

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 4<sup>th</sup> DAY OF MARCH, 2003, AT 7:30 P.M.

PRESENT: ROBERT L. BOWMAN IV - CHAIR ELECTION DISTRICT #3  
DONALD L. HARAWAY - VICE CHAIR ELECTION DISTRICT #2  
HARRISON A. MOODY ELECTION DISTRICT #1  
EDWARD A. BRACEY, JR., ELECTION DISTRICT #4  
AUBREY S. CLAY ELECTION DISTRICT #5

OTHER: DANIEL SIEGEL COUNTY ATTORNEY

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**IN RE: INVOCATION - PLEDGE OF ALLEGIANCE - AND CALL TO ORDER**

Mr. Robert L. Bowman, Chair, called the regular meeting to order at 7:30 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

**IN RE: CLAIMS**

Upon motion of Mr. Bracey, Seconded by Mr. Clay, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman 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 1034172 through 1034371 (void check(s) numbered 1034002, 1034111, 1034112, 1034171, 1034175, 1034363, 1034247 and 1034365)

**Accounts Payable:**

(101) General Fund	\$ 154,943.11
(103) Jail Commission	\$ 100.48
(104) Marketing Fund	\$ .00
(209) Litter Control	\$ 110.00
(222) E911 Fund	\$ 17,290.35
(223) Self Insurance Fund	\$ .00
(225) Courthouse Maintenance	\$ .00
(226) Law Library	\$ 44.30
(228) Fire Programs & EMS	\$ .00
(229) Forfeited Asset Sharing	\$ .00
(304) CDBG Grant Fund	\$ 128.79
(305) Capital Projects Fund	\$ 7,440.00
(401) County Debt Service	\$ 62,416.33

**TOTAL \$ 242,473.36**

**PAYROLL 02/28/03**

(101) General Fund	\$ 410,535.99
(222) E911 Fund	\$ 3,420.91
(304) CDBG Fund	\$ 4,044.08

**TOTAL \$ 418,000.98**

**IN RE: SCHOOL BOARD REQUISITION # 9 - 1998A (70-02-200-7019743)**

The following invoices from Dr. Leland Wise, Jr., Superintendent of Schools for Payment Requisition #9 -1998A Bond Issue (70-02-200-7019743) were submitted for payment:



<u>Whitescarver,</u> <u>Hurd, and</u> <u>Obenchain</u> <u>BCWH</u>	Architect and Engineering Services Architect	Dinwiddie Elementary School  Facility Study – Phase II (Reimbursement of expenses)	\$290.00   \$1,736.25
<b><u>Total</u></b>			<b>\$2,026.25</b>

The invoices for this expenditure have been reviewed and approved. Please be advised that the BCWH invoice was previously submitted.

Upon motion of Mr. Bracey, Seconded by Mr. Clay, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman voting "Aye,"

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number #9 -1998A (70-02-200-7019743) in the amount of \$2,026.25 be approved and funds appropriated for CIP expenses from the School Project Account.

**IN RE: CITIZEN COMMENTS**

Mr. Bowman asked if there were any citizens signed up to speak or present who wished to address the Board during this portion of the meeting.

1. Michael Bratschi - 23500 Cutbank Road, McKenney, Virginia – commented at the last Board meeting he addressed the issue of the "In God We Trust Posters" not being displayed in the Middle School. He stated when I brought this to your attention at the last meeting Mr. Bracey felt this was a matter for the School Board but he disagreed. He stated you are the leaders of this County and he felt it was the responsibility of the Board to contact Dr. Wise and ask him why the posters are not on display in the classrooms. Mr. Alsbrook does have the posters displayed at Sunnyside Elementary School.
2. Eva Bratschi – 23500 Cutbank Road, McKenney, Virginia – requested that the Board allow Mr. Phillip Harris, Code Enforcement Officer, to handle the DEQ money, approximately \$6,500 a year, and work with children in the County to start picking up litter along the roads. There is approximately 580 miles of road in the County. She also encouraged the Board to offer a \$50 certificate to County employees to get them involved with picking up litter too.
3. John Isom – 19917 Cox Road, Sutherland, Virginia – Lack of awareness is one of the main reasons unfavorable and unwanted projects come to fruition. He commented one of the goals of the political body should be to maximize the involvement of the residents of the community. He requested that whenever there is a request for a rezoning or any other matter coming to the Board that it be posted on the website because most people work during the regular business hours limiting residents ability to gather all the facts. He stated publication of notice in the newspaper and letters to adjacent landowners are not enough. The Board should be more responsive to the citizens.
4. Anne Scarborough – Boydton Plank Road, Dinwiddie, Virginia - Commented about the following topics:
  - a. How could something go all the way through the rezoning process with the Planning Commission and it is voted on; and then it is advertised in

- the paper that there was an error in the tax map and parcel number? Who's fault was it? Who's responsible for the cost involved?
- b. Who paid for the mistake that the Progress-Index made in the advertising of the public hearing?
  - c. It is being advertised in the paper that the Board of Supervisors is getting a divorce. Why hasn't someone called the Attorney who advertised it to let him know?
  - d. New budget - Could the percentage of payment made by the State for the Constitutional Officers be put in the back of the budget? Along with the percentage of the benefits the County pays.
  - e. Could the pages of the minutes be numbered?
  - f. Does the Sheriff have the ability to issue tickets on State property? According to Board minutes, the Commonwealth's Attorney was asked and he responded that only State Troopers could issue those tickets because of the State Code. The Commonwealth's Attorney said the only way to change that was to ask the General Assembly to be a designated County which would allow the Sheriff's Department to issue tickets on State property. Mrs. Wendy Weber Ralph was instructed by the Board to apply for this status. Mrs. Scarborough asked if the County is now a designated County and is the Sheriff now able to issue tickets on State property?
  - g. Industry, jobs, contracts, revenue, and taxes – When industry comes into the County, why doesn't the Board enter into a contract requiring them to fulfill the obligations they promise the County? Other Counties have those contracts, why don't we? What incentives were offered to Ingram and NWB?
4. Marjorie Flowers – 14919 Wilkinson Road, DeWitt, Virginia- reminded the Board that this is a re-election year and they should listen to the citizens.

