

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 21<sup>ST</sup> DAY OF SEPTEMBER, 2004, AT 2:00 P.M.

PRESENT: DONALD L. HARAWAY – CHAIRMAN ELECTION DISTRICT #2  
HARRISON A. MOODY - VICE CHAIR ELECTION DISTRICT #1  
ROBERT L. BOWMAN IV ELECTION DISTRICT #3  
DORETHA E. MOODY ELECTION DISTRICT #4  
MICHAEL W. STONE ELECTION DISTRICT #5

OTHER: PHYLLIS KATZ COUNTY ATTORNEY

=====

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

Mr. Donald L. Haraway, Chairman, called the meeting to order at 2:16 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

**IN RE: AMENDMENTS TO THE AGENDA**

The County Administrator requested that the agenda be amended to add under consent agenda E. Appointment of ALS Provider – Thomas Monroe at Grade 12 Step A with an annual salary of \$30,125, effective October 1, 2004; add to Closed Session Legal – contractual issues; Mr. Bowman requested that the Requisition for Motorola be removed from the consent agenda. Mr. Stone requested that the Claims be removed from the consent agenda.

Upon motion of Mr. Bowman, Seconded by Mr. Stone, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye," the above amendment(s) were approved.

**IN RE: MINUTES**

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the minutes of the September 7, 2004 Continuation Meeting are approved in their entirety.

**IN RE: ADOPTION OF A-04-7 – AMENDMENT TO THE ZONING ORDINANCE (CHAPTER 22) AND SUBDIVISION ORDINANCE (CHAPTER 18) TO INCREASE FEES**

AN ORDINANCE TO AMEND THE SUBDIVISION ORDINANCE AND THE ZONING ORDINANCE OF DINWIDDIE COUNTY, VIRGINIA, BY CHANGING THE FEES CHARGED BY THE FOLLOWING SECTIONS: 18-10(C) – SPECIAL EXCEPTION TO THE PLANNING COMMISSION; 18-10(E) – SPECIAL EXCEPTION TO BOARD OF SUPERVISORS; 22-5(5) – AMENDMENT TO ZONING TEXT; 22-23(B) – REZONING APPLICATION; 22-23(C) – CONDITIONAL USE PERMIT; 22-23(C) – AMENDMENT TO CONDITIONAL USE PERMIT; 22-24(F) – AMENDMENT TO PROFFERED REZONING; 22-27(F) – ADMINISTRATIVE VARIANCE; 22-40(C) – APPEALS TO BOARD OF ZONING APPEALS; AND 22-41(F) – VARIANCE.

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the subdivision ordinance and the zoning ordinance be amended as follows:

1. Section 18-10(c) be amended by deleting reference to the sum of forty dollars (\$40.00) and in its stead insert **one hundred dollars (\$100.00)**;

2. Section 18-10(e) be amended by deleting reference to the sum of one hundred dollars (\$100.00) and in its stead insert **two hundred dollars (\$200.00)**;

3. Section 22-5(5) be deleted in its entirety and in its place insert the following:

***Each application for amendment shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the sum of four hundred dollars (\$400.00), three hundred dollars (\$300.00) of which shall be used to pay the expenses of advertising and mailing notices, and other administrative costs. If actual expenses associated with the amendment exceed three hundred dollars (\$300.00), the applicant shall be billed for the difference. One hundred dollars (\$100.00) shall be retained by the County as a fee for processing the application for amendment;***

4. Section 22-23(b) be deleted in its entirety and in its place insert the following:

***Fees; use described. Each application for rezoning shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the sum of six hundred dollars (\$600.00), five hundred dollars (\$500.00) of which shall be used to pay the expenses of advertising and mailing notices, and other administrative costs. If actual expenses associated with the rezoning exceed five hundred dollars (\$500.00), the applicant shall be billed for the difference. One hundred dollars (\$100.00) shall be retained by the County as a fee for processing the application for rezoning;***

5. Section 22-23(c) be deleted in its entirety and in its place insert the following:

***Fees for conditional use permit and any amendments proposed for an existing conditional use permit. Each application for a conditional use permit or amendment thereto shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the sum of six hundred dollars (\$600.00), five hundred dollars (\$500.00) of which shall be used to pay the expenses of advertising and mailing notices, and other administrative costs. If actual expenses associated with the conditional use permit or amendment thereto exceed five hundred dollars (\$500.00), the applicant shall be billed for the difference. One hundred dollars (\$100.00) shall be retained by the County as a fee for processing the application for conditional use permit or its amendment;***

