

VIRGINIA: AT THE CONTINUATION MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD AT THE HOMEPLACE RESTAURANT DINWIDDIE COUNTY, VIRGINIA, ON THE 5TH DAY OF AUGUST 1998, AT 4:05 P.M.

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

OTHER:	BEN EMERSON	COUNTY ATTORNEY
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IN RE: EXECUTIVE SESSION

Upon motion of Mrs. Everett, seconded by Mr. Clay, Mr. Moody, Mr. Clay, Mr. Tickle, Mrs. Everett, Mr. Bracey voting "aye" 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 (Code Compliance Officer; Public Safety Officer; County Administrator); Section 2.1-344 (A) 3 - Discussion or consideration of the condition, acquisition or use of real property for public purpose, or of the disposition of publicly held property; and Section 2.1-344 (A) 7 - Consultation with legal counsel and briefings by staff members, consultants or attorneys (Division of Risk Management settlement); the Board moved into Executive Session at 4:05 P.M.

IN RE: RETURN TO OPEN SESSION

A vote having been made and approved the meeting reconvened into Open Session at 6:03 P.M. in the Board Meeting Room of the Pamplin Administration Building.

IN RE: CERTIFICATION

Upon motion of Mr. Moody, seconded by Mr. Tickle, Mr. Moody, Mr. Clay, Mr. Tickle, Mrs. Everett, Mr. Bracey 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 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: CIP - DISCUSSION OF PROJECTS

Mr. Long stated we have Mr. Darrell V. Hill, from Davenport & Company, LLC, who will present some scenarios, as the Board had requested, regarding debt service.

Mr. Darrell V. Hill came forward and presented four (4) options. The four (4) scenarios dealt with 1) Dinwiddie Elementary School; 2) Dinwiddie Elementary School, two (2) fire stations, and a fire truck; 3) Dinwiddie Elementary School, two (2) fire stations, a fire truck and Eastside Elementary School; and 4) Eastside Elementary School

only. He proceeded to explain to the Board what would transpire regarding the County's Debt Service should the Board move forward on one or all of the above projects.

There was discussion between the Board, Mr. Hill, Mrs. Wendy Weber Ralph, Assistant County Administrator, Mrs. Troilen Seward, Superintendent of Schools, and Mr. Ray Watson, Director of Finance Dinwiddie County School Board.

**IN RE: DINWIDDIE COUNTY SCHOOL BOARD – SCHOOL
CONSTRUCTION FUNDS**

Mrs. Seward came forward to explain the state has budgeted \$333,958.00 in FY-98 and \$363,583.00 in FY-99 or a total of \$677,541.00 for school construction. Mrs. Seward proposed to use this years' money toward debt service and take the money budgeted for debt service and place it in a special account. The state has approved this action.

There was discussion regarding the best use of the budgeted funds, to save it or use it toward debt service to save interest payments. The Board was informed that you cannot pay off bonds early without incurring tremendous penalties.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that approval is granted to the Dinwiddie County School Board to use the School Construction Funds provided by the State toward the current year's debt service with the budgeted funds for FY98-99 to be placed into a special account for construction at a later date.

**IN RE: DINWIDDIE COUNTY SCHOOL BOARD – LITERARY
LOAN FUNDS**

There was discussion regarding application for a Literary Loan and the process of getting on the list is a time consuming one. The School Board requested authorization to move forward with this process.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to the Dinwiddie School Board to move forward with application for Literary Loan Funds for Dinwiddie Elementary School.

IN RE: CIP WORKSHOP – DISCUSSION

Mr. Long explained the Board had been supplied a handout with CIP projects listed. He did not feel the Board had sufficient time to get into detail.

Mr. Ralph stated she did feel it was necessary to comment on one (1) item. This was the generator for the Jail. There was an error in placing the \$30,000.00 Phone Commission on the line with the generator for the Jail. The Sheriff's Department felt this \$30,000.00 was to be used toward HVAC for the Jail. This was the one change that needed to be discussed.

The Board voiced concern for these projects not being completed and/or taken care of. There was concern that the ball was being dropped and things not carried through.

Mrs. Ralph stated she did not feel any one had dropped the ball. We have been working on the generator in line with all the other projects we currently have going but it fell back when the air conditioning system came forward. We are working on it at the

same time. She stated the point she was trying to make was the Sheriff's Department wanted the Phone Commission to go toward the HVAC and not a generator. She stated she would not move forward on any project until the Board had voted on authorization for Administration to move forward. We are working on it.

Mr. Clay did not accept this explanation and stated he felt Administration should get out tomorrow and obtain a bid on this generator. He felt that it should not take three (3) or four (4) months to get a little job done.

Mr. Bracey stated he was going to come to the defense of the Administration on this one. He thought they were but all of the sudden the funds seemed like we got a miscommunication of what the \$30,000.00 was going to do from the Phone Commission.

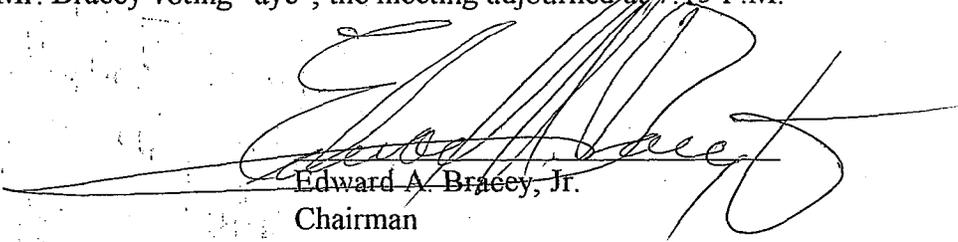
Mr. Clay stated it did not matter where the funds were coming from. The Jail had to have a generator.

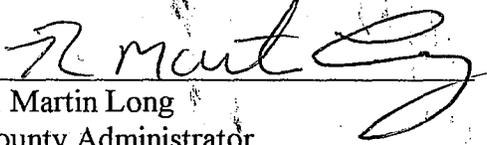
Mr. Donald W. Faison, Building and Grounds Superintendent, stated we needed two (2) generators at the Jail. This was due to the fact that they are on two (2) metered systems. He had been informed of this by Virginia Power and the electrical contractor. He stated he had been working on this project.