**IN RE: STATEMENT PRIOR TO PUBLIC HEARING**

Mr. William C. Scheid, Planning Director, came forward to make the following statement prior to the Public Hearings.

“As previously requested by the Board of Supervisors, Draft copies of the Planning Commission Meeting minutes have been made available to the public prior to this meeting as well as copies on the table at the rear of this meeting room. The purpose of doing so is to expedite the hearing process without compromising the publics' access to pertinent information. It is noted that the Board has been given various information on all of the hearing(s) to include, the application, zoning map, adjacent property owner list, locational map(s), proffers (if applicable), soils data, comprehensive land use maps and references; etc. With this information noted, I will proceed with the case(s).”

**IN RE: PUBLIC HEARING – P-02-4 – NICK W. STAMOS  
REZONING REQUEST**

This being the time and place as advertised in the Progress Index on February 18, 2003 and February 25, 2003, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comment on a request from Mr. Nick W. Stamos to rezone a 65-acre parcel of land from Agricultural, general A-2, to Residential, RR-1.

Mr. Scheid read excerpts from the following Summary Staff Report:

**Planning Summary Report**

File: P-02-4

**Applicant: Nick W. Stamos**

The applicant, Mr. Nick W. Stamos, is seeking to rezone a 65-acre parcel of land from Agricultural, general A-2 to Residential, rural RR-1. The property is located on the East side of Claiborne Road (Rt. 631) near its intersection with Route 460 in the Sutherland area. The tax map/parcel numbers are 19-99 and 19-99B. The current zoning requires a minimum of 3 acres per home site and limits the number of times the parcel may be subdivided. The rural residential zoning requires a minimum of 2 acres per home site. The comprehensive land use plan designates this area as an urban planning area. The planning staff introduced the case and noted that the applicant offered several proffers if the rezoning application was approved. During the public hearing portion of the meeting, several citizens spoke noting concerns they had with the request. After hearing the citizen comments, the Chairman closed the public comment portion of the public hearing. In view of the citizen comments and the applicants' willingness to meet with the citizens regarding their concerns, a committee was appointed and the case continued to December 11<sup>th</sup>. The committee met on December 2<sup>nd</sup> at 3:30 p.m. at McCray Electric Company on Route 460. Several matters involving buffers, size of homes, lot size, traffic and wells were discussed. Upon conclusion of the meeting, the applicant agreed to revise the proffers offered as part of the rezoning process. The revised proffers were introduced at the December 11<sup>th</sup> meeting. A brief discussion among the Commissioners followed. Upon conclusion of the discussions, the Planning Commission voted 3-2 with 1 abstaining to recommend approval with proffers to the Board of Supervisors.

The Board of Supervisors heard the rezoning case, P-02-4, at your January 2, 2003 meeting. With considerable comments from the applicant, citizens and Board members, the Board voted to continue this hearing to the February 4, 2003 meeting. In the interim, the applicant stated a willingness to revise the previously submitted proffers. Revised proffers were submitted to the Planning Department on January 13<sup>th</sup>. Due to the Progress-Index failure to advertise the case as requested, it was rescheduled from the February 4<sup>th</sup> to the March 4<sup>th</sup> meeting of the Board. A copy of the revised proffers is attached to this summary report.

Mr. Scheid reported that he also contacted the following persons and agencies regarding some of the concerns raised by citizens at the January 2<sup>nd</sup> meeting:

Chris Calkins – National Park Service – no significant battles fought on this property.

Paul Booth – Department of Game and Inland Fisheries – No endangered species on the property.

CORP – do not get involved in monitoring private wells.

VDOT – would be involved in the development of the roads for the subdivision and they will make certain they are safe.

Since this is a zoning matter, the standard statement regarding your action must be read. In order to assist you in this matter, the statement was included in your information.

Mr. Bowman opened the public hearing. The following citizens came forward to address the Board in opposition to the rezoning request.

1. John Isom - 19917 Cox Road, Sutherland, Virginia 23803.
2. Ray Witt – 20013 Cox Road, Sutherland, Virginia 23803.

3. Barbara Wilson – 8804 Duncan Road, Petersburg, Virginia 23803.
4. Victoria Heller - 20009 Cox Road, Sutherland, Virginia 23803 – She commented she is an adjacent property owner and they did not receive notification of the rezoning application, nor did her mother-in-law Helen Heller.

Mr. Scheid replied that his records indicated that a notification letter was mailed to Mrs. Helen Heller. He stated that Helen Heller, Ray Heller and Victoria Heller were at the Planning Commission's public hearing and the January 2<sup>nd</sup> Board public hearing too, which indicated they had knowledge of the rezoning request and the public hearings. Mr. Scheid asked the County Attorney if the presence of a person at any of the hearings met the legal requirement for proper notification for an adjacent landowner. Mr. Daniel Siegel, County Attorney, replied yes, it did.

The following citizen came forward to address the Board in support of the rezoning request.

