

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 18TH DAY OF MAY, 1994, AT 2:00 P.M.

PRESENT:	LEENORA EVERETT, CHAIR	ELECTION DISTRICT #3
	DONALD L. HARAWAY, VICE-CHAIR	ELECTION DISTRICT #2
	EDWARD A. BRACEY, JR.	ELECTION DISTRICT #4
	HARRISON A. MOODY	ELECTION DISTRICT #1
	AUBREY S. CLAY	ELECTION DISTRICT #5
OTHER:	DANIEL SIEGEL	COUNTY ATTORNEY
	LESLIE LITTLETON	COUNTY ATTORNEY

IN RE: AMENDMENTS TO AGENDA

Upon motion by Mr. Harrison A. Moody, seconded by Mr. Aubrey S. Clay, Mr. Harrison Moody, Mr. Aubrey S. Clay, Ms. LeeNora Everett, Mr. Donald Haraway, Mr. Edward Bracey, voting "aye", the following amendments to the agenda were made:

Amend #11. Executive Session, 2. Section 2.1-344 a(7) Consultation with Legal Counsel (Winn Litigation), add: (Virginia Bio-Fuels Contract);

Add to #11. Executive Session, under 3. Section 2.1-344 a(3), Acquisition of Real Property for Public Use, 4. Section 2.1-344 a(5), Prospective Business or Industry. #7. Constitutional Officers and Department Heads (i). Director of Social Services, add: (il.) Appointments.

IN RE: MINUTES

It was the recommendation of Mrs. Wendy Ralph, since the Board Members had just received draft copies of the minutes of the Regular meeting of May 4, 1994, that approval be postponed until the June 1, 1994 Regular meeting.

IN RE: CLAIMS

Upon motion of Mr. Moody, seconded by Mr. Haraway, Mr. Moody, Mr. Bracey, Mr. Clay, Mr. Haraway, Ms. Everett, 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 #28918-#29062(void check - #28917); Self Insurance - \$1,148.17; General Fund - \$188,252.97; Capital Project - \$1,144.72; CDBG - \$16,750.00; Fire Programs - \$1,446.00; E911 - \$7,199.70; for a total of \$221,214.49.

IN RE: CITIZEN COMMENTS

There were no citizens who wanted to comment.

IN RE: CONSTITUTIONAL OFFICERS AND DEPARTMENT HEADS

A. Virginia Department of Transportation - R. H. Reekes was not available to deliver the monthly report. Mr. Harold Dyson, presented the report to the Board.

1. Rt. 609 and 626, sign to stop ahead have been installed.

2. Rts. 609, guardrail requested on bridge over Stony Creek. He said the Contractor has been contacted and it would be about 3 weeks before he could fabricate the bridge attachments for the project.

3. Rts. 1 and 703, resurfacing done.

4. Rt. 460 east bound, near Hebron surface repair to be done.

5. Rt. 619, Drainage problems looked at. Mr. Bracey asked them to please look further into the matter as soon as possible.

6. Rt. 715, Patillo Rd., contractor has started leveling.

7. Grass cutting projects are started.

8. The fiscal budget for secondary construction is coming up, but no public hearing is required. He stated they would be using the first year of the six year plan that was just approved. He said a resolution is needed.

Board members made the following comments:

Mr. Moody asked about Patillo Road, 715, and the grass cutting.

Mr. Dyson commented that they were having their problems. He said they had already cut Interstate 85 and Rt. 460 and they were now working on the Secondary system.

Mr. Bracey said as long as someone came down and fix the ditch lines on Rt. 619 he had no problem.

Ms. Everett asked about the truck restriction on Sunset and Franklin.

Mr. Dyson said the comments had been sent to central office, Traffic Section, and a recommendation will be made to the transportation board for approval or denial.

Ms. Everett said she also had a call in reference to Routes 460 and 226. She commented that persons felt there was no way to make a "U" turn. She said people have been going down to Butterwood Rd to make a "U" turn which has caused problems. She stressed that there needs to be a crossover to the west of the business. She asked that consideration be given to the problem.

Mr. Dyson said he would turn it over to the traffic engineering division.

Ms. Everett asked about the Rt. 226 and Rt. 1 design.

Mr. Dyson said he did not know if Mr. Reekes had done anything on that or not.

Ms. Everett also asked about the dark intersection at Sterling Rd., and asked if some reflectors could be put at that intersection.

Mr. Dyson said they would look into doing that also.

IN RE:       TREASURER

Bill Jones, Treasurer, introduced Cindy Carnes, the student who acted as his "shadow" in the "Shadow Program" through the schools.

Mr. Jones gave a report on the SNAP Account. He stated that he found out that the account had been overdrawn \$6,352.18. He said based on a letter written by the Water Authority to the School Board, dated December 21, 1993, it was foreseen that an overage would occur and had addressed ways this could be eliminated in case an overage occurred. He said the recommendation was that money be transferred out of the reserve fund into the SNAP account so the last check written could be paid.

Mr. Bracey asked who was responsible for the account and keeping up with the bills.

Mr. Jones said he writes the checks, and it was realized in November or December that there would be some cost overruns in this particular project.

Mrs. Ralph told the Board that in 1992 and 1993 various projects were done on the lagoon for the Middle School and Southside. She said the schools did a VPSA bond issue for \$350,000 and in their debt service for the budget year \$20,000 was appropriated out of local funds by the Board of Supervisors for Southside Elementary school. She said when they did the bond issue for the sewage improvements, they did not have to draw upon the \$20,000. She said the money went into the reserve and it was money which was designated for sewer projects for the schools. She said the

money was not used because they were using bond money. She said the overage may not really be an overage because she did not think Southside was originally planned to be in the bond issue. She said some of the projects came in lower and they were able to use bond issue money up to certain extent and when they ran over they would use the money out of the \$20,000 reserve. She said the transfer which Mr. Jones is talking about would be an appropriate transfer.

