

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 18TH DAY OF OCTOBER, 2005, AT 2:00 P.M.

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

ADMINISTRATION

PRESENT: GREGORY HORWEDEL, COUNTY ADMINISTRATOR
KEVIN MASSENGILL, ASSISTANT COUNTY ADMINISTRATOR
ANNE HOWERTON, FINANCE DIRECTOR
MICHAEL DREWRY, COUNTY ATTORNEY

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CLOSED MEETING

At 12:30 P.M. upon motion of Mr. Stone, seconded by Mr. Bowman,

The Board of Supervisors of Dinwiddie County, Virginia convened in a closed meeting under: §2.2-3711 (A)(1) of the Code of Virginia - Personnel Matters, County Administrator - Discussion of Transition, County Attorney - Priority of Workload Issues, and Appointment; and §2.2-3711 (A)(7) - Legal Matters, Overview of Current Legal Matters.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody
Nays: None

CERTIFICATION

WHEREAS, this Board convened in a closed meeting under: §2.2-3711 (A)(1) of the Code of Virginia - Personnel Matters, County Administrator - Discussion of Transition, County Attorney - Priority of Workload Issues, and Appointment; and §2.2-3711 (A)(7) - Legal Matters, Overview of Current Legal Matters

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. Haraway, seconded by Mr. Bowman, this Certification Resolution was adopted.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody
Nays: None

1. **CALL TO ORDER – INVOCATION**
2. **PLEDGE OF ALLEGIANCE**

Mr. Harrison A. Moody, Chairman, called the regular meeting to order at 2:00 P.M. followed by the Lord’s Prayer and the Pledge of Allegiance.

3. **AMENDMENTS TO AGENDA**

Mr. Horwedel stated that there was one item to add to the Consent Agenda as Item #4.F., Selection of Bond Counsel for 1998A Bond Refunding. This was provided to the Board and to the public before the meeting.

Upon motion of Mr. Haraway, seconded by Mr. Bowman,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Agenda is amended as stated.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody
Nays: None

4. CONSENT AGENDA

Mr. Stone requested that Item #4.C, School Bond Requisitions ES-11; HS-10 be pulled from the Consent Agenda. After this item was removed, the motion was made and the vote taken on the Consent Agenda.

4.A.i. APPROVAL OF MINUTES FOR OCTOBER 4, 2005 CONTINUATION MEETING

Upon motion of Mr. Haraway, seconded by Ms. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Minutes of the October 4, 2005 Continuation Meeting are approved.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Moody
Nays: Mr. Stone

4.A.ii. APPROVAL OF MINUTES FOR OCTOBER 4, 2005 REGULAR MEETING

Upon motion of Mr. Haraway, seconded by Ms. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Minutes of the October 4, 2005 Regular Meeting are approved.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Moody
Nays: Mr. Stone

4.B. CLAIMS

Upon Motion of Mr. Haraway, seconded by Ms. Moody,

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 1051145 through 1051273 (voided check number 1051146) .

FY – 05/06

Accounts Payable:

(101) General Fund	\$ 165,159.60
(103) Jail Commission	\$ 188.98
(209) Litter Grant Fund	\$ 30.00
(222) E911 Fund	\$ 1,805.32
(225) Courthouse Main Fund	\$ 819.80
(226) Law Library	\$ 54.65
(228) Fire Programs & EMS	
(229) Forfeited Assets	\$ 499.98
(304) CDBG Grant Fund	\$ 406.80
(305) Capital Projects Fund	\$
(401) County Debt Service	\$ <u>276,743.35</u>

TOTAL \$ **445,605.38**

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Moody
Nays: Mr. Stone

ITEM 4.C – Pulled from Consent Agenda

4.D. VDOT SECONDARY SIX-YEAR PLAN

Upon motion of Mr. Haraway, seconded by Ms. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Virginia Department of Transportation Secondary Six-Year Plan for 2006-07

to 2011-12 for Dinwiddie County is approved as to form for public hearing.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Moody
Nays: Mr. Stone

