

VIRGINIA: AT THE REGULAR MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 5TH DAY OF NOVEMBER, 2003, AT 7:30 P.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
HARRISON A. MOODY ELECTION DISTRICT #1

OTHER: DAN SEIGEL COUNTY ATTORNEY
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IN RE: CALL TO ORDER – INVOCATION – PLEDGE OF ALLEGIANCE

Mr. Robert L. Bowman IV, Chair, called the regular meeting to order at 7:34 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

Mrs. Wendy Weber Ralph, County Administrator, stated there is a need to add a Closed Session. She suggested that it be added after item four of the Public Hearings and listed as 6(A). She added that under Closed Session items 2.2-3711 A .30 of the Code of Virginia, Discussion of Contract Negotiations – General Reassessment, 2.2-377 A .7 of the Code of Virginia, Consultation with Legal Counsel – Dispatch Equipment for Sheriff and Chaparral Agreement.

Upon motion of Mr. Moody, Seconded by Mr. Haraway, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman voting "Aye," the above amendments were approved.

IN RE: MINUTES

Upon motion of Mr. Clay, Seconded by Mr. Haraway, 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 minutes of the October 21, 2003 Continuation Meeting are hereby approved.

IN RE: CLAIMS

Upon motion of Mr. Clay, Seconded by Mr. Haraway, 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 1037115 through 1037254 (void check(s) numbered 1037126, 1037130, 1037134, 1037136, 1037175, 1037176, 1037185, 1037190, 1037206, 1037224, 1037226, 1037255, 1037256, 1037257 for:

Accounts Payable

(101) General Fund	\$	126,193.96
(103) Jail Commission	\$	201.62
(209) Litter Control	\$	
(222) E911 Fund	\$	9412.15
(223) Self Insurance Fund	\$	

(225) Courthouse Maintenance	\$	1825.00
(226) Law Library	\$	934.60
(228) Fire Programs	\$	720.00
(229) Forfeited Asset Sharing	\$	59.99
(304) CDBG Grant Fund	\$	20,455.10
(305) Capital Projects Fund	\$	211,503.95
(401) County Debt Service	\$	<u>57,572.48</u>
 TOTAL	 \$	 428,878.85

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.

The following citizen(s) came forward to address the Board:

1. Margaret Avery – 18505 Shippings Road, Dewitt, Virginia – She stated that she is concerned with the spreading of Bio-Solids. She has health problems that have been affected by the spreading of the Bio-Solids on two occasions. She stated that in April of 2003, after being in the hospital for nine days with Asthmatic Bronchitis and a collapsed lung, her doctor instructed her of the need for her to get out and get some fresh air and do some walking. She stated that after the spreading of Bio-Solids on the adjacent land she could not get out any more. She stated on the second occasion she was going to the church, which is Mount Olivet United Methodist on Route 40, because windows had been broken and when she arrived she noticed Bio-Solids being spread on the property across from the church. She stated that she got sick and had to go home and have a breathing treatment. She stated that she wished the County would think about the Bio-Solids ordinance seriously and consider those persons who have health problems. She stated that she wanted the County to set the guidelines and not put it off and wait.
2. Geri Barefoot – 7411 Frontage Road, - Petersburg, Virginia – She stated she was upset when she read the Monitor on Wednesday November 5. She stated that it seemed from the article that the Farm Bureau is controlling the ordinance that we are trying to put on Bio-Solids. She stated that the consensus from reading the article is that we are the opposition simply because we want our County safe. She stated that the Farm Bureau was asking that we put off the hearing on the workshop. She stated she wanted to know what gave them that right? She asked Mr. Moody if he was on the Board for Virginia Farm Bureau and does he sell Bio-Solids? She stated that seems to offer a conflict of Interest that we could only have one person to represent our group, yet they can have several speakers on the subject. She stated that all she is asking is that this be a safe ordinance for our County.
3. Anne Scarborough – Boydton Plank Road, - Dinwiddie Virginia – She stated that in the past persons have come forward speaking about health hazards with Bio-Solids and tonight a citizen from our County is saying something about it. She stated that it is urgent for us to get this ordinance done as soon as possible. She stated that there is still a problem with signs not being replaced in the County on a timely basis. She also stated that the County has spent a lot of money to purchase the chairs the Board Members are sitting in and she is appalled to see all the nicks and scratches on the arms of the chairs. She would like for the Board to take better care of the county's property.