Ms. Everett asked how much would have to be transferred.

Mr. Jones said to cover this last check, \$6,352.18 would have to be transferred.

Ms. Everett asked if more would be coming out of that account.

Mr. Jones said he thought it would due to the projected overruns.

Mrs. Ralph said they originally projected \$15,000.

Mr. Jones said he thought it would be a good idea to get together with the Water Authority and the School Board and determine what expenditures are anticipated and go ahead and transfer the necessary funds to the SNAP account.

Mrs. Ralph said if they would take care of this matter today, she would get the Board a report so they would know how much more was needed.

Mr. Bracey said he did not like what was being said, but if the \$6,352.18 was taken care of, is there some way to put a moratorium on the account and the project until they got some good figures and guideline of what is being done.

Mrs. Ralph said she was sure a report could be put together for the next meeting.

Upon motion by Mr. Bracey, seconded by Mr. Clay, Mr. Moody, Mr. Clay, Ms. Everett, Mr. Bracey, Mr. Haraway, voting "aye", the Board of Supervisors approved the transfer of \$6,352.18 out of the reserve fund for sewage projects into the SNAP account with a full report from the Dinwiddie County Water Authority to be received by the next Board Meeting before any more work is done.

Mr. Moody asked if this was bond money which was put into reserve.

Mrs. Ralph said these were local funds appropriated in '92 and '93 and not bond money. Mrs. Ralph said the letter was written in December by Mr. Joe Hubbard.

Ms. Everett asked if there had any additional information received between December and May.

Mr. Jones said he could not answer the question as he had found this memo in Mr. Hubbards files that morning.

IN RE: COMMISSIONER OF THE REVENUE

Ms. Deborah Marston, Commissioner of the Revenue, gave the meals tax report from January 1994 through the May 17, 1994 mail. She stated that \$79,287.44 had been collected.

Ms. Everett said it amounted to about \$20,000 a month.

Ms. Marston said there was a new fast food business in the county and this may cause the meals tax to possibly exceed \$20,000 a month.

Mr. Bracey asked about the meals at the Racetrack and if they were being taxed.

Ms. Marston said Mr. Kohrs had given her the name of the person who was doing it temporarily until the concession stand was opened. She said the person who is running the concession stand has the necessary paperwork but the one who was providing the food prior has not gotten back with her.

Mr. Bracey asked about the admissions fee and if we would get a monthly report on that.

Ms. Marston said they would. She asked if she could file an addendum to this report and provide it today.

Mr. Bracey said that was fine.

Ms. Marston also reported on the State Income Tax. Through May 17, 1994, the office had audited and processed a total assessment of \$318,712.18 with total money being attached to the returns of \$290,827.40. She said this figure was subject to audit by the State Tax Department.

She said 382 returns have been processed for a total assessment of 364,441.10 with monies being attached at \$82,859.14. She said the discrepancy is that this is a quarterly payment and not everybody paid up front. She said this is also subject to audit. She said they had processed 3,542 returns for a total refund to the citizens of \$648,153.74.

She reported on Personal Property taxes. To date 8,400 returns have been received and 11,000 forms were mailed out. She said before the 10% penalty was tacked on only 34% was being received. She said 76.4% have been received to date.

She gave a report on Tax Relief. She said they processed 650 mailouts and 451 appointments for personal property and/or real estate tax relief. She said she is not able to provide the figures on tax relief as of this date.

She gave the report on Business Licenses. She said 648 new and renewal Business Licenses have been issued as of May 17, 1994.

She said she would go and get the figures for admissions tax so she could give a report on it. She asked if they wanted to make it a part of these minutes.

Ms. Everett said she thought that would be best.

IN RE: COMMONWEALTH ATTORNEY

There was no report from the Commonwealth Attorney.

IN RE: SHERIFF

There was no report from the Sheriff. Ms. Everett said she and Mr. Haraway had visited the Sheriff's department and looked at the addition and had commented on the good meals and how cost effective the operation was.

IN RE: BUILDING INSPECTOR

Dwayne Abernathy, Building Official, gave his report. He said there were 21 new dwellings in the month of April with a total value of \$3,222,760.00. The fees collected were \$7,447.00. The total building permits issues for the month was 153, with a value of \$3,838,247.00 and \$15,250.50 worth of fees collected. He noted that this is \$2,100,000.00 over last year because of Rohoic Woods Apartments. He added that there were 416 inspection for the month of April.

Ms. Everett asked if there were any new subdivisions.

Mr. Abernathy said two more had been applied for but Mr. Knox could probably respond to the question in greater detail.

IN RE: ANIMAL WARDEN

John Mellick, Animal Warden, asked if there were any questions on his report.

Ms. Everett stated that they had received a letter from Jim Godwin, President of the SPCA in support of the Micro Chip program. She asked if the Board was ready to take any action on the program that Mr. Mellick had presented to them previously.

Mr. Mellick said it could be proposed that the adoption fee be increased from \$10.00 to \$16.00. He said he did not feel it would have a major impact on the adoption rate. He added that they could decide not to get into the Program, or table it for further research.

Ms. Everett asked for feelings among the Board Members. There were none, so Ms. Everett asked that action be delayed until next month to study it more.

IN RE: DIRECTOR OF PLANNING

Mr. Wayne D.P. Knox, Director of Planning asked if there were any questions about his report. Mr. Knox answered the question asked of Mr. Abernathy about the number of new subdivisions. He said there were approximately two or three plans which are being reviewed.