1. Eva Bratschi – Cutbank Road, DeWitt, Virginia.
2. Ronald Gordon – 14100 Boydton Plank Road, Dinwiddie, Virginia 23803.

Mr. Bowman closed the public hearing.

The Applicant, Nick Stamos, 18410 Sycamore Drive, Dinwiddie, Virginia 23841, stated he and his partner, Kenneth Thompson, changed their proffers to align with the requests the Board made at the hearing. He commented he had hoped that they would be able to satisfy the requests of the neighbors but they intended to make this into a top-notch subdivision and build good quality homes. He requested that the Board approve their rezoning request.

Mr. Bracey stated his main concern was the buffer zone. He also commented he talked with some realtors and they would like to see some larger homes built in the County. They feel there are already a sufficient number of smaller homes in the County. He commented he hoped the buffer zone would not be disturbed in future years.

Mr. Moody stated the buffer zone of 25' will be in the covenant restrictions neither the developers nor the homeowners would be able to disturb it. He said the size of the homes and the buffer was taken care of by the developers and that was his concerns.

Mr. Clay commented he felt the developers met the requirements the citizens and Board members were concerned with, so he was ok with the rezoning request.

Mr. Haraway stated he was just a little concerned with the opposition from the citizens here tonight. The citizens he received calls from were concerned with the small size of the house and the buffer zone and he felt those issues were taken care of in the proffers offered by the developers. He said if he were to vote against the rezoning request tonight he would be going against his word.

Mr. Bowman agreed with Mr. Haraway and added the Board should look at raising the bar on developers and require them to build larger homes in the County.

Mr. Clay stated, be it resolved, that in order to assure compliance with Virginia Code Section 15.2-2286(A)(7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice I move that rezoning application P-02-4 be approved with proffers.

The motion was seconded by Mr. Moody, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman voting "Aye," rezoning request P-02-4 was approved with the conditions from the Planning Commission and the following proffers.

"DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS AFFECTING THE PROPOSED CLAIBORNE ESTATES SUBDIVISION, DINWIDDIE COUNTY, VIRGINIA.

RE: Voluntary proffers for a proposed division of tax map/parcel 19-99 \*P-02-4\* off east side of Claiborne Road January 10, 2003

The undersigned voluntarily proffer the following conditions to be attached to the property upon approval of rezoning request.

1. No structure shall be erected on any parcel of land in the subdivision other than dwellings for single-family occupancy and necessary appurtenant outbuildings, which said outbuildings may be used only for ancillary residential purposes. No dwellings or buildings will be used for commercial purposes other than home occupations, as approved by the appropriate governing body of the county of Dinwiddie shall be allowed.
1. No trailer, shack, garage, barn or other outbuildings erected on the property shall at any time be used as a residence temporarily or permanently, nor shall any residence of a temporary character be permitted.
2. No manufactured homes, no mobile homes, no modular homes shall be allowed on any lot.
3. No inoperable vehicles or unlicensed vehicles be allowed on any lot for over 30 days, unless stored in a fully enclosed garage.
4. No noxious or offensive trade or activity shall be permitted on any lot that shall become an annoyance or nuisance to a residential neighborhood.
5. No one-story residence containing less than 1500 square feet exclusive of porches, decks, carport, or garage shall be constructed in the subdivision. No one and one half-story residence containing less than 1600 square feet exclusive of residence porches, decks, carport, or garage shall be constructed in the subdivision. No two-story residence containing less than 1750 square feet exclusive of residence porches, decks, carport, or garage shall be constructed in the subdivision.
6. All foundations will be bricked however, that portion under the porches or decks that will be covered with latticework need not be bricked.
7. All fences shall enclose the rear yard only shall be closer to the road than the rear corners of the home. Property owners may attach a fence to any fence on the adjoining property this is to prevent two fences along a common line.
8. No live horses, cattle, hogs, pigs, goats, sheep, poultry, or any livestock shall be allowed on any lot.
9. Pets such as cats and dogs may be kept and maintained at an occupants residence provided such pets are not kept or maintained for commercial purposes, and no more than (4) four pets will be allowed on any single lot or family residence.

10. No lots will front on Claiborne Road. No personal driveways will be allowed to enter Claiborne Road.
11. Prior to recording of any subdivision plat for the property, the developer shall furnish satisfactory evidence to the County Health Department that their exist on each lot an effective site for a well and a effective site for a septic system of sufficient capacity to service the proposed improvements on such lot.
12. All lots are to have a minimum of 2 acres and have a minimum width of 200' at either the road frontage or at the building set back line.
13. There will be a natural 25' buffer strip left around the outside boundary of the entire subdivision which trees and scrubs will be left. Also the developers will not clear-cut the land in the preparation for a subdivision. Developers will do a subdivision cut leaving 20 plus trees per acre and will clear cut the area to be used for a road and necessary utility easement and will cut the lots where the homes and required well and drain field will need to be.

The above proffers were signed by Nick W. Stamos and Kenneth A. Thompson.”

**IN RE: PUBLIC HEARING – A-03-1 – ORDINANCE TO AMEND SECTION 15-3 OF THE CODE OF THE COUNTY OF DINWIDDIE, VIRGINIA TO ALLOW THE PHYSICALLY DISABLED PERSON TO HUNT WITH RIFLES**

This being the time and place as advertised in the Progress Index on February 18, 2003 and February 25, 2003, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comments regarding amending §15.3 of the Code of Dinwiddie County to permit an exception to the restrictions on hunting with rifles for the physically disabled.

The County Administrator commented this is an ordinance to amend Section 15-3 of the Code of the County of Dinwiddie, Virginia to allow the physically disabled person to hunt with rifles. She read the ordinance.

