

VIRGINIA: AT THE CONTINUATION MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD AT THE HOMEPLACE RESTAURANT DINWIDDIE COUNTY, VIRGINIA, ON THE 2ND DAY OF SEPTEMBER 1998, AT 5:00 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

**IN RE: EXECUTIVE SESSION**

Upon motion of Mr. Tickle, 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) 7 - Consultation with legal counsel (Group Home Litigation; Clarification of Advertisement Requirements and Courthouse Contract); the Board moved into Executive Session at 5:15 P.M.

**IN RE: RETURN TO OPEN SESSION**

A vote having been made and approved the meeting reconvened into Open Session at 7:30 P.M. in the Board Meeting Room of the Pamplin Administration Building.

**IN RE: CERTIFICATION**

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

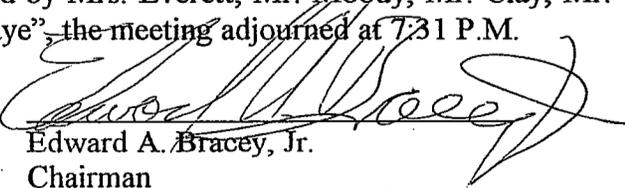
WHEREAS, the Board of Supervisors of Dinwiddie County convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

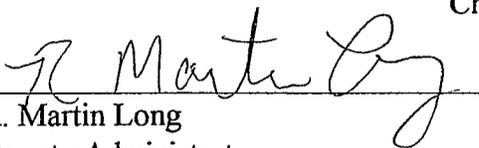
WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board of Supervisors of Dinwiddie County, that such Executive meeting was conducted in conformity with Virginia law;

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.

**RE: ADJOURNMENT**

Upon motion of Mr. Clay, seconded by Mrs. Everett, Mr. Moody, Mr. Clay, Mr. Tickle, Mrs. Everett, Mr. Bracey voting "aye", the meeting adjourned at 7:31 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 2ND DAY OF SEPTEMBER, 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 7:31 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.

Mrs. Everett stated she would like to have an item added as number 13 on the Agenda for Executive Session with the purpose being consultation with legal counsel concerning an on going investigation.

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 an Executive Session be added to the Agenda, as Item 16, for the purpose of consultation with legal counsel.

Mrs. Wendy Weber Ralph, Assistant County Administrator, stated the August 28, 1998 continuation meeting minutes would not be considered tonight. The copies received by the Board are draft copies and will not be acted on this evening but will be ready for action on September 16<sup>th</sup>.

**IN RE: MINUTES**

Upon motion of Mr. Tickle, 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 minutes of the August 19, 1998 Continuation Meeting and the August 19, 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 1011855 through 1012064 (void check(s) numbered 1011855 - 1011942); for Accounts Payable in the amount of \$391,249.96: General Fund \$381,338.66; Jail Commission \$122.06; E911 Fund \$5,111.91; Forfeited Asset Sharing \$283.96; CDBG Fund \$2,320.15; Capital Projects

\$2,073.33; and Payroll for August 1998 \$329,261.88: General Fund \$326,484.44 and CDBG Fund \$2,777.44.

**IN RE: SUPPLEMENTAL CLAIM**

Mrs. Pamla A. Mann, Administrative Secretary, stated there was a supplemental claim placed before them in the amount of \$22,040.00 for Miller Construction Company for contract work on the additional space in the Pamplin Administration Building.

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 claim is approved and funds appropriated for same using check numbered 1012065; for Accounts Payable in the amount of \$22,040.00: Capital Projects Fund \$22,040.00.

**IN RE: COURTHOUSE CONSTRUCTION – REQUISITION #26**

Mrs. Ralph stated the following invoices are included in Requisition Number 26:

JMJ CORPORATION	\$ 13,635.89
TOTAL OF REQUISITION NUMBER 26	\$ 13,635.89

Mr. Bracey asked if this would pay that claim 100%.

Mr. Donald W. Faison, Building and Grounds Superintendent, stated this would pay them 100%. He further stated they have completed all punch list items.