It was decided to meet at 11:00 A.M. on August 19, 1998 in the multi-purpose room of the Pamplin Administration Building for further discussion on the CIP list. Mr. Long was instructed to have a status report on the first page and half of the handout regarding CIP.

RE: ADJOURNMENT

Upon motion of Mr. Clay, seconded by Mr. Moody, Mr. Moody, Mr. Clay, Mr. Tickle, Mrs. Everett, Mr. Bracey voting "aye", the meeting adjourned at 7:15 P.M.


Edward A. Bracey, Jr.
Chairman

ATTEST: 
R. Martin Long
County Administrator

/pam

VIRGINIA: AT THE REGULAR MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 5TH DAY OF AUGUST, 1998, AT 7:30 P.M.

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

OTHER: BEN EMERSON COUNTY ATTORNEY

IN RE: INVOCATION – PLEDGE OF ALLEGIANCE – AND CALL TO ORDER

Mr. Edward A. Bracey, Jr., Chairman, called the regular meeting to order at 7:33 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

Mr. Bracey asked if there were any amendments to the agenda.

There being none Mr. Bracey moved forward.

IN RE: MINUTES

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the minutes of the July 8, 1998 Continuation Meeting and the July 15, 1998 Regular Meeting were approved in their entirety.

IN RE: CLAIMS

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following claims are approved and funds appropriated for same using checks numbered 1011415 through 1011689 (void check(s) numbered 1011417 - 1011390 - 1011510 - 1011511 - 1011689), for Accounts Payable FY 97 - FY 98 in the amount of \$30,951.11; General Fund \$28,707.69; Forfeited Asset Sharing \$307.60; CDBG Grant Fund \$863.59; Capital Projects \$952.23; and County Construction Fund \$120.00; Accounts Payable for FY 98 - FY 99 in the amount of 557,987.95: General Fund \$434,297.75; E911 Fund \$1,694.07; Self Insurance Fund \$3,958.25; Fire Programs & EMS \$104.13; CDBG Grant Fund \$13,654.97; Capital Projects \$20,618.78; and County Debt Service \$83,660.00; Payroll for July 1998 \$323,879.82: General Fund \$321,102.43 and CDBG Grant Fund \$2,777.39.

IN RE: COURTHOUSE CONSTRUCTION – REQUISITION #24

Mrs. Ralph stated the following invoices are included in Requisition Number 24:

GULF SEABOARD GENERAL CONTRACTORS INC.	\$90,224.35
C W WARTHEN COMPANY	2,262.00
K&B OFFICE SYSTEMS INC	3,883.38
K&B OFFICE SYSTEMS INC	992.85

TOTAL OFFICE SOLUTIONS INC 646.00
TOTAL OF REQUISITION NUMBER 24 \$98,008.58

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number 24 in the amount of \$98,008.58 be approved and funds appropriated for CIP expenses for the Courthouse Project Fund.

IN RE: CITIZEN COMMENTS

Mr. Bracey asked if any citizens had signed up to speak.

Mrs. Pamla A. Mann, Administrative Secretary, stated she did have citizens signed up to speak. The following taxpayers addressed the Board:

1. Mr. Forrest P. Clay, Jr., 18603 White Oak Road, came forward to voice his views on environmental impact studies, wells, septic systems, large developments, and the possibility of all future large developments having water and sewer available.
2. Ms. Anne Scarborough addressed the Board regarding bottled water in the office buildings and her belief that if tests indicate the water is safe to drink then bottled water should be removed from the buildings. She continued with her concern regarding closed schools in Dinwiddie County and when the Board will decide what will be done with them. Her third issue was the Virginia Bio-Fuels litigation and were we ever going to get this settled.
3. Mr. Ben Wilson had signed up to speak but requested his name be removed from the list.

Mr. Bracey asked if there were any other citizens present who wished to speak but had not signed up.

There being none Mr. Bracey moved forward.

IN RE: RESOLUTION OF APPRECIATION - GLORIA HARVELL

Mr. Long and Mr. Bracey came forward where they read and presented a Resolution of Appreciation to Ms. Gloria Harvell.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that following resolution be adopted:

RESOLUTION
OF THE
DINWIDDIE COUNTY BOARD OF SUPERVISORS
AUGUST 5, 1998
IN RECOGNITION OF
GLORIA HARVELL

WHEREAS, Gloria Harvell has served the County of Dinwiddie, on the Appomattox Regional Library Board, with distinction and integrity from December 21, 1988 until June 30, 1998 and

WHEREAS, the Board of Supervisors on this 5th day of August, 1998 wishes to acknowledge 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 Gloria Harvell for her many 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 Gloria Harvell, and a copy spread upon the minutes of this meeting.

IN RE: PUBLIC HEARING – P-98-5 – REZONING – JOHNNY BAIN

The Board of Supervisors of Dinwiddie County, Virginia conducted a public hearing on Wednesday, July 1, 1998, for the purpose of considering a request to rezone a portion of Section 32, Parcel 10A, of the County Tax Maps from Agricultural, General, A-1 to Residential, rural RR-1. Said portion of the parcel requesting rezoning contains 82 acres of land and is generally bounded by White Oak Road and Claiborne Road and is located in the Namozine Magisterial District. Action was tabled at that meeting.

Mr. Scheid advised the Board the applicant had revised proffer number 6 (slightly) on July 9, 1998. Legal counsel advised staff that a public hearing must be held since a change was made to one of the proffers. This being the time and place as advertised in the Dinwiddie Monitor on July 22, 1998 and July 29, 1998 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a public hearing for P-98-5, for the purpose of considering a request to rezone a portion of Section 32, Parcel 10A, of the County Tax Maps from Agricultural, General, A-1 to Residential, rural RR-1. Said portion of the parcel requesting rezoning contains 82 acres of land and is generally bounded by White Oak Road and Claiborne Road and is located in the Namozine Magisterial District.

