

VIRGINIA: AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD
IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION
BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 15TH DAY OF
NOVEMBER, 1995, AT 2:00 P.M.

PRESENT:	DONALD L. HARAWAY, CHAIR	ELECTION DISTRICT #2
	AUBREY S. CLAY, VICE-CHAIR	ELECTION DISTRICT #5
	HARRISON A. MOODY	ELECTION DISTRICT #1
	EDWARD A. BRACEY, JR.	ELECTION DISTRICT #4
	LEENORA EVERETT	ELECTION DISTRICT #3
	DANIEL M. SIEGEL	COUNTY ATTORNEY

IN RE: AMENDMENTS TO AGENDA

Upon motion of Mr. Clay, seconded by Mrs. Everett, Mrs. Everett, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway voting "aye", the agenda was approved as presented.

IN RE: MINUTES

Upon motion of Mr. Moody, seconded by Mrs. Everett, Mrs. Everett, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway voting "aye", the minutes for the November 1, 1995 Regular Meeting are hereby approved in their entirety.

IN RE: CLAIMS

Mr. Charles W. Burgess, Jr., County Administrator stated that he had an additional claim from Commercial Roofing in the amount of \$78,900.00 to pay for the new roof that was put on the Administration Building. He requested the Board's approval to pay the claim, which would be contingent upon receiving the notarized warranty.

Mr. Bracey stated that he sees where the bill from Victor Products Corp. to repair the ice machine in the concession stand was going to be paid. He stated that he had read the letter from the Attorney's office advising Mr. Rinaldi, Recreation Director, to release the check to Victor Products. He hopes that Mr. Rinaldi will cease to do business with Victor Products because he couldn't see why they charged the County for repairs on a brand new machine.

Mr. Haraway stated that he shares Mr. Bracey's concerns.

Upon motion of Mr. Bracey, seconded by Mr. Moody, Mrs. Everett, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway 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 check #35755 in the amount of \$88.00 for General Funds; #36402-#36562 for Accounts Payable in the amount of \$394,127.15; General Fund \$347,674.33, Jail Commission \$667.64, E911 Fund \$1,638.00, Self Insurance Fund \$1,720.07, Courthouse Maintenance \$32,269.96, CDBG Fund \$7,479.63.

IN RE: CITIZEN COMMENTS

1. Betty Jeter, Registrar, came before the Board and thanked the Board and the County Attorney for their help and support on doing the limited redistricting.

Mr. Moody asked Mrs. Jeter if something could be done about the parking at the Five Forks Precinct for the next election. He said that people had a difficult time trying to park there. He suggested that maybe the pole workers park somewhere else to allow space for the voters.

Mrs. Jeter stated that she would look into it and see what she could do.

2. Thomas Gholson, Trinity Church Road, Church Road, VA. Mr. Gholson came before the Board and stated that he was representing

interested citizens of Dinwiddie County. He stated that he was trying to acquire the service of Eastside Elementary School. He has several organizations and individual groups that need to use part of the facility. He understands that it is not being used right now for any other reasons. They do not need the whole facility at this time; they just need a portion of it.

Mr. Haraway stated that the Board would take his request under advisement.

3. Pam Wilkerson, Dinwiddie High School. She came before the Board and passed out a packet of information in reference to the Dinwiddie Violence Prevention Program. She explained a little about the Program and requested a statement of support from the Board.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that an official statement of support be drawn up in favor of the Dinwiddie Violence Prevention Program.

IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION -- REPORT

Mr. Ronald H. Reekes, Resident Engineer, was not present.

IN RE: COMMISSIONER OF REVENUE -- REPORT

Mrs. Deborah M. Marston, Commissioner of Revenue, was not present.

IN RE: TREASURER -- REPORT

Mr. William E. Jones, Treasurer, came before the Board.

Mr. Haraway wanted to know if Mr. Jones had any idea when the tax tickets were going to go out.

Mr. Jones stated that Sunday evening (November 12, 1995) at 9:30 P.M. he received the personal property assessments. Tuesday, November 14, 1995 at 11:00 A.M. he received the real estate assessments. His office has printed the tickets, bursted them, and are putting them in the envelopes now. They are shooting for a Friday, November 17, 1995 postmark date.