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 Requisition Number 26 in the amount of \$13,635.89 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.

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: CHAIRMAN – SPECIAL ANNOUNCEMENT REGARDING AGENDA ITEMS 7 - 8 - 9 - 10 – PUBLIC HEARINGS**

Mr. Bracey read the following statement:

Mr. Bracey stated he felt it was appropriate he let the public know up front, on the advice of legal counsel, the public hearings scheduled for Bear Island Timberlands must be re-advertised and heard by the Planning Commission in October. These public hearings will come back to the Board of Supervisors in November. Therefore, public hearing P-98-7 through P-98-10 will not be heard tonight. They will be heard by the Board of Supervisors on November 4, 1998. If any one came tonight solely for these hearings the Board will allow comment during that portion of the meeting; however, the Board will

offer no response tonight. He apologized for the inconvenience and thanked the citizens for coming. As always he welcomed everyone to stay for the entire meeting. Mr. Bracey continued by stating if someone has something to say concerning those hearings please come forward now. He reminded the citizens that the Board will offer no response.

Mr. Moody stated he would like to add that the Planning Commission will also be hearing this again in October.

Mr. Tickle stated if citizens choose not to speak tonight they will have the opportunity to speak both at the Planning Commission in October and at the Board of Supervisors meeting in November.

Mrs. Everett added that they may speak at both if they so choose.

Mr. Bracey stated they can speak at this meeting, the Planning Commission meeting and at the Board of Supervisors meeting.

The following persons came forward to address the Board:

1. Joseph A. Mason, 2310 Grove Avenue, Richmond, Virginia, came forward stating he was a property owner in the County of Dinwiddie. He further stated his sister is involved in particular in agenda Item Number 9, P-98-7. Her property is adjacent to that particular proposal that was to come before the Board. The comment he would like to make is that his sister and himself live out of town so it is going to present some effort and inconvenience on their part to get back for two (2) more hearings. We are here for the second hearing now. He understood that most of these proceedings are recorded. He asked if there was any precedent for recorded portions of previous hearings being heard at later hearings. He stated he did not know whether that is procedure or not for the County. We made public statements before the Planning Board and we would like to make sure that those public statements get re-entered. Mr. Mason continued by asking if they need to appear in person for the next two (2) meetings or can the recorded statements from the previous Planning Board hearing be presented at the next meeting.

Mr. Long stated those previous statements were recorded as part of that record but as far as the next one he stated he would have to ask Mr. Ben Emerson, County Attorney.

Mr. Emerson stated he supposed we could play the recording again or have it transcribed and read into the record or noted for the record the individual wished the comments to be considered as a part of that hearing. From a practical standpoint, if the comments have been heard once by the Planning Commission and then if you were to make them again tonight before the Board, even though you are not speaking at the Public Hearing, the purpose of the Public Hearing is simply for the Board to hear the public's comments before the Board makes a decision. From a practical standpoint you are speaking before to the Planning Commission and the Board would serve the same purpose in terms of them having benefit of your comments.

Mr. Mason stated he was just concerned that the comments be heard whether or not he is absent because he may not be able to be here for two (2) more hearings. That may also be true for my sister who lives in New York, this could present a hardship for her to get here. Now so the question is, if the County played back at that time it would be fine, he would be willing to make summary comment now if that makes more sense.

Mr. Bracey asked Mrs. Mann if she had those tapes.

Mrs. Mann replied no sir because he spoke at the Planning Commission and she did not have tapes of those meetings.

Mr. Bracey asked Mr. John Altman, Jr., Zoning Administrator, if his department had those tapes.

Mr. Altman replied yes sir.

Mr. Bracey asked if it would be too much of a problem to just pull that part out and not necessarily play the tape but read that at that meeting. Mr. Bracey asked Mr. Emerson if that was permissible.

Mr. Emerson stated it is permissible.

Mr. Bracey stated he did not want the entire tape just the comments of Mr. Mason.