1. Addition to Rohoic Woods.
2. Addition to Sysonby Ridge.
3. Poole Siding Estates.
4. Potential development on River Road (108 units)
5. Expansion of Mobile Home Park in McKenney (20 to 22 units)

He said one of the main concerns has been drainage for the Planning Department and population for the School Board. He said they were trying to coordinate the effort with the School Board. He said they are also looking at the review process to try and tighten it up. He stated that the Water Authority has a new engineer, Robert Harrison.

Mr. Bracey asked what the Board or County could do not to allow developers or individuals to build in swamps. He asked if it was going to take an ordinance or what.

Mr. Knox said they were trying to work with the developers and the Subdivision Committee to look at the ordinance and are looking at State mandated restrictions on Soil Erosion.

He stated that by working with the Planning Commission, staff and other reviewing agencies, we can tighten our ordinance.

Mr. Bracey said all these lots needed to be taken care of because they would only lead to a bigger problem.

Mr. Knox said potential developers have not submitted anything on the subdivisions yet.

Mr. Burgess added that water and sewer is the key. He said the county needs to get a better handle on sewage extensions in the area where the Water Authority is extending service.

Mr. Bracey stated he felt we had a moral obligation to make sure people are building on a lot that will drain and not become a swamp.

Ms. Everett asked about the developers of Walkers Landing Subdivision.

Mr. Knox stated that he had not heard from the developer directly and has not been able to meet with him yet.

Mr. Clay asked whether there were any ordinances on the books which would regulate where a person could build.

Mr. Knox said there was and it was a matter of what questions are asked.

Ms. Everett asked about individual lots which have already been developed, and if engineering studies have been done. She asked if there was anything that could be done about those lots.

Mr. Knox said that this was where an independent or third party engineer would fit in.

Mr. Bracey commented that the Water Authority is extending service without first checking with the Planning Department.

Mr. Burgess stated that sometimes, when an Authority is established within a defined service area, it is not a problem, but when they extend past the service area they should have to come back before the Board for approval. He added that he felt this was something to think about. He said it all ties into the Comprehensive Plan wherein you start by thinking about where your service areas will be and therefore where the growth will occur in the county. He said in his estimation, the Water Authority is designating the growth areas.

Ms. Everett said she felt it was because we had no Comprehensive Plan.

Mr. Ted Baxter said the line to Sutherland is not a drainage line, but a sewage line and had nothing to do with storm drainage.

Mr. Haraway stated that in Mansfield South Subdivision, he has seen in the past thirty days two or more foundations go up and many signs showing lots for sale. He asked if anything could be done to halt the issuing of permits until drainage problems are cleared up.

Mr. Knox said he has seen localities do just that. He added that we would have to defer the issue to the County Attorney to see if it could be done.

Mr. Haraway then asked about the Comprehensive Plan and suggested that with the hiring of a new Zoning Administrator, a calendar of events should be developed so it could be known when to expect the Plan to be completed.

Ms. Everett said she was talking to Mr. Denny Morris, from Crater Planning, and he said he had met with the county and they were ready to move ahead. She said he suggested fast tracking, by holding a joint public hearing with the Board of Supervisors and Planning Commission.

Mr. Moody added that the Planning Commission had asked for additional meetings because they did not want to schedule these hearings on the same night as their regular meetings.

Mr. Haraway asked if a calendar seemed to be a reasonable approach to the project.

Mr. Bracey stated he felt it was the only way to go.

Mr. Clay said he wanted to see it done quickly, but he also wanted it to be done right.

Mr. Bracey agreed with Mr. Clay, and added that he did not want to see Mr. Davis, the new Zoning Administrator, sidetracked by other things.

Ms. Everett felt we should move ahead with the Certification process as well.

Mr. Moody asked Mr. Knox and Mr. Burgess to come up with a "Calendar of Events", on the Comprehensive Plan by the next meeting.

Ms. Everett asked Mr. Knox about West Petersburg.

Mr. Knox said it was beginning to move ahead again. He said a stop had been put on some of the jobs because they were not getting done right. He said there have been 10 additional jobs let, which brings the total to approximately 20 or 21. He reminded them that the goal of the project was 29 rehabilitation jobs. He said they were also working on the road construction bid packets with J.K. Timmons. He said they hoped to get that out to bid by the end of this month and use the end of June as a starting date.

Ms. Everett asked Mr. Knox to get back to them on the drainage problems.

IN RE: Director of Social Services

Peggy McElveen, Director of Social Services talked about the development of a statewide automation program, (ADAPT) Application Benefit

Deliver Automation Project), for all of the benefits programs provided by Social Services.

She distributed a compilation of the programs that Social Services provide, and which will be on the automation program. She said this program allows 2000 statewide eligibility workers to be connected on-line with several agencies and coordinates all of the major federal programs that Social Services is responsible for.

She added that currently the department does not have sufficient or appropriate space to effectively carry out their responsibilities. She felt that now was a good time to start planning ahead for the project.

Mr. Bracey asked if this information was available to the general public.

Ms. McElveen said that it was was.

Ms. Everett stated that there were two appointments coming up for the Social Services Board. One for District I and one for District II. She said Tyrone Coleman, representative from District I, had moved and that was Mr. Moody's appointment. She said the other appointment was for District II, her district, because Mr. Aubrey Pennington's term ends and he did not wish reappointment. She submitted the name, Arlick Brockwell, 25115 Cox Road, Petersburg, Va., to serve a four year term as the appointment to replace Aubrey Pennington. She said both Mr. Pennington and Ms. McElveen have interviewed Mr. Brockwell and have been impressed with him. She gave a brief history on Mr. Brockwell and asked for a motion to appoint him.

Mr. Bracey asked about the procedure they were following and reminded Ms. Everett that it was her idea to discuss appointments before they were made. He said this procedure was not in keeping with what she had previously requested.

