

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 JULY, 2001, AT 7:30 P.M.

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

OTHER: PHYLLIS KATZ COUNTY ATTORNEY

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

Mr. Harrison A. Moody, Chairman, called the regular meeting to order at 7:30 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

Mr. Moody asked if there were any amendments to the Agenda.

Mr. R. Martin Long, County Administrator, stated there were two additions needed on the agenda under Item 12 – Closed Session add: Consultation with Legal Counsel § 2.1-344 A.7 of the Code of Virginia, for Virginia Bio Fuels, and Referendum.

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

IN RE: MINUTES

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes of the June 6, 2001 Continuation Meeting, and the June 6, 2001 Regular Meeting are hereby approved in their entirety.

IN RE: CLAIMS

Upon Motion of Mr. Clay, Seconded by Mr. Haraway, Mr. Bowman, Mr. Clay, Mr. Haraway, Mr. Bracey, Mr. Moody 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 1026146 through 1026397 (void check(s) numbered 1026145, 1026384, 1026384 and 1025441) for:

Accounts Payable FY 2001:

(101) General Fund	\$ 145,516.03
(103) Jail Commission	\$ 12.78
(104) Marketing Fund	\$.00
(222) E911 Fund	\$ 716.57
(223) Self Insurance Fund	\$.00
(225) Courthouse Maintenance	\$.00
(226) Law Library	\$.00

(228) Fire Programs & EMS	\$ 1,936.00
(229) Forfeited Asset Sharing	\$ 502.85
(304) CDBG Grant Fund	\$ 3,532.24
(305) Capital Projects Fund	\$ 35,682.99
(401) County Debt Service	\$ <u>.00</u>

TOTAL \$ 187,899.46

Accounts Payable FY 2002:

(101) General Fund	\$ 78,138.50
(103) Jail Commission	\$.00
(104) Marketing Fund	\$.00
(222) E911 Fund	\$.00
(223) Self Insurance Fund	\$.00
(225) Courthouse Maintenance	\$.00
(226) Law Library	\$.00
(228) Fire Programs & EMS	\$.00
(229) Forfeited Asset Sharing	\$.00
(304) CDBG Grant Fund	\$.00
(305) Capital Projects Fund	\$.00
(401) County Debt Service	\$ <u>63,202.99</u>

TOTAL \$ 141,341.49

PAYROLL - FY 2001:

(101) General Fund	\$ 385,325.26
(304) CDBG Grant Fund	\$ <u>3,271.03</u>

TOTAL \$ 385,596.29

IN RE: CITIZEN COMMENTS

The following citizens signed up to comment.

1. Ms. Geri Barefoot, 7411 Frontage Road, came before the Board requesting a resolution be adopted prohibiting the excavation of rock on a 386 acre parcel of land owned by George Ragsdale. She also asked for the immediate resignation of Gilbert Wood from the Planning Commission.
2. Mr. Herbert Kirks, 24597 Smith Grove Road, Petersburg, Virginia, appeared before the Board concerning the proposed rock quarry also. He stated his family for 6 generations has lived in the same community and he would like for his grandchildren to have the same opportunity. He stated he did not want a rock quarry in his back yard. His concerns were their property value, travesty, and the historical meaning of that area. He told the Board he could not express all of his concerns in 3 minutes. Continuing he stated the Board has been entrusted to do what is right for the citizens.
3. Mr. Moody stated the Board knows the rock quarry is rumored but as of yet, they are not aware of an application. Continuing he explained there is a long process for any application to get approval. As a part of this process there will be Public Hearings before the Planning Commission and the Board of Supervisors and Citizens will be allowed to express their concerns.

IN RE: GYPSY MOTH PROGRAM

Ms. Heather Sneade, Department of Forestry, came before the Board stating she asked to be allowed to speak tonight not to have the Board spend any money, nor to have any action taken, but to give information to use in making future decisions.

As you may have noticed Gypsy Moths have become a hot topic with the media lately with reports of neighboring counties having severe outbreaks. Here in Dinwiddie we currently have five confirmed spots of Gypsy Moth activity. These spots range in size from two or three yard trees to a few acres of surrounding forest. They are here in the county and it is an issue you will be faced with at some time in the future. For this reason she stated she would like to give a brief overview of what the Gypsy Moth is and what it can do so that when called upon to face this issue you will be well prepared.