Mrs. Ralph asked if the minutes of the meeting would capture that.

Mr. Altman stated they are action minutes. He stated he could transcribe out the portion of Mr. Mason and read that into the record of the next Planning Commission meeting.

Mr. Bracey asked Mr. Mason if that was what he was looking for.

Mr. Mason stated yes. He stated what he was requesting was if he could not be present and his sister Mattie Stevens cannot be present that their comments be read in or be transcribed.

Mr. Bracey stated Mr. Altman would read it at his meeting and comments that you have here tonight we will read it at our meeting.

Mr. Mason stated his comments in brief are that at the Planning Commission meeting what he noted was that the property that his sister owns adjacent to the P-98-7 tract is part of a complex watershed. This is a watershed that flows from Flatfoot Road all the way down across our property and all the way down to Stony Creek which is at the, technically like the northern side of the property of the P-98-7 tract and that that watershed, when my sister first bought the property some eight – fourteen – more like fourteen years ago, we installed a pond in that area and we had to take special precautions to allow for flooding and overflow of that pond. What we have experienced over the years is about two (2) to three (3) times a year that whole watershed overflows heavily, it overflows everything on one side of our property right on down to the bottom of the hill, overflows that pond and it has been built and designed to allow that overflow over the top end near the road. There is a catch basin and then the main driveway in. There are then culverts and whatnots to allow water flow underneath the road but even so that catch basin fills at times and flows over top of the road and washes rocks away from it and begins to cut into the road. He stated he was saying all that to be cognizant that that whole area that is below us is a continuation of that watershed and that he would be very very concerned about installation of sanitation, whether its any kind of sewage treatment system and how they are located in relationship to the watershed. If there is any problem with any kind of seepage or leakage it is going to go directly down to Stony Creek. The LAST Thing in the world that he would like to see, having lived in Dinwiddie County all his life, fished

and had recreation on Stony Creek, is to see that water body polluted anymore than it already is. It is polluted in other areas already in some ways. He just wanted to be very careful that in any planning that we take into careful consideration how that watershed operates and whether there are going to be any health problems with the water table because he did not know how far below the level of ground the actual water table was as you approach Stony Creek. He further stated that he wanted to be sure the Health Department, the Planning Department and all other applicable departments have done complete studies before any action is taken on that property. Mr. Mason ended by thanking the Board for listening.

2. Ms. Mattie Stevens, 18509 Old Stage Road, Dinwiddie, Virginia, came forward stating her main concern tonight, as a continuation of the other meeting, is also the wildlife. She stated she was at Sam's Club in the morning and she had seen twenty (20) geese sitting in the middle of the parking lot doodling in a little bit of water that was there. Upon seeing this she stated she thought about the turkeys; there is a group of about fourteen (14) to twenty (20) turkeys that come up every day from the woods. There are deer that come up. If you take away the woods you do not have a haven – we have fox, we have raccoons, everything comes up there. If you take away that area from the woods to the creek you are going to have a --- she again stated she was concerned about the wildlife. She stated she was also concerned about the blockage of the creek. Stony Creek runs through Dinwiddie, she stated she has run through all her life, she stated she had always heard her father refer to the depth of the creek, how high the creek is pertaining to his farming, way over in Carson. It was a main stream of water that everybody relied on and she was concerned about the areas coming in, housing developments, right off of the creek. That was another concern.

Mr. Bracey asked if anyone else in attendance wished to speak on that subject. There being none Mr. Bracey moved forward.

Mrs. Mann stated she had one citizen signed up to speak on Agenda Item 10 – P-98-8, Mr. Gary Karp.

Mr. Karp declined to speak at this time stating he planned to be at the October and November meetings.