6. Section 22-24(f) be amended by adding the following to the end of the existing paragraph:

***Each application for amendment shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the sum of six hundred dollars (\$600.00), five hundred dollars (\$500.00) of which shall be used to pay the expenses of advertising and mailing notices, and other administrative costs. If actual expenses associated with the amendment exceed five hundred dollars (\$500.00), the applicant shall be billed for the difference. One hundred dollars (\$100.00) shall be retained by the County as a fee for processing the application for amendment;***

7. Section 22-27(f) shall be amended by deleting the existing paragraph and in its stead insert the following:

**Each application for an administrative variance shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the sum of forty dollars (\$40.00), which shall be used for the expenses associated with the application which includes a twenty dollar (\$20.00) fee retained by the County for processing the application. If actual expenses associated with the application exceed twenty dollars (\$20.00), the applicant shall be billed the difference;**

8. Section 22-40(c) shall be amended by deleting the existing paragraph and in its stead insert the following:

**Appeals shall be mailed to the Board of Zoning Appeals in care of the Zoning Administrator and a copy of the appeal shall be mailed to the secretary of the Planning Commission. A third copy shall be mailed to the individual, official, department or agency concerned, if any. Appeals shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the sum of two hundred dollars (\$200.00). One hundred dollars (\$100.00) shall be used to pay for expenses associated with the appeal (ie. notices, advertising, and other administrative costs.) and one hundred dollars (\$100.00) shall be retained by the County as a fee for processing the appeals application. If actual expenses associated with the application exceed one hundred dollars (\$100.00), the applicant shall be billed the difference;**

9. Section 22-41(f) shall be amended by deleting the existing paragraph and in its stead insert the following:

**An application for a variance shall be obtained from the Zoning Administrator. Each application for variance shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the sum of two hundred dollars (\$200.00), one hundred dollars (\$100.00) of which shall be used to pay the expenses of advertising and mailing notices, and other administrative costs. If actual expenses associated with the variance exceed one hundred dollars (\$100.00), the applicant shall be billed for the difference. One hundred dollars (\$100.00) shall be retained by the County as a fee for processing the application for variance.**

This Ordinance shall become effective immediately upon adoption by the Board of Supervisors. If any portion of this Ordinance shall be declared null and void, the remaining portions shall remain in full force and effect.

**IN RE: APPOINTMENT – MR. THOMAS MONROE – ALS PROVIDER**

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to employ Mr. Thomas Monroe for the position of ALS Provider at Grade 12, Step A, salary \$30,125 per year, with an effective date of October 1, 2004.

**IN RE: CITIZEN COMMENTS**

1. Wilson Carlson – 24945 Ferndale Road, Petersburg, VA - requested that the Board assist him with the major drainage problem he has when it rains at his residence.
2. Geri Barefoot – 7411 Frontage Road, Petersburg, VA – made comments regarding the Biosolids resolution, which was recently adopted by many jurisdictions in Virginia and questioned the comments Mr. Moody made regarding it at the last Board meeting.

3. David Dudley – Smith Grove Road, Petersburg, Virginia, 23803 – requested again that the Board adopt the biosolids resolution submitted by the Citizens for a Better Dinwiddie, which was adopted by several other Virginia jurisdictions.
4. Joseph Matthews – 15714 Keelers Mill Road – requested that the Board require the consent of adjoining property owners and the people of the community when biosolids are going to be applied.
5. Anne Scarborough – Boydton Plank Road, Dinwiddie, VA – commented on the following issues: 1) the biosolids resolution submitted by the Citizens for a Better Dinwiddie 2) County tax rate 3) paint job on the Namozine Fire Station roof 4) replacement of the cabinets at Namozine Fire Station 5) the face value of the school project bonds 6) rapid growth law which went into effect in 2002 to protect open space in rural communities.
6. Michael Bratschi – 23500 Cutbank Road, DeWitt, VA – requested that the Board look at their *By-Laws and Rules of Order* to make sure they are complying with them. Commented he thought the County had a biosolids ordinance and hired a monitor. He said he heard on the street that the Board had hired a Public Safety Director and asked if it had been announced. He asked how people are chosen to serve on board and commissions in the County. He also questioned where the money comes from to pay the Special Prosecutor, Mr. Fisher.

**IN RE: VDOT REPORT**

Mr. Ray Varney, Resident Engineer, Virginia Department of Transportation, provided the following update:

1. He said he would check to see what could be done about the drainage problem at Mr. Carlson's property and would meet with representatives from the County if they so desired.
2. Reported a pipe failure on Squirrel Level Road - which will take at least 2 to 3 weeks to get the pipe and then another 2 to 3 weeks to replace.