Mr. Scheid referenced the minutes of the Planning Commission meeting dated June 10, 1998 and the Board of Supervisors minutes of July 1, 1998. He presented the proffers, with the revision, to the Board as follows:

1. No lot shall be less than three (3) acres with three hundred (300) feet of frontage and having an overall lot average of at least five (5) acres.
2. No lot shall be used except for the purpose of a single-family residence. Not more than one (1) single-family residence, together with such out-buildings as may be appurtenant to such single-family residence, shall be erected on any lot. The minimum area of any residence built on the property shall be one thousand three hundred (1,300) square feet, exclusive of garages, porches, and any out-buildings. Up to one-third (1/3) of any such residence may be unfinished.
3. No mobile home, manufactured housing, or house trailers, whether or not permanently attached to the property, shall be allowed on any lot. No structure of a temporary character including without limitation any trailer, tent, or shack, shall be allowed on any lot. However, construction of any permitted building shall be permitted for the duration of such construction.
4. No inoperable or unlicensed motor vehicle shall be stored on any lot except within a fully enclosed garage and must comply with applicable county or state regulations.
5. Fences located in the front yard, as defined in the Zoning Ordinance of Dinwiddie County, of any lot shall be constructed only of split rail solid wood boards, or wooden pickets. Walls located in the front yard of any lot shall be constructed of brick or stone. Fences and walls of other materials may be constructed in the side yards or rear yards, of any lot, provided such fences or walls screened from view from any public road adjoining such lot.
6. Bear Island Timber, L. L. C. proffers as a condition of rezoning that access to lots shall be limited as follows:

- a) All lots fronting Claiborne Road (Route 631) adjacent to an existing or relocated logging road shall use the existing logging road as access to the lot; and
- b) access to all lots fronting on White Oak Road (Route 613) shall be limited to three (3) turn in areas which may be designed as an access road to the remainder of the land tract.

Mrs. Mann reminded the Board P-98-5 needed to be removed from the table before discussion could occur.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that P-98-5 be removed from the table and heard at this time by the Board of Supervisors.

Mr. Bracey opened the Public Hearing portion of the hearing on P-98-5. He asked if any citizens had signed up to speak on this issue.

Mrs. Mann stated she did have citizens signed up to speak. The following taxpayers addressed the Board:

1. Mr. Forrest P. Clay, Jr., 18603 White Oak Road, came forward stating this zoning request was predicated by pure greed by a carpetbagger corporation. This corporation has enjoyed a tax break all these years while making a profit on the timber harvested in Dinwiddie County. The best he knew they now wanted to rezone the timber land so that they can take out of the County a huge final profit. That money will head straight to Wall Street. What they leave behind is a development with very small homes, with individual wells, and septic systems. How can we continue to approve such developments that make a mockery of the policy to preserve timberlands and agricultural use.
2. Mr. Ben Wilson, White Oak Road came forward asking what had been offered or what is the resolution as far as zoning or how they are going to handle the property.
Mr. Scheid came to the podium reading the proffers and stating what Mr. Johnny Bain was requesting in his rezoning request.
3. Ms. Julia Benner, White Oak Road, came forward stating she lived in Dabney Estates and she was concerned about ground water, shallow wells, septic systems and the lack of dumpsters in her area. She asked the Board to give this matter much thought before they approved the request.

Mr. Bracey asked if there were any other citizens present who wished to speak on P-98-5.

There being none Mr. Bracey closed the Public Hearing and moved forward.

There was discussion between the Board, Mr. Johnny Bain (representative of Bear Island Timberlands), and Mr. Scheid regarding: A) criteria for access roads; B) was there a contingency plan if this rezoning request was not granted; C) the fact that Mr. Bain had made an effort to meet the Board half way; and D) the opinion that we need to conserve agricultural, forest land and the historical nature of this land.

Mr. Tickle made a motion to approve P-98-5, with the proffers. Mr. Bracey called for a second. There was no second offered. Mr. Bracey stated we did not abide by Robert's Rules of Order. Normally, this motion would die right here; however, because we are not governed by these then the Chairperson has the prerogative to drop it or go on. He stated he felt this person or any other person needs an answer now because this is the second time around and called for the vote. Mr. Clay, Mr. Tickle, Mr. Bracey voting "aye", Mr. Moody, Mrs. Everett voting "nay",

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia that the Zoning Map of the County of Dinwiddie be amended by changing the district classification of Section 32, Parcel 10A, containing approximately 82.0 acres, from Agricultural, General, A-1 to Residential, Rural RR-1 . This rezoning shall include proffers recommended by the Planning Commission. This ordinance shall become effective immediately and in all other respects, said zoning maps remain unchanged; and

BE IT RESOLVED 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 was initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice.

IN RE: RESOLUTION FOR SCHOOL COMPLETION BONDS AND PUBLIC CAPTIAL PROJECT BONDS, SERIES 1998

Mr. Long stated the Board had before them the Bond on the combination of the final school bond issues, the bond issue to cover the cost above the state allocation on the industrial access road for the Chaparral Steel Project, and for the potential refinancing of 1995 Bonds. The maximum amount of the bonds would be \$13,100,000.00. The breakout on the schools final issue 1998A Bonds is 7.1 million, the maximum for 1998B for the Capital Project for the Industrial Access Road would be 1 million, and the 5 million for 1998C which would be the refunding bonds.

24/1/98
Mrs. Ralph stated there was one new item with this financing that we have not done in the past and was recommended to us by our financing consultant and that is the use of an insurance firm. She stated she had presented them with a copy of what was called a commitment letter which Mr. Hill from Davenport is going to refer to and she would like for him to explain the advantages to the Board of insuring this Bond issue and discuss the cost of this policy.