He stated that his objective for coming to the Board today was to ask for an extension on the December 5th deadline. The assessments came to him well beyond the September 1st required date. He stated that he did not want to come and ask for an extension but he feels that there are two parts of him. There is the cold side of him that tells him that citizens of Dinwiddie County are tax paying people and they should know when their taxes are due. He also has a warm side to him that tells him that there is a Thanksgiving Holiday coming up and people are going to be away on vacation. There are going to be some instances that it will take three days for rural mail to be delivered. He asked if the Board wanted to know how he feels; his blood is boiling. He is frustrated, he is embarrassed and he is angry. His staff is frustrated, embarrassed and angry. Frustrated because they have to go through this every year. Embarrassed because the County has the great distinction of being the only County in the State of Virginia to not even send out one tax bill. Angry because County's that have our same software system are able to produce their assessments at a time that is acceptable to the citizens of their localities. Section 58.1 39.16 gives the Board of Supervisors the governing authority to extend the time for the payment of taxes.

Mrs. Everett asked what Mr. Jones' recommendation was for the extension.

Mr. Jones stated that the deadline is December 5th, and he felt that December 19th is too long because in order for them to get all of their taxes to work it takes a week after the deadline. Then the week before Christmas is needed to get all of their vehicle decal applications in order. The only thing that he recommends at this time is a December

Extract

12th date. All of the phone calls over the last two weeks have been nothing more than wanting to know when they were going to receive their tax bill and what are they are going to do if they can't pay. He knows that there are people out there that can only afford to pay by the week but there are also people out there that plan for that. He stated that he does not like coming to the Board in this type of situation but he feels as a public servant to the citizens of this County that he needs to get this off of his chest. He is going to work to get them out as best as he can and now he has got to set his sights on 1996. He stated that the date he recommends the assessments are in his office next year is April 15, 1996 so that they can be mailed at least by May 1st for a June 5th deadline. He apologized that he had to come to this. His intention was not to belittle anyone or demean anyone. Hopefully this opportunity will be used to strengthen whatever is there so that the County can move on and not be the talk of the State of Virginia.

Mr. Bracey stated that he understands but he wanted to know how much money is the County going to lose with the extension and what caused it.

Mr. Jones stated that usually under normal situations his office probably has one third of the amount collected by November. He stated that usually they do not have to dip into CD's during November because they have enough money to come in.

Mr. Bracey wanted to know exactly what this equated to; maybe a penny or two in real estate tax that he will have to come back to the citizens and ask for. He also stated that this could be setting a precedent.

Mr. Jones stated that that is what he was concerned about because he does not want to set a precedent and it should not be something that the citizens should look for. He stated that he has never had as many people call and ask for an extension. There are mortgage companies coming from Northern Virginia just to pick up their tax tickets because they can not wait any longer. There are big corporations calling and public service people calling wanting their bills. He is telling them that they have them and they are trying to get them out as quick as they can.

Mrs. Everett stated that she would support Mr. Jones on his request for an extension.

Mr. Haraway stated that he agreed with Mrs. Everett; he feels that when someone receives a bill they should have at least thirty days to pay for it.

Mr. Jones stated that the law gives him fourteen days to mail the bills out, which would of been midnight on the 20th. He stated that the County can not afford to go any further and he thinks that it would be a gesture to the citizens of Dinwiddie that at least they were being thought of. He is not only thinking of the citizens but there are also a lot of big corporations that need their bills as soon as possible.

Mr. Haraway stated that he hoped the Board would support Mr. Jones' request.

Mr. Bracey stated that he was going to support Mr. Jones but as a Board they have got to make sure that they will not be sitting in a meeting of this type next year or the year after. He wanted to know what type of measure could be taken or what can the Board do to assure the citizens that this will not happen again. There has to be a stop to this.

Mr. Jones stated that during the second meeting in the month Department Heads and Constitutional Officers are put on the agenda for them to come to the Board and give their report and for the Board to ask questions. The question that he hopes the Board can ask, starting January 1st, "How are the 1996 assessments coming?".

Mr. Bracey wanted to know who he was to ask this question.

Mr. Jones stated that he should ask the agenda item before him.

Mrs. Everett stated that she thought that that question was asked this year.

Mr. Bracey wanted Administration to see that a letter gets to that individual stating what the Board is looking for. He thinks that a lot of times people will not respond to conversation but they will respond to some type of urgency in a letter. He stated that the Board asks for a monthly update now on the Meals Tax and they get them at random. He hopes that the Board supports the idea of sending a letter to that individual.

Mrs. Everett stated that she feels that a Management Study needs to be done in that individual's office and it needs to be enforced.

Mr. Burgess stated that that will be discussed in Executive Session.

Mr. Clay stated that he supports Mr. Jones and realizes what he is saying about not needing to set a precedent. He is sure it is not but he feels that the citizens need a chance to correct mistakes. It doesn't matter how well it is prepared, there will still be mistakes that will need to be corrected. He feels that they will have to do it this time and will try to take some steps so it will not happen again.