He informed the Board that they needed to move forward on the Secondary Six-Year Plan as quickly as possible. He reiterated his request to construct a right turn lane at the intersections of River Road and Ferndale Road be added to the plan. He also encouraged them to add the alternative improvements to Baltimore and Halifax Roads, which they looked at on their tour to the plan to reduce the amount of funds and time needed to complete the projects.

The Board agreed to have a workshop on October 5, 2004 at 6:00 P.M.

**Board Member Request/comments**

Mr. Moody requested that Mr. Varney provide the Board with a breakdown of the cost difference to do Baltimore and Halifax Roads the way it was presented in the old six-year plan and the new way he was suggesting. Mr. Moody commented 2 or 3 years ago he thought Coleman Lake Road was next on the plan for repairs and there were a lot of houses on that road and its very rough. If any funds were left over maybe they could be used to do the improvements on it. Mr. Varney said Coleman Lake was next on the list; and he would get the information together for the Board.

Mr. Stone asked Mr. Varney to revisit Brills Road with him to look at the problem with the drop-off in the road at the bridge because he had received several calls from citizens complaining about it. Mr. Varney reminded him that Rural Rustic funds could not be used for this but regular construction funds could be utilized.

**IN RE: ANIMAL CONTROL DIRECTOR – REPORT ON BREEDER'S LICENSE**

“TO: Wendy Weber Ralph  
County Administrator

FROM: Mary Ellison  
ACO

SUBJECT: Breeder's License

As requested I have checked into what is involved in implementing a dog breeder's license for our County.

I have checked into other jurisdictions implementing the breeder's license. Richmond and Petersburg are the only ones I have found that currently have the breeder's law. There are no counties following suite. It is highly opposed by AKC and several other animal groups.

There are pros and cons to enacting this ordinance. I will address the “cons”. I suspect there would be a great resistance from the hunters, as most hunters feel their dogs won't run if sterilized and would become lazy, not to mention the cost per dog for a breeder's license. Another would be the enforcement of the ordinance, the number of officers needed to enforce it. Also, the general opinion of the public is that government is going too far by forcing their personal property to be altered, people in the residential areas are still angry about the “limitation” ordinance. Cats would also have to be included which opens up even more controversy and the “picking up of stray cats”. At this time, our shelter is barely able to handle the number of animals that we take in. Enactment of this ordinance would almost certainly flood our shelter and the euthanasia rate would drastically increase.

It is my opinion that we need to start small and work up to the breeder's licensing at a later time when we can handle the increase in work load and better handle the turn ins.

I would like to see all mature animals sterilized prior to adopters taking them home. Details of a sterilization program would need to be worked out if this is acceptable to the Board. A reward system for those who get their animals sterilized, lower license fees, such as \$5.00 neutered, \$10.00 intact.

I spoke to Patricia Coleman of Petersburg Animal Control. Her opinion is favorable for their city and would be happy to speak to the Board if requested.”

The Board instructed the Animal Control Director to look into the sterilization process and report back to them.

**IN RE: EXPLANATION OF COUNTY ATTORNEY BILLING PROCESS**

Ms. Phyllis Katz, County Attorney, commented she was here to explain the billing process for the firm of Sands, Anderson, Marks and Miller.

Mr. Stone stated looking at the spreadsheet summary for August there were invoices dated back to January 6 to the end of the fiscal year June 30, 2004 for legal fees. He stated he did not understand why it was taking 8 months to get the invoices submitted for payment. Mrs. Katz stated they were trying to comply with the Board's request to have all the bills submitted by the 15<sup>th</sup> of each month. And she did not know why a January bill did not get invoiced but she would like to explain the billing process.

Sometimes bills are not submitted because another payer is responsible for payment for example, the litigation for the ambulance accident. That is covered under the County's insurance and is being processed to Selective. The second type of situation is the bill gets invoiced to the wrong account. The last one is an attorney error or they might be out sick or on vacation, which would cause a delay in billing. Continuing she explained that each associate is responsible for entering the data into the computer for their services which is supposed to be done on a daily basis. Our shareholders do not want us to be lazy and at the first of the month we are closing out statements by the 1<sup>st</sup> or 2<sup>nd</sup> day of the month.

The process is, the account is closed out at the end of the month. The attorneys are given 2 days to read through the bills; each time entry and billing code is verified and sent back for invoicing. She apologized to the Board for the lateness of some of the invoices and commented they were trying to comply with their request to have all the invoices in by the 15<sup>th</sup> of the month.