The Gypsy Moth was introduced into the United States in 1869 by a scientist in Boston, Massachusetts who was trying to breed a better silk worm. The Gypsy Moths had been brought over from Europe for this experiment and somehow they managed to escape. It took 20 years for the Moths to build up to a large population, but since that time they have been spreading quickly throughout the Eastern U.S. Some scientists have estimated that, based on the tree species, there is the potential for them to spread all the way to Florida.

The Gypsy Moth has two major life states, moths and caterpillars. The moths mate in July, lay their eggs, and hatch the following spring. Around April or May when the eggs do hatch the Gypsy Moth is in its caterpillar stage. They then pupate, or go into cocoons, around June. In July they emerge as moths once again.

The Gypsy Moth has been called the "most important hardwood defoliator in North America", but it is also able to attack conifers. They prefer Oaks to any thing else, and White Oaks, like many people have in their yards, are their favorite. The caterpillars are the ones that do all the damage. They feed on the leaves until only the larger veins remain. They are messy eaters, leaving crumbs of leaves scattered around the base of the tree. This defoliation causes reduced tree growth, increased susceptibility to other insects, diseases, and fungal infections, and possibly death of the tree. This damage in turn causes increased fire danger from all the dead trees, decreased wildlife value from lack of food producing trees, decreased aesthetic value from the leaf crumbs, egg masses and pupae cases, and potential danger to homes and property from dead limbs and trees falling.

The Gypsy Moth usually will not spread more than about 1 mile per year with out "help". The problem is that people tend to help them spread with out even knowing it. The caterpillars, egg masses, or pupae cases may hitch rides on cars, campers, firewood or any other items brought back from infested areas. And you don't have to travel far to pick them up. Recently, she said she went to the Northern end of the county to look at a spot and she stood under an infested tree for about 15 minutes. When she got home she had a caterpillar crawling on her. If she had not known to destroy it this could have made the sixth spot in the County.

When introduced into North America the Moth had no natural predators to keep the moths in check. This has caused a race to find a control method that is useful and widely available. Now there are some parasites and a virus that may help lower large populations, but have not been effective on new spots. There has also been some research into sterilization and hormone use, but it is not fully tested yet. Another possible control method is to reduce the percent of favored tree species. This is not very feasible since the caterpillars feed on such a wide range of species found here. The most widely used control technique is insecticide application. This is best done by aerial application. The problem is it is expensive and federal funding can only be obtained for blocks of 15 acres or more.

Ms. Sneade gave the Board some brochures and stated this is an overview of what the county will be up against in the future and the information in them will help with identification and control. She also stated an excerpt from a letter written by the state Entomologist was included concerning his experiences with municipalities and their control decisions. She told the board if anyone had any questions to call Mike Parrish, 469-4514, at the Extension Office or her, 469-7343, at the Forestry Department.

Mr. Moody asked what the acre requirement is for the cost sharing federal funds; a 15 acre block, Ms. Sneade replied.

Mr. Bowman asked if the large timber companies had been contacted. She replied, no.

IN RE: PUBLIC HEARING – C-01-1- NTELOS/SPRINT PCS

Ms. Alma Russell stated this is an “action item” only; the Public Hearing has already come before the Board.

Mr. Long stated the County Attorney had received the following letter from Brent A. Jackson, Attorney, representing his client, the A.M.E. Zion Church.

“Ms. Phyllis Katz, Esq.
Sands, Anderson, Marks & Miller
P.O. Box 1998
Richmond, VA 23218-1998

RE: My Client – A.M.E. Zion Church
Application – Sprint/Ntelos
C-98-6 – Conditional Use Permit

Dear Ms. Katz:

Please be informed that our client, the A.M.E. Zion Church, Mid-Atlantic Region, has authorized this firm to formally convey to the Board of Supervisors of Dinwiddie County, Virginia said client’s approval with regard the abovementioned Conditional Use Permit which is currently pending. Our client has met with the applicant and it’s agents, and after much discussion regarding the Church’s concerns and challenges, it has been agreed to support the Conditional Use Permit as proposed.