Upon motion by Mr. Haraway, seconded by Mr. Moody, Mr. Moody, Mr. Clay, Ms. Everett, Mr. Bracey, Mr. Haraway voting "aye", the Board of Supervisors appointed Arlick Brockwell, 25115 Cox Road, Petersburg, Va., to serve a four year term to the Social Services Board from District II.

Ms. Everett asked for a Resolution of Appreciation for Mr. Pennington and Mr. Coleman.

Mr. Haraway informed Ms. McElveen that at a Regional Health Meeting a representative from the State Health Department was very complimentary of Ms. McElveen and said she was doing a great job for the County.

*Extract*

IN RE: SUPERINTENDANT OF SCHOOLS

Dr. Thomas Gaul, gave an update on some of the Plans to expand the Summer School Program. He had received word from the state that they are quadrupling the amount of money available to educate students over the summer. He felt they would be able to offer a quality program with little or no cost to the district.

He stated that the CIP program had not been changed but he has been informed that the retirement rate will decrease which will delete \$67,000 from the Budget. He suggested that the money be added to the debt service line.

He thanked Mr. Burgess for all the help he received in trying to work out the financing for the Budget.

Ms. Everett asked about the RFP for Architectual Services.

Dr. Gaul said they were putting it out to bid.

Jim Hutchinson, stated that the RFP for Energy Audit is due on May 20th 1994 and the RFP for the Design Phase is due on June 3, 1994.

Mr. Haraway asked if there would be a walk-thru.

Mr. Hutchinson stated that the walk-thru was scheduled for May 24th and advance notice is required with no more than 2 people for walk-thru and RCIP update.

Dr. Gaul stated that they were interested in panelling a selection of Architects and anyone recommended for the panel will be accommodated.

Dr. Gaul then asked Diane Galbreath, Director of Youth Services, to give a semi-annual report on the Office on Youth.

Ms. Galbreath gave a brief history on the creation of OYCS. She stated that a few years ago a request was made by the Board of Supervisors of the Youth Commission to make recommendations of people in the community who were really committed to youth. She said she was to bring them to the Board of Supervisors to make a formal appointment.

She said each year 3 people on the Youth Commission come up with a list of people they would like to see become part of the Commission. She said the choices are based on high visible commitment to young people. She said there were agency representatives, 6 citizens at large, and 6 young people from the High School.

She said they also pay attention to geographic and gender distribution. There are 8 black, 10 white, 8 male, and 10 female. She said there was one other person, Johnathan Harris from West Petersburg, to be appointed to the Commission. He was very active with youth in the West Petersburg area.

Ms. Everett asked for a motion to appoint Johnathan Harris to the Youth Commission.

Upon motion by Mr. Moody, seconded by Mr. Haraway, Mr. Moody, Mr. Clay, Ms. Everett, Mr. Bracey, Mr. Haraway voting "aye", Johnathan Harris was appointed to the Youth Commission.

Ms. Galbreath covered several other objectives of the Youth Commission. She asked to be able to share the annual report at the end of the year. She asked if there were any other questions.

Mr. Bracey thanked Ms. Galbreath for her report.

Ms. Everett called for a five minute recess at 3:35 p.m. The meeting reconvened at 3:40 p.m.

IN RE: PUBLIC SAFETY

The Public Safety Director, David Nichols, gave his report.

He requested that the funds be appropriated to pay for the ladder truck which Dinwiddie County was the low bidder at \$15,000.

Ms. Everett stated that this was a 100 ft. ladder truck from the City of Hopewell which was put out to public bid. She added that the truck will be housed at Namozine station and that all firefighters in the County will be trained on it. It was thought that this truck was good insurance for the larger buildings in the County.

Mr. Haraway suggested that a log be kept on this truck and after 6 months it be reviewed to see how much use it had.

Mr. Nichols suggested one way to track mileage was during maintenance routines because the mechanics place the numbers of hours on each ticket.

Mr. Haraway stated that when the purchase of the truck was being discussed, it was the concern of many that it would not last if it was used on every call.

Mr. Nichols said he had talked with Bruce Archer from Namozine to develop a procedure for dispatching and response and it would not be used on typical house fires, but special calls and situations.

Mr. Moody agreed that a 6 month log would be good.

Mr. Nichols said the first 6 months may not be accurate because there would be training done on the truck.

Mr. Bracey said if the use is training, then the log will reflect that.

Mr. Nichols suggested using the gas card, but Supervisors said that would not record the purpose of the trip.

Mr. Bracey said he was more interested in the purpose.

Mr. Nichols said he would discuss it with the people at Namozine.

Ms. Everett asked for a motion to appropriate the money.

Upon motion by Mr. Clay, seconded by Mr. Haraway, Mr. Moody, Mr. Clay, Ms. Everett, Mr. Haraway, voting "aye", Mr. Bracey voting "nay", the Board of Supervisors voted to appropriate \$15,000 for the purchase of the 100 ft. ladder truck from the City of Hopewell.

Ms. Everett asked when the truck would be in.

Mr. Nichols said as soon as he gets the money he would be able to gain possession of the truck along with extra equipment at no cost.

Mr. Nichols commented that training is being conducted for County Volunteer firefighters.

Mr. Nichols asked Mr. Mingle to direct the Board on the need for 6 tires for Dinwiddie Fire Department.

Mr. Mingle stated that Unit 113 needed 4 new snow tires on the 1971 pumper, and 2 radial tires for unit 114, the tanker truck. He added that they have found four used tires in another company. He said the problem is that the tires are dry rotting before the tread has been used.

Mrs. Everett asked if the amount was \$795.80.

Mr. Mingle said it was. He said the original 12 tires he was going to ask for would have cost a little over \$1,200.00. Mr. Mingle said the tires could be purchased off of the state contract.

