

VIRGINIA: AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 7TH DAY OF MAY, 1997, AT 7:30 P.M.

PRESENT: HARRISON A. MOODY, CHAIRMAN ELECTION DISTRICT #1
EDWARD A. BRACEY, JR., VICE-CHAIR ELECTION DISTRICT #4
AUBREY S. CLAY ELECTION DISTRICT #5
LEENORA EVERETT ELECTION DISTRICT #3
MICHAEL H. TICKLE ELECTION DISTRICT #2

DAN SIEGEL COUNTY ATTORNEY

IN RE: MOMENT OF SILENCE IN MEMORY OF MRS. WELLS

Mr. Harrison Moody, Chairman, opened the meeting by requesting a moment of silence in memory of Mrs. Sylvia Wells, a resident of Dinwiddie, who lived to be 102 years old. She passed away this past weekend and in her memory we will observe a few minutes of silence and then have the Lord's Prayer.

IN RE: AMENDMENTS TO AGENDA

Upon motion of Mr. Bracey, seconded by Mrs. Everett, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye" the agenda was amended to add the following:

15. Executive Session - pursuant to the Virginia Freedom of Information Act, Section 2.1 - 344 (a) 1 - Discussion of employment, salaries, disciplining of public officers, appointees, or employees of any public body (EMS; Commissioner of the Revenue); Section 2.1 - 344 (a) 3 - Discussion or consideration of the condition, acquisition or use of real property for public purpose; and Section 2.1 - 344 (a) 5 - Discussion concerning a prospective business or industry where no previous announcement has been made.

IN RE: MINUTES

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

BE IT RESOLVED by the Board Of Supervisors of Dinwiddie County, Virginia, that the minutes of the April 16, 1997 Regular Meeting are hereby approved in their entirety.

IN RE: CLAIMS

Upon motion of Mr. Clay, seconded by Mr. Bracey, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody 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 #1005649 - # 1005846 (void checks 1005741 - 1005649 - 1005845); for Accounts Payable in the amount of \$374,836.08; General Fund \$86,846.33, Jail Commission \$399.83, E911 Fund \$496.20, Self Insurance Fund \$3,822.08, Law Library \$139.10, CDBG Grant Fund \$1,712.33, Payroll General Fund \$280,928.40 and CDBG Grant Fund \$491.81.

IN RE: CLAIMS - FORD VOLUNTEER FIRE DEPARTMENT

Mrs. Wendy Weber Ralph, Interim County Administrator, stated that there was included in the claims a payment to Colonial Ford Truck Sales, Inc. in the amount of \$4,173.82 for repairs, as discussed in a previous meeting. This payment is requested out of the capital projects funds for the fire department, therefore it needs the approval of the Board. This is for Ford Volunteer Fire Department's 1980 Ford Pumper #2. They were given permission to have the repairs completed by Mr. Burgess. Mr. Bracey asked if this was a new transmission or was it rebuilt? He requested that we obtain warranty information for the files in the Administration Office.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the following claim is approved and funds appropriated for the same; Capital Project Funds for Ford Volunteer Fire Department's 1980 Ford Pumper #2 transmission repairs in the amount of \$4,173.82, with warranty information being placed on file in the Administration Office.

IN RE: CLAIMS - DINWIDDIE VOLUNTEER FIRE DEPARTMENT

Mr. Moody stated that we have a claim for Powhatan Ford Mercury. Mrs. Ralph stated that it was for the First Responder Vehicle for Dinwiddie Fire Company #1. This is the vehicle that they obtained with State Grant monies. The check for this vehicle will be held until they are satisfied with vehicle. Mr. Clay asked how much the grant was for. Mrs. Ralph stated that the County's portion of the grant was in the amount of \$16,000.00. This was a 50/50 grant.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the following claim is approved and funds appropriated for the same using check number 1005846; Powhatan Ford Mercury \$27,890.70, of which fifty (50%) percent will be reimbursed by State Grant monies, for a First Responder Unit Vehicle for Dinwiddie Volunteer Fire Department Company One.

IN RE: APPROVAL OF REQUISITION #22 -- COURTHOUSE CONSTRUCTION

Mrs. Wendy Weber Ralph, Interim County Administrator, stated that Requisition #22 for the Courthouse consists of payments to:

Gulf Seaboard General Contractors Inc	\$435,655.75
ECS, Inc.	\$ 2,027.49
Dunbar, Milby, Williams	\$ 640.00
Total	\$438,323.24

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that Requisition #22 in the amount of \$438,323.24 be approved and funds appropriated for CIP expenses for the Courthouse Project Fund.

IN RE: CITIZEN COMMENTS

The following persons addressed the Board:

1. Mr. Aubrey Conn, 5210 Chesdin Road, Petersburg, Virginia, came before the Board to express views, concerns and developments in his quest to obtain a scholarship for his daughter.
2. Mrs. Anne Scarborough, no address listed, came before the Board to express her appreciation to the person, the persons, the Board for the big change in the manner in which the minutes are being recorded.
3. Mr. Robert Ragsdale, no address listed, came before the Board to first to thank Wendy Ralph for her help in the opening of the new gas station by race weekend. Next he expressed his views and asked several questions regarding the spill, the traffic on the back roads, the lights from PEI, and the fact that the Board did not visit the proposed sight.