In light of this support, we withdraw and waive our earlier objections as noted to the Board in our letter dated May 1, 2001.

We thank you in advance and if there are any additional questions, please do not hesitate to contact this office.

Sincerely,

Brent A. Jackson”

Mr. Bracey commented he still wasn’t happy; the applicants had “hoodwinked” everyone. They did not talk to the clients and weren’t concerned about the neighbors, community or myself. The only thing they are interested in is how much money they are going to make. He stated he knew the “deal”; the applicants met with the Church officials and it was all about money. He asked the Board “how would you like to look at this everyday?”

Upon Motion of Mr. Haraway;

BE IT RESOLVED, that in order to assure compliance with the Virginia Code Section 15.2286 (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-01-01 be approved with the conditions recommended by the Planning Commission.

Planning Summary Report

File: C-01-01

Applicant: NTELOS and Sprint PCS

Property Address: 18626 Lundy's Road, Dinwiddie, VA 23841

Acreage: 113 acres

Tax Map Parcel: 57-83

Zoning: Agricultural, general A-2

The applicant, NTELOS and Sprint PCS, have requested a modification of the conditional use permit C-98-6 in order to increase the height of the existing telecommunications tower located on the A. M. E. Zion Church property from 192' to 250'. NTELOS wishes to provide telecommunications services along the I-85 corridor. They have reviewed the available height on the existing A.M.E. Zion site and determined that they needed to extend the tower if they are to obtain the coverage they seek in the Dinwiddie Courthouse area.

The Planning Commission heard this case at their February 14th and March 14th public meetings. After the staff report and the presentation by NTELOS, the Chairman opened the meeting for citizen comment. No one in attendance spoke on this request. The Chairman closed the public hearing portion of this case. After discussion among the Commissioners, action on this case was tabled until the March 14th meeting since a few questions and/or statements were made that required additional action. This action was acceptable to the applicant. The concerns were: follow-up on contacts made by NTELOS regarding neighborhood response to their request; and further contact with the Public Safety Director regarding future need for the tower. At the March 14th meeting, it was reported that Mr. Wood contacted several neighbors and they did not object to the tower extension. Mr. Scheid stated that his conversation with the Public Safety Officer revealed that this tower was not presently needed but could be needed in the future. If such a need arose, the tower height needed would be at 300'. It was noted previously that the study conducted by NTELOS engineers revealed that a height of 200' or greater would satisfy the communications needs for them in the Dinwiddie Courthouse area. With the above in mind, the Planning Commission voted (5-1) to recommend approval of the conditional use permit subject to the conditions previously imposed and the following conditions attached:

1. The tower height shall be limited to two hundred ten (210) feet; The extension of the tower will be such that it will be able to support the weight, wind and ice loads associated with the extension to three hundred (300) feet and carrying at least three (3) other antenna arrays; and
2. NTELOS will provide dual lighting which consists of red lights at night and flashing white lights during the day. Additional, NTELOS will install a lighting system which uses fresnel lenses designed to focus approximately 90% of the light generated towards the horizon and upward to minimize the amount of light visible from the ground.

The Motion was Seconded by Mr. Clay.

Ms. Roma Sein, Attorney, asked if she could get clarification on the height of the tower.

Mr. Moody stated the application was for 210'. He asked Mr. Thompson if

that was what the Planning Commission had passed. Mr. Thompson stated the request was for 210', but after the Planning Commission meeting on March 14, 2001, and before the Board of Supervisors held their Public Hearing NTELOS had sent in a request to extend it to 220'.

Ms. Sein stated because of the design of the tower, the company who did the tower design had recommended 220' to be able to extend the tower up to 300'. Due to the structure of the tower, it is not designed to be extended precisely to 210' in height. So to provide a usable space on the tower, if extended, and to maintain the structural integrity of the tower as required by the development conditions, NTELOS must extend the structure by two tower sections. The actual tower is 190' with a lightening rod that extends 2' so that is why it is considered a 192' structure. The next two sections of the tower are designed for a 10' and 20' section bringing the total tower height to 220' for a total of a 30' extension. NTELOS is requesting to mount their tower slightly below that, at 215', to allow space for working on the tower extensions in the future without disruption of service.