Ms. Everett asked for a motion. Mr. Moody asked when the money was going to come from.

Ms. Ralph said it would come the capital line item in the Fire Department budget.

Upon motion by Mr. Bracey, seconded by Mr. Haraway, Mr. Moody, Mr. Clay, Ms. Everett, Mr. Bracey, Mr. Haraway voting "aye", the Board approved the purchase of tires for the Fire Department.

IN RE: DIRECTOR OF WASTE MANAGEMENT

Denny King, Director of Waste Management said he was continuing to hear that the Board was interested in implementing a manned site at Rohoic.

Mr. Haraway asked if he had any idea what the cost involved would be.

Mr. King stated \$5,000.00 at most.

Mr. King said there would be construction of a small shed, installation of a port-a-john, some electrical work, and hiring of 2 part-time attendants.

Mr. Haraway asked Mr. King if this was a recommendation.

Mr. King said because of growth and different types of waste management, this is the answer to some of these things and ultimately, the route the County needs to take. He did not feel this was a decision which had to be made right then. He only wanted to try and answer any additional questions.

Mr. King and the Supervisors discussed that the project needed to begin during the summer months because the waste stream is smaller during the winter.

Mr. Clay was concerned that the project may overload other dumpster sites.

After further discussion it was decided to postpone until the next meeting and Mr. King requested to bring in some figures.

IN RE: COUNTY ATTORNEY

Dan Siegel, County Attorney brought to the attention of the Board Members a proposed form of reimbursement Resolution concerning Public School Capital Improvement Plan. He said this resolution satisfies the federal tax rules and regulations which require that in order to get reimbursed with bond proceeds. He said this is an official declaration and must be in the records.

He said this does not mean you cannot change your mind on different capital improvement projects, but put on record that if you do go ahead, you can pay yourself back what has been expended.

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

RESOLUTION OF THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF DINWIDDIE COUNTY PUBLIC SCHOOLS CAPITAL IMPROVEMENTS

*Extract*  
WHEREAS, the County of Dinwiddie, Virginia (the "Issuer") is a political subdivision organized and existing under the laws of the Commonwealth of Virginia; and

WHEREAS, the issuer has paid, beginning no earlier than March 20, 1994 and will pay, on and after the date hereof, certain expenditures (the "Expenditures") in connection with the acquisition, construction and/or equipping of Dinwiddie County Public Schools capital projects (collectively, the "Project"), as more fully described in Exhibit A attached hereto; and

WHEREAS, the Board of Supervisors of the Issuer (the "Board") has determined that those moneys previously advanced no more than 60 days prior to the date hereof and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds of one or more issues of tax-exempt bonds (the "Bonds");

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

Section 1. The Board hereby declares the Issuer's intent to reimburse the issuer with the proceeds of the Bonds for the Expenditures with respect to the Project made on and after March 20, 1994, which date is no more than 60 days prior to the date hereof. The issuer reasonably expects on the date hereof that it will reimburse the Expenditures with proceeds of the Bonds.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of the Expenditures), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. The maximum principal amount of the Bonds expected to be issued for the Project is \$25,000,000.

Section 4. The Issuer will make a reimbursement allocation, which is a written allocation by the Issuer that evidences the Issuer's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the portion of the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED THIS 18th day of May, 1994.

IN RE: VA BIO-FUELS

Ted Baxter, Va. Bio-Fuels, discussed with the Board, the possibility of separating waste at the Rohoic manned site.

He commented on the large amount of tires. He felt like many of the tires were coming from out of the county. He was also concerned about whether people knew about the services out at the landfill. He felt that there needed to be some type of education for the county as to whether there are fees for dumping.

The Board asked the local newspaper to publish an article about the services at the landfill.

Ms. Everett asked the Board if they would like to table this issue until the next meeting so Mr. Baxter and the County Administrator could come up with an article for the paper and more information.

IN RE: CRATER PLANNING DISTRICT COMMISSION

1. Support of FY 95 EDA Planning Grant

Mr. Burgess stated that a letter of endorsement was included in the packets for the Crater Planning District Commission 94-95 request for EDA Planning Grant Funds.

Ms. Everett asked for a motion.

Upon motion by Mr. Moody, seconded by Mr. Clay, Mr. Moody, Mr. Clay, Ms. Everett, Mr. Bracey, Mr. Haraway, voting "aye", the Board approved Crater Planning District Commission's FY 94-95 request for EDA Planning Grant Funds.

2. Support of OEDP Planning Process

Mr. Burgess stated that there was also a letter serving to reaffirm the County's support of the Overall Economic Development Process.

Upon motion of Mr. Bracey, seconded by Mr. Haraway, Mr. Moody, Mr. Clay, Ms. Everett, Mr. Bracey, Mr. Haraway, voting "aye", the Board approved to re-affirm the county's support of the OEDP Planning Process.

IN RE: COUNTY ADMINISTRATOR COMMENTS

1. Bid results for termite treatment of Courthouse. Mr. Burgess said there were 3 bids received:

	<u>Fees</u>	<u>Bond</u>
1. Houchins Pest Control (includes wood borer treatment)	\$2764.00	\$200/yr.
2. Terminex	\$2919.00	\$263/yr.

3. Dodson Pest Control           \$3562.00  
    (incudes wood borer treatment)

The Staff's recommendation was to accept the low bid by Houchins Pest Control.

Upon motion by Mr. Clay, seconded by Mr. Moody, Mr. Moody, Mr. Clay, Ms. Everett, Mr. Bracey, Mr. Haraway, voting "aye", the Board approved the recommendation of staff to accept the low bid of \$2764.00, submitted by Houchins Pest Control for treatment of the Courthouse.