Mr. Bracey requested that the Chairman ask the Administration to write to the Sheriff and ask him to supply the Board with an answer to the question. The question being did his officers investigate a spill or not, that is all we need to know.

4. Bob Stuyck, 13318 Cattail Lane, came before the Board to discuss a problem he was having with Mrs. Deborah M. Marston, Commissioner of the Revenue. He requested help from the Board in clearing his problem. He wished to convert his mobile home from personal property to real estate. He has/had a sale for this property, with closing scheduled on the 30th. He also stated that he has been living on the property since 1995 and has not paid any taxes on this property, because he has not been assessed or billed by the Commissioner's Office. He stated that the people in the Commissioner's Office were very courteous, however Mrs. Marston will not return his calls or go forth; she keeps dragging her feet.

Mr. Moody, Chairman, told Mr. Stuyck, that Mrs. Marston is an elected position; all they could do to help him was to write a letter of his concerns; better still if he would write a letter with these concerns, on the form that we have, we will try to see that she gets back to you in a timely manner, or ask her to.

Mr. Tickle stated he was concerned over the fact that Mr. Stuyck had not paid taxes and that we should address this matter to Mrs. Marston, requesting an immediate response.

Mr. Bracey stated he agreed with Mr. Tickle, however this gentleman needs relief now and Tums won't do it. Mr. Bracey suggested to Mr. Stuyck that he go see the Circuit Court Judge. He should see Ms. Annie Lee Williams, Clerk of the Court, to make that appointment with the Circuit Court Judge.

Mr. Stuyck was requested to fill out one of our request forms by Mrs. Ralph.

5. Joy Marshall, 4725 Woodstream Drive, Petersburg, Virginia, came before the Board stating she was a Social Worker for the Petersburg Department of Social Services and licensed rehabilitation counselor. She expressed that she was interested in opening a therapeutic residential foster home for foster children here in the County. She has made a bid, which was accepted, on a home in Brickwood Subdivision. She has been working with Mr. Scheid and the Planning Commission to be sure everything they are doing is correct and above board. She provided the Board with some information about "Alpha House".

IN RE: RESOLUTION OF APPRECIATION - THOMAS HOOKER

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

WHEREAS, Mr. Thomas Hooker has served, for 9 years, on the Dinwiddie County Airport Industrial Authority, with distinction and integrity from April, 1988, until January, 1997; and

WHEREAS, the Board of Supervisors on this 7th day of May in the year 1997 is desirous of acknowledging these qualities and further to express its appreciation for this work on behalf of the County;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia hereby commends Mr. Thomas Hooker for his contributions and devoted service to the County of Dinwiddie; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that this resolution be presented to Mr. Thomas Hooker, and a copy spread upon the minutes of this meeting.

Mr. Hooker thanked the Board and stated he had enjoyed the years he served on the Airport Authority.

IN RE: RESOLUTION OF RECOGNITION - MRS. SYLVIA GRISWOLD WELLS

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

EXTRACT

WHEREAS, Mrs. Sylvia G. Wells was born on November 29, 1894, and having resided in the Carson area of Dinwiddie County since 1903; and

WHEREAS, on November 29, 1996, Mrs. Wells celebrated her 102nd birthday; and

WHEREAS, during her 102 years, Mrs. Wells was married to the late Mr. George C. Wells and blessed with a wonderful family—seven children, eighteen grandchildren, twenty-six great grandchildren, two great great grandchildren, one sister; and

WHEREAS, Mrs. Wells, besides being a devoted mother and wife, has also dedicated her life to serving God as a member of Carson United Methodist Church; and

WHEREAS, the Board of Supervisors is desirous of acknowledging Mrs. Wells' 102nd birthday and joining with her family and friends in this celebration;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, acknowledges her 102nd birthday and wishes Mr. Sylvia G. Wells a very blessed and prosperous life.

IN RE: PUBLIC HEARING - C-97-1 - VIRGINIA MOTORSPORTS PARK

Mr. Moody asked Mr. Scheid, Director of Planning, to come before the Board to present the outline for the proposed changes in the applicant's, Picture Lake Associates L.P., conditional use permit and the Planning Commission's recommendations. He presented the following:

1. Picture Lake Associates, L.P., has requested their conditional use permit C-92-2, be amended by allowing twenty (20) special events in any calendar year rather than the ten (10) special events currently permitted and add the condition that Wednesday race events will be permitted from May 1st through October 31st from 5:00 p.m. until 11:00 p.m.
2. The Dinwiddie County Planning Commission modified these requested conditions to reflect the following allowing thirteen (13) special events in an calendar year rather than the ten (10) special events currently permitted and "Wednesday night race events will be permitted from June 1st through August 31st from 5:00 p.m. until 11:00 p.m. for the 1997 racing season."

The Planning Commission voted on April 9, 1997 with a vote of 5-1 to approve with the modified changes.

Mr. Scheid stated that the only items that could be addressed tonight are the additional special events and the Wednesday night racing.

Mr. Moody again stated, for clarification to the public and the Board, the only two issues we need to discuss tonight are about increasing the special events and Wednesday night racing. These are the only issues before us tonight. Mr. Scheid stated that was correct, you cannot take action on anything other than that.

Mr. Moody requested the applicant to come forward and present his case.