Mr. Stone stated he could understand when an invoice was late because it was being submitted to another payer, but that was the exception not the rule. And in looking at the two groups of payments he could only see two ambulance issues and the remaining ones were for run-of-the-mill work. He stated in looking at the claims for tonight there is an invoice for July being submitted in the September claims.

Mrs. Katz stated Sands, Anderson, Marks and Miller will make every effort to get the invoices out to the County by the 15<sup>th</sup> of the month, but she could not guarantee it. She stated she would however, commit to eliminating them, unless there is an extenuating circumstance, such as the ambulance accident.

Mr. Haraway asked if the attorneys kept current time reports on each project? She replied yes. He commented that was one of their concerns that the attorneys kept daily records and were not going back to try and recall the hours they had spent on a project. Ms. Katz stated that would be dishonest and unethical for them to do that.

Mr. Stone stated he understood they were working to improve it; but getting July invoices at the end of August was not acceptable. If staff needed to work on an RFP wording for a new contract the Board needed to do so.

Mr. Haraway stated the Board needed to be concerned about the amount because \$75,000 was budgeted for legal work this year. Based on the first two months of the current year the amount will be exceeded by \$75,000. He commented he hoped everyone would look at this and try to decrease attorney fees in the future.

Mr. Bowman commented he would like to see more details in the spreadsheet and a copy of the invoices submitted for payment.

Mr. Stone asked if the January bill was paid from last years budget or this FY budget. Mr. Haraway commented bills submitted after August 30, 2004 are not accrued; it goes into this fiscal year. Mr. Bowman stated the bills submitted for constitutional officers should be sent to that department for approval. The County Administrator commented all invoices are sent to and approved by the department receiving the services.

The County Attorney explained if the County wanted a more detailed breakdown of the charges they would work with Staff to provide it.

Mr. Haraway instructed staff to provide the Board with a copy of the invoices with the spreadsheet for the next 90 days.

Mr. Bowman asked if all the counties have an attorney present for the board meetings and the planning commission meetings. Ms. Katz stated no.

Mr. Haraway stated he thought it would be advantageous for both the attorneys and the Board if they could come up with some ways to curtail their fees. Maybe there is something that they could come up with that would help both parties. Ms. Katz suggested that the Board take a look at the invoices for the next 3 months and she would come back at that point and meet with them to see how they would like to for restructure.

**IN RE: CLAIMS**

Upon motion of Mr. Moody, Seconded by Ms. Moody, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", Mr. Stone, Mr. Bowman voting "Nay",

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 1046125 through 1046290 (void check(s) numbered 1046123 and 1046124)

**FY – 04/05**

**Accounts Payable:**

(101) General Fund	\$ 161,686.48
(103) Jail Commission	\$ 55.40
(209) Litter Control	\$
(222) E911 Fund	\$ 3,612.82
(223) Self Insurance Fund	\$
(225) Courthouse Maintenance	\$ 70.00
(226) Law Library	\$ 437.60
(228) Fire Programs	\$ 33,374.54
(229) Forfeited Asset Sharing	\$
(304) CDBG Grant Fund	\$ 501.50
(305) Capital Projects Fund	\$ 85,827.17
(401) County Debt Service	\$ 54,622.23
<b>TOTAL</b>	<b>\$ 340,187.74</b>

**IN RE: APPOINTMENT OF DIVISION CHIEF OF PUBLIC SAFETY**  
**– MR. DENNIS HALE**

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Dennis Hale is appointed Division Chief of Public Safety at Grade 18, Step O, at an annual salary of \$67,546, effective September 27, 2004.

**IN RE: MR. HARRISON MOODY - DESIGNATED VACO**  
**REPRESENTATIVE TO VOTE AT ANNUAL 2004**  
**BUSINESS MEETING**

The County Administrator stated the 2004 Annual Business meeting of the Virginia Association of Counties will be held on Tuesday, November 9, from 10:15 A.M. until noon at the Homestead in Bath County. Each county needs to designate a representative of its board to cast its votes at the meeting.

Upon Motion of Mr. Bowman, Seconded by Mr. Stone, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Haraway voting "Aye", Mr. Moody, "Abstaining", Mr. Moody is appointed to be the designated representative to cast the Board's

vote(s) at the 2004 Annual Business meeting of the Virginia Association of Counties.