**IN RE: PUBLIC HEARING A-98-6 – ORDINANCE AMENDMENT –  
CHANGE IN POLLING PLACE ELECTION DISTRICT  
NUMBER 1**

This being the time and place as advertised in the Dinwiddie Monitor on August 18, 1998 and August 25, 1998 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a public hearing for A-98-6, for the purpose of considering for adoption an ordinance amending Chapter 8, Section 8-3 of the Dinwiddie Code to provide for the change of a polling place in Election District Number 1 from Darvills Community Center to the Cut Bank Hunt Club, 16106 Old Cryors Road, McKenney, Virginia 23872. The change is proposed under authority of Sections 24.2-306 through 310 of the Code of Virginia.

Mrs. Elizabeth S. Jeter, Registrar, came forward and presented the Cut Bank Hunt Club's building as the proposed new polling place for Election District Number 1 replacing the Darvills Community Center which burned. She explained this site had put in a ramp for the handicapped, they had storage for the voting machine, were equipped with tables, chairs, rest rooms, heat and

kitchen facilities. She felt this was a suitable polling place and was more centrally located in the District.

Mr. Bracey asked questions about the location of the Hunt Club and questioned if this location was within the law.

Mrs. Jeter stated she did not see any problem with this location.

Mr. Jordan made remarks about the Club and how they have fixed it up and offered it to the County for use.

Mr. Bracey opened the Public Hearing asking if any citizens had signed up to speak. There being none Mr. Bracey asked if there were any citizens present who had not signed up but wished to speak.

There being none Mr. Bracey closed the Public Hearing.

Mr. Jordan from Cut Bank Hunt Club was present to answer any questions the Board might have regarding the use of this site.

Mr. Moody asked about the condition of the road going into the Club.

Mr. Jordan stated they had graveled the road once and would be doing it again before hunt season which meant it would be done prior to the November 3<sup>rd</sup> Special Election.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia that A-98-6 - an amendment of the ordinance - Chapter 8, Section 8-3 of the Code of Dinwiddie County - to change the polling place of Election District Number 1 from Darvills Community Center to the Cut Bank Hunt Club be approved to read as follows, and in all other respects be reordained:

WHEREAS, the voting place for Darvills Precinct in Election District Number 1, the Darvills Community Center was destroyed by fire; and

WHEREAS, the Board of Supervisors did properly advertise a Public Hearing which was held at the regular Board Meeting of September 1, 1998 at 7:30 p.m.; and

WHEREAS, it is necessary to change the voting place from the Darvills Community Center by reason of said fire.

NOW THEREFORE, BE IT ORDAINED that the polling place for Precinct 101 of Election District Number 1 be changed from the Darvills Community Center to the Cut Bank Hunt Club, located at 16106 Old Cryors Road, McKenney, Virginia 23872 and that such change be made to Section 8-3 of the Dinwiddie County Code.

This amendment to the Code of Dinwiddie County shall become effective immediately.

**IN RE: PUBLIC HEARING – C-98-4 – CONDITIONAL USE**  
**PERMIT – SPRINT PCS**

This being the time and place as advertised in the Dinwiddie Monitor on August 19, 1998 and August 26, 1998 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a public hearing for A-98-6, for the purpose of

considering a conditional use permit to erect a 199' tall communication tower on property identified as Tax Map Parcel 18-15 and located at 4904 Station Road in Sutherland.

Mr. John M. Altman, Zoning Administrator, came forward to present C-98-4. He read portions of the minutes from the August 12, 1998, Planning Commission meeting.

Mr. Altman stated the applicant, Sprint PCS, is seeking a conditional use permit to construct, operate, and maintain a one hundred ninety-nine (199) foot lattice telecommunications tower, related equipment and improvements for the purpose of mounting wireless telecommunications antennas. The proposed site is located on the west side of Station Road (Route 623) north of Cox Road (US Route 460) at 4904 Station Road. The site is identified as Tax Map 18, Parcel 15 by the Commissioner of the Revenue's Office, and is owned by Alice C. Green. The property contains a dwelling, as well as, a number of out buildings and is currently in the land use taxation program. The subject parcel, along with, the adjacent parcels are zoned Agricultural, General, A-2, and "communications towers with station" are permitted with a conditional use permit within this zoning district. The site is located within the Rural Conservation Area as identified by the Dinwiddie County Comprehensive Land Use Plan. Telecommunication towers have been approved within this planning area by the Board of Supervisors in the past.