4. Margie Flowers – 14919 Wilkerson Road, - Dewitt Virginia – She stated that Ms. Margaret Avery and Ms. Geri Barefoot expressed her views and concerns related to the Bio-Solids. She stated that the people in this County spoke during the election and they know what they want. She said that they will not stand by anymore and let there be the “good old boy system”. She added that she hoped the Board would not drag their feet concerning Bio-Solids.
5. Michael W. Bratschi – 23500 Cutbank Road, - McKenney Virginia – He stated that it was nice to hear the pledge but unfortunately some people in the County pledge allegiance to a different flag. He stated the Nazi flag was placed in his mailbox on October 29, 2003 among other things that have been done to my family’s property. He stated that they crossed the line. He said that if they mess with his family, “he will cap them and that is a promise”. He stated that the Sheriff’s Department said because they were not Jewish, this was not a hate crime. He said that he had to go and research the code for them. He also mentioned that he was not surprised because the Deputy that came to his house had not been to the academy yet; he had no police experience. He stated that he hoped the remaining Board Members would not let the two new Board Members influence you to vote their way. He restated his main reason for coming forward tonight and that was to let the people know that he is tired of all the threats made on him and his family. He stated that it has been going on for a long time and he is sick of it. He stated that he feels the Board of Supervisors should be concerned that this is existing in this County and if they are not, they are giving people like that the right to threaten their family. He stated that his wife said she has great respect for Mr. Clay and if she could she would give him her votes so he could stay in office.
6. George Whitman Jr. – 13010 Old Stage Road, - Petersburg Virginia – He said now that the elections are behind us, he hoped that we could put away our differences and join hands and move forward. He stated that he hopes the transition will be smooth, because it is what the citizens of Dinwiddie would like to see. He stated that he is at the meeting as the president for the Citizens For A Better Dinwiddie. He stated that he would like to see the Citizens For A Better Dinwiddie be a liaison to help keep the people posted on what is happening in the County.
7. Luther Parker – 12241 Trinity Drive, - Church Road Virginia – He stated that he concurs with all the statements made about Bio-Solids. He stated that he wanted Mr. Moody and the members of the Farm Bureau to know that there is no opposition. He stated that he knows it cannot be banned but that is not what the effort is. The effort is to get an ordinance that suits the needs of the people of Dinwiddie County and not the needs of some external entity that wants to change the expectation. He stated he hoped we will go forward with the time line and get this ordinance done.

Mr. Bowman stated that Mrs. Ralph is going to address the meeting in her administrative comments. Mr. Bowman then asked if there was anyone else who wanted to comment but had not signed up.

8. Michelle Parker – 6812 Duncan Road, - Petersburg Virginia – She stated she didn’t have the proof but she would get it. She continued by saying Farm Bureau wants to move the meeting back because it is in November and December that they do most of their spreading and then they come back in the spring time and do the rest. She stated that she knows the spreading of Bio-Solids cannot

be stopped and she knows the reason why they are trying to stall the meeting. She stated that you have heard person after person come forward and talk about this issue and there is a need for some type of restriction or notification.

Mr. Bowman stated that he does not believe that some company is putting pressure on the Board to push the meeting back. He stated that the Board is trying to coordinate dates with people, professors and those on the Citizen's For A Better Dinwiddie to come in and bring person's to speak to this issue and express their ideas. He asked that they would contact him and let the Board know when they are available.

Mr. Moody stated that the County Attorney has done research in this area and he wanted her to give a quick overview on the matter of what can and cannot be done.

The County Attorney stated that the Virginia Supreme Court has stated that a locality cannot ban Bio-Solids when an applicator holds a permit allowing them to spread Bio-Solids. She stated that there are localities that have adopted regulations and ordinances that are something less than bans but have more restrictions and those have been struck down in the western part of the state. She continued by saying the model ordinance was developed as sort of an agreement by everyone involved so that it would not be subject to challenge if the County wanted to adopt it as their ordinance.

Mr. Bowman asked that the Citizen's For A Better Dinwiddie get with Mrs. Ralph and make sure that the dates being selected are ok so we can move on this as soon as we can coordinate dates.

**IN RE: PUBLIC HEARING – LEASE OF COUNTY PROPERTY –
USE AS DRUGSTORE**

This being the time and place as advertised in the Dinwiddie Monitor on October 22, 2003 and October 29, 2003, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comments regarding the Lease of County Property for use as a Drugstore.

Mrs. Ralph stated that the County had recently purchased what is known as the bank's building located at 14200 Sycamore Drive. She stated that since the banks departure of the building the owner leased it to Mr. Rainey after the unfortunate burning down of his building. She said that whenever the County took over the building they became the landowner of the building. She stated that the state code requires that the County hold a Public Hearing when selling property and with the interpretation of leasing a property; the County was advised to hold a public hearing and that is what's happening tonight. She stated that Mr. Rainey was available and she wanted him to make a few short comments on his plans as far as the use of the building.

Mr. Charles Rainey stated that his plan is to build a new Drug Store building at the site of Dr. Ashby's old office. He stated that he has recently purchased the property and at present he is working on plans for his new building. He stated that if it would please the County he would appreciate if they would let him continue to lease the building until he finishes the project.

Ms. Margie Flowers came forward and stated that she hoped the County would consider continuing to lease the building to Mr. Rainey. She stated that without this Drug Store many people would be forced to go to Petersburg and McKenney.