Mr. Paul Coleman, came before the Board stating he appreciated the opportunity to come before them tonight. He stated there was two parts to the application. The first part was to increase the number of special events. This year they needed thirteen (13) which the Planning Commission as offered to give us. The reason we are asking for twenty (20), as with any good business we hope to grow each year and would like to not have to come back before you every time we have that opportunity. Also we would like to have the wording changed from Monday as a rain date, to read the next available dry day. As far as our Wednesday night activity, we are requesting this because our Friday night lineup has become so large that we are fighting the time period. If we can split the classes on Friday night into two nights we will have no problem with finishing the racing by the curfew time. We have requested this from May

1st through October 31st because of the point system. If we could run on Wednesday's from June 1st thru September 31st, which is thirty (30) days more than the Planning Commission, we feel that we could have a much better field if that is a viable option or not. Mr. Coleman stated he would be glad to answer any questions the Board might have.

Mr. Moody stated that this is a public hearing for C-97-1 and opened the hearing. The following people came before the Board to express their opinion on this matter:

1. Ralph Mangum, 9013 Dabney Drive, which is approximately a mile to mile and a quarter from VMP. He spoke in favor of VMP's request. He stated the Park is a great value, a wonderful family outing, a safe place for the youth to race and have proven themselves to be good neighbors.
2. Dr. Louis Blazek, 7818 Boydton Plank Road, came forth to express his feelings on Virginia Motorsports Park. He stated he is definitely for the park, however with Wednesday being allowed, it would enable the Park to race six days a week. The noise would be too much for the campground and the mobile home park. He felt that the term "Special Event" needs to be defined. In closing Dr. Blazek thanked the Board and again stated that he is not against the Drag Strip, because it can be a tremendous asset to all of us, if it is done properly.
3. Pat McMahon, President and Chief Executive Officer of Virginia State Tourism Corporation, came before the Board to tell them that they have been monitoring the activities of the Virginia Motorsports Park and looking at it as part of the mix of attractions that the Commonwealth has to give the world. Motorsports is currently the number one spectator around the world. Virginia is becoming a premium race state. Virginia has a lot of history, but we need the excitement and Virginia Motorsports Park has the potential of playing a role in a new marketing region.
4. Robert Ragsdale, 8511 Boydton Plank Road, came before the Board to voice his opinion on the noise, and the was he and the citizens of Dinwiddie County were mislead. He also asked the Board to define "Special Events".
5. Wert Smith, 1750 Westover Avenue, Petersburg, Virginia, came before the Board thanking them for the opportunity to speak to them tonight. He spoke on the Virginia Motorsports Park facility. He stated that the Park has been a good corporate citizen. Mr. Smith is a promoter of the Pignic and stated that VMP has been wonderful to work with on these events. Mr. Smith passed out some copies of newspaper clippings to the Board.
6. Wallace Rowland, 22256 Butterwood Road, came forth to state that he was very unhappy with the noise from the Virginia Motorsports Park. People need to have respect for their neighbors. I am against them having extended hours. I'll back you if you want to shut them down. The noise control we were promised has not taken place.
7. Patsy Mears, 7230 Jack Drive, Petersburg, Virginia, came forth stating that she wanted to thank the county for the support of the race track. She stated she was employed by Virginia Motorsports Park and if it wasn't there then she would have to be driving long distances. She stated she would very much appreciate the Board consider approving their request.
8. David Mears, 7230 Jack Drive, Petersburg, Virginia, came before the Board, who stated that he is a Dinwiddie County resident and a racer. He feels very fortunate to be able to race on a world class, top notch, probably the best track in the county. The race track is good clean fun for everybody.
9. Greg Davis, 25115 Smith Grove, Petersburg, Virginia, stating he would like to address one issue, Virginia Motorsports Park's good corporate nature. As an elected School Board member and parent, he has been privileged to work with VMP. VMP, for the past couple of years, had gotten a very ready, dependable labor force from the high school for their National Events. This is not all about revenues. I feel this is real life, on the job training for our youth.

10. Phil Dean, 11277 Air Park Road, Ashland, Virginia, addressed the Board stating that along with the Leadbetter family they bought the land in 1989. They have been really proud owners since that time. He has enjoyed an excellent relationship with the County and has invested substantially in the County. They have been very pleased with what has come out of it, at this stage, and hopes that the folks in Dinwiddie are. They think they have set a high standard and appreciate the Board's positive consideration because they have put more money into it than they intended to and need to get some type of return on that investment. They are proud of the facility that they have.

11. Ron McGugan, P. O. Box 2049, Petersburg, Virginia, came forth stating that he owned a beverage distribution company in Petersburg and that he was also a drag racer part-time. He continued by saying that from the business stand point, economic stand point, for Dinwiddie County, he wanted to say that this track has enabled him to hire an additional person. It has increased his route distribution by about four (4%) per cent, which is substantial for the tax base in this County. Because of the increased traffic in Dinwiddie County, store owners has begun to take more pride in the appearance of their stores. I am a firm supporter of the track and will do anything I can to help make it successful because it has helped make me successful. I have at least ten (10%) per cent of his employment based as residents of Dinwiddie County. I hope you will support the track by allowing them the extra hours, this will only mean more revenue in Dinwiddie County.