It shall be unlawful and a class 3 misdemeanor for any person to hunt with a rifle of a caliber larger than .22 in the county, except in the hunting of groundhogs (woodchucks) between March 1 and August 31; however, this section shall not apply and does specifically exempt from the above provisions the hunting of game species with a muzzle-loading rifle during the prescribed open seasons for the hunting of game species as established by the Commission of Game and Inland Fisheries; provided, however, unless such person holds a valid permit issued under § 29-521.3 of the Code of Virginia that the use of such muzzle-loading rifle in the hunting of deer may only be from a stand located at least ten (10) feet in elevation above the ground; and “accelerator” cartridges is strictly prohibited from use in conjunction with said muzzle-loading weapons.

Mr. Bowman opened the public hearing. The following citizen(s) came forward to address the Board in opposition to the ordinance.

1. Robert Belcher – 27516 Flank Road, Petersburg, Virginia
2. Eva Bratschi – Cutbank Road, DeWitt, Virginia

The following citizen(s) came forward to address the Board in support of the ordinance.

1. Michael Bratschi - Cutbank Road, DeWitt, Virginia

2. John Isom - 19917 Cox Road, Sutherland, Virginia

Mr. Bowman closed the public hearing.

Mr. Clay stated he didn't like it but he would go along with it if the Board wanted to pass the ordinance.

Mr. Haraway agreed.

Mr. Moody stated he did not feel there would be that many disabled people hunting with the muzzle-loading rifles. This is not a rifle that shoots a long distance. It is a black powder gun and the hunting season doesn't last but maybe two or three weeks. He said he felt the ordinance should be passed.

Mr. Bracey stated he could not vote for this.

Mr. Bowman stated the County is continuing to grow into more of a residential County and he felt it would be too dangerous to the citizens to allow anyone to stand on the ground and hunt with a rifle.

Upon motion of Mr. Moody, Seconded by Mr. Clay, Mr. Bracey, Mr. Clay, Mr. Haraway, Mr. Bowman voting "Nay," Mr. Moody, voting "Aye," the amendment to §15.3 of the Code of Dinwiddie County to permit an exception to the restrictions on hunting with rifles for the physically disabled was not approved.

**IN RE: APPOINTMENT – WILLADEAN HARRISON - DISTRICT 19  
CHAPTER 10 BOARD**

Upon motion of Mr. Moody, Seconded by Mr. Clay, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman voting "Aye,"

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Ms. Willadean Harrison is hereby appointed to serve on the District 19 Chapter 10 Board for a term ending December 31, 2005.

**IN RE: RESOLUTION AUTHORIZING THE EXECUTION OF AN  
AGREEMENT PROVIDING FOR A NON-BINDING  
OBLIGATION OF THE COUNTY TO CONSIDER CERTAIN  
APPROPRIATIONS TO THE DINWIDDIE COUNTY WATER  
AUTHORITY, AND AGREEING TO CERTAIN MATTERS  
RELATED TO THE ISSUANCE AND SALE OF  
REFUNDING BONDS OF DINWIDDIE COUNTY WATER  
AUTHORITY**

The County Administrator stated a resolution and support agreement were enclosed in your packet for your consideration in support of a refinancing for the Dinwiddie County Water Authority. If you agree to support them, the County's moral obligation increases the opportunity for the Water Authority to get a better rate. Mr. Jamie Shield with Davenport and Company is here to review the refinancing with you.

Mr. Shield presented the updated refinancing results for the Water Authority's Rural Development Series 1978 and 1986 Rural Development Bonds.

**MEMORANDUM**

To: Members of the Dinwiddie County Board of Supervisors

**From: David P. Rose, Senior Vice President, Manager, Davenport Public Finance**  
**James A. Shield III, Associate Vice President, Davenport Public Finance**

**Christopher J. Wyatt, Director, Dinwiddie County Water Authority**

"Re: Updated Refinancing Results for the Dinwiddie County Water Authority's Rural Development Series 1978 & 1986 Bonds Competitive Bidding Process & the Request for the Moral Obligation Pledge of the Dinwiddie County Board of Supervisors.

**Date: March 4, 2003**

Thank you for your support for the Dinwiddie County Water Authority to refund/restructure the Authority's Series 1978 and 1986 Rural Development Bonds. Included below is a comparison of the new debt service totals incorporating the results of a competitive bidding process versus the Water Authority's current obligation to Rural Development. SunTrust Bank has offered the lowest bids of all interested financial institutions.

***As of April 1, 2003, Davenport's preliminary analysis indicated the Water Authority's current debt service obligation (principal and interest) to Rural Development for the Series 1978 and 1986 bonds is approximately \$3,282,274.80.***

***The new debt service totals (principal and interest) for the SunTrust bids are as follows:***

	<i>New Debt Service*</i>	<i>Old Debt Service</i>	<i>Total</i>
<i>Savings</i>			
<i>SunTrust – 12 Year (3.33%) \$827,931</i>	<i>\$2,454,344</i>	<i>\$3,282,275</i>	
<i>SunTrust – 14 Year (3.49%) \$728,419</i>	<i>\$2,553,856</i>	<i>\$3,282,275</i>	
<i>SunTrust – 15 Year (3.65%) \$662,120</i>	<i>\$2,620,155</i>	<i>\$3,282,275</i>	

***\*The New Debt Service totals factor in the release of a \$208,596 Debt Service Reserve Fund for the Series 1978 and 1986 Bonds that further reduces the total principal amount to be issued for the Series 2003 Refunding Bond.***