Mr. Hill came forward and explained the previous bonds have had a "bank qualified" status which means the County had intended not to issue more than 10 million dollars in this calendar year. Due to the size of this issue for the school completion, the industrial access road and the potential refinancing we are in excess of that 10 million dollars and we are no longer eligible for the bank qualified status. In the analysis that was performed and provided at the last formal presentation on the different financing options for this borrowing, included an insurance premium estimate. The premium that was used in the analysis was .6% and the quote received from Municipal Bond Insurance Agency (MBIA) is .45%, which is an aggressive quote. Essentially what the insurance policy does is takes the County's bonds, provides this financial guarantee insurance policy which guarantees the investors the repayment of the debt. If for some unforeseen reason the County cannot pay the debt service in any given year this insurance policy would step in and make the payment for the County. This .45% premium affords the County the AAA rating. In the past we have issued the County's bonds as non-rated and bank qualified; we are over the limit for the bank qualification this year but we have the ability to lock in triple A rates which is the highest rate possible.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the following Resolution is adopted:

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF DINWIDDIE COUNTY, VIRGINIA**

WHEREAS, the Board of Supervisors of Dinwiddie County, Virginia (the "Board of Supervisors") has previously requested the Industrial Development Authority of Dinwiddie County, Virginia (the "Authority") to assist it in the financing of 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

WHEREAS, the County issued \$13,000,000 of its general obligation bonds for school purposes on November 20, 1996 purchased by the Virginia Public School Authority (the "VPSA Bonds") to pay for a portion of the costs of the acquisition, completion and equipping of certain improvements and renovations to certain of the County's schools and related facilities, a portion of which funds were used to fully redeem the Notes on February 1, 1997; and

WHEREAS, at the request of the Board of Supervisors, in order to enable the County to complete a portion of the School Project, the Authority issued its \$5,900,000 Lease Revenue Bonds (Dinwiddie County School Facilities Project), Series 1997A (the "School Bonds"), (i) to finance a portion of the costs to complete the School Project, (ii) to make a deposit to a debt service reserve fund for the School Bonds and (iii) to pay certain issuance costs and expenses incurred in connection with issuing the School Bonds; and

WHEREAS, the Board of Supervisors now desires to complete the financing of the School Project, and has requested that the Authority assist it in the financing of such project; and

WHEREAS, the Board of Supervisors also desire to finance a portion of the costs of certain improvements relating to an industrial access road and infrastructure improvements for an industrial site in the County (the "Public Capital Project"); and

WHEREAS, the Board of Supervisors previously requested the Authority to assist it in the financing of a portion of the acquisition, construction and equipping of a courts complex and related facilities to house the County's courthouse (the "Courthouse Project") and pursuant to that request the Authority issued its \$5,500,000 Lease Revenue Bonds (Dinwiddie County Courts Facilities Project), Series 1995B (the "1995 Bonds"); and

WHEREAS, the Board of Supervisors now has requested the Authority to refund a portion of the 1995 Bonds in order to take advantage of decreases in the interest rate on municipal bonds due to more favorable market conditions which will result in substantial savings to the County; and

WHEREAS, in order to finance the School Project, the Public Capital Project, and the refunding of a portion of the 1995 Bonds, the Board of Supervisors has requested the Authority to (a) issue, offer and sell up to \$13,100,000 of its Lease Revenue Bonds (Dinwiddie County Public Facilities Project), composed of \$7,100,000 in Series 1998A Bonds (for completion of the School Project), \$1,000,000 of Series B Bonds (for the Public Capital Project) and \$5,000,000 of Series C Bonds (for refunding a portion of the 1995 Bonds) (together, the Series A, Series B and Series C Bonds are referred to hereinafter as the "1998 Bonds") to finance a portion of the costs (i) to acquire and construct the Public Capital Project, (ii) 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 (iii) to refund a portion of the 1995 Bonds and (b) amend its lease of the School Project, and the Courthouse Project and to lease the Public Capital Project to the County to accomplish certain purposes of the Virginia Industrial Development and Revenue Bond Act (the "Act"); and

WHEREAS, there has been presented to the Board of Supervisors a plan for lease financing of (a) a portion of the costs to complete the acquisition, construction and equipping of the School Project and the Public Capital Project and (b) refunding a portion of the 1995 Bonds, which plan involves issuing of the 1998 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 have 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) a Second Amended Ground Lease, dated as of August 15, 1998, amending the Ground Lease, dated as of December 1, 1995, between the Authority, the County and the School Board, as previously amended by Amended Ground Lease, dated as of July 1, 1997, conveying to the Authority a leasehold interest in the real estate described therein (the "Second Amended Ground Lease");
- (b) a Second Amendment to Financing Lease, dated as of August 15, 1998, amending the Financing Lease, dated as of December 1, 1995, between the Authority and the County, as previously amended by Amendment to Financing Lease, dated as of July 1, 1997, conveying to the County a leasehold interest in the Public Capital Project and amending the terms of the conveyance to the County of a leasehold interest in the School Project and the Courthouse Project (the "Second Amendment to Financing Lease");
- (c) a Second Supplemental Indenture of Trust, dated as of August 15, 1998, supplementing and modifying the Indenture of Trust, dated December 1, 1995, between the Authority and Crestar Bank as Trustee (the "Trustee"), as previously supplemented by Supplemental Indenture of Trust, dated as of July 1, 1997, pursuant to which the 1998 Bonds are to be issued, including the form of the 1998 Bonds, which is to be acknowledged and consented to by the County (the "Second Supplemental Indenture");
- (d) a Second Amended Assignment of Rents and Leases, dated as of August 15, 1998, between the Authority and the Trustee amending the Assignment Agreement, dated as of December 1, 1995, as previously amended by Amended Assignment of Rents and Leases, dated as of July 1, 1997, assigning to the Trustee certain of the Authority's rights under the Second Amendment to Financing Lease, which Second Amended Assignment of Rents and Leases is to be acknowledged and consented to by the County (the "Second Amended Assignment Agreement");
- (e) a Bond Purchase Agreement among the Authority, the County and Davenport & Company, LLC as Underwriter (the "Underwriter") for the purchase of the 1998 Bonds (the "1998 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"); and
- (g) a Preliminary Official Statement for the offering and sale of the 1998 Bonds.