12. Marshall Campbell, 3464 Darston Court, came forth stating that it was not long ago that he did not even know where Dinwiddie County was. Now every Friday, Saturday, I cannot wait to get here. This is the finest quality track I have ever been to, as a racer I am speaking. I hope you will look favorably on supporting the request of the track. A lot of the racers on Friday night are young people just getting started and I worry that if they cannot race on this track then they will be racing on the street. I sincerely hope you will consider extending the hours.

13. Ryan B. Corrigan, 3909 Dfust Avenue, Prince George, Virginia, came representing the Robert E. Lee Council, and locally the Crater District, which encompasses the tri-cities, Dinwiddie as well as Prince George Counties. VMP as not only helped these young men earn money for summer camp but also taught them three (3) valuable lessons of life. These lessons being: 1-The lesson of hard work; 2-Recycling; and 3-Team work.

14. Churchill Drake, Track Manager of Virginia Motorsports Park, came before the Board to explain the following. First by taking the test and tune away from Friday night, it will give Friday night a completely muffled program. On the Special Use Permit, I am the one that applies for them. I would just like to be able to use the next available dry day.

Mr. Moody then declared the public hearing closed.

Mr. Bracey stated due to the fact that he was employed by Virginia Motorsports Park, he stated that he was not able to vote or comment on this subject.

Upon motion of Mrs. Everett, seconded by Mr. Clay, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Moody voting "aye", Mr. Bracey "abstaining",

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that conditional use permit C-92-2, as amended, be further amended by conditional use permit C-97-1 as follows:

1. condition #2 shall permit twenty (20) special events in any calendar year rather than the ten (10) special events currently permitted with the rain date being the next dry day.
2. add condition #15 so that "Wednesday race events will be permitted from May 1st through September 30th, for the year 1997, from 5:00 p.m. until 11:00 p.m."

BE IT FURTHER ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia that in order to assure compliance with Virginia Code Section 15.1-491(g), it is stated that the public purpose for which this

Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice.

IN RE: PUBLIC HEARING - P-97-3 - NORMAN WYATT - DEWITT POST OFFICE

Mr. Moody asked Mr. Scheid to present the case.

Mr. Scheid came before the Board and stated that this is a rezoning request. The original request was for 2.34 acres of land to be rezoned, to Business 2 classification, current zoning is Agricultural, General A-2. At the meeting of the Planning Commission this request was asked to be reduced in scope and it is now one (1) acre parcel of land that is being asked to be rezoned from A-2 classification to B-2 classification. The property is located at the northeast corner of Route 650 which is First Street and Route 1, Boydton Plank Road. There is a country store and post office which share the same structure and a single family dwelling on the parcel. It is located in DeWitt and the property is relatively flat. The applicant's request is that he wishes to relocate the existing post office into a newer and larger building. Under the current zoning classification of agricultural A-2, each primary use must have a minimum of three (3) acres of land. This parcel could not meet this requirement under the A-2 zoning, however under B-2 classification the post office could be relocated on this parcel of land. DeWitt has a mixture of residential, commercial and agricultural classifications and uses. The post office occupies the south side of the existing country store and has outgrown the existing floor space in addition to the building being oil and having limited parking space. The proposed location for the post office is ideal and they wish to remain in the vicinity. The comprehensive land use plan encourages commercial uses to locate in central areas. DeWitt is considered a minor growth center and, as such, commercial uses/zoning is encouraged so that services can be provided to local residents. There are several businesses located in the area with business B-2 being found in this area. The road system adjacent to this parcel provided easy access for local citizens. By locating the post office to the north of the existing location, the potential for accidents should be reduced. The further removed from an intersection the better the side distance. The Comprehensive Land Use Plan, page 10, Transportation, Goal I, Objective 9a states that the County in cooperation with the Virginia Department of Transportation should identify and plan for the future highway needs of the County. This would proffer an additional building setback on Route 1 so that future widening of Route 1 could occur. The staff has recommended approval of the rezoning of this parcel of land, and as mentioned the applicant has reduced initial request to the one (1) acre parcel.

Mr. Moody invited the applicant, Mr. Norman Wyatt, to come forward and present his case. Mr. Wyatt stated that Mr. Scheid had presented the case properly for him.

Mr. Moody stated that this was a public hearing for P-97-3, and opened this portion of the proceeding for public comments:

1. Ann Robertson, 15116 First Street, DeWitt, Virginia, came before the Board and spoke in favor of the rezoning.

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

BE IT ORDAINED BY THE BOARD OF SUPERVISORS, DINWIDDIE, VIRGINIA, that the Zoning Map be amended by changing a one (1) acre portion of a 2.34 acre parcel shown by a plat prepared by Ronald A. Gordon, dated September 6, 1984, for Norman and Joan F. Wyatt, Sr. for Agricultural, General A-2 to Business, General B-2. Said parcel is designated by the County Tax Maps as a portion of land parcel 69A (2) 4, 4A and 4B. The parcel is located approximately 233' north of the intersection of Route 650 and Route 1 as measured along Route 1, then proceeding N52-21-30E about 155' along Route 1 to a point, then S48-56-14 about 265" to a point, then S23-20-27W about 106' to a point, then in a NW direction about 235' to a point, then in a NW direction about 105' to the point of beginning.

BE IT FURTHER ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia that in order to assure compliance with Virginia Code

Section 15.1-491(g), it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice.