**IN RE: BOARD MEMBER COMMENTS**

Mr. Moody requested staff to contact the Sheriff's Department to see if he would set up radar and portable scales on Route 708 because of the complaints he received from residents about the truck traffic on the road. He stated there are a couple of counties in Virginia when someone buys a piece of property in an agriculture district and it is part of the law which is put in their deeds that there is dust, odors, noise and things of that nature. He requested that staff investigate it to see what the process is. He said earlier during citizens comments a remark was made about biosolids ordinances that other counties have adopted. A lot of counties have an ordinance on the books but the supervisors don't know what all of them are. Until you have an ordinance on the books that is approved by the Health Department you cannot start collecting that fee. He commented some counties he knew of aren't using the ordinance to its fullest. Dinwiddie is trying to get that person hired so we can use it to the fullest extent; but until that is done it will not be known if the ordinance is adequate.

Mr. Stone informed the Board that he and staff were not ready for the Web Site presentation but he gave a brief update on it. He explained that this Board is not under "*Roberts Rules of Order*" or "*Little Bobby's Rules of Order*". This Board abides by the *Chairman's Rules of Order* and if the Chairman doesn't stop someone from interrupting then it is deemed that it is acceptable at that time. He asked Staff if the School Superintendent had responded about the cost of sharing the Bus Garage. The County Administrator replied no. He also requested that the laundry list be prepared for every meeting.

Mr. Haraway asked the Board members which day they could meet with Bob Slavin, for 1 1/2 to 2 hours, Monday, Tuesday (but he would have to leave by 3:00 P.M. on Tuesday) or Wednesday of next week; or before the next regular meeting on October 5<sup>th</sup> to review the candidates for the County Administrator position with the Board. The Board agreed to meet on Monday, September 27, 2004 at 5:00 P.M.

**IN RE: AUTHORIZATION TO ADVERTISE PUBLIC HEARING FOR TRANSFER OF LAND TO WPVA**

Mr. William Scheid, Director of Planning, stated at the meeting that was held on September 15, 2004 in West Petersburg with members of the WPVA, Michelle Jones, Department of Housing and Community Development, Mr. Robert Bowman and him sat down and discussed the remaining lots on Greensville Avenue and the possibility of the County conveying if not total ownership at least partial ownership of the lots to WPVA. The State has certified WPVA as a Community Housing Development Organization (CHDO) eligible to assist low/moderate income families in obtaining housing within the West Petersburg subdivision. However, there are two stipulations that WPVA must meet to qualify for the grant 1) management funds 2) operating funds. The CHDO offers a grant of up to \$100,000 for 2 years for the management funds and they will need a 25% match in cash assets over the two year grant, which is \$12,500.

One thing came up which was interesting and that was the assumption of the County that nine homes had to be constructed on lots in West Petersburg in order to close out the development block grant that began in the nineties. A letter was produced at the last Board meeting, which indicated that only 6 homes needed to be built versus the 9 the County was told that was needed to close out the grant. Mr. Scheid stated he sent Louise Brierre at the DHCD a copy of the letter and she is in the process of researching it.



He stated that he would deal with WPVA in the same manner as he did with Habitat for Humanity. WPVA would have to meet the same stipulations; and if they don't meet the agreements they would be responsible for repayment of the lot in the amount of \$16,750 each. Although WPVA would be on the deed they might still interact with Habitat for Humanity because they have access to some funding and to some clientele that might be able to expedite their process.

Mr. Scheid stated WPVA learned the other day that in order to qualify as a "CHDO" Community Housing Development Organization they must have access to four lots not three. WPVA has approached Habitat for Humanity to see if they would put them on the lot the County just conveyed to Habitat at the last meeting. This would allow WPVA to meet the four-lot requirement. Mr. Scheid stated Mr. Ruhnke with Habitat for Humanity informed him that they do not have a problem with giving them an interest in the lot. Mr. Scheid stated the attorneys would have to answer whether the County would have to be involved in adding WPVA to the deed with Habitat for Humanity or if it would be strictly between WPVA and Habitat for Humanity.

Mr. Scheid also informed the Board that the funds from the grant for WPVA could be used for other projects such as repairing other homes on lots and to build a recreational facility which qualifies for other funding Senator Randy Forbes is looking into.

Mr. Scheid said the Board would need to have a public hearing to convey the property to WPVA as it did for Habitat for Humanity. There is a time constraint for WPVA to meet the requirements for the application for the grant. In order to get the public hearing done in time it would have to be held at the second meeting in October since it would be too late to get it advertised for the meeting on the 5<sup>th</sup>.