Mr. Haraway stated that this does not come as a surprise to any of the Board members. The Board took action at our last meeting to send a letter to the State Tax Commissioner asking for his guidance in this problem; he stated that he was under the understanding that the letter had been sent but there has not been a response yet. He stated that he did not know of anything else the Board can do. He also stated that he appreciates what Mr. Jones is saying and feels sorry for the people that work in his office because he realizes that they have been under a lot of undue stress because of this.

Mrs. Everett stated that they have gotten a lot of criticism that they have not deserved.

Mr. Jones stated that he will not accept any criticism for the way this has turned out.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that the Code of the County of Dinwiddie, Virginia is amended and reordained as follows:

Section 19-2.: Due Date for Taxes on Real Estate, Tangible Personal Property and Machinery and Tools; Penalty and Interest on Delinquencies.

(a) For the 1995 tax year only, county taxes on real estate, tangible personal property and machinery and tools shall be paid, by or on behalf of persons owing such taxes, on or before the 12th day of December, 1995. For the 1996 tax year and subsequent tax years, county taxes on real estate, tangible personal property and machinery and tools shall be paid, by or on behalf of persons owing such taxes, on or before the 5th day of December of each year or the first business day thereafter, if the 5th of December is not a business day.

(b) If taxes referred to in subsection (a) above are not paid on or before the due date prescribed in such subsection, there shall be added thereto a penalty in the amount of ten (10) percent of the taxes due. In addition to the penalty provided herein, any such taxes that remain unpaid on the first day of the next following month in which such taxes become due shall be delinquent and interest thereon of ten (10) percent per annum shall be added to the amount of taxes or levies due from such taxpayer, which when collected by the Treasurer, shall be accounted for in his settlement.

(c) This amendment was adopted originally pursuant to an emergency ordinance passed by the Board of Supervisors of the County of Dinwiddie on November 15, 1995.

(d) The imposition of real estate, tangible personal property, and machinery and tools taxes are not altered or affected by this section.

CROSS REFERENCE - Payment of Vehicle Personal Property taxes Prerequisite to Licensing of Vehicle, Section 14-22.

STATE LAW REFERENCE -- Authority for above section, Code of Virginia Section 58.1-3916.

Mr. Bracey suggested that since the Board has not gotten a response from the State Tax Commissioner they go through our Legislature to get a response.

Mr. Haraway stated that he felt that they should give the State Tax Commissioner a little more time because the letter was just mailed last week.

IN RE: COMMONWEALTH ATTORNEY -- REPORT

Mr. T.O. Rainey, III, Commonwealth Attorney, was not present.

IN RE: SHERIFF -- REPORT

Mr. Bennie M. Heath, Sheriff, was not present.

IN RE: BUILDING INSPECTOR -- REPORT

Mr. Dwayne Abernathy, Building Inspector, presented his report for the month of October, 1995.

IN RE: ANIMAL WARDEN -- REPORT

Mr. Steve Beville, Animal Warden, presented his report for the month of October, 1995.

IN RE: LIVESTOCK CLAIM -- CARLTON BASS

Mr. Steve Beville, Animal Warden, stated that on October 11, 1995 some stray dogs attacked and killed Mr. Bass' 9 purebred Bantan Chickens, for a total of \$45.00.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the livestock claim for Carlton Bass, for 9 purebred Bantan Chickens in the amount of \$45.00 is approved.

IN RE: DIRECTOR OF PLANNING -- REPORT

Mr. W.C. Scheid, Director of Planning, presented his report for the month of October, 1995.

Mr. Bracey stated that he understands that grass season is over but he stated that he was not very pleased about the grass cutting last summer. He suggested that the Planning Department get prepared for next year so when there are complaints next about over grown yards and such things will be in place to handle the situation.

IN RE: APPROVAL OF CONTRACT - RELOCATION ASSISTANCE - WEST PETERSBURG

Mrs. Wendy Weber Ralph, Ass't County Administrator, came before the Board and stated that she had an issue that she needed to present to the Board that is part of the Community Development Block Grant. When they went in to do the demolition on Greenville Avenue there were four families that were displaced. At a previous meeting they talked about the escrowing of money that was available for them; they can either rent or they can also ask for the money in a lesser amount to be used as a down payment on a home. She stated that that is the part that she wanted to talk to the Board about today. If they should decide that they would like to draw down the money as down payment assistance on a home then there

really should be someone that works with them. The grant is closed out now and the County does not have the assistance that they did have although the County will be required to escrow this money. If this opportunity comes up then the County will need some assistance to make sure that all the regulations can be met and these people can be helped. While WPVA is working with the lots that the County owns to develop she still feels that should these relocatees decide that would like to build and live there, there should be some priority given to them since they were displaced from there. One of the four relocatees has expressed some interest in moving back to the community. She stated that they talked to the State to see if some of the relocation money could be used for this and they said that it could and it would be just for technical assistance on an hourly basis if these people choose to do this. We do not know that they will. Therefore, if the money is not used it goes back. She stated that they asked for a bid from three different organizations to see what it would cost the County for some assistance. She asked the Board to approve a resolution that states that they solicited bids under small purpose procurement procedures and they recommended that they go with the bid from Gladys Vassar, who is the Housing Coordinator in Greensville County. She stated that the Board recently contracted with Ms. Vassar to do the Indoor Plumbing work in West Petersburg. Her fee could not exceed \$3,600; she will do it on a \$15.00 per hour basis. Mrs. Ralph highly recommended Ms. Vassar and feels that she will do a good job.