IN RE: APPROVAL OF BOND - COURTHOUSE AND SCHOOL FINANCING

Mr. Daniel Siegel, County Attorney, came before the Board, first stating that Mr. David Rose, who is representing the Underwriter, Wheat First is also present to answer any questions that may come up.

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye", the following Resolution was approved:

RESOLUTION OF THE BOARD OF SUPERVISORS
OF DINWIDDIE COUNTY, VIRGINIA

WHEREAS, the Board of Supervisors of Dinwiddie County, Virginia (the **"Board of Supervisors"** or **"Board"**) has previously requested the Industrial Development Authority of Dinwiddie County, Virginia (the **"Authority"**) to assist it in the financing of a County courts complex and related facilities (the **"Courts Complex Project"**) and improvements and renovations to County school facilities (Midway Elementary School, Dinwiddie County Middle School and Dinwiddie County High School) (together the **"School Project"**), and pursuant to these requests the Authority issued its \$3,365,000 Interim School Funding Lease Revenue Notes (Dinwiddie County School Facilities Project) Series 1995A (the **"Notes"**) and its \$5,500,000 Lease Revenue Bonds (Dinwiddie County Courts Facilities Project), Series 1995B (the **"1995 Bonds"**); and

WHEREAS, at the time of the issuance of the 1995 Bonds, the total costs of the Courts Complex Project was not known, and since that time Dinwiddie County, Virginia (the **"County"**) has, after public procurement, entered into contracts for construction of the Courts Complex Project and determined the approximate costs to complete the same; and

WHEREAS, at the time of the issuance of the Notes, the County had anticipated that the School Project would be funded from 2% loan monies from the State Literary Loan in an amount up to \$13 million, and from other sources (such a county bonds, notes or leases) for a total construction and equipping cost now expected to be \$24.5 million; and

WHEREAS, the County issued on November 16, 1996, its general obligation school bonds in the amount of \$9,853,858 and obtained a grant from the State Literary Loan of \$3,146,142 to partially finance a portion of the School Project, all pursuant to a Virginia Public School Authority Subsidy Bond sale; and

WHEREAS, in order to fund the costs of completion of the Courts Complex Project and to complete the costs of the School Project, the County will need to obtain additional monies therefore and has requested that the Authority assist it in the financing of such projects and in furtherance of such financing (a) to issue, offer and sell (i) its lease revenue bonds in an amount not to exceed \$4,100,000 (the **"Courthouse Completion Bonds"**) to finance the completion of the costs of the acquisition, construction and equipping of the Courts Complex Project on real property owned by the County (the **"County Real Estate"**) and (ii) its lease revenue bonds in an amount not to exceed \$5,900,000 (the **"School Bonds"**) to finance a portion of the costs to complete the acquisition, construction and equipping of the School Project on improved real property owned by the Dinwiddie County School Board (the **"School Real Estate"**) and (b) to lease the Courts Complex Project and the School Project (together, the **"Projects"**) to the County to accomplish certain purposes of the Virginia Industrial Development and Revenue Bond Act (the **"Act"**), and the Authority has agreed to do so; and

WHEREAS, there has been presented to the Board of Supervisors a plan for lease financing of a portion of the Costs to complete the acquisition, construction and equipping of the Projects involving issuance of Courthouse Completion Bonds and School Bonds by the Industrial Development Authority of Dinwiddie County, Virginia (the **"Authority"**)

which would not create debt of the County for purposes of the Virginia Constitution; and

WHEREAS, there has been presented to this meeting drafts of the following documents (the "**Documents**"), copies of which shall be filed with the records of the Board of Supervisors:

- (a) an Amended Ground Lease amending the Ground Lease dated as of December 1, 1995 between the Authority, the County and the School Board conveying to the Authority a leasehold interest in the County Real Estate and the School Real Estate (the "**Amended Ground Lease**").
- (b) an Amendment to Financing Lease amending the Financing Lease dated as of December 1, 1995 between the Authority and the County conveying to the County a leasehold interest in the Projects (the "**Amendment to Financing Lease**");
- (c) a Supplemental Indenture of Trust supplementing and modifying the Indenture of Trust dated December 1, 1995 between the Authority and the Trustee, pursuant to which the Courthouse Completion Bonds and the School Bonds are to be issued including the form of the Courthouse Completion Bonds and the School Bonds, which is to be acknowledged and consented to by the County (the "**Supplemental Indenture**");
- (d) an Amended Assignment of Rents and Leases between the Authority and the Trustee amending the Assignment Agreement dated as of December 1, 1995, assigning to the Trustee certain of the Authority's rights under the Financing Lease as amended by the Amendment to Financing Lease, which is to be acknowledged and consented to by the County (the "**Amended Assignment Agreement**");
- (e) a Bond Purchase Agreement among the Authority, the County and Wheat First Butcher Singer, Inc. as Underwriter (the "**Underwriter**") for the purchase of the Courthouse Completion Bonds and the School Bonds (the "**Bond Purchase Agreement**");
- (f) a Continuing Disclosure Agreement between the County and the Underwriter for the purpose of assuring compliance with continuing disclosure obligations under Rule 15c2-12 (the "**Continuing Disclosure Agreement**");
- (g) an Official Statement for the offering and sale of the Courthouse Completion Bonds and the School Bonds.