Mr. Bowman thanked Mr. Scheid for all the time and effort he had put into this project; but he felt WPVA deserved it. He said a meeting will be scheduled with Congressman Forbes and his grant writer to see if there was funding available for recreation and curb and gutters for West Petersburg. They also plan to purchase other properties that are run down and condemned in an effort to continue improving the neighborhood. He commented he contacted the Chairman of the IDA and they have some money in their account and Mr. Johnson is willing to set up a meeting for WPVA to make a presentation to the Board to see if they would provide the \$12,500 in seed money for the grant for this community.

Mr. Bowman made the motion to advertise for a public hearing to convey the remaining three lots to WPVA and the County, jointly, in West Petersburg on October 19<sup>th</sup> if the requirements for a public hearing can be met and if not it be held on November 2<sup>nd</sup>. Ms. Moody seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", motion carried.

**IN RE: REPORT AND ADOPTION OF BOND PRICING**

Mr. David Rose with Davenport & Company LLC stated today "Dinwiddie County (the "County") successfully sold \$15,000,000 of Lease Revenue Notes and \$41,040,000 of Lease Revenue Bonds for a total issuance of \$56,040,000. The County issued the Bonds and Notes via the Industrial Development Authority (the "IDA"). The proceeds from the sale will go to the School Board and provide \$55,000,000 in construction funds for a planned new High School and new Elementary School, to pay for the costs of the conversion of the existing County High School into a new Middle School, and to pay for the costs of the conversion of the existing County Middle School into a multi-use facility for school purposes.

The County achieved interest rates that are near 30-year lows in the marketplace. Specifically, the Notes, issued in anticipation of receiving State Literary Loan funding in approximately 36 – 48 months, yielded a 3.30% fixed rate for the full term of the loan. The Bonds carried varying interest rates depending upon their respective maturities and resulted in an all-in interest rate of 4.71%. These results were better (i.e. lower) than any estimate of interest rates ever provided to the County, School Board, or IDA. We believe there are two factors for this result. They include a highly favorable interest rate environment, and second, the County's recently obtained strong credit ratings by all three of the major, national Credit Rating Agencies (S&P, Moody's and Fitch). As a result, the County was able to borrow funds even more favorably than most Virginia peer localities, as demonstrated by the results. More specifically, this second factor produced an additional total savings of well over \$600,000 in debt service.

With regard to the overall interest rates and the impact on the County's budgeting, it is important to point out that during the planning and review process in late Spring of this year the Rating Agencies were provided an estimated debt service schedule using a 5.5% all-in bond rate and a 4.0% note rate. As a result, the issue size required to produce the \$55,000,000 in construction costs was nearly \$59,000,000 as of late June/early July. Because of the County's favorable credit ratings, the need for a multi-million dollar Debt Service Reserve Fund was avoided and the issue size came down approximately \$3 million. This fact, coupled with the lower rate environment, resulted in the County's average annual Debt Service dropping to \$2.7 million annually from the previously projected \$2.93 million, or a \$230,000 per year savings."

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

**WHEREAS**, the Board of Supervisors of Dinwiddie County, Virginia (**the "Board of Supervisors"**) adopted a resolution on August 31, 2004 (**the "Approving Resolution"**) relating to the issuance by the Industrial Development Authority of Dinwiddie County, Virginia (**the Authority**) of its lease revenue notes in an amount not to exceed \$15,000,000 (**the "2004A Notes"**) to (i) provide interim monies pending expected funding of a long term loan from the Literary Fund of the Commonwealth of Virginia to finance a portion of the costs of the acquisition, construction and equipping of a new elementary school (**the "New Elementary School"**) on real property to be owned by the Dinwiddie County School Board (**the "School Board"**) to be located in the northern portion of Dinwiddie County, Virginia (**the "County"**) and a new high school (**the "New High School"**), on real property to be owned by the School Board located in the County and (ii) to provide for the payment of the issuance costs of the 2004A Notes and the issuance of its lease revenue and refunding bonds in an amount not to exceed \$41,040,000 (**the "2004B Bonds", together with the 2004A Notes, the "2004 Obligations"**) to (i) finance the remaining portion of the costs of the New High School and the New Elementary School and to pay for the costs of the conversion of the existing County high school into a new middle school and conversion of the existing County middle school into a multi-use facility for school purposes (**together, the "New Projects"**); (ii) advance refund the Authority's Lease Revenue Bonds, Series 1999B in the outstanding principal amount of \$525,000 (**the "1999B Refunded Bonds"**) which were issued on November 1, 1999 to finance a portion of the cost of the acquisition, construction and equipping of certain improvements and renovations to the County's schools and related facilities including the Dinwiddie Elementary School and various other capital projects on real property owned by the School Board located in the County; (iii) fund a debt service reserve fund for the 2004B Bonds through the purchase of a surety bond (**the "Surety"**) from the Insurer (as hereinafter defined); (iv) provide for the payment of the issuance costs of the 2004B Bonds; and