Upon motion of Mr. Clay, Seconded by, Mr. Bracey, 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 County Administrator is authorized to sign the lease of County property with Charles Rainey Jr. for use as a drugstore as presented.

IN RE: PUBLIC HEARING – 2002/03 – 2006/07 CIP

This being the time and place as advertised in the Dinwiddie Monitor on October 22, 2003 and October 29, 2003, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comments regarding the 2002/03 – 2006/07 Capital Improvement Program.

The County Administrator stated that it is her pleasure to present the recommended FY 2002/03 – 2006/07 Capital Improvement Program (CIP) for the Board of Supervisors review and consideration. She stated that before them is a plan that focuses on the County's five year capital needs. She went on to say that the County continues to be challenged with balancing the maintenance of our existing facilities and equipment with the growing needs of our community. She said that while the needs of County Agencies, Constitutional Officers and Department Heads continue to significantly exceed the financial resources available, the County is pleased to present the Board with a program that provides balance between the finite resources and an ever increasing number of priorities. She stated the five-year Capital Improvement Program totals \$20,170,389. The first year of the five-year program, which will be referred to from now on as the Capital Budget, is \$1,143,282. Below is a summary of the projects that are recommended within the Capital Budget:

*	Purchase of seven school buses -	\$368,781
*	Continuation of funding for Countywide GIS -	\$153,781
*	Continuation of building renovation to Namozine VFD -	\$121,193
*	Construction of a new Rohoic Elementary School -	\$14,681,100
*	Development of County Industrial Park -	\$252,000
*	Establish a second convenience center -	\$56,364
*	Installation of generator at Pamplin Admin Building -	\$106,163
*	Rechassis 1997 ambulance -	\$85,000

The purchase of seven school buses was previously approved by the Board to meet the emergency needs of the school system.

The County Administrator asked Mr. David Thompson to come forward and give a brief explanation of the continued funding of GIS.

Mr. Thompson stated that the County has signed a contract with Worldview Solutions Inc. to start the implementations and development of the GIS, which the funding was for \$424,000. He stated that there is some hardware and software licensing issues that need to be dealt with, but he does not anticipate that portion costing over \$100,000. He stated that the original needs assessment of this program was around \$1,000,000 but it will come in around half that amount. He said the reason for this is technology is a lot less expensive now than it was when the needs assessment was done. He stated that it should be noted that there are two more years of monies allocated for this project, but only a small fraction will be needed for 2004 and nothing will be needed in 2005. He stated that we are at the pilot portion of the project and he invited anyone to come and see how GIS works. He also said that he would be coming back to the Board with a presentation of the working of GIS.

Mr. Clay stated that it would be a good idea for Mr. Thompson to explain to the citizens what GIS is and what are some things GIS can do.

Mr. Thompson stated that GIS stands for Geographic Information Systems. He went on to say that you will be able to get tax parcel information,

and acquire information on a piece of property. He stated it will help with redistricting lines and with school bus routings.

Mr. Bowman stated that there was one thing he knew that saved the County some money and that was when the state stepped in with the flyovers. It was a saving of \$140,000. He said that the state did that because every county was doing the flyovers individually and having different scales done and a lot of the maps didn't match up.

Mr. Bracey asked if this system will be able find properties and homes that are not listed in the County records that are on parcels of land in the County?

Mr. Thompson yes.

The County Administrator asked Mr. David Jolly to come forward and give a brief explanation of the continued building renovation to Namozine VFD which originally came in as a building addition and when the Building and Grounds Director, Mr. Jolly and the architect looked at it, it appeared that we could go in and renovate the building and do what was really needed and save money at the same time. She stated that this renovation is needed to handle the over 2000 calls a year that come through that department.

Mr. Jolly stated that he wanted to thank the volunteers for all their hard work so far. He said they have completed almost all of the interior demolition themselves. He stated that this is a group effort between the County's CIP process and the volunteers. He stated that the final set of plans will be presented at the November 18, 2003 meeting. He echoed the County Administrators comments on the need because of the over 2000 calls a year and added that this Volunteer Fire Department is the largest and one of the busiest running stations.

Mr. Bowman asked Mr. Jolly if he would thank the volunteers on behalf of the Board for saving the County money.

The County Administrator stated that there is one thing with the building that was evident during the recent storm that the County does want to try work in as the bids come in and funding is available and that is an emergency generator in that renovation.