Mr. Muscarella responded the way these towers are structurally designed the flanges and bolting plates for one section, which is bolted to the next section, there is a certain amount of strength and calculations that go into each section as they bolt up. If NTELOS were to try to redesign it, the whole tower would have to be redesigned. In order to take that 10' section off both carriers below it would have to be displaced.

Mr. Moody asked the representative from Atlantic Technology Consultants, Inc. to come forward.

Mr. Joe Vidunas, Atlantic Technology Consultants, Inc., stated he thinks there is a tower manufacturer that could design a section for a tower at which would support the 300' tower structurally.

Mr. Bracey asked the Chairman to call for the roll.

Mr. Bowman, Mr. Clay, Mr. Haraway, Mr. Moody voting "Aye", Mr. Bracey, Voting "Nay".

IN RE: C-01-5 - AMERICAN/NTELOS - CONDITIONAL USE PERMIT

Mr. Long stated this was an action item only the public hearing had taken place on May 2, 2001.

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

BE IT RESOLVED, that in order to assure compliance with the Virginia Code Section 15.2286 (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-01-05 submitted by NTELOS and American Towers, as stated below, is hereby amended and approved with the conditions recommended by the Planning Commission.

Planning Summary Report

File: C-01-5

Applicant: NTELOS and American Tower

Property Address: 12300 Quaker Road, Dinwiddie, VA 23841

Acreage: 38 acres (a 100' x 100' portion leased)

Tax Map Parcel: 46-9B

Zoning: Agricultural, general A-2

The applicants, NTELOS and American Tower, are seeking a conditional use permit to construct, operate and maintain a two hundred fifty (250) foot lattice telecommunications tower, related equipment and improvements for the purpose of mounting wireless telecommunications antennas. NTELOS wishes to provide telecommunications services along the I-85 corridor. They have reviewed the available height of other structures along the corridor in this area and determined that they needed to construct a tower if they are to obtain the coverage they seek. The property is cut over timberland and is located north of the northbound rest stop on I-85. The nearest residence is approximately 950' from the tower and is owned by Wynonah Wesson Thomas. It is estimated that 13 residences are located within ½ mile of the tower of which 2 residences are owned by members of the Thomas family. The nearest point of Quaker Road to the tower is approximately 1450 feet.

The Planning Commission heard this case at their April 11th public meeting. After the staff report and the presentation by NTELOS, the Chairman opened the meeting for citizen comment. Mrs. Linda Hensley of 12612 Quaker Road and Mr. Arthur Green, Jr. of 12112 Quaker Road spoke in opposition to the request. The Chairman closed the public hearing portion of this case after receiving their testimony. After discussion by the Planning Commissioners, the Planning Commission voted 6-0 (Mr. Moody absent) to recommend approval of the conditional use permit subject to the following conditions:

1. The tower proposed by American Tower shall not exceed two hundred fifty (250) feet in height;
2. Lighting will be accomplished as noted on the plans (dual-flashing system with red at night and white during the day utilizing fresnel lenses as noted);
3. The applicant, American Tower, shall allow at least two (2) other wireless telecommunications providers to locate on the tower and site, and shall provide the County, upon request, verifiable evidence of having made a good faith effort to allow such location;
4. American Tower shall construct the tower as shown in the plans prepared by Matrix Engineering, entitled Gravelly Run, 12300 Quaker Road, Dinwiddie, Virginia, VA-F814-4 which was submitted by the applicant with the application;
5. Language shall be added to the application stating that the County shall have co-location rights on the tower at no cost to the County; and
6. The conditional use permit must be reviewed at least every two (2) years for compliance with stated conditions.

IN RE: APPOINTMENT –SOCIAL SERVICES BOARD

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mrs. Linda Cunningham is hereby appointed to the Social Services Board, for a four-year term expiring June 30, 2005.

IN RE: APPOINTMENT – RC & D COUNCIL

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Granville Maitland is hereby appointed to serve on the RC& D Council, for a three-year term expiring June 30, 2004.

Mr. Moody stated he would like to check with Mike Jones to see if he

would be interested in serving on the council also.