## **2. Lake Chesdin Boat Landing Report**

April 1994 report submitted by Alvin Blaha

## **3. The roof on Pamplin Building**

Mr. Burgess stated that the roof is leaking in the hallway and some of the offices of the Pamplin Building. He said a contractor gave them estimates on a different type of roof system which would cost about \$70,000. He said they needed some direction from the Board on what to do. He said the contractor was guaranteeing the roof for 20 years. He said a flat roof would be comparable in price.

Mr. Bracey asked if the roof was flat now.

Mr. Burgess said it was not.

Mr. Bracey asked if the cause of the problem was age.

Ms. Ralph said there had been some patching but there are too many leaks to continue patching.

Mr. Burgess said this was something that would have to be bid out.

Mr. Bracey asked about the infrared process to find out exactly where the leaks were on Eastside School.

Ms. Ralph said it was done back in 1987.

Mr. Bracey asked how much it cost.

Ms. Ralph said it was right around \$1,000.00.

Mr. Bracey said shouldn't there be that type of test run now. He said he would rather put a sloped roof on rather than put \$70,000 in and it not last.

Mr. Clay said he did not know much about roofs but he did know he did not want a flat roof.

Mr. Bracey said get some expertise advise and then come back with the report next month.

Ms. Ralph asked if they could get two done for a good price could Eastside also be included in the deal.

Mr. Bracey said of course.

## **4. Request for Proposal Architectural Services**

Mr. Burgess said the county received thirteen (13) responses to the request for proposals for architectural services for the design of the new courthouse. Following is a list of the six member panel on the Selection Committee:

1. Judge Warren
2. Judge Lewis
3. Mr. Edward Bracey
4. Mr. Aubrey Clay
5. Mr. T. O. Rainey
6. Ms. Annie Williams

Mr. Burgess said there was a question as to whether there would be citizen representation on the panel. Mr. Burgess posed the question to the Board.

Mr. Bracey asked if this could be discussed in executive session since it bordered on personnel discussion.

Ms. Everett stated that she would defer the question to legal staff.

Mr. Siegel said individual people could be discussed.

Mr. Bracey then asked how citizens would be chosen. He said if each Board member chose a citizen, it would increase the panel to 12 members. He commented that the more you put on the panel the harder it was to get agreement among them.

Ms. Everett asked if only one or two citizens would be considered.

Mr. Burgess said one was really enough.

Mrs. Everett said she did not see anything wrong with having one citizen from each district.

Mr. Haraway agreed with Mr. Bracey.

It was decided that 2 persons would be chosen and maybe one of the two would be chosen to serve on the panel.

5. Mr. Burgess reminded the Board of the County Administrator's open forum on the racetrack which will take place on May 19, 1994 at 7:00 p.m. at Rohoic Elementary School.

6. Mr. Burgess gave the Board some information on formats for public hearings. It was discussed that at the recent public hearing held by the Planning Commission, one hearing lasted 4 hours. Mr. Haraway also commented that the amount of time allowed for the rebuttal was too long. Mr. Burgess suggested telling applicants in advance that there will be a limit to the amount of time allowed to present their case, or to have a rebuttal. It was also suggested that they should try and avoid in the future having two hot, or controversial public hearings in one night.

IN RE: COMMISSIONER OF THE REVENUE (CONTINUED)

Mrs. Marston came back to give a report Admissions taxes. She said to date, thru May of 1994, \$173,345.30 in Business licenses, new and renewal has been collected. She said the Admissions tax is inclusive of the Boat Ramp fee, the Campgrounds, Marinas, Dance Schools, Barbeque sales, and the Racetrack. She said to date \$5,536.19 has been collected from all of the above.

Mr. Bracey asked what the admissions tax was on the Racetrack only.

Mrs. Marston said if you take off about \$400.00 and the balance would be the racetrack.

Mr. Bracey asked if in the future, this report could be itemized.

Ms. Marston asked Mr. Siegel if this was something that could be done. She said she felt this process would single out a particular business.

Mr. Siegel said there might be a problem with that.

Mr. Bracey felt like he should be able to get a report.

Ms. Marston said it was singling out one business.

IN RE: BOARD MEMBER COMMENTS

Ms. Everett stated that there was a request from the Richmond Chapter of Mothers Against Drunk Driving asking for issuance of a proclamation in support of National Sobriety Checkpoint Week, June 28, 1994 thru July 5, 1994 and asked for a motion for adoption.

Upon motion by Mr. Clay, seconded by Mr. Haraway, Mr. Moody, Mr. Clay, Ms. Everett, Mr. Bracey, Mr. Haraway, voting "aye", the Board of Supervisors of Dinwiddie County do hereby adopt the following resolution:

WHEREAS, the incidence of alcohol and other drug impairment annually jeopardizes the lives and safety of the traveling public; and

WHEREAS, the U.S. Supreme Court ruled on June 14, 1990, in support of the use of sobriety checkpoints as a measure to detect and deter incidents of impaired driving, thereby answering the issue of their constitutionality; and

WHEREAS, Sobriety checkpoints can serve to reduce the likelihood that drinking drivers will operate their vehicles, and thereby lessen the hazards to innocent travelers and bystanders; and

WHEREAS, the County of Dinwiddie considers of utmost seriousness its duty to protect our citizens from hazards such as impaired drivers;

THEREFORE, BE IT RESOLVED, that the County of Dinwiddie hereby proclaims this to be Dinwiddie County Sobriety Checkpoint Week and hereby proclaims support for the use of sobriety checkpoints as a valuable weapon in the war against impaired driving related death and injury.

Mr. Bracey suggested having a Public Works Department and a Department of Finance. He said the Board needs to have more control over the county funds.