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

1. The following plan for financing a portion of the costs to complete the acquisition, construction and equipping of the Projects for the County as described in the preambles above is hereby approved. The Authority will be requested to issue the Courthouse Completion Bonds in the maximum amount of \$4,100,000 and to use the proceeds therefrom to finance the completion of the acquisition, construction and equipping of the Courts Complex Project and to issue the School Bonds in the maximum amount of \$5,900,000 and to use the proceeds therefrom to finance the acquisition, construction and equipping of the School Project. The Authority will acquire, construct and equip the Projects on the County Real Estate and the School Real Estate which will be leased to the Authority under the Amended Ground Lease, and the Authority will lease the Projects to the County pursuant to the Financing Lease as amended by the Amended Financing Lease. The Authority will also enter into the Supplemental Indenture with Crestar Bank, as trustee (the

"Trustee"), pursuant to which the Courthouse Completion Bonds and the School Bonds will be issued, which Supplemental Indenture is to be acknowledged and consented to by the Board of Supervisors. The Authority will also enter into the Amended Assignment Agreement whereby the Authority's rights under the Financing Lease as amended by the Amendment to Financing Lease will be assigned to the Trustee, which Amended Assignment Agreement is to be acknowledged and consented to by the Board Of Supervisors. The Authority will be requested to lease the Courts Complex Project to the County for the term of the Courthouse Completion Bonds and the School Project to the County for the term of the School Bonds, under a "triple net lease" at rents sufficient to pay interest and School Bonds, all pursuant to the Financing Lease. The obligation of the Authority to pay principal and interest on the Courthouse Completion Bonds and the School 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 of Supervisors making annual appropriations for such purpose. The Courthouse Completion Bonds and the School Bonds will be secured by an assignment of the Financing Lease as amended by the Amendment to Financing Lease to the Trustee for the benefit of the bondholders. If the County exercises its right not to appropriate money for rent payments, the Trustee or the holder of the Bonds may terminate the Financing Lease as amended by the Amendment to Financing Lease or otherwise take possession of the Projects, subject to the terms of the Financing Lease as amended by the Amendment to Financing Lease, the Assignment Agreement as amended by the Amended Assignment Agreement, the Amended Ground Lease, and the Indenture as supplemented and modified by the Supplemental Indenture.

2. The Board has selected Wheat First Butcher Singer, Inc. as underwriter (the "Underwriter") for the purchase of the Courthouse Completion Bonds and the School Bonds, and the Authority is hereby requested to designate it as such.
3. The Chairman or Vice Chairman of the Board of Supervisors, either of whom may act, is hereby authorized and directed to execute and deliver the Amended Ground Lease, the Amendment to Financing Lease and the Continuing Disclosure Agreement.
4. The Chairman or Vice-Chairman of the Board of Supervisors, either of whom may act, is hereby authorized and directed to acknowledge and consent to the provisions of the Supplemental Indenture, the Amended Assignment Agreement, the Bond Purchase Agreement and any other instruments executed by the Authority in connection with an assignment of the Financing Lease for the purpose of securing the Courthouse Completion Bonds and the School 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 Courts Complex Project and the School Project are hereby declared to be essential to the efficient operation of the County, and the Board of Supervisors anticipates that the Projects will continue to be essential to the operation of the County during the term of the Financing Lease as amended by the Amendment to Financing Lease. The Board of Supervisors, 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 Financing Lease as amended by the Amendment to Financing Lease and hereby

recommends that future Boards of Supervisors do likewise during the term of the Financing Lease.

7. The Chairman or Vice-Chairman of the Board, The Interim 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 the Underwriter to perform all services and prepare all documentation necessary to bring the Courthouse Completion Bonds and the School 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 Courthouse Completion Bonds or the School 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 Courthouse Completion Bonds or the School Bonds to be includable in the gross income for Federal income tax purposes of the registered owners 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 Courthouse Completion Bonds or the School Bonds.
9. The County covenants that it shall not permit the proceeds of the Courthouse Completion Bonds or the School Bonds to be used in any manner that would result in (a) 10% or more of the proceeds of either the Courthouse Completion Bonds or the School Bonds 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 Projects, (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 Courthouse Completion Bonds and the School 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 of Supervisors hereby consents to Sands, Anderson, Marks & Miller, P. C., Richmond, Virginia serving as special counsel to the Authority and as bond counsel and recommends that such firm be appointed by the Authority as Bond Counsel and as special counsel to the Authority.
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 Courthouse Completion Bonds and the School Bonds and the acquisition, construction, and equipping of the Projects are hereby approved and ratified.
12. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.
13. The reimbursement resolutions adopted by the Board of Supervisors on October 6, 1993 relating to expenditures on

or after August 7, 1993 with respect to the Courts Complex Project and on May 18, 1994, relating to expenditures on or after March 20, 1994 with respect to the School Project, are hereby ratified, confirmed, approved and re-adopted in their entirety, with the amendments that the maximum principal amount of bonds expected to be issued for the Courts Complex Project is \$9,600,000 and the maximum principal amount of bonds expected to be issued for the School Project is \$24.5 million.