Staff's opinion is that this request generally complies with the provisions of the Dinwiddie County Zoning Ordinance. Therefore, Staff's recommendation of **APPROVAL** of the request for a conditional use permit is contingent upon the applicants ability to sufficiently address the deficiencies listed below, and the following conditions:

#### DEFICIENCIES:

- ◆ Section 22-273 (9) requires the applicant to provide written justification for the siting of a tower within two (2) miles of a Virginia Scenic Byway or a property listed on the National Register of Historic Places or the Virginia Landmark Register. The proposed tower site is located within ½ mile of Namozine Road (Route 708) which has been declared a Virginia Scenic Byway.
- ◆ Section 22-273 (8) requires that the applicant submit a statement from a Virginia registered structural engineer certifying that the proposed tower is compatible for co-location with a minimum of three (3) similar users, including the primary users. The applicant did not submit such a statement with the application nor has such a statement been received.
- ◆ Section 22-274 (4) requires the applicant to provide a fifteen (15) foot landscaped buffer strip on all sides of the tower compound. The application indicates that a landscaped buffer will be provided on the west and south sides of the tower site.
- ◆ Section 22-274 (5) addresses the treatment, color, and lighting system of towers; the applicant has not provided any information concerning these issues. However, the height of the tower is under 200 feet, and therefore FAA does not require the painting or lighting of towers under 200 feet in height.
- ◆ Section 22-275 (7) requires the applicant to provide the County with co-location opportunities without compensation as a community benefit to enhance the County's emergency communications. The applicant has not provided any information acknowledging this requirement.
- ◆ Section 22-275 (13) states that the applicant shall post a bond equivalent to the cost of removal of the tower with the Director of

Planning. No documentation has been received regarding this requirement.

CONDITIONS;

- ◆ The tower proposed by Sprint PCS shall not exceed one hundred ninety-nine (199) feet in height.
- ◆ The applicant, Sprint PCS, shall allow at least two (2) other wireless telecommunications providers to locate on the tower and site; and shall provide the County, upon request, verifiable evidence of having made a good faith effort to allow such locations.
- ◆ Sprint PCS shall develop the proposed tower site as detailed in the site plan developed by Matrix Engineering titled "Sprint PCS, Comprehensive Site Plan, Site ID No. RI03xc094E, Green Property," which was submitted by the applicant, Sprint PCS, with this application.
- ◆ The conditional use permit must be reviewed at least every two (2) years for compliance with stated conditions.

Mr. Altman stated he would like to add that recently there had been discussion about preservation of the buffer area around the site and concern that the site is built and adequately buffered at the current time, what happens if the property owner decides to timber the property and what used to be a buffer is no longer there. He stated he spoke with the applicant and Mr. Ray, who represents Sprint PCS, offered an additional condition to the County. That condition is as follows:

- ◆ The applicant, Sprint PCS, shall acquire a twenty-five (25) foot buffer easement also on the site.

Mr. Altman stated Mr. Ray had provided documentation of that tonight and he felt that would adequately address the buffer concerns around the site.

If the applicant is not able to provide the information necessary to comply with Article IX of Chapter 22 of the Code of the County of Dinwiddie, Virginia, then Staff must recommend **DENIAL** of the request as submitted.

The Planning Commission unanimously voted to recommend approval of the request, C-98-4 Sprint PCS, with the conditions presented:

Mr. Bracey opened the Public Hearing on C-98-4.

The following addressed the Board:

- 1. Norman Ray, Sprint PCS, came forward making a presentation of how Sprint PCS planned to place towers within Dinwiddie County and the Company's feelings on co-location.
- 2. Larry Horton, Sprint PCS, declined to speak stating he was with Mr. Ray and only there in the event the Board had questions or concerns that Mr. Ray could not answer.