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

1. The following plan for (a) financing the costs to complete the acquisition, construction and equipping of the School Project and the Public Capital Project for the County and (b) refunding a portion of the 1995 Bonds, as described in the preambles above is hereby approved. The Authority will be requested to issue the 1998 Bonds in the maximum amount of \$13,100,000 composed of (i) \$7,100,000 in Series 1998A Bonds (ii) \$1,000,000 in Series 1998B Bonds and (iii) \$5,000,000 in Series 1998C Bonds, and to use the proceeds therefrom to finance the costs to complete the acquisition,

construction and equipping of the School Project and the Public Capital Project and the refunding of a portion of the 1995 Bonds. The Authority will complete the acquisition, construction and equipping of the School Project on the School Real Estate which is leased to the Authority under the Second Amended Ground Lease, and the Authority will continue to lease the School Project and the Courthouse Project and lease the Public Capital Project to the County pursuant to the Second Amendment to Financing Lease. The Authority will also enter into the Second Supplemental Indenture with the Trustee, pursuant to which the 1998 Bonds will be issued, which Second Supplemental Indenture is to be acknowledged and consented to by the Board of Supervisors. The Authority will also enter into the Second Amended Assignment Agreement whereby the Authority's rights under the Second Amendment to Financing Lease will be assigned to the Trustee, which Second Amended Assignment Agreement is to be acknowledged and consented to by the Board of Supervisors. The Authority will be requested to continue to lease the School Project and the Courthouse Project and to lease the Public Capital Project to the County, each for the term of the applicable series of 1998 Bonds, under a "triple net lease" at rents sufficient to pay interest and principal due on the applicable series of 1998 Bonds, all pursuant to the Second Amendment to Financing Lease. The obligation of the County to pay rent will be subject to the Board of Supervisors making annual appropriations for such purpose. The 1998 Bonds will be secured by an assignment of the Second Amendment to Financing Lease to the Trustee for the benefit of all bondholders. If the County exercises its right not to appropriate money for rent payments, the Trustee or the holders of the 1998 Bonds may terminate the Second Amendment to Financing Lease or otherwise take possession of the School Project or the Courthouse Project, as applicable, subject however to the terms and limitations of the Second Amendment to Financing Lease, the Second Amended Assignment Agreement and the Second Supplemental Indenture, which may limit or restrict such rights to possession.

2. The Board has selected Davenport & Company, LLC as underwriter for the purchase of the 1998 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 Second Amended Ground Lease, the Second Amendment to Financing Lease, the 1998 Bond Purchase Agreement, the Continuing Disclosure Agreement and such other documents as he or she deems necessary to the consummation of the financing described herein.
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 Second Supplemental Indenture, the Second Amended Assignment Agreement and any other instruments executed by the Authority in connection with an assignment of the Second Amendment to Financing Lease for the purpose of securing the 1998 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 or her execution to constitute conclusive evidence of his or her approval of any such completions, omissions, insertions and changes.
6. The School Project, the Public Capital Project and the Courthouse Project are each hereby declared to be essential to the efficient operation of the County, and the Board of Supervisors anticipates that the School Project, the Public Capital Project and the Courthouse Project will continue to be essential to the operation of the County during the term of the Second 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 Second Amendment to Financing Lease and hereby recommends that future Boards of

Supervisors do likewise during the term of the Second Amendment to Financing Lease.

7. The Chairman or Vice Chairman of the Board, the County Administrator, the Assistant 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 1998 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 1998 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 1998 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 1998 Bonds.
9. The County covenants that it shall not permit the proceeds of the 1998 Bonds to be used in any manner that would result in (a) 10% or more of the proceeds of the 1998 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 School Project, the Public Capital Project or the Courthouse Project, (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 1998 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, as bond counsel and as county attorney 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 1998 Bonds and the acquisition, construction, and equipping of the School Project and the Public Capital Project and the refunding of a portion of the 1995 Bonds 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 County hereby agrees to indemnify, defend and save harmless the Authority, its officers, 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 1998 Bonds or the acquisition, construction and equipping of the School Project or the Public Capital Project or the refunding of a portion of the 1995 Bonds.
14. Nothing in this Resolution, the 1998 Bonds or the Documents shall constitute a debt or a pledge of the faith or credit of the County, and neither the County nor the Authority shall be obligated to make any payments under the 1998 Bonds or the Documents except from payments made by or on behalf of the County under the Second 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 1998 Bonds pursuant to the 1998 Bond Purchase Agreement is made solely based on representations of the County and no representations of any kind as to the School Project, the Public Capital Project or the Courthouse Project or the ability to repay the 1998 Bonds has been made by the Authority.

15. This resolution shall take effect immediately.

PASSED AND ADOPTED this 5th day of August, 1998.

**IN RE: RESOLUTION AUTHORIZING COMPETITIVE
NEGOTIATION – HVAC & CONTROL SYSTEMS**

Mrs. Ralph stated this is just another standard. Whenever we are doing any kind of bid process by using competitive negotiation, when it is not a straight bid, by Code we need to have this Resolution authorized by the Board prior to putting out bids.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following Resolution is adopted:

RESOLUTION AUTHORIZING COMPETITIVE NEGOTIATION

IN RE: HVAC & CONTROL SYSTEMS

WHEREAS, the Board of Supervisors of Dinwiddie County (the "Board") wishes to receive proposals from qualified firms for the County's "HVAC & Control Systems" to evaluate various subjective factors, including a demonstrated understanding of the work and ability to perform, experience and qualifications, schedule and quality of work, and to negotiate specific contractual terms and conditions favorable to Dinwiddie County (the "County"); and

WHEREAS, Section 11-41 (c) of the Virginia Public Procurement Act provides that goods and services may be procured by competitive negotiation upon a determination made in advance and set forth in writing that competitive sealed bidding is not advantageous to the public;

NOW THEREFORE BE IT RESOLVED BY THE Board of Supervisors of Dinwiddie County, Virginia:

1. The County Administrator, in cooperation with other County Staff persons, is authorized to issue on behalf of the County, a written request for proposals for the County's "HVAC & Control Systems" on the basis that competitive sealed bidding is not practicable and not fiscally advantageous to the public as it is advisable for the County to have the flexibility allowed by competitive negotiation procedures to consider many factors including negotiated price, experience and qualifications of the vendor, length of contract performance and other terms and conditions.
2. This Resolution shall constitute a written determination that competitive sealed bidding is not advantageous to the public for the reasons stated above.
3. This Resolution shall be effective as of August 5, 1998.