She said the next item to address is the new Rohoic Elementary School. She said she wanted to point out that the committee realizes there have not been any decisions made by the Board. She said this is not a recommendation to do any size of building, it is just recognition by the committee that an additional Elementary School was needed. She stated the Development of a County Industrial Park is a wonderful use of matching local funds with funds from the Tobacco Commission. She said that we were fortunate enough to receive \$2,500,000 through the Tobacco Commission. She wanted to thank Mr. Scheid for the application in getting the grant. She stated that the establishment of a second convenience center or what is referred to, as a manned site is similar to the one that is at Rohoic. She said there has been a lot of good comments about the site at Rohoic and the County would like to continue those types of centers around the County. She stated that it includes the purchase of property if needed and the equipment to go there. She said it has proven to be quite beneficial because there has been some reduction in the amount of workload at a manned site because it is controlled as opposed to an unmanned site that is not controlled where anyone can use it and anything can be brought in. She stated that the generator at the Pamplin Administration Building became quite apparent during the hurricane. She said there is work that can only be done by the Administration and the School Board in the building. She also stated that the Social Services Building is in need of a generator, but the County was already into this current plan. She said they were not included in this budget year but she realizes the need. She stated that the last project is the Rechassis of a 1997

ambulance and she had Mr. Jolly come forward to address the matter and describe exactly where we are with the mileage on the present unit and why we need the rechassis.

Mr. Jolly stated that the County wants to get the best wear out of their vehicles and he has presented a plan where in the ambulances after six years of service life are rechassis. He said that rechassis the unit would give it an additional six years of life. In other words spending the \$85,000 this year to service the chassis could prevent you from replacing the unit, which would cost \$111,000 to \$112,000 in the up coming years.

Mr. Haraway asked what is the cost difference between a new chassis and a redone chassis.

Mr. Jolly stated that a new chassis would cost \$43,000 and a redone chassis would cost \$26,000.

The County Administrator went on to say that details for all of the projects recommended for funding in the FY 2002/03 – 2006/07 Capital Improvement Program can be found in the project description section at the end of her presentational document. She concluded that she was proud to present the Board with the FY 2002/03 – 2006/07 Capital Improvement Program, which she believes is both fiscally responsible and responsive to the community as the County moves into the new millennium. She thanked the Board for their careful review and consideration of the proposal. She also thanked the Board for their continued support as the County pursues capital improvements that will enhance the quality of life for citizens in the County of Dinwiddie.

Upon motion of Mr. Haraway, 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 2002/03 through 2006/07 Proposed Capital Improvement Program be approved as presented and;

BE IT FURTHER RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia that all projects listed in the FY 03 budget year will be brought back to the Board for approval before going forward with the item.

**IN RE: PUBLIC HEARING – C-03-1 COMMUNICATION TOWER –
WHEELER'S POND ROAD (LAND FILL)**

This being the time and place as advertised in the Dinwiddie Monitor on October 22, 2003 and October 29, 2003, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comments regarding C-03-1 the construction of a Communication Tower on Wheeler's Pond Road which is at the Land Fill.

Mr. William C. Scheid, Planning Director, came forward and stated that he had a prepared statement, which he has read for the past three years. He stated that it's done that way to streamline the hearing. He then read the statement below:

"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 cases."

The applicant, the County of Dinwiddie, is seeking a conditional use permit to construct a 180' guyed wire communications tower with antenna and support equipment. The tower is needed in order to implement the countywide wireless communications system for emergency services. Location of the tower is proposed at the County Landfill near the front of the property. The Planning Commission heard this request at their October 15, 2003 public meeting. After introduction of the case by planning staff, the applicant came forth to answer several questions regarding the application. Upon conclusion of questions by the Planning Commission, the meeting was opened for public comment. No one present wished to speak, therefore the Chairman closed the public comment portion of the meeting. Upon concluding discussions among the Commissioners, the Planning Commission voted unanimously (5-0) to recommend approval of the conditional use permit without conditions to the Board of Supervisors.

The County Administrator stated that she asked Motorola to be prepared with coverage maps so the public could see what all is involved and how it all relates to the towers.

Will Smithson of Radio Communications, Inc. came forward and introduced himself and an engineer from Motorola by the name of John White. He stated that Motorola responded to the need for the County request on a proposal for a public safety communication system. He stated that Motorola is responsible for the design of system and coverage to meet the County's coverage expectations. He stated that there was an attempt to use the existing tower sites that the County had reciprocity on for co locations. He stated that there was only one site for that option and that was the Alltel tower in Dewitt. He stated that the Landfill and Fire Station sites were chosen based on an engineering aspect. He stated in order to give the County what they wanted in terms of Narrow Band and VHS High Band frequencies the tower had to be configured in particular way to give the County the hand held radio coverage that was required for its public safety. He said that is how the height and elevation of the towers as well as the location of the towers were decided.

Mr. Bracey read the statement below:

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

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 conditional use permit C-03-1 be APPROVED by the Board of Supervisors.

IN RE: PUBLIC HEARING – C-03-2 COMMUNICATION TOWER – BOYDTON PLANK ROAD (DINWIDDIE VFD)

This being the time and place as advertised in the Dinwiddie Monitor on October 22, 2003 and October 29, 2003, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comments regarding C-03-2 the construction of a Communication Tower on Boydton Plank Road which is at the Dinwiddie VFD.

Mr. William C. Scheid, Planning Director, came forward and stated that this is the second part of the application process. He read the case number and stated that there are some dissimilarities with case C-03-1 and C-03-2 and he would mention them as he came across them in his report:

"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 public's 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 cases."