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

WHEREAS, the County must provide relocation assistance pursuant to the 1992--Community Improvement Grant for the West Petersburg Target Area of the County (the "West Petersburg Community Development Block Grant Project"), to individuals who are displaced as a direct result of the demolition of property in the West Petersburg Community Development Block Grant Project; and

WHEREAS, the County lacks sufficient expertise and resources to provide the necessary relocation and technical assistance as required under the 1992--Community Improvement Grant and therefore must contract with an individual to provide the mandated relocation assistance; and

WHEREAS, time is of the essence for providing the necessary relocation assistance to qualified individuals; and

WHEREAS, pursuant to the County's small purchase procurement procedures, the County has obtained the following proposals to perform the above mentioned work:

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|--------------------------------------|-------------------------|
| 1. K.W. Poore & Associates | \$6,200.00 |
| 2. Gladys Vassar, Greensville County | \$3,600.00 |
| 3. Crater Planning District | \$No Bid Submitted; and |

WHEREAS, Gladys Vassar has the necessary knowledge, expertise, state approval and familiarity with the West Petersburg Community Development Block Grant Project, to wit: She formerly worked for the Virginia Department of Housing and Community Development, she is familiar with section 104(d) of the Housing and Community Development Act of 1974 and the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (URA) which must be followed to provide the relocation assistance mandated by the West Petersburg Community Development Block Grant Project, and she already is involved in the West Petersburg Community Development Block Grant Project through her contract to administer the Indoor Plumbing Program for the County:

NOW THEREFORE, BE IT RESOLVED THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF DINWIDDIE, VIRGINIA HEREBY:

1. Agrees to contract with Gladys Vassar of Greensville County to provide the necessary relocation and technical assistance to the four eligible individuals in accordance with the 1992--Community Improvement Grant using Community Development Block Grant Funds made available through the Virginia Department of Housing and Community Development for the West Petersburg Target Area of the County; and

2. Authorizes the County Attorney to draft a contract to be negotiated and executed with Gladys Vassar for this service; and

3. Authorizes the County Administrator to enter into a contract with Gladys Vassar for her to provide relocation assistance to the four individuals qualified to receive this assistance, which contract amount shall be for FIFTEEN DOLLARS (\$15.00) per hour per individual but shall not be more than NINE HUNDRED (\$900.00) per individual, for a total amount of not more than THREE THOUSAND SIX HUNDRED DOLLARS (\$3,600), and which source of funds for this contract amount shall come from the 1992-Community Improvement Grant using Community Development Block Grant Funds made available through the Virginia Department of Housing and Community Development and deposited in escrow with the County.

4. That this Resolution shall become effective immediately.

IN RE: DIRECTOR OF SOCIAL SERVICES -- REPORT

Mrs. Peggy M. McElveen, Director of Social Services, stated that she was representing the Christmas Sharing Foundation and she wanted to recognize some volunteers. She recognized the following people who manage the organization each year:

King Talley - Chairperson
Tucker Ramsey - Treasurer
Reverend Herbert Anderson
Lucile Atkinson
Patsy Barnes
Ann Cleaton
Peggy McElveen
Elsie M. Parham
Ellen Purdue
Elnora perry
Lucy Smith
Linda Brandon
Barbara Thomason

IN RE: APPOINTMENTS -- OFFICE ON YOUTH AND COMMUNITY SERVICES

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the following people be appointed to the Office on Youth:

Neil Fletcher At-Risk Coordinator, Dinwiddie County Public Schools
Amos Wingfield DARE Officer
Claire Goad Social Services

IN RE: SUPERINTENDENT OF SCHOOLS -- REPORT

Mr. Ray Watson, Assistant to the Superintendent for Finance & Technology, came before the Board and stated that he wanted to bring them up to date on the Literary Loans. He stated that the Literary Loan Applications are in and the Architects have promised them faithfully that they will hand deliver the documents on November 17th. He stated that he talked with the Division Chief of Finance from the State, Cathy Kitchens, and she said if the documents were turned in within the next few weeks that they should be put before the State Board of Education in January and it is her prediction that we will be on the approved Literary Loan list in January.