**IN RE: DISTRICT 19 COMMUNITY SERVICES BOARD ---
PERFORMANCE CONTRACT**

Extract
Mr. Long stated at the last meeting Mr. Joseph E. Hubbard, Executive Director, had informed the Board there were two (2) changes enacted by the General Assembly. One was the designation of what type of Board District 19 Community Services Board declared themselves to be. We took care of this at the last meeting with a resolution

declaring them as an operating board. We now need to address the second change. This requires each governing body of a community services board to formally approve the annual performance contract signed by the Department of Mental Health, Mental Retardation, and Substance Abuse Services and the community services board. This requirement does not impact the contract for FY 99; however, District 19's Board of Directors is requesting that each of their localities formally approve the FY 99 contract. They wanted this to be approved by July 31, 1998. The Board was supplied a copy of this contract in their Board packets in July. The Department of Mental Health, Mental Retardation, and Substance Abuse services has indicated that localities are being asked to review and approve Exhibit "A" which contains the budgetary information.

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

WHEREAS, *The Code of Virginia*, Section 37.1-194 requires each locality to designate the type of community services board through which it provides mental health, mental retardation, and substance abuse services to its residents; and

WHEREAS, the County of Dinwiddie, Virginia delivers its services through District 19 Community Services Board; and

WHEREAS, this model most closely fits the definition of "operating community services board" as outlined in the law;

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that District 19 Community Services Board is hereby designated as an operating community services board with the duties and responsibilities conferred upon it by law and such other duties and responsibilities assigned by this Body, and

BE IT FURTHER RESOLVED, pursuant to the requirements of Va. Code Section 37.1-198D (Supp. 1998), that the FY 1999 Community Services Board Performance Contract, in the form attached to the letter from Joseph E. Hubbard, Executive Director of the District 19 Community Services Board be approved.

Mr. Tickle stated he had met with Mr. Hubbard since the last meeting and felt that they had reached an agreement on suggestions for better service to the public.

**IN RE: JOHNSON CONTROLS PERFORMANCE CONTRACT –
CONSENT RESOLUTION TO REFINANCE LEASE**

Mr. Long stated he had received a letter and a Resolution from Troilen G. Seward, Superintendent of Schools, regarding Johnson Controls Performance Contract. Mrs. Troilen Seward and Mr. Ray Watson, representatives from the School Board, were present to address questions the Board might have.

Mrs. Seward came forward stating due to the reduction in interest rates since August 1995, they would like to refinance the Performance Contract Lease. They had received a proposal from a financial institution to refinance the Johnson Controls Performance Contract lease at 4.62%. As a result of this, they investigated the refinancing of their lease, and have received a 4.61% proposal from the current lease holder, Crestar Bank. This refinance plan will save the County approximately \$39,000 over the life of the loan by reducing the amount of the payments for the final four years. Since the FY99 Budget has been approved, the payments for next year will remain as budgeted. The original plan had the payments increasing each year for the life of the loan. Under this new plan, these payments will level out after FY99. In the final year of the loan, the monthly savings will be \$2,000 per month. To attempt to further "shop" this loan would require additional legal expenses due to the Tax Exempt, Bank Qualified nature of the loan. Crestar has agreed to capitalize the call premium and to pay for the legal expenses to obtain the requisite Opinion of Counsel in refinancing this lease. The School Board authorized Mrs. Seward to seek authorization from the Dinwiddie County Board of

Supervisors to refinance this debt, and pending approval., authorize the School Board Clerk to sign a letter of agreement with Crestar Bank. In the Board packet was included a resolution prepared by Daniel M. Siegel, County Attorney, allowing this refinancing to take place.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following resolution is adopted:

**RESOLUTION OF THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY
CONSENTING TO THE SCHOOL BOARD'S REFINANCING LEASE**

WHEREAS, the Dinwiddie County School Board (the "School Board") entered into a Performance Contract, dated April 21, 1995, with Johnson Controls, Inc. and financed the purchase of Equipment relating thereto pursuant to a Equipment Lease Purchase Agreement with Crestar Bank (the "Bank"), dated as of August 8, 1995, in the original amount of \$1,130,777 amortized over a 10 year period, at a net interest cost of 5.75% subject to annual appropriation by the Board of Supervisors of Dinwiddie County (the "Board of Supervisors") and the School Board (the "Lease Obligation"); and

WHEREAS, THE School Board has negotiated for a lower interest rate through a refinancing of the Lease Obligation with the Bank with a net savings of approximately \$39,000 over the term of the Lease Obligation by its entering into a Amendment to the Equipment Lease Purchase Agreement (the "Refinancing Lease") and has requested the consent of the Board of Supervisors to the Refinancing Lease;

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

1. The Board of Supervisors hereby approves and consents to the Refinancing Lease and authorizes and directs its Chairman or Vice Chairman, Clerk and County Administrator, County Attorney and/or other County official to execute and deliver such documents and certificates as are appropriate or necessary for the consummation of such Refinancing Lease, the execution of such documents or certificates to be conclusive evidence of such appropriateness or necessity.
2. This Resolution shall be effective immediately.

Dated as of this 5th day of August, 1998.

IN RE: COUNTY ADMINISTRATOR COMMENTS – NATIONAL HOUSEKEEPERS WEEK

Mr. Long stated he had received a letter from the Old Dominion Chapter of the International Executive Housekeeper's Association, Inc., asking that the Board issue a proclamation to support the efforts to recognize the professional Housekeepers in the Commonwealth of Virginia during September 13-19, 1998.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following Proclamation is adopted:

**PROCLAMATION
OF THE
DINWIDDIE COUNTY BOARD OF SUPERVISORS
AUGUST 5, 1998
IN RECOGNITION OF**

NATIONAL HOUSEKEEPERS WEEK
SEPTEMBER 13TH - 19TH, 1998

WHEREAS, the Old Dominion Chapter of the International Executive Housekeeper's Association, Inc., and the Housekeepers in the Commonwealth of Virginia are committed to a cleaner, safer, healthier environment; and

WHEREAS, professional Housekeepers contribute greatly to this common purpose as supported and communicated to members, the public and other organizations through leadership, education and research;
and

WHEREAS, the week of September 13th - 19th, 1998 has been designated National Housekeepers Week, by International Executive Housekeepers Association, Inc.;

NOW, THEREFORE, We, the Board of Supervisors of Dinwiddie County, Virginia do hereby proclaim the week of September 13th - 19th, 1998, NATIONAL HOUSEKEEPERS WEEK and ask that citizens everywhere join in recognizing these outstanding professionals.