Mr. Bracey asked if there were any other citizens present who had not signed up but wished to speak on C-98-4.

There being none Mr. Bracey closed the Public Hearing.

Upon motion of Mr. Tickle, 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 C-98-4 Sprint PCS, request for a conditional use permit to erect a

199' tall communication tower on property identified as Tax Map 18-15 located at 4904 Station Road, Sutherland, Virginia, is unanimously approved with the conditions recommended by the Planning Commission and the additional proffer as stated above.

**IN RE: 1998 BOND ISSUE – APPROVAL OF PRICING**

Mr. Long stated on Wednesday, August 26, 1998, the Bonds were priced for the School Completion Bonds, the Public Capital Projects, and the Refinancing Bonds. Staff was very pleased with the rates which range between 4.15% and 5.10% for an average of about 5%. This was about 1% better than those priced about a year ago. Mr. Long stated the Board members have a copy of a Resolution in their packets to approve the pricing of those Bonds that went to market last Wednesday.

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 the following Resolution is adopted and authorization is granted to the Chairman to execute on behalf of Dinwiddie County:

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

**WHEREAS**, the Board of Supervisors of Dinwiddie County, Virginia (**THE "Board Of Supervisors"**) adopted a resolution on August 5, 1998 (**the "Approving Resolution"**) relating to the issuance by the Industrial Development Authority of Dinwiddie County, Virginia (**the "Authority"**) of lease revenue bonds ( i) in an amount not to exceed \$7,100,000 (**Dinwiddie County School Completion Bonds**), Series 1998 A (**the "School Completion Bonds"**) to finance the costs to complete the acquisition, construction and equipping of certain renovations and improvements to the County's schools and related improvements (**the "School Completion Project"**), (ii) in the amount of \$1,000,000 (Dinwiddie County Public Capital Project) Series 1998 B (**the "Public Capital Project Bonds"**) for certain public projects and (iii) in the amount of \$5,000,000 (Dinwiddie County Courthouse Project) Refunding Series 1998 C (**the "Refunding Bonds"**) to advance refund a portion of the Authority's \$5,900,000 Lease Revenue Bonds (**Dinwiddie County Courts Facilities Project**) Series 1995 B (**the "1995 Bonds"**); and

**WHEREAS**, Davenport & Company, LLC (**the "Underwriter"**) has offered and sold the School Completion Bonds, the Public Capital Project Bonds and the Refunding Bonds pursuant to a Preliminary Official Statement, dated August 19, 1998 and has requested authorization and direction to complete the financing based on such expectations:

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

- A. The issuance of the School Completion Bonds in the original aggregate amount of \$6,590,000; in serial and term forms with a final maturity of February 1, 2019, and in the amount and bearing interest at the rates set forth on the attached Exhibit A, is hereby approved, the issuance of the Public Capital Project Bonds in the original aggregate amount of \$875,000, in serial forms with a final maturity of February 1, 2009, at the rates set forth on the attached Exhibit A, and Refunding Bonds in the original aggregate amount of \$4,500,000, in serial and term forms, and with final maturity of February 1, 2017, in

the amount and bearing interest at the rates set forth on Exhibit A, are hereby approved. The Chairman or Vice Chairman of the Board of Supervisors, the County Administrator, the Clerk of the Board of Supervisors, the County Treasurer and all other County officers are hereby authorized and directed to execute and deliver all documents and instruments related to or appropriated in connection with the issuance of the School Completion Bonds, Public Capital Project Bonds and Refunding Bonds, 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.

- B. 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 School Completion Bonds, Public Capital Project Bonds and Refunding Bonds and the acquisition, construction, and equipping of the Projects (as referred to in the Approving Resolution) are hereby approved and ratified.
- C. 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.
- D. 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 Authority, the issuance of the School Completion Bonds, Public Capital Project Bonds and the Refunding Bonds or the acquisition, construction and equipping of the Projects.
- E. This resolution shall take effect immediately.

PASSED AND ADOPTED this 2<sup>nd</sup> day of September, 1998.