**WHEREAS**, the Authority will lease the New Projects and the other School Property (as defined in the Documents, as defined in the Approving Resolution) to the County to accomplish certain purposes of the Virginia Industrial Development and Revenue Bond Act (the "Act"), and the Authority has agreed to do so; and

**WHEREAS**, the 2004A Notes are to be issued in an amount now estimated not to exceed \$15,000,000 to fund the New Projects and the 2004B Bonds are to be issued in an amount now estimated not to exceed \$41,040,000 to fund a portion the New Projects and to advance refund the 1999B Refunded Bonds; and

**WHEREAS**, Davenport & Company LLC, (the "Underwriter") is purchasing the 2004 Obligations on terms which are further described below and in the Documents and the approval of the substantially final form of such 2004 Obligations and Documents are to be ratified by the Board of Supervisors;

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

1. The issuance of the 2004A Notes, in substantially final form as presented at this meeting with a final maturity of February 15, 2008, in the amount and rate as set forth in the attached **Exhibit A-1** is hereby approved.
2. The issuance of the 2004B Bonds, in substantially final form as presented at this meeting with a final maturity of February 15, 2034, in the amounts and rates as set forth in the attached **Exhibit A-2** is hereby approved.
3. The Documents in substantially final form as presented at this meeting are hereby ratified, adopted and approved.
4. The Chairman or Vice Chairman of the Board of Supervisors, the County Administrator and all other County officers are hereby authorized and directed to execute and deliver all documents and instruments related to or appropriate in connection with the issuance of the 2004 Obligations and the delivery of the Documents with such completions, omissions, insertions and changes as may be approved by the officer executing them, his or her execution to constitute conclusive evidence of his or her approval of any such completions, omissions, insertions and changes.
5. All other acts of the Chairman or Vice Chairman of the Board of Supervisors, the County Administrator and other officers of the County that are in conformity with the purposes and intent of this resolution and in furtherance of the plan of financing, the issuance and sale of the 2004 Obligations, the delivery of the Documents and the acquisition, design, construction, renovation, expansion, equipping, conversion and furnishing of the New Projects and the refunding of the 1999B Refunded Bonds are hereby approved and ratified.
6. This resolution shall take effect immediately.

Dinwiddie County IDA  
Lease Revenue Notes, Series 2004A and  
Lease Revenue Bonds, Series 2004B

**Pricing Summary**

Maturity	Type of Bond	Coupon	Yield	Maturity Value	Price	Dollar Price
02/15/2006	Serial Coupon	2.000%	1.790%	35,000.00	100.279%	35,097.65
02/15/2007	Serial Coupon	2.000%	2.050%	30,000.00	99.884%	29,965.20
02/15/2008	Serial Coupon	2.500%	2.330%	885,000.00	100.544%	889,814.40
02/15/2008	Term 1 Coupon	3.300%	3.300%	15,000,000.00	100.000%	15,000,000.00
02/15/2009	Serial Coupon	2.750%	2.630%	905,000.00	100.489%	909,425.45
02/15/2010	Serial Coupon	3.000%	2.850%	935,000.00	100.738%	941,900.30
02/15/2011	Serial Coupon	3.000%	3.030%	655,000.00	99.825%	653,853.75
02/15/2011	Serial Coupon	3.500%	3.030%	310,000.00	102.697%	318,360.70
02/15/2012	Serial Coupon	3.200%	3.200%	990,000.00	100.000%	990,000.00
02/15/2013	Serial Coupon	3.375%	3.375%	1,025,000.00	100.000%	1,025,000.00
02/15/2014	Serial Coupon	3.400%	3.490%	1,055,000.00	99.283%	1,047,435.65
02/15/2015	Serial Coupon	5.125%	3.650%	1,090,000.00	111.599%	c 1,216,429.10
02/15/2016	Serial Coupon	5.125%	3.750%	1,150,000.00	110.763%	c 1,273,774.50
02/15/2017	Serial Coupon	4.000%	3.900%	1,210,000.00	100.773%	c 1,219,353.30
02/15/2018	Serial Coupon	5.250%	3.950%	1,260,000.00	110.083%	c 1,387,045.80
02/15/2019	Serial Coupon	4.000%	4.100%	1,320,000.00	98.918%	1,305,717.60
02/15/2020	Serial Coupon	4.000%	4.190%	1,375,000.00	97.859%	1,345,561.25
02/15/2024	Term 2 Coupon	5.000%	4.450%	5,950,000.00	104.166%	c 6,197,877.00
02/15/2027	Term 3 Coupon	4.500%	4.650%	5,270,000.00	97.923%	5,160,542.10
02/15/2030	Term 4 Coupon	5.000%	4.720%	6,035,000.00	102.092%	c 6,161,252.20
02/15/2034	Term 5 Coupon	5.000%	4.740%	9,555,000.00	101.940%	c 9,740,367.00
<b>Total</b>	-	-	-	<b>\$56,040,000.00</b>	-	<b>\$56,848,772.95</b>