The applicant, the County of Dinwiddie, is seeking a conditional use permit to construct a 180' self-supporting communications tower with antenna and support equipment. The tower is needed in order to implement the countywide wireless communications system for emergency services. Location of the tower is proposed at the Dinwiddie VFD and EMS building on Boydton Plank Road in Dinwiddie. The Planning Commission heard this request at their October 15, 2003 public meeting. After introduction of the case by planning staff, the applicant came forth to answer several questions regarding the application. Upon conclusion of questions by the Planning Commission, the meeting was opened for public comment. No one present wished to speak, therefore the Chairman closed the public comment portion of the meeting. Due to the site visibility from Route 1, the Commission decided that a 15' to 25' buffer containing evergreens be required at the base of the tower outside of the security fence. Upon concluding discussions among the Commissioners, the Planning Commission voted unanimously (5-0) to recommend approval of the conditional use permit with the buffer condition to the Board of Supervisors.

Mr. Scheid recommended to the Board that the towers be built structurally as to support two additional antennas. He stated that the County at some point could lease out the space to other providers and gain revenue from it, plus the County would not be required to have so many towers in the future.

Mr. Bracey stated that it seem to him that one of the towers would be positioned on the chosen property so as to prevent further developing of that property.

Mr. Scheid responded by agreeing with Mr. Bracey and added that the tower would need to be positioned off to the side of the property so that access could be made to the rear of the property making it developable.

The County Administrator stated that the picture that was developed was just to give us an idea of how it would look and it does not mean that it has to go into that specific spot. She would certainly want the tower placed so as to not hinder the property being developed. She stated that the staff will work with Motorola on a site plan to assure full use of the property.

Mr. Haraway read the statement below:

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

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 conditional use permit C-03-2 be APPROVED by the Board of Supervisors with the conditions as presented.

IN RE: CLOSED SESSION

Mr. Haraway stated that I move to close this meeting in order to discuss matters exempt under sections:

**2.2-3711 A .30 of the code of Virginia, Discussion of Contract Negotiations
General Reassessment**

2.2-3711 A .7 of the code of Virginia, Consultation with Legal Counsel
Dispatch Equipment for Sheriff

2.2-3711 A .7 of the code of Virginia, Consultation with Legal Counsel
Chaparral Agreement.

Mr. Haraway also asked that the new Board members Mrs. Moody and Mr. Stone be allowed to attend the Closed Session to help in the orientation process.

Upon Motion of Mr. Haraway, Seconded by Mr. Moody, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman, voting "Aye", the Board moved into the Closed Session at 7:30 P.M.

A Vote having been made and approved the meeting reconvened into Open Session at 8:49 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under 2.2-3711 A .30 Discussion of Contract Negotiations – General Reassessment and 2.2-3711 A .7 Consultation with Legal Counsel – Dispatch Equipment for Sheriff and Chaparral Agreement.

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: COMMUNICATIONS SYSTEM – APPROVAL OF CLOSING DOCUMENTS FOR FINANCING

The County Administrator stated that she just wanted to go over with the Board what makes up the Bond Issue and all the different pieces. She also said that the reason the Motorola spokes persons have remained is because if there are any questions on any of the items she wanted them to answer them. She went on to say that the cost of the Radio System including towers was \$4,230,079. The cost of furniture from Watson Dispatch Furniture was \$44,847. The cost of the Computer Aided Dispatch Equipment is still out on bid and will not come back in until November 24, 2003. She stated that she asked Ms. Denise Absher to provide the Board with an estimated cost of what she thinks the top amount might be. Her estimated cost at this time is \$350,000. The County Administrator stated that some part of the \$350,000 would be reimbursed by the Wireless Board. The County Administrator said that Ms. Absher stated that around 30% more or less of the cost would be reimbursed depending on how it is structured. The County Administrator said it is based on what part of the equipment is for mapping, which is required by the Wireless Board and that is why they are getting reimbursement for it. The County Administrator said if you look at the total cost it comes up to \$4,624,926. The County Administrator said with the current CIP we funded \$211,000, which was provided for debt service. This leaves a new balance of \$4,413,926. The County Administrator stated that the financing fees will be around \$25,000 and bond counsel fees will total around \$20,000.

The County Attorney presented a resolution for the Board to approve the closing documents.