Ms. Everett reported on the deer harvest of the county. She said there were 2,014 deer harvested in the county this season.

Ms. Everett said there is a right-to-farm seminar coming up on June 30, 1994 in Richmond, Va. She said this seminar is being sponsored by VACO, the Municipal League, and VAPA. She asked who should go to the seminar. She said she felt Mr. Moody should attend since he is on both the Planning Commission and the Board of Supervisors, and Chairman of the Planning Commission, Ms. Everett, Mr. Bracey, Director of Planning, and County Administrator.

Mr. Bracey asked who was going to pay for this seminar.

Ms. Everett asked that a motion be made to appropriate the funds.

Upon motion by Mr. Haraway, seconded by Mr. Clay, Mr. Moody, Mr. Clay, Ms. Everett, Mr. Bracey, Mr. Haraway voting "aye", the Board of Supervisors voted to appropriate the funds to pay for the Right-to-Farm Seminar being held in Richmond, VA., on June 30, 1994.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Bracey, seconded by Mr. Haraway, Mr. Moody, Mr. Clay, Mr. Haraway, Mrs. Everett voting "aye", pursuant to the Virginia Freedom of Information Act, Section 2.1-344 (a)1 Personnel - Discussion of Employment (Salaries and assignment of duties), Section 2.1-344 (a)7 Legal - Consultation with Counsel, (Winn Litigation, Va. Bio-Fuels Contract), Section 2.1-344 (a)3 Acquisition of Real Property for Public Use, Section 2.1-344 (a)3, Prospective Business or industry, the Board moved into Executive Session at 4:55 p.m. A vote having been made and approved, the meeting reconvened into open session at 7:10 p.m..

5:45 Recess to Home Place

IN RE: CERTIFICATION

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

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

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

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

IN RE: PUBLIC HEARING

A. FY 94-95 Proposed County Budget & School Board Budget.

Mr. Charles Burgess gave an overview of the Budget. He stated that the Budget amount as proposed is \$30,017,172.00, with no proposed tax increases proposed. He said total expenditures are up approximately 4%. On the local government side, salary increases are at a level of 2% for cost of living, and 2% for merit. Constitutional officer employees will get 2.25% effective in December. New positions in the proposed budget, authorized through the state compensation board, Clerk for the Circuit Court Clerk's office; Sheriff's office, 4 correctional officers; Jail operations, one Road Deputy and one Communications Supervisor through local funding. He said the localities pick up the fringe benefits 100% on these positions. He said there was funding for one firetruck in the amount of \$190,000. He said landfill tipping fees in the amount of \$600,000. He said regional agencies are funded at a maximum of 3% increase over current level funding.

On the revenue side of the budget, it is funded on the premise that \$726,000 are used of our reserve funds, of this approximately \$228,000 of the \$726,000 is used for the retirement of a school bus bond issue, \$190,000 figure for the firetruck, and tipping fees at the landfill. Mr. Burgess said these were the basic feature of the proposed budget. He asked the school board to make some comments.

Mr. Greg Davis, Chairman of the School Board, stated that this year the process was changed in developing the budget. He said more input was allowed from the community and better cooperation between the two boards and their administrators. He asked for full funding of the school board budget and asked Dr. Gaul to highlight some of the items in the budget.

Dr. Gaul, Superintendent of Schools, stated that the budget allowed them to move forward with a 4% salary increase for professional staff. He said it would also allow them to make some adjustments to secretaries who have not been fairly compensated over the years, adjust their hours and increase their salaries 4% to 6%. He said they also had accomodation for bus driver at 6%, 4% for maintenance workers, and 14% increase for custodians (which barely gets them above the \$5.00 per hour mark) and 4% to 6% for cafeteria workers. He said included in the budget were buses, free textbooks, and group life insurance.

Ms. Everett open the public hearing and asked for those persons listed on the sign-up sheet to come forward when called, state their names and addresses clearly for the record.

1. **Cornelia Roberts**, Appomattox Regional Library, thanked the Board for consideration of budget, even though it was not fully funded. She said they had several projects as follows:

1. Maintain and Improve Service to the County.
2. Relocate the Rohoic Station so it is more accessible to the citizens at the northern end of the county.
3. Thanking the Friends of the Library and the Library Foundation.
4. Summer Reading Program.
5. Enabling High Schools some linkage with each other.
6. Offering a variety of services due to technology.

Her hopes for the following year is that when they come back before the Board, there will be funding available and an increase in the use of the Library.

2. **Thomas Van Pelt**, Old Vaughan Road, stated that looking at the real estate as shown on the budget, under consumer utility taxes, the line is flat from last June thru June of 1995. He said this budget does not show the realized budget for 1993. He said the figure he found was about 8,000 more which shows there are increased dwellings in the county because the revenue derived on this item comes from telephone and electricity. He said because most of our money comes from the real estate books, we need to try and get the best information on our real estate books as possible. He asked that they also consider consolidating some government services to reduce the cost and meet the improvement that we need.

Ms. Everette asked if there was anyone else to make comments on the budget.

Mr. Bracey asked for someone from administration to explain the decrease on Page 1, Line 1. He asked for explanation to why there is a decrease in real estate and why the county is in a minus situation.

Mr. Burgess said around the first of the calendar year the Commissioner of the Revenue presents value estimates for real estate and other items, and on the basis of these estimates, the staff determines what amounts of revenue is reasonable to expect that we will generate. He said the value estimates of last year were actually higher. He said the only reason a decrease has not been done in the expenditure side is because there had been an equal amount of overage in the personal property taxes. He said the \$183,700.00 represents the decrease in anticipated revenues based on what has actually been realized for the current fiscal year. Mr. Burgess said as far as the process of construction activities appearing on the tax rolls, it is the Commissioner of the Revenue's responsibility to get those values onto the landbooks so that the Treasurer can determine what amount of tax needs to be collected.