14. The Board of Supervisors on behalf of the County hereby designates the Courthouse Completion Bonds and the School Bonds as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code, allocates to the Authority \$4,100,000 of its allocation of "qualified tax-exempt obligations" for the Courthouse Completion Bonds and \$5,900,000 of its allocation of "qualified tax-exempt obligations" for the School Bonds for purposes of such Section and represents and covenants that not more than \$10,000,000 in bonds notes, leases and other obligations of the County (including any subordinate issuing entities), excluding private activity bonds, will be issued in calendar year 1997 and that neither the Board of Supervisors nor the County will designate more than \$10,000,000 of qualified tax-exempt obligations pursuant to Section 265(b)(3) of the Code.
15. The County hereby agrees to indemnify, defend and save harmless the Authority, its offices, directors, employees and agents from and against all liabilities, obligations, claims, damages, penalties, fines, losses, costs and expenses in any way connected with the County, the issuance of the Courthouse Completion Bonds and the School Bonds or the acquisition, construction and equipping of the Projects.
16. Nothing in this Resolution, the Courthouse Completion Bonds, the School Bonds or the Documents shall constitute a debt or a pledge of the faith and credit of the County, and neither the County nor the Authority shall be obligated to make any payments under the Courthouse Completion Bonds, the School Bonds or the Documents except from payments made by or on behalf of the County under the Financing Lease as amended by the Amendment to Financing Lease pursuant to annual appropriation thereof in accordance with applicable law. The Underwriter shall acknowledge on behalf of the Bondholders that any purchase of Courthouse Completion Bonds and School Bonds pursuant to the Bond Purchase Agreement is made solely based on representations of the County and no representations of any kind as to the Projects or the ability to repay the Courthouse Completion Bonds or the School Bonds has been made by the Authority.
17. This resolution shall take effect immediately.

PASSED AND ADOPTED THIS ____ DAY OF MAY, 1997.


Chairman

ATTEST:


Clerk

IN RE: PRESENTATION - PROPOSED CAPITAL FUNDING STRATEGY

Mrs. Wendy W. Ralph stated that Mr. Daniel Siegel's presentation was kind of a lead in to Mr. David Rose's presentation, who is with Wheat First Butcher Singer.

Mr. David Rose came forth stating he would keep his remarks as brief as possible. He presented the Proposed Capital Financing Strategy to the Board and citizens in attendance. Mr. Rose also elaborated on the sources and uses of funds for the Courthouse Project. Mr. Rose presented to the Board the financing timetable for the Courthouse Completion & School Lease Revenue Bonds, Series A & B for the Spring/Summer 1997, stating that they hoped to close on the Bond Sale around June 11, 1997.

IN RE: PETERSBURG NATIONAL BATTLEFIELD PARK

Mr. Mike Hill, Superintendent of the Petersburg National Battlefield Park, came before the Board to present an option regarding the use of the current Courthouse. The proposal he was making was that the Petersburg National Battlefield in conjunction with Dinwiddie County and the Dinwiddie County Historical Society might be able to utilize the old Courthouse Building as a combination museum and visitor's center. There are a lot of benefits to Dinwiddie County, the Historical Society and the National Park Service. He continued by stating that his main purpose in being here was to see if we were interested in either individually or assigning someone on the staff to pursue what options may be out there and to follow up on this idea. He stated he was just here to plant the seed.

Mr. Moody, Chairman, with the Board's support, appointed Mrs. Everett to follow up on this avenue and report back to them.

IN RE: AWARD OF CONTRACT - PROPERTY/CASUALTY INSURANCE PROGRAM

Mr. Sam Rosenthal, Rosenthal Insurance Consulting, Inc., came before the Board to report on his finding on the premiums of VACorp and Reliance. Reliance proposed a complete quote of \$60,032. and VACorp a complete quote of \$66,976. Reliance has offered us a three (3) year rate guarantee whereas VACorp proposes to reduce the premium on renewal.

Mr. Bracey made a motion, it was seconded by Mrs. Everett, to use Reliance with a premium of \$60,032. Mr. Tickle stated that he felt that VACorp was the company that he felt that the County should support. After some discussion among the Board the second of the motion was withdrawn. With the motion being on the floor roll call was taken: Mrs. Everett, Mr. Clay, Mr. Tickle voting "nay", Mr. Bracey, Mr. Moody voting "aye", the motion was not carried.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the contract for property/casualty insurance be awarded to VACorp for a yearly premium of \$66,976.

IN RE: COUNTY ADMINISTRATOR COMMENTS - CAPITAL PROJECTS

Mrs. Wendy W. Ralph, Interim County Administrator, stated that one item that she had sent to the Board members earlier was an outline of some of the projects that they had been discussing, so far as the first year of the capital improvement program. We are going through the process now of the Planning Commission reviewing a plan, a five (5) year plan, and making a recommendation to you. There was a question on the first year, which will be next year, 1997-98; you have set aside a million dollars out of the reserve to deal with this. The Planning Commission is going to be discussing this again next Wednesday night and I did not know whether or not you had any comments or whether you would like to see this go on to them as it was presented.

Mr. Clay stated that he was not satisfied in spending all the money in Dinwiddie. McKenney is looking for a fire truck and a house and we are not doing anything for them. We are getting a fire and EMS building for \$500,000.; we are buying a 3,000 gallon tanker for \$200,000., which I think McKenney hasn't had a big tanker or a big fire truck, one of the new ones -- everybody's got to have a Cadillac; I don't think either one of them needs a \$200,000. vehicle. I think we can buy one a lot cheaper than that. I think that the volunteers are just pushing it over on us and are forcing us to buy these high priced machines; they are not

going to last any longer than the others. Both of them will pump water. I'm tired of buying these, then talking about raising the taxes to build these schools and courthouse, and we are buying \$200,000.00 fire trucks. I disagree with it.