Upon motion of Mr. Clay, Seconded by Mr. Haraway, 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 resolution be approved:

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

WHEREAS, the Board of Supervisors of Dinwiddie County, Virginia (**the "Board of Supervisors"**) directed Davenport & Company, LLC (**the "Financial Advisor"**) to prepare a Request for Proposals (**the "RFP"**) to obtain financing plans to pay the costs of the development, acquisition, construction, equipping and installation of an E-911 Emergency Equipment System (**the "Project"**);

WHEREAS, the Financial Advisor has received responses to the RFP that reflect attractive financing for the Project, and, after reviewing the responses, the Financial Advisor along with the County's Bond Counsel, Sands Anderson Marks & Miller (**"Bond Counsel"**) has recommended that the Board of Supervisors select the proposal from SunTrust Bank (**the "SunTrust Bank Proposal"**);

WHEREAS, the Board of Supervisors has reviewed each of the responses and recommendations from the Financial Advisor and Bond Counsel and has determined that the SunTrust Bank Proposal is the most beneficial response to the RFP and provides attractive financing terms for the Project and the Board of Supervisors, on behalf of the County, desires to accept such SunTrust Bank Proposal and proceed with the financing reflected therein;

WHEREAS, the Board of Supervisors has requested the Industrial Development Authority of Dinwiddie County, Virginia (**the "Authority"**) (a) to issue, offer and sell its lease revenue note or bond in an approximate amount of \$4,500,000 (**the "Note"**) to finance the development, acquisition, construction, equipping and installation of the Project and (b) to lease the Project to the County to accomplish certain purposes of the Virginia Industrial Development and Revenue Bond Act (**the "Act"**), providing its moral obligation in support of the payment of the Note and the Authority has agreed to do so; and

WHEREAS, the Authority based on the request of the Board of Supervisors proposes to (a) use the proceeds of the Note to pay the costs incurred and to be incurred in connection with the Project, including costs of issuing the Note, (b) lease the Project to the County pursuant to a ground lease and a lease agreement with the Authority, and (c) secure the Note by an assignment of its rights under such lease agreement (except the right to receive indemnification, to receive notices and to give consents and to receive its administrative expenses) to SunTrust Bank (**the "Bank"**), under an assignment agreement between the Authority and the Bank, which is to be acknowledged and consented to by the County, all in accordance with a note purchase agreement among the Bank, the County and the Authority.

WHEREAS, there have been presented to this meeting substantially final drafts of the following documents (**collectively, the "Documents"**) in connection with the transactions described above, copies of which shall be filed with the records of the Board of Supervisors:

(a) a Ground Lease dated as of November 1, 2003, between the County and the Authority (i) conveying to the Authority a leasehold interest in the property described therein (**the "Ground Lease"**);

(b) a Lease Agreement, dated as of November 1, 2003, between the Authority and the County conveying to the County a leasehold interest in the Project **(the "Lease Agreement")**;

(c) a Note Purchase Agreement, dated as of November 1, 2003 among the Authority, the County and the Bank, pursuant to which the Note is to be issued **(the "Note Purchase Agreement")**; and

(d) an Assignment Agreement, dated as of November 1, 2003 between the Authority and the Bank, assigning to the Bank certain of the Authority's rights under the Lease Agreement and the Ground Lease, which is to be acknowledged and consented to by the County **(the "Assignment Agreement")**.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Dinwiddie, Virginia:

All costs and expenses in connection with the undertaking of the development, acquisition, construction, equipping and installation of the Project and the issuance of the Note, including the Authority's expenses, the fees and expenses of the County Attorney, and the fees and expenses of the Bank, Bond Counsel and the Financial Advisor, for the sale of the Note, shall be paid from the proceeds therefrom or other funds of the County. If for any reason the Note is not issued, it is understood that all such expenses shall be paid by the County and that the Authority shall have no responsibility therefore.

The County hereby accepts the SunTrust Bank Proposal and instructs the Financial Advisor and Bond Counsel to take all such action as necessary or appropriate to conclude the financing as set forth in the SunTrust Bank Proposal utilizing the 20 year maturity option (3.79% interest rate with a 10 year put option) as set forth therein, for the issuance of the Note.

The following plan for financing the costs of the Project is approved. The Authority shall use the proceeds from the issuance of the Note to finance on behalf of the County, the development, acquisition, construction, equipping and installation of the Project for lease to the County for a lease term not less than the term of the Note at a rent sufficient to pay when due the interest and principal on the Note. The obligation of the Authority to pay principal and interest on the Note will be limited to rent payments received from the County under the lease agreement. The obligation of the County to pay rent under the lease agreement will be subject to the Board of Supervisors of the County making annual appropriations for such purpose. The Board of Supervisors on behalf of the County has adopted this resolution as its moral obligation to the repayment of the Note. The Note will be secured by an assignment of rents to the Bank as the holder thereof. If the Board of Supervisors exercises its right not to appropriate money for rent payments, the Bank may terminate the lease or otherwise exclude the County from possession of the Project. The issuance of the Note on the terms of the SunTrust Bank Proposal, to be set forth in the Note Purchase Agreement and as further described in the Documents, is hereby approved. The Documents are hereby approved in substantially the form submitted at this meeting with such completions, omissions, insertions, changes or modifications as may be approved by the officer executing them whose signature thereon shall be conclusive evidence of approval of such completions, omissions, changes or modifications.