IN RE: COUNTY ADMINISTRATOR COMMENTS

Mr. Long stated there were two (2) additional items in the Board packet from Crater Planning District Commission regarding the "Commission on Educational Infrastructure" and "Legislative Study of the Freedom of Information Act". He continued he had included these for their information.

IN RE: COUNTY ADMINISTRATOR COMMENTS

Mr. Long stated in the packet there was a memorandum from David M. Jolly, Director of Public Safety, asking for approval to bid the Ford Fire Department's Old Brush Truck (1984 Ford F250).

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to David M. Jolly, Director of Public Safety, to bid the Ford Fire Department old brush truck.

IN RE: COUNTY ADMINISTRATOR COMMENTS - CRIMINAL HISTORY RECORD CHECK WITH VIRGINIA STATE POLICE

Mr. Long stated the next item was one that was not included in their packet because it had not been brought to him until after the packets had been delivered. Tim Smith, Recreation Director, had shared with him a letter where he had interacted with the Virginia State Police asking about criminal history checks. Currently the County has new employees fill out the documents and they take about six (6) weeks to process. We have found out the County can be authorized, through the State Police, to do these checks through the computer system here at the office. The only cost is \$25.00 for the software plus the cost of a new telephone line dedicated to the use of this modem connection with the State Police. We will still have the \$20.00 per each request, and you have the up front cost of the telephone line and the software. We can get these requests back in twenty-four (24) to seventy-two (72) hours. The cost of the telephone line should not exceed \$350.00. He requested authorization from the Board to enter into an agreement with the State Police to receive this service.

There was discussion among the Board, Mr. David M. Jolly, Public Safety Director, and Mrs. Troilen Seward, Superintendent of Schools, regarding the importance

of running these checks and receiving the information prior to putting new employees into service. This is for the protection of the County and the citizens that we serve.

Mr. Bracey stated he felt the Board needed more information on this subject before a decision could be made. He further stated the Board had always been very generous to the Sheriff's Department and he had been told it does not take six (6) weeks to obtain this information but it was only available to them. He questioned why they could not work with us on this project. He felt the cost was too high for the few people we employ. He again stated we needed further research.

Mr. Long stated he would place all the information he had available in the next packet for further discussion at that time.

IN RE: COUNTY ADMINISTRATOR COMMENTS – INDUSTRIAL ACCESS ROAD

Mr. Long stated, with reference to the Industrial Access Road, he needed to ask for Board action on the right of way deeds. The Board had talked previously about the right of way needed for the access road and had discussed an amount not to exceed \$80,000.00 for these properties. The County was able to acquire the needed right of way within the limit agreed upon and now needed action from the Board to accept the deeds once the properties are closed on and to authorize the Chairman to sign the checks to obtain the right of way.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for the Chairman to sign the checks to obtain the right of way for the Industrial Access Road and for the County to accept the deeds.

IN RE: COUNTY ADMINISTRATOR COMMENTS – INDUSTRIAL ACCESS ROAD CHANGE ORDER

Mr. Long continued with there was a change order initiated on this same project. This being a project the State will have to accept at the end their inspector said a change order was necessary to complete the project. The change was in the area associated with the wet lands. Additional undercut needed to be taken out, additional fill put in with fabric layers, and the amount of the Change Order is \$105,000.00. This would increase the total amount of that contract to \$1,216,000.00 of which we are receiving \$450,000.00 from the State for the project. The bonds that we spoke of earlier this evening are to cover the remainder and Mr. Long stated he is currently working on additional funding sources to try and help out on the project. He stated he did need approval of the Board for this Change Order to complete the project.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to accept Change Order One on the Industrial Access Road in the amount of \$105,000.00 increasing the total of this contract to \$1,216,000.00.

IN RE: COUNTY ADMINISTRATOR COMMENTS – RISK MANAGEMENT SETTLEMENT

Mr. Long stated his last item was one he would ask Mr. Ben Emerson, the County Attorney, for an explanation of action to accept the settlement offer with the Division of Risk Management on litigation regarding Virginia Bio-Fuels.

Mr. Emerson stated, as the Board knew, there has been a dispute going on with the Division of Risk Management for some time over the County's claim. It is basically a coverage dispute, as to whether or not certain expenses incurred by the County in the defense of the Virginia Bio-Fuels claim would be covered by the Division of Risk

Management or not. The amount of the claim was a total of \$158,930 and some change. The Division of Risk Management position over about a year and a half has been that they do not owe any of that money. We have dealt with three (3) Attorney Generals on it over that period of time. They have recently offered to settle that claim for approximately 68% of the amount claimed or \$108,930.00. These funds, or the majority of these funds, have already been expended by the County to their counsel in the Bio-Fuels litigation. He stated they felt this was an advantageous settlement to the County and recommended the County accept the offer. If the County were to sue, for the entire amount, it would incur far more expense than what they would be giving up by settling. Again he stated legal counsel felt the County should approve the settlement and authorize the Chairman to enter into the settlement agreement.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to enter into a Settlement Agreement and for the Chairman to execute the same on behalf of the County, and that the County and Sands, Anderson, Marks & Miller share in the total payment from the Department of Risk Management pro rata, with the County having \$74,660.54 (68.54% of \$108,930.52) and Sands, Anderson, Marks & Miller receiving \$34,269.48 (68% of \$50,000). Sands, Anderson, Marks & Miller will agree to defer payment of its remaining deductible (\$15,830) from the County until the Escrowed Amounts are released in the County's lawsuit.

IN RE: COUNTY ADMINISTRATOR COMMENTS

Mr. Long stated that was all he had for the evening.

Mr. Bracey stated he saw in the Board packet a request from the Department of Game & Inland Fisheries for storage space in the old Courthouse.