Mr. Moody asked the Board members to call Wendy before Wednesday regarding comments on the list, as Mr. Clay has done tonight.

Mr. Bracey commented on \$100,000.00 for a roof on the Jail.

Mrs. Ralph asked the Board if anyone would be attending the dinner on Saturday night for the Town of McKenney 75th Anniversary. Mr. Clay agreed to present the Resolution to the Town of McKenney that evening.

IN RE: BOARD MEMBERS COMMENTS

Mrs. Everett, spoke in favor of the Park Service and asked if anyone was interested in serving on a committee to please call her. The next scheduled meeting will be held on May 31st.

Mr. Tickle expressed his concern over the comment made at the last Board Meeting regarding kids mowing grass. He was upset in the manner in which the School System and School Board has handled this matter. His two (2) main questions regarding the vocational program, did we have people in the vocational program cutting grass five (5) feet next to the road, unsupervised. He did not mean that statement in a rude or disrespectful comment. What I want to know was a specific answer to that question - I don't think I have received that yet. In the mean time someone has told me that we actually pay people during school hours, I did not know that. These are things that we do not know and I would like to know more about it. I am asking for someone to call me, not the acting principal, someone representing the County School Board from the County Administration and to talk to me about this. I prefer not to talk about it as an issue, in the paper that way, it would appear to be true. I asked for information from the School Board person, representative, and that is what I expect to receive. I am putting it to the School Chairman here that we go through that and that I get a reply. My two questions are: (1) Why do we have someone out there, do we have a vocational program, does that vocational program include cutting grass and (2) Is this a safety issue of those individuals. So it is a more encompassing so I would like to know what our vocational program details, because I was following up on, if you read the minutes very closely, you will know that I was piggy-backing on a statement that Mr. Bracey made. I was trying to understand what vocational was and I could understand why we had a program with children mowing grass on a continuous basis. What also disturbed me a little bit was a child being, I don't think I ever said anything about the child other than he appeared to be a student in the school system and he had a tee shirt on and was mowing grass. I want to know why he was so close to the road. Again Mr. Tickle stated (1) What is a vocational program and (2) why was the child so close to the road? I just need those addressed.

Mr. Clay stated he had no additional comments.

Mr. Bracey had some questions/remarks regarding the School Board issue. Mr. Taylor had come before the Board representing Mrs. Seward - I received a letter a few days later asking for an apology but I never received a letter from Mr. Taylor or the School Board Office concerning the question - the original question - about vocational education. I am very offended because I get a letter asking me for an apology on something - I don't even know apologizing for what? But now the question - the original thing came about the vocational education program. I never received it. Now I think I try to work with people but it seems like somebody in the School Board Office is playing games. Mr. Moody asked Mr. Bracey is the staff was directed to do that? Mr. Bracey replied yes, I asked Mr. Taylor to send me. Mrs. Seward stated that she could address it now - she had planned to address it at the next meeting - she would bring the program of study - the whole nine yards - would you prefer it that way or I can address it off the cuff now? Mr. Bracey stated that he wanted it addressed on paper, in the same way that I received the letter from your office asking for some type of public apology. I like things in writing, that way I can handle it. Mrs. Seward asked if she understood that when

you ask a question that pertains to something that I am doing that you would prefer that she submit the answer to you in writing rather than bringing it back to a Board meeting. Mr. Bracey stated that yes he would.

Mr. Moody stated that we should have gotten the information from the School Board before we attacked someone for not doing their job. Mr. Moody stated that he was sitting there that day and there were some attacks going on and I think we should get the information from both sides before we make a comment either way. That is the way I saw it. Mr. Bracey stated that he did not owe anybody an apology. Mr. Moody stated that that was up to him. Mr. Bracey said don't you apologize for Bracey either. Mr. Moody stated I'm not apologizing for you. Mr. Bracey stated thank you.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Clay, seconded by Mr. Tickle, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye", pursuant to the Virginia Freedom of Information Act, Section 2.1-344 (a) 1 - Discussion or consideration of employment, salaries, discipline of public officers, appointees, or employees of any public body ; 2.1-344 (a) 3 - Discussion or consideration of the condition, acquisition or use of real property for public purpose; 2.1-344 (a) 5 - Discussion concerning a prospective business or industry where no previous announcement has been made; and 2.1-344 (a) 7 - consultation with legal counsel. The Board moved into Executive Session at 11:02 p.m. A vote having been made and approved, the meeting reconvened into Open session at 11:55 p.m.

IN RE: CERTIFICATION

Upon motion by Mr. Clay, seconded by Mr. Tickle, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody 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 session 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: NOTE FOR AIRPORT AUTHORITY

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that a promissory note in the amount of \$110,000.00 be approved for the Airport Authority for a three (3) year renewable term, maturing May 7, 2000.

IN RE: ADJOURNMENT

Upon motion of Mr. Clay, seconded by Mrs. Everett, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye", the meeting adjourned at 11:56 P.M. to be continued until Tuesday, May 13, 1997 at 11:00 A.M. for a Executive Session at the Pamplin Building.

/pam

ATTEST: Wendy Weber Ralph
Interim County Administrator

Harrison A. Moody
Chair, Board of Supervisors