The Chairman or Vice Chairman of the Board of Supervisors, or either of them, and the County Administrator are each hereby authorized and directed to execute the Documents and such other instruments and documents as are necessary or appropriate for the issuance of the Note.

The County consents to its Bond Counsel and County Attorney acting in such capacities as well as special counsel to the Authority in this financing.

The County represents and covenants that it shall not take or omit to take any action the taking or omission of which will cause the Note to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") or otherwise cause the interest on the Note to be includable in gross income for Federal income tax purposes under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the Authority or the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds from the sale of the Note.

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.

All other acts of the officers of the County that are in conformity with the purposes and intent of this resolution and in furtherance of the issuance and sale of the Note and the undertaking of the development, acquisition, construction, equipping and installation of the Project and the leasing of the Project is hereby approved, ratified and confirmed.

The County by acceptance of this financing agrees to indemnify, defend and save harmless, to the extent permitted by law, 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 Note or the development, acquisition, construction, equipping and installation of the Project.

Nothing in this Resolution, the Note or the Documents shall constitute a debt or a pledge of the faith and credit of the Authority or the County, and the Authority shall not be obligated to make any payments under the Note or the Documents except from payments made by or on behalf of the County under the lease agreement pursuant to annual appropriation thereof in accordance with applicable law.

The County hereby designates, and allocates to the Authority in relation to the issuance of the Note, such designation as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code. The County does not reasonably anticipate (nor do any of its subordinate entities reasonably anticipate) issuing more than \$10,000,000 in qualified tax exempt obligations during calendar year 2003 and the County (and any of its subordinate entities) will not designate more than \$10,000,000 of qualified tax-exempt obligations pursuant to Section 265(b)(3) of the Code during such calendar year.

The Board hereby reaffirms and declares, in accordance with U.S. Treasury Regulation Section 1.150-2, as amended from time to time, the County's intent to reimburse the County with the proceeds of the Note for Expenditures with respect to the Project, made on or after the date which is 60 days prior to the date of the adoption of this resolution. The County reasonably expects that it will reimburse the Expenditures with the proceeds of the Note. The maximum principal amount of the Note expected to be issued for the Project is \$4,500,000.

This resolution shall take effect immediately.

ADOPTED THIS 5TH OF NOVEMBER, 2003.

SUPERVISORS

VICE-CHAIRMAN, BOARD OF

CERTIFICATION OF ADOPTION OF RESOLUTION

The undersigned Clerk of the Board of Supervisors of the County of Dinwiddie, Virginia hereby certifies that the Resolution set forth above was duly adopted at an open meeting on November 5th, 2003, by a majority of the Board of Supervisors with the following votes:

Aye:

- Robert L. Bowman, IV,
Chairman
- Donald L. Haraway,
Vice-Chairman
- Harrison A. Moody, Jr.
- Edward A. Bracey, Jr.
- Aubrey S. Clay

Nay:

None

Abstentions:

None

Signed this ____ day of November, 2003.

By: _____
Clerk, Board of Supervisors

IN RE: GENERAL REASSESSMENT – AWARD OF CONTRACT

The County Administrator stated that it is time for our four-year general reassessment. The County received five proposals and they were interviewed on November 3, 2003. Below is a listing of the companies:

- Wampler-Eanes Appraisal Group, Ltd.
- Pearson Appraisal Services
- Blue Ridge Mass Appraisal Company
- Wingate and Associates
- Tri-County Appraisals, Inc.

Upon motion of Mr. Clay, Seconded by Mr. Haraway, 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 County Administrator is authorized to negotiate a contract with Wingate and Associates for the General Reassessment.

IN RE: SOCIAL SERVICES GRANT

The County Administrator stated that before we get into the Bio-Solids Ordinance, she wanted Ms. Kim Willis to come forward and talk a little about the FAMIS (Family Access to Medical Insurance Security) Retention Grant that she made possible for the County to receive.

Ms. Willis stated that the Department of Social Services was awarded a grant for \$24,000 for 12 months. She stated that it will assist the Department of Social Services in retaining children on the FAMIS. She said it is health

Insurance for children who have parents that work that simply cannot afford health care. She said it was a collaboration with County Administration, Social Services, Public Safety and the Crater Health District to make this a successful proposal. She stated that she looks forward to working with the other county agencies as the program is implemented.