Mr. Bracey stated that several years ago the School Board voted to close Northside Elementary School. During the discussion of the closure there were some statements made that it would be reopened in several years. There was a decline in enrollment, it had nothing to do with anything but enrollment. Now they are declaring it surplus property and he wanted to know at what point did the School Board decide to deem it surplus. He wanted to know if there were any possibilities of using it as a school because when they closed it that wasn't the idea, the community wasn't given that idea.

Mr. Watson stated that he was not here during the time that Northside Elementary was closed. He stated that as they were looking at the Capital Improvements Project, they took a hard look at Northside and Eastside. They did not look very hard at the old McKenney school because they have space down there. They calculated what it would cost to reopen them and they came to the conclusion that it was not cost effective. He stated that he would have to look back in the minutes to get the figures but he thought it was around \$1,000,000 each to reopen them. There is asbestos and other problems within the school that would cost a lot to clean up.

Mr. Bracey stated that he was just concerned because \$1,000,000 and something is a lot but at the present time they are talking about spending that much or more in modulars or trailers and we have a school that would stand a cosmetic renovation in an excess of \$1,000,000.

Mr. Watson stated that advice from all the consultants was that the cost benefit ratio was not there. They would probably have to satellite Library Services in and a Principal. The basic problems were structural and bringing it up to standards. The asbestos would have to be replaced and all of the mechanical units had to be replaced and the water and sewer at Northside were a problem.

Mr. Bracey stated that there is a difference in structure and asbestos removal. When Mr. Watson says that the building was not structurally sound is he saying that the only thing that it is good for is a ball and chain. He wanted to know if that was what he was saying.

Mr. Watson said that was not what he was saying; he was not talking about the walls. He was talking about the roof and all of the mechanical units.

Mr. Bracey stated that he does not consider that structural.

Mr. Harway stated that a few years ago there was a report that indicated that although Midway and the Middle School were older than Northside and Eastside, they were not as structurally sound as the Midway and the Middle School. He thinks that is why the decision was made to renovate the Middle School and Midway and not Eastside and Northside. The quality in the buildings were not there.

Mr. Bracey stated that the School Board better not come back forward when their modulars do not work out and they want to put the money into the school to reopen.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the County accepts the deed of Northside Elementary School from the School Board and authorizes the Chairman to sign same.

IN RE: RECREATION DIRECTOR -- REPORT

Mr. Toni S. Rinaldi, Recreation Director, presented his report for the month of October, 1995.

Mr. Bracey asked Mr. Rinaldi when the brick dust would be in to put on the fields.

Mr. Rinaldi stated that they were trying to hold off and save the County some money.

Mr. Bracey stated that there is a drainage problem at that field and he couldn't see why Mr. Rinaldi would not go ahead and get the brick dust to fix it the right way.

Mr. Rinaldi stated that he was looking into other possibilities.

Mr. Haraway asked if Rohoic and Dinwiddie Elementary were included in the fields that Mr. Rinaldi fertilizes.

Mr. Rinaldi stated that he only fertilizes the Middle School and Eastside because they are the only fields that they are really responsible for because they have their activities on those fields.

Mr. Haraway stated that he could not understand why they feel like they have to spend there money on adult fields, like the middle school and just completely not do anything with the fields for the kids.

Mr. Rinaldi stated that kids do play at the middle school, all of the softball with the exception of the fast pitch is there.

Mr. Haraway suggested that Mr. Rinaldi fertilize the fields at Rohoic and Dinwiddie Elementary, if the Board did not object. He stated that he felt that the children of the community deserved a little something and not put all of their resources in one basket.

IN RE: DIRECTOR OF WASTE MANAGEMENT -- REPORT

Mr. Dennis E. King, Director of Waste Management, presented his report for the month of October, 1995.

Mr. King also stated that the McKenney Christmas parade which will be sponsored by the Dinwiddie Jaycees will be on December 9th at 1:00 P.M.

IN RE: 1995 LEASE REVENUE BONDS/NOTES -- APPROVAL OF DOCUMENTS

Mr. Daniel Siegel, County Attorney, came before the Board and requested the Board to approve a Resolution authorizing the Industrial Development Authority to finance \$5,500,000 in Lease Revenue Bonds for the Dinwiddie County Courts Complex Facilities Series 1995 and \$3,365,000 in Lease Revenue Notes for Interim School Funding Series 1995.

Mr. Siegel stated that Darryl Hill from Wheat First Securities was present to answer the Boards' questions.