***As you can see, the Authority will benefit from substantial debt service savings by refunding the Series 1978 and 1986 issues to a private placement structure. Thank you for support on this issue.***

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**Dinwiddie County Water Authority**

*Summary of Refunding Proposals, February 27, 2003*

<b>Bank Bid Proposal Description</b>	<b><u>SunTrust Bank</u> Recommended Bid</b>	<b><u>Bank of Southside Virginia</u> Cover Bid</b>	<b><u>BB&amp;T</u></b>
<b>Loan Size</b>	Up to \$2,400,000	Up to \$2,400,000	Up to \$2,400,000
<b>Security</b>	Revenues & Moral Oligation of Dinwiddie County	Revenues & Moral Oligation of Dinwiddie County	Revenues & Moral Oligation of Dinwiddie County
<b>Fixed Interest Rates</b>	3.33% - 12 Year 3.49% - 14 Year 3.65% - 15 Year	3.84% - 12 Year 3.94% - 14 Year 3.99% - 15 Year	3.91% - 12 Year 4.03% - 14 Year 4.03% - 15 Year
<b>Interest Payment Dates</b>	April 1 & October 1, Beginning on October 1, 2003	April 1 & October 1, Beginning on October 1, 2003	April 1 & October 1, Beginning on October 1, 2003
<b>Principal Payment Date</b>	October 1, Beginning on October 1, 2003	October 1, Beginning on October 1, 2003	October 1, Beginning on October 1, 2003
<b>Optional Redemption</b>	Prepayable with the Following Premiums: After Year 8: 102% Year 9: 101% After Year 9: Par	Prepayable with the Following Premium: After Year 8: 102% Declining .50% Each Year Thereafter.	Redemption Premium Summary: Prepayable at Any Time.
<b>Final Maturity</b>	October 1, 2014, 2016, or 2017	October 1, 2014, 2016, or 2017	October 1, 2014, 2016, or 2017
<b>Bank Specific Fees</b>	None.	None.	One-Half of One Percent of Amount Financed.
<b>Other</b>	Must Close No Later Than March 27, 2003.	Must Close No Later Than March 14, 2003.	Must Close No Later Than March 27, 2003. Need Bond Counsel Opinion 5 Days Prior.

<b>Bank Bid Proposal Description</b>	<b><u>Citizens Bank &amp; Trust Company</u> Blackstone, Virginia</b>	<b><u>Wachovia Bank</u></b>
<b>Loan Size</b>	Up to \$2,400,000	Up to \$2,400,000
<b>Security</b>	Revenues & Moral Oligation of Dinwiddie County	Revenues & Moral Oligation of Dinwiddie County
<b>Fixed Interest Rate</b>	4.10% - 12 Year 4.30% - 14 Year 4.35% - 15 Year	4.17% - 12 Year 4.39% - 14 Year 4.49% - 15 Year
<b>Interest Payment Dates</b>	April 1 & October 1, Beginning on October 1, 2003	April 1 & October 1, Beginning on October 1, 2003
<b>Principal Payment Date</b>	October 1, Beginning on October 1, 2003	October 1, Beginning on October 1, 2003
<b>Optional Redemption</b>	Principal Payable Upon Call at 100% 5 Years After Issuance with 30 Days Notice of Call, then Callable Annually Thereafter At Authority's Discretion with 30 Day Notice.	Redemption Premium Summary: Prepayable at Any Time.
<b>Final Maturity</b>	October 1, 2014, 2016, or 2017	October 1, 2014, 2016, or 2017
<b>Bank Specific Fees</b>	None.	Bank Attorney Fee Not-to Exceed \$4,000.00
<b>Other</b>	Must Close in "Late March of 2003"	Must Notify Acceptance of Bids No Later Than March 4, 2003.

Mr. Haraway asked what the refinancing fees would be? Mr. Shield replied that the cost for bond counsel is \$40,000, Davenport's fees are \$25,000 and there will be some closing costs for Hunton & Williams.

Mr. Moody questioned if this moral obligation would affect the County's borrowing ability. Mr. Shield said no.

Upon Motion of Mr. Bracey, Seconded by Mr. Haraway, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman voting "Aye," the following resolution of agreement and support agreement were adopted:

**RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT PROVIDING FOR A NON-BINDING OBLIGATION OF THE COUNTY TO CONSIDER CERTAIN APPROPRIATIONS TO THE DINWIDDIE COUNTY WATER AUTHORITY, AND AGREEING TO CERTAIN MATTERS RELATED TO THE ISSUANCE AND SALE OF REFUNDING BONDS OF DINWIDDIE COUNTY WATER AUTHORITY**

**WHEREAS**, the Dinwiddie County Water Authority (**the "Authority"**) has been duly created by the Board of Supervisors (**the "Board of Supervisors"**) of Dinwiddie County, Virginia (**the "County"**), in accordance with the Virginia Water and Sewer Authorities Act;

**WHEREAS**, the Authority desires to issue refunding bonds in an aggregate principal amount not to exceed \$2,400,000 (**the "2003 Refunding Bonds"**), the proceeds of which, together with other available funds, are estimated to be sufficient to pay the cost of re-financing the Authority's outstanding Series 1978 and 1986 Rural Development Water and Sewer Revenue Bonds originally issued on August 10, 1978 and August 20, 1986, respectively, (**collectively, the "Refunded Bonds"**) which Refunded Bonds were originally issued to finance various water and sewer projects within the County (**the "Project"**); and

