclusive as to such approval, ratification and confirmation.

This resolution shall be immediately effective.

IN RE: RECESS

The Chairman declared a recess at 4:14 P.M. The meeting reconvened at 4:20 P.M. for the budget workshop session.

IN RE: BUDGET WORKSHOP

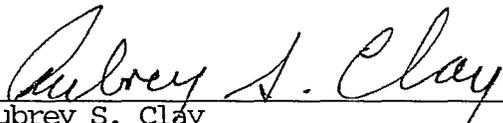
The Board met to review department proposals for the 1993-94 budget.

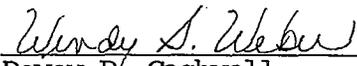
The Assistant County Administrator advised the Board that the Dinwiddie Volunteer Rescue Squad, Namozine Fire and Rescue and the Ford Volunteer Fire Department would like to meet with the Board to discuss their proposal for providing emergency medical services in the County.

She also informed the Board that they have located what they feel is the problem causing an odor at the Courthouse, and professional services will be needed to clean the attic space under the roof over the General District Court Clerk's Office. To remove all the material and decontaminate the area is estimated at a cost not to exceed \$3,000. The work will be completed as soon as possible.

IN RE: ADJOURNMENT

Upon motion of Mr. Bracey, seconded by Mr. Haraway, Mr. Bracey, Mr. Haraway, Mr. Moody, Ms. Everett, Mr. Clay voting "aye", the meeting adjourned at 6:00 P.M. to be continued until 9:30 A.M., March 24, 1993, when the Board will meet at the Pamplin Administration Building and then travel to Prince George County and New Kent County to view their courthouse facility; then they will return to the Pamplin Administration Building for a budget workshop.

  
Aubrey S. Clay  
Chairman, Board of Supervisors

ATTEST:   
Dewey P. Cashwell  
County Administrator