Mrs. Ralph stated it was not really a request; then she stated well, it is a request but she had asked the gentleman to put it in merely to make the Board aware of another need. She stated she thought the Board had received one earlier from the Sheriff's Department and this was just to get it on record. This was not for the Board's decision tonight. It looks like everybody is looking for space and this way we will have a record of him asking and she had requested he write the Board a letter. She continued she had explained to him that we still had a lot of work to be done.

IN RE: BOARD MEMBER COMMENTS

Mr. Clay - He asked if the Board had any report on Walkers Mill Road.

Mr. Long provided him with a brief update on the progress since Mr. Clay's last meeting.

Mrs. Everett - no comments

Mr. Moody - no comments

Mr. Tickle - He stated he would like to comment on something that Mrs. Seward and Mr. Long failed to fully address and that was the Commission on Educational Infrastructure. The nice thing he felt everyone should know is that when we talk about lottery profits. Everyone says we are not getting lottery profits for what we voted on. He thought it was Delegate Richard Cranwell out of Roanoke who suggested next year we take 50% of the lottery profits and put it toward the infrastructure or capital facilities like building new schools. In his recommendation Mr. Tickle stated he believed was for the year 2002 to 2004 make that 100% of the funds generated profits from the lottery go forth to capital improvements. He also stated he thought he understood Mr. Ray Watson from the Schools to say another alternative was to increase sales tax by half a penny. That was the two (2) things forthcoming to us and with our increasing school population we can most certainly be using those in the future. He hoped our Delegates would support this with full speed ahead and give us some money.

Mr. Bracey - He stated he had a question. He asked Mr. Tickle if a letter had been received by him regarding an apron on the road. He stated he did not quite understand the letter. Mr. Tickle stated he was going to investigate this matter. The gentleman was Mr. Lloyd Shands on White Oak Road.

His second item was he had a request on Rainey Road. Persons on that road state they are experiencing high speed going through there. He would like for someone to call Mr. Ronald Reekes, Resident Engineer for Virginia Department of Highways, and have him look into the matter in order to post or drop the speed through that area.

Mr. Bracey stated he had received Mrs. Troilen Seward's comments from the School Board meeting about private roads. He stated he saw that they have three (3). He stated he questioned two (2) and one (1) he did not question because he really really understood the trailer park. He stated he did not understand the other two (2). There are other roads in the County that are private roads that look as well as those two (2) that they go on. He thought his question was what criteria does the School system use to use those other two (2). The one (1) he understood that; it would take three (3) buses to go in there and pull all those kids out. On Whippernock and Warwick Roads -

Mrs. Seward responded by stating what the policy did was; she stated she was reading from the Board minutes, "Transportation was provided to residents who shall be routed only on public roads with exception of the three (3) private roads which were being served at the time of the adoption of the policy". At that time those three (3) roads were being served. They adopted the policy which included those which were being served and then said no more. Those that had been served for years were grand-fathered in.

Mr. Tickle stated the Board of Supervisors supported this policy. He stated Mrs. Seward brought this policy to them and remember there was a young lady who came up here when we were talking about doing away with this from Green Acres Trailer Park and she convinced the Board for the seventy-eight (78) or sixty-eight (68) kids that they needed that for safety reasons because of Route 1. At that time Mrs. Seward brought forth to us that analogy she just gave, that we presently having three (3) and her recommendation, and we accepted that recommendation, that we would accept no more but we would accept these three (3) and that would be our criteria. As we remembered, we remembered wisely that we did not want to accept the other two (2) but we felt in conforming, he continued not making it difficult grand-father them in was our idea in concept.

Mrs. Seward stated they had not been served at that point and they had requested service.

Mr. Bracey stated he was not going to dispute what Mr. Tickle was saying but just one (1) of those roads he did not see, the private, it is just that one - because really it is a city within itself. Those other two (2) he did not see why but thank you for the information. He stated he had some other private roads in his district who want to be served and he wondered if he needed to get those people to come and ask that they be put on.

Mrs. Seward replied no. The policy was, at that time, they would take the three (3) that had been serviced forever but that they would take no more. We do not serve anymore private roads. We only come to the end of the private road to pick up the students.

Mr. Bracey that is all right, it is ok. We are not going to hassle.

Mrs. Everett asked when the Board planned to do the evaluation of the County Administrator.

Mr. Bracey asked when we promised him.

Mrs. Everett stated a month ago.

Mr. Clay stated we could do it when we come in early for the next meeting.

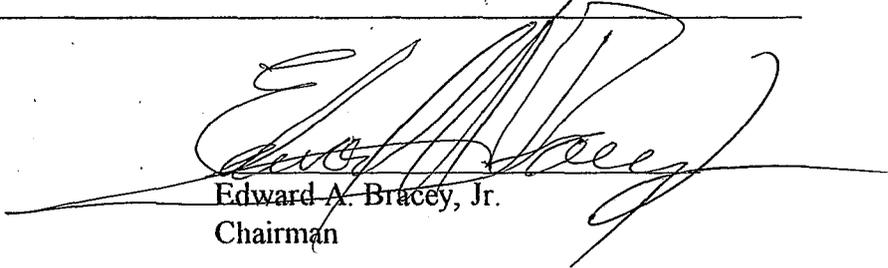
Mr. Bracey asked if that was ok.

Mr. Long stated it was fine with him.

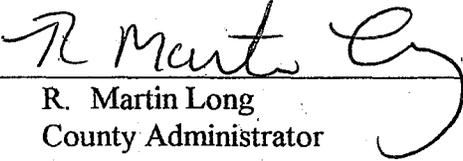
Mr. Bracey stated we would handle this at the 11:00 session on the 19th of August.

RE: ADJOURNMENT

Upon motion of Mr. Moody, seconded by Mr. Tickle, Mr. Moody, Mr. Clay, Mr. Tickle, Mrs. Everett, Mr. Bracey voting "aye", the meeting adjourned at 9:14 P.M. to be continued August 19, 1998 at 11:00 A.M. in the Conference Room of the Pamplin Administration Building.


Edward A. Bracey, Jr.
Chairman

ATTEST:


R. Martin Long
County Administrator

/pam