**Bid Information**

Par Amount of Bonds	\$56,040,000.00
Reoffering Premium or (Discount)	808,772.95
Gross Production	\$56,848,772.95
Total Underwriter's Discount (0.768%)	\$(430,387.20)
Bond Insurance Premium paid by Underwriter	(436,000.00)
Bid (99.897%)	55,982,385.75
Accrued Interest from 10/01/2004 to 10/06/2004	32,712.58
Total Purchase Price	\$56,015,098.33
Bond Year Dollars	\$824,569.33
Average Life	14.714 Years
Average Coupon	4.6711202%
Net Interest Cost (NIC)	4.6781074%
True Interest Cost (TIC)	4.6047787%

Dinwiddie County, Series | Issue Summary | 9/21/2004 | 12:26 PM

Davenport & Company LLC  
Public Finance

Page 3

Upon motion of Mr. Moody, Seconded by Ms. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the above resolution was ratified.

**IN RE: COMMUNICATIONS EQUIPMENT REQUISITION #8 –  
DINWIDDIE COUNTY IDA PUBLIC FACILITIES LEASE  
REVENUE NOTE SERIES 2003**

Mr. Bowman stated he did not agree with the charges rendered by Motorola for change orders #4, #7 and #8 for the installation of the foundation for the tower at the landfill site. He commented he had not changed his mind from the first time it was presented. The job was increased by approximately 4 yards of concrete and a few rebarbs, which was not that expensive. Mr. Haraway stated he did not remember approving change orders #7 and #8. The County Administrator provided the minutes showing where change order #4 was

approved and requested that it be approved for payment today. She stated she would have to check the records to see when change orders #7 and #8 were approved.

The following invoice from Motorola, for expenses from the Dinwiddie County IDA Public Facilities Lease Revenue Note Series 2003 was submitted for payment:

Change order #4	\$5,022.00
<b>TOTAL DUE</b>	<b>\$5,022.00</b>

Upon motion of Mr. Stone, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number #8 in the amount of \$5,022.00 be approved and funds appropriated for expenses from the Dinwiddie County IDA Public Facilities Lease Revenue Note Series 2003.

**IN RE: CLOSED SESSION**

Mr. Stone stated I move to close this meeting in order to discuss matters exempt under section: §2.2-3711 (A) 1 - Personnel – Environmental Land Technician; Procurement; Animal Control; Appointments; County Administration; §2.2-3711 (A)(7) – Consultation with Legal Counsel – Probable Litigation and Contractual Issues; and §2.2-3711 (A)(3) of the Code of Virginia – Acquisition of Property;

Mr. Moody seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 4:37 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 6:36 P.M.

**IN RE: CERTIFICATION**

**Whereas**, this Board convened in a closed meeting under §2.2-3711 (A) 1 Personnel – Environmental Land Technician; Procurement; Animal Control; Appointments; County Administration; §2.2-3711 (A)(7) – Consultation with Legal Counsel – Probable Litigation and Contractual Issues; and §2.2-3711 (A)(3) of the Code of Virginia – Acquisition of Property;

**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. Bowman, Seconded by Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", this Certification Resolution was adopted.

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


1. GIS report, new address assignments.
2. Memo from Dr. Maranzano, Jr., - regarding information on mileage of school buses.

3. Letter from R. Keith Bull requesting that the Board support Donald Hart for the office of Secretary-Treasurer for the VACo Board of Directors.
4. Letter of response from VDOT to Linda White for a traffic signal at the intersection of Routes 600 & 601.
5. Appomattox Regional Library Report.

**RE: ADJOURNMENT**

Upon Motion of Ms. Moody, Seconded by Mr. Stone, Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the meeting adjourned at 6:38 P.M. to be continued until 5:00 P.M. on Monday, September 27, 2004 for a Closed Session for Personnel.

  
Donald L. Haraway, Chairman

ATTEST:   
Wendy Weber Ralph  
County Administrator

/abr