**WHEREAS**, the Project is part of the Authority's main water and sewer system (**the "System"**); and

**WHEREAS**, the primary security for the repayment of the 2003 Refunding Bonds is a pledge by the Authority of the revenues of the Main County System, excluding the Courthouse and Church Road Systems; and

**WHEREAS**, the Authority has requested that the County, as additional security for the repayment of the 2003 Refunding Bonds, enter into an agreement to provide, as necessary, financial support to the Authority in the payment of the debt service on the 2003 Refunding Bonds, subject to the appropriation by the Board of Supervisors of sufficient funds for such purposes; and

**WHEREAS**, the Board of Supervisors, on behalf of the County, desires to enter into such a support agreement to improve the marketability of the 2003 Refunding Bonds and the Authority's cost of financing; and

**WHEREAS**, a draft of a Support Agreement, between the Board of Supervisors, acting on behalf of the County, and the Authority (**the "Support Agreement"**), has been presented to the Board at the meeting at which this Resolution was adopted.

[ ] [ ] [ ]

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

1. It is determined to be in the best interests of the County and its citizens for the Board of Supervisors to enter into the Support Agreement.
2. In consideration of the Authority's undertakings with respect to re-financing the Refunded Bonds, the Chairman or Vice-Chairman, either of whom may act, is hereby authorized and directed to execute and deliver the Support Agreement. The Support Agreement shall be in substantially the form presented to this meeting, which is hereby approved, with such amendments, completions, omissions, insertions or changes not inconsistent with this resolution as may be approved by the Chairman or Vice-Chairman, the execution thereof by the Chairman or Vice-Chairman to constitute conclusive evidence of his approval of such amendments, completions, omissions, insertions or changes.
3. The County Administrator is hereby authorized and directed to carry out the obligations imposed by the Support Agreement on the County Administrator.
4. As provided by the Support Agreement, the Board of Supervisors hereby undertakes a non-binding obligation to appropriate to the Authority such amounts as may be requested from time to time pursuant to the Support Agreement, to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia. The Board of Supervisors, while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby states its intent to make such appropriations in future fiscal years, and hereby recommends that future Boards of Supervisors do likewise during the term of the Support Agreement.
5. The Board of Supervisors, on behalf of the County, hereby agrees to the Authority's issuance of the 2003 Refunding Bonds, provided that such 2003 Refunding Bonds do not exceed an original aggregate principal amount of \$2,400,000.
6. All resolutions or parts thereof in conflict herewith are hereby repealed.
7. All approvals and actions taken pursuant to this resolution shall be subject to final review and approval by the County Administrator and the County Attorney of the 2003 Refunding Bonds, the Support Agreement and all related documents thereto.
8. This resolution shall take effect immediately.

**SUPPORT AGREEMENT**

**THIS SUPPORT AGREEMENT**, made as of \_\_\_\_\_, 2003, between the **BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA (the "Board")**, acting as the governing body of Dinwiddie County, Virginia (**the "County"**), and **DINWIDDIE COUNTY WATER AUTHORITY (the "Authority")**, a public body politic and corporate of the Commonwealth of Virginia, for the benefit of the holder of the Authority's 2003 Refunding Bonds (as hereinafter defined);

**WITNESSETH:**

**WHEREAS**, the Authority was created by the Board pursuant to the Virginia Water and Sewer Authorities Act, Chapter 51, Title 15.2, Code of

Virginia of 1950, as amended (**the "Act"**), and owns and operates water and sewer utility facilities in the County; and

**[WHEREAS**, pursuant to the terms of a master water and sewer bond resolution adopted by the Authority on October 5, 1977, as supplemented and amended from time to time (**collectively, the "Resolution"**), the Authority has issued and sold to the Government a \$3,239,300 Water and Sewer Revenue Bond, Series of 1978, and a \$253,000 Water and Sewer Revenue Bond, Series of 1986] (**collectively, the "Prior Bonds"**); and

**WHEREAS**, the Authority has determined that it is in its best interest to issue and sell refunding bonds in an original aggregate principal amount not to exceed \$2,400,000, (**the "2003 Refunding Bonds" and collectively with the Prior Bonds, the "Bonds"**), the net proceeds of which will be used to refund the Prior Bonds; and

**WHEREAS**, the Board adopted on March 4, 2003, a resolution (**the "County Resolution"**) agreeing to the Authority's issuance of the 2003 Refunding Bonds and authorizing the execution of an agreement providing for a non-binding obligation of the Board to consider certain appropriations to the Authority to provide, as necessary, financial support to the Authority in the payment of the debt service on the 2003 Refunding Bonds.

**NOW, THEREFORE**, for and in consideration of the foregoing and of the mutual covenants herein set forth, the parties hereto agree as follows.

1. The Authority shall use its best efforts to issue the 2003 Refunding Bonds as soon as reasonably possible and use the proceeds of the 2003 Refunding Bonds to refund the Prior Bonds.
2. No later than March 1 of each year beginning March 1, 2004, the Authority's Executive Director shall notify the County Administrator of the amount (**the "Annual Deficiency Amount"**) by which the Authority reasonably expects the revenues to be insufficient to pay the debt service obligations under the 2003 Refunding Bonds.
3. The County Administrator shall include the Annual Deficiency Amount in his budget submitted to the Board for the following fiscal year. The County Administrator shall deliver to the Authority within ten days after the adoption of the County's budget for each fiscal year, but not later than July 15 of each year, a certificate stating whether the Board has appropriated an amount equal to the Annual Deficiency Amount to or on behalf of the Authority for such purpose in the adopted County budget for such fiscal year.
4. If at any time revenues shall be insufficient to make the debt service payments referred to in paragraph 2 hereof, as and when they are due, the Executive Director shall notify the County Administrator of the amount of such deficiency and shall request an appropriation from the Board in the amount of such deficiency to make such payment.
5. Upon receipt of each request for appropriation from the Authority pursuant to paragraph 4 above, the County Administrator shall present such request to the Board, and the Board shall consider such request, at its next regularly scheduled meeting at which it is possible to satisfy any applicable notification requirement. Promptly after such meeting, the County Administrator shall notify the Authority and the Bank as to whether the amount so requested was appropriated. If the Board shall fail to make any such appropriation, the Authority shall add the amount of such requested appropriation to the Annual Deficiency Amount reported to the County Administrator for the County's next fiscal year.