IN RE: APPOINTMENTS – REDISTRICTING COMMITTEE

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. William Branch is hereby appointed to serve on the Redistricting Committee representing District #3.

**IN RE: BUDGET SUPPLEMENT – SCHOOL BOARD - FY 2002
BUDGET – ADDITIONAL FUNDING**

Mr. Haraway made the motion to give the Schools an additional \$200,000 for the FY 2002 budget year. He stated the State decreased their budget and he felt they had practiced good fiduciary responsibility and deserved the money they had requested.

Mr. Bowman seconded the motion.

Mr. Bracey commented that there was another issue, the Detention Home, that came to us at the last meeting also. We have to carry our weight with this too. Where are the funds going to come from?

Mr. Haraway stated we can get it from the reserve and make it up next year in the budget.

Mr. Long replied that it is costing us a lot more because we are having to send kids to other locations and it would be hard to judge how much it will cost the county.

Mr. Clay stated he was against giving the School Board the additional funds right now. The new Superintendent and Assistant Superintendent is getting new furniture and they are painting the offices. They aren't as bad off as they make out to be. They hired a new Secretary that worked in the Administration Office and are paying her a higher salary than we can pay her.

Mr. Haraway stated he left the last meeting wondering about that situation. So he called the School Board to find out about the issue. They offered her \$20,817 at Step 6 and gave her 1 year credit for every 2 years experience she had. Administration Staff could have hired the person for more money if we had given steps for her experience.

Mr. Moody stated we need to give additional funds but he hated to run into the reserves.

Mr. Bowman commented he had asked before, "Did anyone do an exit interview?" He was advised the individual was a part time employee.

Mr. Moody called for the vote.

Mr. Bowman, Mr. Haraway, Mr. Bracey, Mr. Moody voting "aye", Mr. Clay, voting "Nay",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that an additional \$200,000 be added to the local transfer to School Board budget as follows: \$163,913 – Instruction; \$36,087 – Operation and Maintenance.

**IN RE: RESOLUTION – TO EXTEND CORPORATE LIFE OF THE
APPOMATTOX RIVER WATER AUTHORITY AND
CONCURRENT RESOLUTION**

**RESOLUTION OF THE MEMBERS OF THE
APPOMATTOX RIVER WATER AUTHORITY**

WHEREAS, the Council of the City of Petersburg, the Council of the City of Colonial Heights, the Board of Supervisors of Prince George, the Board of Supervisors of Dinwiddie County, the Board of Supervisors of Chesterfield, (the "Participating Jurisdictions") created the Appomattox River Water Authority (the "Authority") in 1950 pursuant to the Code of Virginia of 1950, as amended; and

WHEREAS, the members of the Authority have determined that it is in the best interests of the Authority to extend the corporate life of the Authority;

NOW, THEREFORE, BE IT RESOLVED BY THE APPOMATTOX RIVER WATER AUTHORITY:

1. The Authority hereby requests the Participating Jurisdictions to consider and adopt the concurrent resolution, attached hereto as Exhibit "A", to extend the corporate existence of the Authority for fifty years from June 1, 2001.
2. This resolution shall take effect immediately.

Adopted by the Appomattox River Water Authority on June 13, 2001.

**CONCURRENT RESOLUTION EXTENDING THE CORPORATE LIFE
OF THE APPOMATTOX RIVER WATER AUTHORITY**

WHEREAS, the Council of the City of Petersburg, the Council of the City of Colonial Heights, the Board of Supervisors of Prince George, the Board of Supervisors of Dinwiddie County, the Board of Supervisors of Chesterfield, (the "Incorporating Jurisdictions") created the Appomattox River Water Authority (the "Authority") in 1950 pursuant to the Code of Virginia of 1950, as amended; and concurrent resolutions adopted by the Incorporating Jurisdictions; and

WHEREAS, the Incorporating Jurisdictions deem it advisable the extend the corporate life of the Authority;

NOW, THEREFORE, BE IT RESOLVED BY the undersigned Governing Bodies of the City of Petersburg, the City of Colonial Heights, the County of Prince George, the County of Dinwiddie County, the County of Chesterfield:

1. The Authority shall have a term of existence for fifty years from June 1, 2001 and for such period or periods as may from time to time be provided by resolution of the City councils and Boards of Supervisors of each political subdivision participating in the Authority.
2. This resolution shall take effect immediately.

