

VIRGINIA: AT THE CONTINUATION MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD JOINTLY WITH THE DINWIDDIE COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY IN THE MULTI PURPOSE ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 21st DAY OF OCTOBER, 2003, AT 11:30 A.M.

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

OTHER: DAN SIEGEL COUNTY ATTORNEY

ABSENT: HARRISON A. MOODY ELECTION DISTRICT #1

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Mr. Robert L. Bowman, Chair, called the continuation meeting to order at 11:42 A.M.

IN RE: CLOSED SESSION

Mr. Bowman stated I move to close this meeting in order to discuss matters exempt under section: **2.1-3711(A) 7 of the code of Virginia, Consultation with Legal Counsel VBF Settlement**

The Industrial Development Authority also moved into closed session.

Upon motion of Mr. Clay, Seconded by Mr. Haraway, Mr. Bracey, Mr. Clay, Mr. Haraway, Mr. Bowman voting "Aye," the Board moved into closed session at 11:45 A.M. for the purpose of Consultation with Legal Counsel.

A Vote having been made and approved the meeting reconvened into Open Session at 12:33 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under 2.1-3711(A) 7 CONSULTATION WITH LEGAL COUNSEL – VBF Settlement.

And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

Upon motion of Mr. Clay, Seconded by Mr. Haraway, Mr. Bracey, Mr. Clay, Mr. Haraway, Mr. Bowman voting "Aye," this Certification Resolution was adopted.

**IN RE: RESOLUTION OF THE BOARD OF SUPERVISORS OF
DINWIDDIE COUNTY, VIRGINIA, APPROVING
SETTLEMENT AGREEMENTS RELATING TO VIRGINIA
BIO-FUEL CORPORATION LAWSUITS**

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

Be it Resolved by the Board of Supervisors of Dinwiddie County, Virginia that the Chairman or Vice Chairman of the Board of Supervisors of Dinwiddie County, Virginia, is hereby authorized on behalf of Dinwiddie County to enter into settlement agreements and any related releases in relation to the various

lawsuits and past and future claims arising out of the contracts with Virginia Bio-Fuel Corporation with the parties set forth therein and/or arising out of the Dinwiddie County Landfill and the materials recovery facility and the co-composting facility, including, but not limited to, the following parties:

CLOUGH HARBOUR & ASSOCIATES LLP, a New York Limited Liability Partnership

HARVEY T. BAXTER, III

CLAIRE T. BAXTER

GENTRY WELL WORKS, INC., a Virginia Corporation

VIRGINIA BIO-FUEL CORPORATION, a Virginia Corporation

WACHOVIA BANK, N.A. (successor in interest to Signet Bank, N.A.)

The resolution shall be effective immediately.

At 12:45 P.M. the Board of Supervisors and the Industrial Development Authority broke for lunch. At 1:00 P.M. the Board and IDA reconvened.

**IN RE: COMMUNICATIONS SYSTEM FINANCING –
DAVENPORT & CO**

David Rose with Davenport & Company presented a summary of the three responses from the RFP that was sent out on financing the Communication system. The Sun Trust Bank option (option B) 3.79 percent for a twenty-year amortization with a ten-year interest rate was recommended as the best option.

Mr. Haraway asked what the increase would be after the first ten years were completed and Mr. Rose stated he did not know. Mr. Haraway also questioned the expected life of the equipment and stated that it would not be fair to the next generation to pay for something that has already worn out.

Upon motion of Mr. Clay, Seconded by Mr. Haraway, Mr. Bracey, Mr. Clay, Mr. Haraway, Mr. Bowman voting "Aye," the Sun Trust Bank option B for financing was approved.

Mr. Haraway suggested that legal fees be a set rate instead of a hourly rate.

Mr. Bowman wanted to see the cost involved in maintaining the radio system located at the Sheriff's Office.

Mr. Bracey stated that he hoped some kind of way we could get the departments to hold a meeting and work on, coming together on the communications systems issue.

Mr. Bowman wanted to know the legal obligation the Board has in regards to getting the Sheriff's Department to accept the change concerning the communication system. The closing documents will be presented to the IDA on November 4, 2003 and to the Board on November 5, 2003.

**IN RE: CAPITAL FUNDING ANALYSIS – PROPOSED SCHOOL
IMPROVEMENTS**

Mr. David Rose handed out a "draft" copy of a Multi Year Capital Projects Plan of Financing. He stated that this was prepared with a growth rate of six percent. He also stated the importance of the County not using all their reserves

to fund these projects. The County Administrator pointed out that the Board had made no decisions. This provides a maximum tax rate increase for the Board to consider when making its decisions. Using the School Board's option one and adding in the cost of school buses and the communications system, the total funds needed would be 63,600,000. The tax impact would require a 7-cent increase in 2006 and a 3-cent increase in 2007. This would also require using the entire capital fund reserve of \$10 million.

GENERAL

E-911 \$4,500,000

SCHOOL RELATED

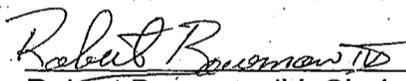
New ROHOIC Elementary	\$14,700,000
ROHOIC Elementary Upgrades	1,900,000
New Middle School	29,700,000
High School Renovations & Additions	6,800,000
Central School Board Facility	2,000,000
School Buses	<u>4,000,000</u>

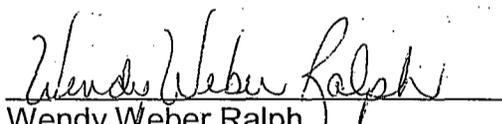
TOTAL \$ 63,600,000

Mr. Bracey stated that he sat here for twenty minutes listening to what Mr. Rose and others were saying, but wanted to know has anyone been listening to what the Board is saying. He said we need to listen to what the citizens are saying. No further action was taken.

RE: ADJOURNMENT

Upon Motion of Mr. Clay, Seconded by Mr. Haraway, Mr. Bracey, Mr. Haraway, Mr. Clay, Mr. Bowman, voting "Aye", the meeting adjourned at 2:08 P.M.


Robert Bowman, IV, Chairman


Wendy Weber Ralph
County Administrator

/abr