IN RE: BIO-SOLIDS WORKSHOP

The County Administrator stated that Mr. Scheid has given the Board a time line on the earliest that things can get done if we were to have a public hearing on December 2, 2003 on a Bio-Solids Ordinance. She stated that he is working on a proposed ordinance and that he has sent it to the state health department and the Attorney General for review because he did not want to present something that was a problem with them. She stated that she did not think that it varied too much from the model ordinance. She said there were, however, some things that came up that Mr. Scheid felt were needed to be included if possible. She said that we should hear from the Attorney General concerning those items included by Mr. Scheid. She also said the Dinwiddie Farm Bureau wanted to make a presentation to the Board with several speakers they had lined up such as Academic Sciences and the State Department of Health. She stated that there was some other input into this process including names from people that are connected with Universities that we could also call. She went on to say if there is any body else as the Chairman has suggested from other organizations that would like to be a part of the process, please give us a name or contact so we could make sure that they are included. She stated that the real issue is when do we want to put together the meeting. She said there was one suggestion from the Farm Bureau. They suggested that there be a workshop then a public forum followed by the advertised public hearing for the ordinance. She stated that there could be any number of ways to do the meeting. She stated we could consolidate dates into one general meeting and invite people in and then have a question and answer period. She stated it could be done similar to some things done down at Eastside. She reiterated that the earliest you can have any public hearing on an ordinance is December 2, 2003.

Mr. Bowman asked, is November 18, 2003 the earliest we can have the meeting?

The County Administrator stated that the reason she said November 18, 2003 is because that is when the Board comes together for their next meeting. She said the date could change if the Board wanted to hold a special meeting, but her reasoning for November 18, 2003 is because one it is a regular scheduled meeting and two there are no Quarterly Department Head Reports due at the meeting and a workshop could be set up for that day inviting whoever you would like to attend that meeting.

Mr. Bowman stated that he spoke to a couple of Farm Bureau members and they requested that they would like to have the meeting in the evening in January.

The County Administrator stated that was the public forum part. What they actually proposed in a letter was a workshop that was more of a giving new information to the Board at the public meeting. The public forum in January was for a question and answer period with the public and they would have a panel of experts to answer those questions.

Mr. Moody stated that his only concern for this matter is that we do not put together an ordinance any different than the model ordinance. We should not enact an ordinance until Mr. Scheid's questions from the State Health Department are answered. He stated to enact an ordinance that is not legal could cause the County to spend taxpayer's dollars on Lawyers. He suggested that we have a public hearing and adopt, if we want to, the model ordinance and

then move forward with what Mr. Scheid had proposed. He stated that the ordinance had been worked on by VACO, State Health Department, contractors and the Bowen Commission who did a study on the ordinance all last summer. He went on to say that he thinks we are safe with the model ordinance until we get the opinion of the Attorney General and the State Health Department.

Mr. Bowman stated that he agreed with Mr. Moody concerning the model ordinance being adopted.

Mr. Moody stated that he knows of some counties that have stricter ordinances than the state law and the actual contractors have written them letters and told the Counties that they are going to stick to the state regulations.

The County Administrator, for reasons of understanding, stated what was discussed for the record. She said "on November 18, 2003 at 2:00P.M. we will have a discussion or workshop presentation inviting Farm Bureau and their panel and extending the invitation to any other group that has someone that they wanted to be a part of the discussion and make a presentation". She added to meet the deadline for December 2, 2003 we will need to go ahead and advertise an ordinance. She said what she is hearing is the model ordinance and not one that we have added any suggestions to.

IN RE: HOLIDAY SCHEDULE

The County Administrator presented a copy of the Holiday schedule approved by the Governor.

Wednesday, November 26, 2003, State Offices will close at noon
Thanksgiving Day and the day following (November 27 and 28)
Christmas Eve early closure at noon, Christmas Day, and the day following (December 24, 25 and 26)
New Years Day and the day following (January 1 and 2)

IN RE: BOARD MEMBER COMMENTS

Mr. Moody congratulated the new candidates and stated he is looking forward to working with them. He wanted to wish the two out going Board of Supervisors the best and concluded by saying we are losing a lot of experience.

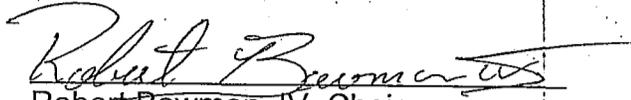
Mr. Haraway wanted to know if there was any word on when they were going to see the audit report.

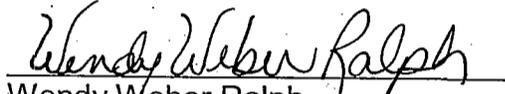
The County Administrator stated that we were giving them the last pieces of information this week and she expected to be seeing the draft by next week. She stated that they were working on the audit when the hurricane hit and things were pushed back, but they have been able to finish up their work and we are just giving them some final details.

Mr. Bowman stated that his only comment was on the lease of the county property and the drug store. On page one C-13 and page two number six seems to be a conflict in the contract. He stated one seems to cancel out the other. Although it had been voted on, he wanted the Attorney to look at it again and let us know if that is in fact true.

IN RE: ADJOURNMENT

Upon Motion of Mr. Bracey, Seconded by Mr. Clay, Mr. Bracey, Mr. Clay, Mr. Moody, Mr. Haraway, Mr. Bowman, voting "Aye", the meeting adjourned at 11:30 P.M. on Wednesday, November 5, 2003.


Robert Bowman, IV, Chairman


Wendy Weber Ralph
County Administrator

/abr