**IN RE: COUNTY ADMINISTRATOR COMMENTS – PUBLIC SAFETY OFFICER – DESK REQUEST**

Mr. Long stated he had included in their packets a memorandum from Mr. David M. Jolly, Public Safety Officer, requesting a desk from the old Courthouse. He stated he verified through the Clerk's Office that the Judge no longer needed the desk and that we can take it; therefore, we are requesting the Board's approval that this desk be transferred to the Public Safety Officer when the new office is completed.

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 to transfer the desk from the old Courthouse to the Administration Building for use by the Public Safety Officer upon completion of his office space.

**IN RE: COUNTY ADMINISTRATOR COMMENTS – HISTORICAL SOCIETY – REQUEST FOR OLD STATE FLAG**

Mr. Long continued with the Historical Society had requested that they be allowed to keep or house the old State Flag from the Circuit Court Clerk's old office. They wish to house this Flag at the historic Fork Inn in Dinwiddie County. He stated he had also talked with Ms. Annie Lee Williams, Clerk of the Court, on this issue and verified that her office did not want the flag any longer. He asked the Board for authorization to put the Flag into the care of the society. Mr.

Darrell Olgers who is a member of the society and proprietor of Fork Inn is here should the Board have any questions for him.

Mr. Olgers came forward asking if the Board had any questions.

Mr. Bracey wanted to be sure that the society was going to preserve this Flag.

Mr. Olgers stated they would preserve and conserve it. Upon the request of Mrs. Everett, Mr. Olgers described the Flag. He stated it belonged to Company I of the 3<sup>rd</sup> Virginia Cavalry of Dinwiddie. It was made by the ladies of Dinwiddie and presented to the Cavalry Troop and used during the Civil War. It has hung for an extended period of time in the Clerk's Office and they do not seem to want it anymore. Something of this nature is very light and environment sensitive and it will slowly deteriorate if left in it's present state. We are asking for the Board's support in allowing the society to take this as a project and conserve this Flag for our County.

Mr. Tickle recommended the County enter into a written agreement between the Board of Supervisors, the County and Mr. Olgers that will be reviewed every few years and renew this document. This is to insure that this will not be lost because the County needs to keep up with that Flag. Someday the County may want it back.

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 Administration to enter into an agreement with the Dinwiddie County Historical Society for them to house the old State Flag, as described above, at the historical Fork Inn, Sutherland, Virginia. Said agreement would be renewable as determined by Administration.

**IN RE: COUNTY ADMINISTRATOR COMMENT – RESIGNATION OF JAY RUPKEY – REQUEST TO ADVERTISE**

Mr. Long stated that in their packets there was a letter of resignation from Mr. Jay Rupkey effective August 31, 1998. Mr. Long requested the Board accept the resignation and also provide authorization for advertisement to fill the vacancy.

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 resignation of Mr. Jay Rupkey is accepted and authorization is granted for Staff to advertise for replacement.

**IN RE: COUNTY ADMINISTRATOR COMMENTS – AUTHORIZATION TO NEGOTIATE PRELIMINARY SERVICES – PHASE I ENVIRONMENTAL STUDY, GEO TECHNICAL SOILS STUDY AND LAND SURVEY**

Mr. Long continued that another item he would like their approval of is he had received three quotes on some preliminary services meaning a Phase I Environmental Study, Geo Technical Soils Study and Land Survey for a potential site for a fire house and a potential site that the School Board wishes to acquire. He requested authorization to negotiate and accept price with the low bidder on those items.

Mr. Bracey stated he assumed he did not have all the bids available tonight.

Mr. Long stated he was missing one bid that he needed to complete the process.

Upon motion of Mr. Moody, 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 for the County Administrator to negotiate a contract with the low bidder on a Phase I Environmental Study, Geo Technical Soils Study and Land Survey for a potential site for a fire house and a potential site that the School Board wishes to acquire.