6. The County shall pay to or on behalf of the Authority the amount of any appropriation made pursuant to this Agreement. The County and the Authority acknowledge that any amounts received by the Authority from the County pursuant to this Support Agreement shall be deemed to constitute a portion of System revenues pledged under the Resolution to the payment of principal of and, premium, if any, and interest on the Bonds and other costs provided therein.
7. The Board hereby undertakes a non-binding obligation to appropriate to the Authority such amounts as may be requested from time to time pursuant to paragraph 3 and 4 above, to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia. The Board, while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, has stated in the County Resolution its intent to make such appropriations in future fiscal years and recommended that future Boards of Supervisors do likewise.
8. NOTHING HEREIN CONTAINED IS OR SHALL BE DEEMED TO BE A LENDING OF THE CREDIT OF THE COUNTY TO THE AUTHORITY OR TO ANY HOLDER OF ANY BONDS, INCLUDING WITHOUT LIMITATION THE 2003 REFUNDING BONDS, OR TO ANY OTHER PERSON, AND NOTHING HEREIN CONTAINED IS OR SHALL BE DEEMED TO BE A PLEDGE OF THE FAITH AND CREDIT OR THE TAXING POWER OF THE COUNTY. NOTHING HEREIN CONTAINED SHALL BIND OR OBLIGATE THE BOARD TO APPROPRIATE FUNDS TO THE AUTHORITY FOR THE PURPOSES DESCRIBED HEREIN, NOR SHALL ANY PROVISION OF THIS AGREEMENT GIVE THE AUTHORITY OR ANY HOLDERS OF THE 2003 REFUNDING BONDS OR ANY OTHER PERSON ANY LEGAL RIGHT TO ENFORCE THE TERMS HEREOF AGAINST THE BOARD OR THE COUNTY.
9. The Authority agrees not to issue additional bonds relating to the System (as defined in the Resolution), refunding bonds relating to the System or subordinate debt relating to the System, nor to amend the Resolution without the County's prior written consent. The Authority agrees to redeem the 2003 Refunding Bonds in such amounts and at such times as permitted by the Resolution and as the County may request upon payment by the County of the applicable redemption price therefore.
10. The Authority shall prepare and deliver to the County monthly reports of the Authority's financial and operating performance. The Authority shall also deliver to the County a copy of each annual audit of the Authority's books and records promptly upon the Authority's acceptance of such audit.
11. Any notices or requests required to be given hereunder shall be deemed given if sent by registered or certified mail, postage prepaid, addressed (a) if to the Authority, at 23008 Airpark Drive, Petersburg, Virginia 23803, Attention: Executive Director, with a copy to its Counsel at Hunton & Williams, 951 East Byrd Street, Richmond, Virginia 23219 (Attention: Christopher G. Kulp), and (b) if to the County, at Dinwiddie County Administration Building, Dinwiddie, Virginia 23841, Attention: County Administrator, with a copy to the County Attorney, Daniel M. Siegel, Esquire, at Sands Anderson Marks & Miller, P. O. Box 1998, Richmond, Virginia 23219. Any party may designate any other address for notices or requests by giving notice under this paragraph.

12. It is the intent of the parties hereto that this Support Agreement shall be governed by the laws of the Commonwealth of Virginia.
13. This Support Agreement shall remain in full force and effect until the 2003 Refunding Bonds have been paid in full.
14. All capitalized terms used herein and not otherwise defined shall have the meanings ascribed thereto in the Resolution.

**IN WITNESS WHEREOF**, the parties hereto have each caused this Support Agreement to be executed in their respective names as of the date first above written.

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

(SEAL)

By \_\_\_\_\_

Chairman

**DINWIDDIE COUNTY WATER  
AUTHORITY**

(SEAL)

By \_\_\_\_\_

Chairman

**IN RE: RESOLUTION OF SUPPORT FOR GREENSVILE COUNTY  
TO ESTABLISH A HIGHER EDUCATION CENTER**

The County Administrator stated she received a request from Greensville County asking the Board to pass a resolution of support regarding their efforts to establish a Higher Education Center. At the present time, the Southside Virginia Community College operates a campus located in Alberta. The space is in a building provided by Perdue and they would like to see them relocate somewhere else. The space is very inadequate and is not handicapped accessible. Greensville County received funding from CDBG to perform a needs assessment to show the need for a new center. It will serve as a One Stop Work Center for VEC and provide GED training and assist the unemployed and the underemployed. They will be seeking funding through the Tobacco Commission, CDBG, and various grant/loan sources to construct the facility. The campus has been used by Dinwiddie County residents. The resolution supports this effort; however, it does not bind the county to any financial commitment now or in the future.

Upon Motion of Mr. Clay, Seconded by Mr. Haraway, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman voting "Aye," the following resolution of support was adopted; it does not bind the County to any financial commitment now or in the future.