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

WHEREAS, the Board of Supervisors of Dinwiddie County, Virginia (the "Board of Supervisors") has determined that Dinwiddie County, Virginia (the "County") has an immediate need to implement certain capital projects and has requested the Industrial Development Authority of Dinwiddie County, Virginia (the "Authority") to assist it in the financing of such projects and in furtherance of such financing (a) to issue, offer and sell (i) its lease revenue bonds in an amount not to exceed \$5,500,000 (the "Bonds") to finance the acquisition, construction and equipping of a courts complex and related facilities (the "Courts Complex Project") on unimproved real property to be owned by the County (the "Courts Complex Project") on unimproved real property to be owned by the County (the "County Real Estate") and (ii) its interim school funding lease revenue notes in an amount not to exceed \$3,365,000 (the "Notes") to finance the acquisition, construction and equipping of certain improvements and renovations to the County's schools and related facilities (the "School Project") on improved real property owned by the Dinwiddie County School Board (the "School Real Estate") and (b) to lease the Courts Complex Project and the School Project (together, the "Projects") 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, there has been presented to the Board of Supervisors a plan for lease financing of the acquisition, construction and equipping of the Projects involving issuance of Bonds and the Notes by the Industrial Development Authority of Dinwiddie County, Virginia (the "Authority") which would not create debt of the County for purposes of the Virginia Constitution; and

WHEREAS, there have been presented to this meeting drafts of the following documents (the "Documents"), copies of which shall be filed with the records of the Board of Supervisors:

(a) a Ground Lease between the Authority, the County and the School Board conveying to the Authority a leasehold interest in the County Real Estate and the School Real Estate (the "Ground Lease");

(b) a Financing Lease between the Authority and the County conveying to the County a leasehold interest in the Projects (the "Financing Lease");

(c) An Indenture of Trust between the Authority and the Trustee, pursuant to which the Bonds and the Notes are to be issued, including the form of the Bonds and the Notes, which is to be acknowledged and consented to by the County (the "Indenture");

(d) an Assignment of Rents and Leases between the Authority and the Trustee, assigning to the Trustee certain of the Authority's rights under the Financing Lease, which is to be acknowledged and consented to by the County (the "Assignment Agreement");

(e) a Bond and Note Purchase Agreement among the Authority, the County and Wheat First Butcher Singer, Inc. as Underwriter (the "Underwriter") for the purchase of the Bonds and the Notes (the "Bonds and Note Purchase Agreement");

(f) a Continuing Disclosure Agreement among the County, the Authority and the Underwriter for the purpose of assuring compliance with continuing disclosure obligations under Rule 15c 2-12 (the "Continuing Disclosure Agreement"); and

(g) an Official Statement for the offering and sale of the Bonds and the Notes.

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

1. The following plan for financing the acquisition, construction and equipping of the Projects for the County as described in the preambles above is hereby approved. The Authority will be requested to issue the Bonds in the maximum of \$5,500,000 (the "Bonds") and to use the proceeds therefrom to finance the acquisition, construction and equipping of the Courts Complex Project and to issue the Notes in the maximum amount of \$3,365,000 and to use the proceeds therefrom to finance the acquisition, construction and equipping of the School Project. The Authority will acquire, construct and equip the Projects on the County Real Estate and the School Real Estate which will be leased to the Authority under the Ground Lease, and the Authority will lease the Projects to the County pursuant to the Financing Lease. The Authority will also enter into the Indenture with Crestar Bank, as trustee (the "Trustee"), pursuant to which the Bonds and the Notes will be issued, which Indenture is to be acknowledged and consented to by the Board of Supervisors. The Authority will also enter into the Assignment Agreement whereby the Authority's rights under the Financing Lease will be assigned to the Trustee, which Assignment Agreement is to be acknowledged and consented to by the Board of Supervisors. The Authority will be requested to lease the Courts Complex Project to the County for the term of the Bonds and the School Project to the County for the term of the Notes, under a "triple net lease" at rents sufficient to pay interest and principal due on the Bonds and the Notes, all pursuant to the Financing Lease. The obligation of the Authority to pay principal and interest on the Bonds and the Notes will be limited to rent payments received from the County. The obligation of the County to pay rent will be subject to the Board of Supervisors making annual appropriations for such purpose. The Bonds and the Notes will be secured by an assignment of the Financing Lease to the Trustee for the benefit of the bondholders. If the County exercises its right not to appropriate money for rent payments, the Trustee or the holder of the Bonds may terminate the Financing Lease or

otherwise take possession of the Projects, subject to the terms of the Financing Lease, the Assignment Agreement, the Ground Lease, and the Indenture.