Upon Motion of Mr. Bracey, Seconded by Mr. Bowman, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, Mr. Moody voting "Aye", these Resolutions were adopted.

**IN RE: RESOLUTION OF THE MEMBERS OF THE
APPOMATTOX RIVER AUTHORITY – MEMORANDUM OF
UNDERSTANDING**

WHEREAS, the Council of the City of Petersburg, the Council of the City of Colonial Heights, the Board of Supervisors of Prince George, the Board of Supervisors of Dinwiddie County, the Board of Supervisors of Chesterfield, (the "Participating Jurisdictions") each entered into service agreements, as amended, with the Appomattox River Water Authority (the "Authority") (collectively, the "Service Agreements"), which provide for, among other things, the sale of water by the Authority to the Participating Jurisdictions; and

WHEREAS, the Service Agreements contemplate improvements, betterments, repairs, equipment replacements, extensions and expansions (the "Future Improvements" and the "Future Expansions") to the water system to meet the future needs of the Participating Jurisdictions; and

WHEREAS, the members of the Authority have determined that it is in the best interest of the Authority to amend the method through which Future Expansions may be funded under the Service Agreements:

NOW, THEREFORE, BE IT RESOLVED BY THE APPOMATTOX RIVER WATER AUTHORITY:

1. The Authority hereby approves the Third Amendment to the 1964 Service Agreements between the Authority and the Participating Jurisdictions (the "Third Amendment") and the Memorandum of Understanding (the "MOU"), attached hereto as Exhibits "A and "B", respectively. The Chairman, Vice Chairman or General Manager of the Authority are each authorized to execute and deliver on the Authority's behalf the Third Amendment and the MOU, with such changes, insertions or omissions as may be approved by the Chairman, Vice Chairman or General Manager. Such approval will be evidenced conclusively by the execution and delivery of such documents on the Authority's behalf.

2. The Authority hereby requests the Participating Jurisdictions to consider and adopt the concurrent resolution, attached hereto as Exhibit "C", approving the Third Amendment and authorizing the execution and delivery of the Third Amendment by the proper officers of the respective cities and Counties.

3. The Authority agrees to enter into a MOU with any locality that desires to pay its expansion share and authorizes the Chairman, Vice Chairman or General Manager to execute such MOU on behalf of the Authority.

4. This resolution shall take effect immediately.

Adopted by the Appomattox River Water Authority on June 13, 2001.

**CONCURRENT RESOLUTION RELATING TO THE THIRD
AMENDMENT TO THE 1964 SERVICE AGREEMENTS BETWEEN THE
APPOMATTOX RIVER WATER AUTHORITY AND THE
PARTICIPATING JURISDICTIONS**

WHEREAS, the Council of the City of Petersburg, the Council of the City of Colonial Heights, the Board of Supervisors of Prince George, the Board of Supervisors of Dinwiddie County, the Board of Supervisors of Chesterfield, (the "Participating Jurisdictions") each entered into service agreements, as amended, with the Appomattox River Water Authority (the "Authority") (collectively, the "Service Agreements"), which provide for, among other things, the sale of water by the Authority to the Participating Jurisdictions; and

WHEREAS, the Service Agreements contemplate improvements, betterments, repairs, equipment replacements, extensions and expansions (the

"Future Improvements" and the "Future Expansions") to the water system to meet the future needs of the Participating Jurisdictions; and

WHEREAS, the members of the Authority have determined that it is in the best interest of the Authority to amend the method through which Future Expansions may be funded under the Service Agreements:

NOW, THEREFORE, BE IT RESOLVED BY THE UNDERSIGNED GOVERNING BODIES OF THE CITY OF PETERSBURG, THE CITY OF COLONIAL HEIGHTS, THE COUNTY OF PRINCE GEORGE, THE COUNTY OF DINWIDDIE COUNTY, THE COUNTY OF CHESTERFIELD:

1. The Third Amendment to the 1964 Service Agreements between the Authority and the Participating Jurisdictions (the "Third Amendment"), attached hereto as Exhibit "A", is hereby approved.
2. The proper officers of the respective Cities and Counties are hereby authorized to execute and deliver the Third Amendment.
3. This resolution shall take effect immediately.