**IN RE: COUNTY ADMINISTRATOR COMMENTS**

Mr. Long stated he had an informational item, under their information tab, from Mrs. Betty Jeter, Registrar. This is general information on some possible Constitution amendments. These questions will come up on the ballot for the special election on November 3, 1998.

**IN RE: BOARD MEMBER COMMENTS**

Mr. Clay -- no comments

Mrs. Everett -- She expressed to Mr. Bracey that some months ago we received a copy of the U. S. Corridor Study and we were all supposed to review that and we hoped to later have a meeting with the Planning Commission and review that study to see what steps we should take to maybe beautify some of Highway 1 and maybe to look at some possible ordinances that would help make it a better place in our County. She continued that she knew that we have had an awful lot on our plate during the past months and we have not gotten back to this but she hoped that before the end of the year certainly or even if possible that we make arrangements for the Planning Commission and the Board of Supervisors to meet jointly and to come prepared to review the corridor study and to see what we think is feasible and what we would like to see done in that regard. She stated that with an enforcement officer coming on board that this is going to be very helpful in this County and something that we have needed for a long time and she felt that this kind of tied in with some of the ideas that they might have about things along the Route 1 corridor.

Mr. Bracey stated he assumed she was making that request and he also assumed that Mr. Long was going to set that meeting or conference up as soon as he can.

Mr. Everett stated Mr. Altman, Mr. Scheid and Mr. Long could all determine what would be the best time to have that.

After discussion it was decided to have a joint meeting at the November 11, 1998 Planning Commission meeting which would be held at 7:30 P.M.

Mr. Moody -- no comments

Mr. Tickle -- He stated he did not have a comment but noted that Staff had placed before them information from the September 1998 Virginia Business. He thought it was interesting that in the top twenty (20) new construction projects Chaparral Steel was listed as number two (2). What really scared him was the School construction costs. The figures placed before them in this article was a really scary thought when 43 million was the cost.

Mr. Bracey -- no comments

**IN RE: FIVE MINUTE BREAK**

Mr. Bracey called for a five (5) minute break at 8:35 P.M. before moving into Executive Session.

**IN RE: EXECUTIVE SESSION**

Upon motion of Mr. Clay, seconded by Mr. Moody, 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) 7 - Consultation with legal counsel (Investigation update); the Board moved into Executive Session at 8:40 P.M.

**IN RE: RETURN TO OPEN SESSION**

A vote having been made and approved the meeting reconvened into Open Session at 8:48 P.M. in the Board Meeting Room of the Pamplin Administration Building.

**IN RE: CERTIFICATION**

Upon motion of Mr. Clay, 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: RESOLUTION -- COMBS-MARSHALL SETTLEMENT AGREEMENT**

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

**RESOLUTION**

WHEREAS, the County Attorney has negotiated a favorable confidential settlement of the lawsuit filed against the County by Joyce Combs-Marshall and Housing Opportunities Made Equal of Richmond, Inc.; and

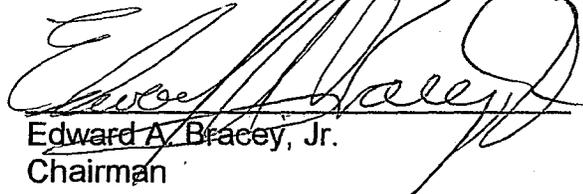
WHEREAS, the Board of Supervisors believes it to be in the best interests of the County to enter into such confidential settlement;

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NOW, THEREFORE, be it resolved that the Settlement Agreement and Release of All Claims presented to the Board by the County Attorney is hereby approved, and the Chairman of the Board of Supervisors and County Administrator are each hereby authorized to execute, deliver and perform such Settlement Agreement and Release on behalf of the County.

**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 8:55 P.M. to be continued September 11, 1998 at 8:00 A.M. at the Pamplin Administration Building for the purpose of reviewing fire and rescue buildings for potential architect engineer selection.

  
Edward A. Bracey, Jr.  
Chairman

ATTEST:   
R. Martin Long  
County Administrator

/pam