2. The Board has selected Wheat First Butcher Singer, Inc. as underwriter (the "Underwriter") for the purchase of the Bonds and the Notes, and the Authority is hereby requested to designate it as such.
3. The Chairman or Vice Chairman of the Board of Supervisors, either of whom may act, is hereby authorized and directed to execute and deliver the Ground Lease, the Financing lease and the Continuing Disclosure Agreement.
4. The Chairman or Vice-Chairman of the Board of Supervisors, either of whom may act, is hereby authorized and directed to acknowledge and consent to the provisions of the Indenture, the Assignment Agreement, the Bond and Note Purchase Agreement and any other instruments executed by the Authority in connection with an assignment of the Financing Lease for the purpose of securing the Bonds and the Notes.
5. The Documents shall be in substantially the forms submitted to this meeting, which are hereby approved, with such completions, omissions, insertions and changes as may be approved by the officer executing them, his execution to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes.
6. The Courts Complex Project and the School Project are hereby declared to be essential to the efficient operation of the County, and the Board of Supervisors anticipates that the Projects will continue to be essential to the operation of the County during the term of the Financing Lease. The Board of Supervisors, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to make annual appropriations in future fiscal years in amounts sufficient to make all payments under the Financing Lease and hereby recommends that future Boards of Supervisors do likewise during the term of the Financing lease.
7. The Chairman or Vice-Chairman of the Board, the County Administrator, the County Treasurer and all others officers of the County are hereby authorized and directed to work with representatives of the Authority, the County Attorney, Bond Counsel, and the Underwriter to perform all services and prepare all documentation necessary to bring the Bonds and the Notes to market, including without limitation, final forms of the Documents.
8. The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bonds or the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, including regulations issued pursuant thereto (the "Code"), or otherwise cause interest on the Bonds or the Notes to be includable in the gross income of Federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the County at any time to rebate to the United States any part of the earning derived from the investment of the gross proceeds of the Bonds or the Notes.
9. The County covenants that it shall not permit the proceeds of the Bonds or the Notes to be used in any manner that would result in (a) 10% or more of the proceeds of either the Bonds or the Notes being used in a trade or business carried on by any person other than a governmental unit, as

provided in Section 141(b) of the Code, provided that no more than 5% of such proceeds may be used in a trade or business unrelated to the County's use of the Projects, (b) 5% or more of such proceeds being used with respect to any "output facility" (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than as governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the County receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Bonds and the Notes from being includable in the gross income for Federal income tax purposes of the registered owners thereof under existing law, the County need not comply with such covenants.

10. The Board of Supervisors hereby consents to Sands, Anderson, Marks & Miller, P. C., Richmond, Virginia serving as special counsel to the Authority and as bond counsel and recommends that such firm be appointed by the Authority as Bond Counsel and as special counsel to the Authority.
11. The Board of Supervisors hereby recommends to the Authority that Crestar Bank be appointed as Trustee under the Indenture.
12. All other acts of the Chairman or Vice-Chairman of the Board and other officers of the County that are in conformity with the purposes and intent of this resolution and in furtherance of the plan of financing, the issuance and sale of the Bonds and the Notes and the acquisition, construction, and equipping of the Projects are hereby approved and ratified.
13. 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.
14. The reimbursement resolutions adopted by the Board of Supervisors on October 6, 1993 relating to expenditures on or after August 7, 1993 with respect to the Courts Complex Project and on May 18, 1994, relating to expenditures on or after March 20, 1994 with respect to the School Project, are hereby ratified, confirmed, approved and re-adopted in their entirety.
15. The Board of Supervisors on behalf of the County hereby designates the Bonds and the Notes as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code, allocates to the Authority \$8,865,000 of its allocation of "qualified tax-exempt obligations" for the Bonds and the Notes for purposes of such Section and represents and covenants that not more than \$10,000,000 in bonds, notes, leases and other obligations of the County (including any subordinate issuing entities), excluding private activity bonds, will be issued in calendar year 1995 and that neither the Board of Supervisors nor the County will designate more than \$10,000,000 of qualified tax-exempt obligations pursuant to Section 265(b)(3) of the Code.
16. The County hereby agrees to indemnify, defend and save harmless the Authority, its officers, directors, employees and agents from and against all liabilities, obligations, claims, damages, penalties, fines, losses, costs and expenses in any way connected with the County, the issuance of the Bonds and the Notes or the acquisition, construction and equipping of the Projects.
17. Nothing in this Resolution, the Bonds, the Notes or the Documents shall constitute a debt or a pledge of the faith and credit of the County, and neither the County nor the

Authority shall be obligated to make any payments under the Bonds, the Notes or the Documents except from payments made by or on behalf of the County under the Financing Lease pursuant to annual appropriation thereof in accordance with applicable law. The Underwriter shall acknowledge on behalf of the Bondholders that any purchase of Bonds and Notes pursuant to the Bond and Note Purchase Agreement is made solely based on representations of the County and no representations of any kind as to the Projects or the ability to repay the Bonds or the Notes has been made by the Authority.