Upon Motion of Mr. Bracey, Seconded by Mr. Bowman, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, Mr. Moody voting "Aye", these Resolutions were adopted.

IN RE: COUNTY ADMINISTRATOR COMMENTS

1. The County Administrator advised the Board that there is a need to come in early on July 18, 2001 to cover several items that the staff needs direction on, i.e. Communications Staffing, Billing for Services, Personnel Study and Referendum Issues. He suggested 11:00 A.M. on July 18, 2001.
2. The Assistant County Administrator advised the Board that a memo from the County Attorney had been included in the Board packet concerning the County's ability to regulate cable TV rates. She stated it is a complicated procedure but the new franchise will include language that would allow the Board to pursue regulation if they chose to do so.

IN RE: BOARD MEMBER COMMENTS

Mr. Bowman	He stated he would like to thank the citizens who came out tonight to express their concerns for the County and take part in the meeting.
Mr. Bracey	He stated at the retreat, a lot of issues were presented to the Board and we left and did not give Administration any direction on any of the projects nor what to do about the fire services. What are we going to do about the safety of our community? He said he was not going to go to another retreat to sit and do nothing and this bothered him.
Mr. Haraway	No comments
Mr. Clay	He stated he would like to see an audit done of the School Board. He asked the County Administrator to check on having one done.
Mr. Moody	He stated that he received the letter of June 15, 2001 from Mr. Bracey. Under his impression, we had homework to do. He said he needs to meet with some folks and he had been

busy. We did request that Staff bring back some things to us for and he felt that was to be discussed at the July 18th continuation meeting. Mr. Bracey stated he hoped so whether the answer is yes or no; but hoped the Board would take action on the issues.

IN RE: CLOSED SESSION

Mr. Clay moved that the Board now convene in a closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act:

The purpose of the closed meeting is to discuss subject matters identified as, Personnel Matters; Consultation with Legal Counsel. Matters to include: Personnel; Administration; Public Safety; Consultation with Legal Counsel - for Virginia Bio Fuels, and Referendum.

- **Personnel Matters, § 2.1-344 A - 1 of the Code of Virginia,** (candidates for employment OR the assignment, appointment, promotion, performance, demotion, discipline, salaries, compensation, resignation of employees) Personnel – County Administration; Public Safety.
- **Consultation with legal counsel, § 2.1-344 A.7 of the Code of Virginia,** (consultation with legal counsel and briefings by staff members and consultants about actual or probable and public discussion would adversely affect the negotiating or litigating posture of the County or Town – OR – consultation with legal counsel regarding specific legal matters that require legal advice) Virginia Bio Fuels, and Referendum.

Mr. Bracey seconded the motion. Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, Mr. Moody voting "Aye" the Board moved into the Closed Meeting at 8:30 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 9:15: P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the Virginia Freedom of Information Act;

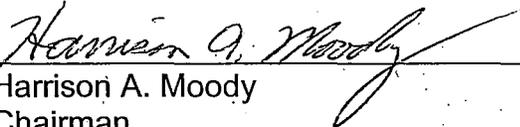
Whereas, Section 2.1-344.1 of the Code of Virginia requires a certification by the board that such closed meeting was conducted in conformity with Virginia law;

Now, therefore be it resolved that the Board hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

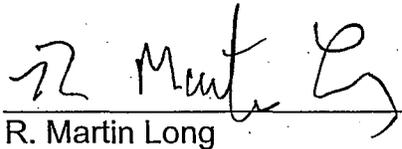
Upon Motion of Mr. Clay, Seconded by Mr. Haraway, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, Mr. Moody voting "Aye", this Certification Resolution was adopted.

IN RE: ADJORNMENT

Upon Motion of Mr. Bracey, Seconded by Mr. Haraway, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, Mr. Moody, voting "Aye", the meeting adjourned at 9:16 P.M. to be continued until 11:00 A.M., July 18, 2001 for discussion of the issues remaining from the retreat session.



Harrison A. Moody
Chairman



R. Martin Long
County Administrator

/abr