WHEREAS, the current educational facilities utilized by the Southside Virginia Community College, Virginia Workforce Center, and Southside Programs for Adult Continuing Education, located in Emporia, Virginia are decentralized and inadequate due to an insufficient number of classrooms,

insufficient technology, and non-compliance to the Americans with Disabilities Act; and

WHEREAS, those persons using the aforementioned educational facilities were surveyed and found to be citizens of Brunswick, Dinwiddie, Sussex, Southampton, and Greensville Counties as well as the City of Emporia; and

WHEREAS, an effort currently exists to address the needs of unemployed and underemployed persons, as well as the training and educational needs of industries located in those jurisdictions and the facilities needs of the Southside Virginia Community College, Virginia Workforce Center, and Southside Programs for Adults Continuing Education.

NOW THEREFORE, BE IT RESOLVED, that the Dinwiddie County Board of supervisors supports and endorses the efforts that are being undertaken to meet the needs of unemployed and underemployed persons, and the educational and training needs of industries as well as to improve facilities for the Southside Virginia Community College, Virginia Workforce Center and the Southside Programs for Adult Continuing Education.

**IN RE: AUTHORIZATION TO APPROVE ITEMS TO MEET THE  
NEW STATE REGULATIONS TO RENEW THE COUNTY'S  
EMS LICENSE**

The County Administrator stated the Public Safety Director is distributing a resolution to review and adopt to meet the new State regulations to renew the County's EMS license. The resolution includes the response areas and the response times discussed at an earlier meeting.

Mr. David Jolly, Public Safety Director, commented on Saturday, March 1, 2003 a meeting was held between members of Dinwiddie Volunteer Rescue Squad and Dinwiddie Public Safety to establish emergency response areas. The meeting was very successful and we came to some agreements that are closely in line with what was originally presented to the organization. These areas are required to comply with the EMS Rules and Regulations that were effective January 15, 2003.

The group designated primary response areas by utilizing the intersections of streets. Which responding unit would be delivering emergency medical services established these intersections. The closest responding unit available, utilizing mileage and response time were used in determining these response areas.

Mr. Jolly commented based on the results of that meeting, he requested that the Board approve the following items:

1. Allow the County Administrator and the Director of Public Safety to adopt and/or approve any policy or condition necessary to comply with the Virginia Office of EMS Rules and Regulations; and
2. Designate the primary response areas for each of the licensed agencies within the County as outlined on a map to be maintained within the Office of Public Safety and approved by the Director of Public Safety; and
3. Designate the unit mobilization standard to be four (4) minutes from the time of dispatch until the time the unit has started to respond; and
4. Designate the unit responding interval standard to be no more than twenty-six (26) minutes from unit responding to on-scene; and

5. Allow the Department of Public Safety – EMS Division to enter into a mutual aid agreement between the Dinwiddie Volunteer Ambulance and Rescue Squad and the Department of Public Safety to cover each other's area as the secondary agency in times in which the agency is unable to respond.

Upon Motion of Mr. Bracey, Seconded by Mr. Moody, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman voting "Aye," the above listed items were approved.

**IN RE: COUNTY ADMINISTRATOR COMMENTS**

The County Administrator commented on March 12<sup>th</sup> the Planning Commission is holding the public hearing on the conditional use permit for Tidewater Quarries and they have agreed to come in at 5:30 P.M. to hold a combined workshop with the Board if you all would be in agreement with coming in at that time. We have been trying to get some answers to questions, which have come up at some of the various workshops and meetings. One of the issues that came up was the historical significance of the battles that took place on the subject property. The National Park Service has agreed to attend the meeting and discuss the Draft General Maintenance Plan and further describe the areas that they are working on to preserve in the County. The Board agreed to the workshop.

**IN RE: BOARD MEMBER COMMENTS**

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|------------|---|
| Mr. Moody  | He stated the memo from the Virginia Gateway Region, which was provided in our packets, is a good document that should be turned over to the Economic Development Department. One article dealt with retaining existing businesses; also on page 26 it deals with strategic planning services and he felt the Board should have a work session on that. |
| Mr. Bowman | He agreed with Mr. Moody about the work session. He commented he would like for the Board to see if the Planning Commission could come up with some ideas as to how we could raise the bar in the County on subdivisions to increase the size of homes.   |

The County Administrator asked the Board if they would be thinking of some dates they could meet to go over the budget. The Board members suggested that she set the dates and let them know when to be here.

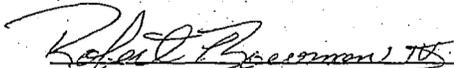
**IN RE: INFORMATION IN BOARD PACKET OR DISTRIBUTED**

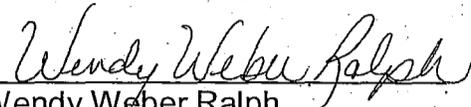
1. Memo from – Virginia's Gateway Region and "A Blueprint for Elected Officials".
2. Virginia Motorsports Park 2003 schedule of events.
3. "Sample" letter from Southeast High Speed Rail Corridor regarding location survey notification.

**RE: ADJOURNMENT**

Upon motion of Mr. Haraway, Seconded by Mr. Clay, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman voting "Aye," the meeting adjourned at 9:28 P.M. to be continued until 5:30 P.M. on Wednesday, March 12, 2003 for a combined work session with the Planning Commission for the National Park

Service to present the Draft General Maintenance Plan for Dinwiddie County to be held in the Multi-purpose Room of the Eastside Community Enhancement Center.

  
Robert Bowman, IV, Chairman

ATTEST:   
Wendy Weber Ralph  
County Administrator

/abr