18. This resolution shall take effect immediately.

PASSED AND ADOPTED this 15th day of November, 1995.

Donald J. Haraway
Chairman

ATTEST:

Charles W. Burgess, Jr.
Clerk

IN RE: COUNTY ADMINISTRATOR COMMENTS

1. Mr. Charles W. Burgess, Jr. presented a copy of a letter from the Governor stating that he was giving additional holiday time for state employees at Thanksgiving and Christmas. He directed offices to be closed at noon on Wednesday, November 22; noon on Friday, December 22; all day on Tuesday, December 26; and an additional day of holiday leave either on Wednesday, December 27; Thursday, December 28; Friday, December 29; or Tuesday, January 2.

Mr. Bracey stated that they did this last year; whatever the governor gave State employees the Board adopted and gave it to their employees.

Mr. Bracey moved to adopt the same Holiday Schedule that the Governor is giving State employees. No one seconded it.

Mr. Clay stated that he felt that it was too many holidays.

Mr. Haraway stated that he share's Mr. Clay's concerns.

Mr. Bracey stated that he felt that it was better to give the employees the time off than to have them call in sick because everyone else was closed.

Mr. Haraway suggested that they not give the whole amount the Governor did but some of it.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that all local government offices will close at noon on Wednesday, November 22, 1995, and noon on Friday, December 22, 1995 and close on Tuesday, December 26, 1995 in addition to what has already been given.

IN RE: PROPANE SERVICE

Wendy Weber Ralph, Ass't County Administrator, stated that at the last meeting the Board awarded a bid for the County's Propane Service to Parker Oil. When the County Attorney reviewed the contract, he brought to their attention that they needed to set a term for the contract as opposed to just renewing it on its anniversary every year for the next three years. Parker Oil stated that they would honor the price for the next

five years. She requested the Board to approve that the contract would be good for five years rather than three years.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the bid for supplying the County propane fuel was awarded to Parker Oil Company on a fixed price basis of .709/gallon, which may be extended for a term of five years negotiated 90 days prior to the expiration date.

IN RE: COUNTY ADMINISTRATOR COMMENTS -- CONTINUED

2. Mr. Burgess stated that he was looking for input from the Board on next year's budget.

IN RE: EXECUTIVE SESSION

Upon motion of Mrs. Everett, seconded by Mr. Bracey, Mrs. Everett, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway voting "aye", pursuant to the Virginia Freedom of Information Act, Section 2.1-344(a) 1-Discussion of employment, salaries, disciplining of public officers, appointees, or employees of any public body; Section 2.1-344(a) 5-Discussion concerning a prospective business or industry; Section 2.1-344(a) 7-Consultation with legal counsel; the Board moved into Executive Session at 3:55 P.M. A vote having been made and approved the meeting recessed to the Homeplace Restaurant at 5:00 P.M. to continue the Executive Session. A vote having been made and approved the meeting reconvened into Open Session at 7:00 P.M.

IN RE: CERTIFICATION

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

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

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

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting to which this certification resolution applies; and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board of Supervisors of Dinwiddie County, Virginia.

IN RE: FIRE TRUCK -- OLD HICKORY FIRE DEPARTMENT

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the bids received for the new fire truck for Old Hickory Fire Department be rejected and Administration is directed to prepare a new request for bids.

IN RE: APPROPRIATION OF FUNDS -- FORT PICKETT LOCAL REUSE AUTHORITY

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that \$2,750.00 be appropriated for the Fort Pickett Local Reuse

Extract

Extract

Authority (FPLRA) to begin their process of planning and producing a redevelopment plan.

IN RE: PRODUCTIVITY ANALYSIS -- COMMISSIONER OF REVENUE

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

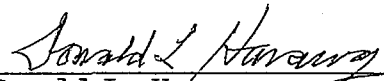
BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that a productivity analysis be conducted in the Commissioner of Revenue's office at a cost not to exceed \$2,500.

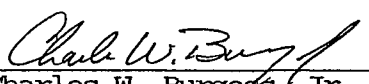
IN RE: JOINT WORKSHOP SESSION WITH THE PLANNING COMMISSION

The Board and Planning Commission met at 7:00 P.M. in the Extension Office conference room to discuss curb and gutter requirements and private roads. Ronald H. Reekes, Resident Engineer, VDOT, was also present.

IN RE: ADJOURNMENT

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mrs. Everett, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway voting "aye", the meeting adjourned at 8:35 p.m.


Donald L. Haraway
Chair, Board of Supervisors

ATTEST: 
Charles W. Burgess, Jr.
County Administrator

/rle