Mr. Bracey asked when will we see this revenue. He said they should understand that the budget is being prepared and passed with reserve funds. He asked what was going to happen next year when everyone wanted to be funded. He said his problem was where were they going to get those funds because they could not keep dipping in the reserve. He felt somewhere taxes were going to have to be raised.

Mr. Clay asked Mr. Burgess to list those items which are one-shot deals coming out of the reserve.

Mr. Burgess stated that the following items are the main two items which can truly be considered one-shot deals:

1. \$228,000 to retire the debt service on the 1 million dollar bond issue for school bus purchase.
2. \$190,000 cost of the new firetruck.

He said other items which require the increase from the Board last discussion and need funding from the cash reserve are as follows:

1. Tipping fees to Virginia Bio-Fuels for refuse.
2. Revised figure on the refinancing issue.

He said these items comprise the \$726,000 from the reserve.

Ms. Everett said it should be pointed out that the fire truck is for the Ford Volunteer fire department and is really needed.

Mr. Bracey said that was another thing that bothered him. He said this year it was Ford and next year it will be Old Hickory who will need another truck.

Mr. Clay said when he came on the Board there was a fund balance and he did not know then why there needed to be so many funds in reserve. He said he agreed to keep dipping into the fund until there was none. He said then they had to borrow money to pay taxes. He added that this was why he felt it was important not to get below the 10% balance because it is hard to get the fund back above it.

Mr. Burgess said with the proposed budget it is still estimated that the reserve fund will be on or around 10% to 12%.

Mr. Clay said that he preferred the \$758,000 be put on a capital fund instead of operating fund because that way there is something to show for it.

Mr. Burgess said the biggest change they have had in the last seven days is the revision of the tipping fees, revised from \$358,000 to \$600,000, which is an increase of \$242,000.

Mr. Bracey asked Mr. Burgess to explain what tipping fees were.

Mr. Burgess said we compensated Virginia Bio-Fuels for general refuse at the rate of \$29.50 per ton. He said the cost to the County to have that refuse processed will be in the neighborhood of \$600,000 for the next fiscal year. He said it amounts to \$50,000 a month to process the county's trash.

Ms. Everett asked him to comment on School bus funding.

Mr. Burgess stated that what had been proposed was an increase in local funding of 6% which represented an amount of \$345,865. He said what county staff had proposed was to extract out of that approximately \$228,000 which is the last payment on the bond issue on the school buses and actually carry that in the County debt service line.

Mr. Clay asked if this was the last payment on it.

Mr. Burgess said it was.

Mr. Haraway said as a result, the school budget is being funded 100%.

Mr. Burgess said for all intent and purposes that was true. To take advantage of different programs, he said the check for those debt service payments must be cut out of school funds.

Ms. Everett asked if there were any agencies or departments who would like to speak and discuss the budget or comments from the public.

Mrs. Roberts asked if we would realize a savings from the tipping fees.

Mr. Burgess asked Mr. King to make a statement on the issue.

Mr. King said with the new regulations imposed by the EPA, the county had to look at another alternative to disposing of waste. He said co-composting was environmentally safer and cheaper.

Mrs. Everett thanked Mr. King and asked if there were any other comments.

Mr. Haraway addressed the reserve. He said the auditors had requested 10% which was a rule of thumb. He said they now have 12% and the question is why are we at 12%. The reason he stated, was during the last fiscal year there was a balance of \$1.2 million which was added to the fund balance. He said this was because revenue was greater than budgeted and expenses were less than budgeted. He said when you have a surplus of 1.2 million going into the reserve, he does not have a problem next year using \$750,000 of the 1.2 million dollars. He said if it was bringing the reserve down below 10%, then he would have a problem with it. He said he would rather follow this procedure when there are surplus balances, rather than have a tax increase. He felt there was justification this year for doing this.

Mr. Moody said he felt secure about staying at or above the 10%. He said even though there was quite a bit of reserve from last year, next year is going to be tighter and there would not be that much money to play with.

Mr. Haraway said he believes the real estate tax is underestimated. He said he also had a hard time understanding why there is a \$183,000 decrease in real estate revenue. He said with all the new

construction going on in the county, he believes that \$4,300,000 is understated and at the end of the year the figure will be a lot higher.

Mr. Clay said it may be underfigured, but we have to work with the figures which are provided by the Commissioner of the Revenue.

Mr. Bracey said he felt there needed to be an Office of Finance and Public Work to take care of all of these things.

Mrs. Everett closed the public hearing at this time and said it was slated for adoption on June 1, 1994 at 7:30 p.m. at Southside Elementary School.

Ms. Ralph said anyone interested in being appointed to the School Board needed to submit a resume' to the County Administrator's office by May 24th and will be given to the Board of Supervisors.

Mrs. Ralph stated that the tax rates had not changed and are as follows:

Proposed for 1994

1. Real Estate - .74
2. Mobile Homes - .74
3. Mineral Lands - .74
4. Public services - .74
5. Personal Property - 4.90
6. Personal Property on volunteer vehicles - .25
7. Machinery and tools - 3.30
8. Heavy construction machinery - 3.30

Ms. Everett said these rates would also be voted on at the same time the budget was voted on and asked for a motion to adjourn.

IN RE: ADJOURNMENT

Upon motion of Mr. Bracey, seconded by Mr. Clay , Mr. Moody, Mr. Haraway, Mr. Clay, Mr. Bracey, Mr. Moody, Ms. Everett voting "aye", the meeting adjourned at 11:50 p.m.

  
Lee Nora Everett  
Chair, Board of Supervisors

ATTEST:

  
Charles W. Burgess, Jr.  
County Administrator