4.E. CHANGE ORDER NUMBER 8 FOR INTERACT PUBLIC SAFETY COMMUNICATIONS SYSTEMS

The Board received the following from Chief Dennis Hale:

BACKGROUND

The Division of Public Safety and the Dinwiddie Sheriff's Office are in the process of bringing online the Records Management and the Jail Management portions of the CAD system. We are experiencing some issues with the Jail Management software in the Sheriff's Office. The JMS is the first one InterAct has done in the State of Virginia and at the current time it does not meet the LIDS reporting requirements in Virginia. InterAct is working on the issue and will solve the problem. However, they will need to extend the contract in order to complete the work.

CONTRACT NEGOTIATIONS

InterAct has requested to extend the current contract for JMS for 6 months ending May 1, 2006. They expect completion of the project by April 26, 2006. The Change Order #8 is attached.

Upon motion of Mr. Haraway, seconded by Ms. Moody,

BE IT RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia that the following resolution is approved as stated.

Resolution

WHEREAS, InterAct Public Safety Systems has requested Change Order #8 in order to extend the contract for the Jail Management System, and

WHEREAS, this extension will run until May 1, 2006 and is necessary to insure compliance of the software with required reporting formats, and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, does hereby authorize and direct Gregory Horwedel, County Administrator, to execute the necessary documents for the referenced Change Order #8.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Moody
Nays: Mr. Stone

4.F. SELECTION OF BOND COUNSEL FOR 1998A BOND REFUNDING

The Board received the following memo from Anne Howerton, Dinwiddie County Director of Finance.

We have received three quotes from law firms for bond counsel for the 1998A Bond Refunding. These quotes were from Troutman Sanders LLP, Hunton & Williams LLP, and Williams Mullen LLP and range from \$25,000 to \$50,000 for the project. Apparently this refunding has security complications because these bonds were issued for the completion of a school project which was originally funded by 1997A bonds which were refunded in 2004. After evaluation of the quotes and discussion with Jim Johnson of Morgan Keegan, the financial advisor for the refunding, we are recommending Chris Kulp of Hunton & Williams as Bond Counsel. His quote estimated a cost of \$25,000 – 30,000. The County Attorney will also review the legal process and cost with Bond Counsel. If the project does not prove to be as complicated as anticipated, the cost would be less. Mr. Kulp was also Bond Counsel for the recent Dinwiddie County Water Authority expansion project financing.

Upon motion of Mr. Haraway, seconded by Ms. Moody,

BE IT RESOLVED, that the Board of Supervisors of the County of Dinwiddie hereby gives authority for the County Administrator to execute an agreement with Hunton & Williams LLP to provide bond counsel services for no more than \$30,000 for the 1998A bonds refunding.

SCHOOL BOND REQUISITIONS ES-11; HS-10 (ITEM PULLED FROM CONSENT AGENDA AS ITEM #4.C)

As this item was pulled from the Consent Agenda, it was discussed at this point.

The following requisitions were presented from the School Board. These requisitions were approved at the August 11, 2005 School Board Meeting.

No.ES-11

REQUISITION FROM THE PROJECT FUND

[Indicate whether from Note Account or Bond Account of Project Fund by marking a line through incorrect account]

Note/Bond Account

Industrial Development Authority of Dinwiddie County, Virginia
~~\$15,000,000 Revenue Notes, Series 2001A and~~
\$41,040,000 Lease Revenue and Refunding Bonds, Series 2004B

TO: SunTrust Bank
FROM: The Industrial Development Authority of Dinwiddie County, Virginia,
Project Fund
DATE: October 3, 2005

AMOUNT	TO	PURPOSE
\$104,085.80	Moseley Architects	Construction Documents
\$ 2,724.00	Mosley Architects	Additional Services
\$ 106,809.80	TOTAL OF THIS REQUISITION	

No. HS-10

REQUISITION FROM THE PROJECT FUND

[Indicate whether from Note Account or Bond Account of Project Fund by marking a line through incorrect account]

Note/Bond Account

Industrial Development Authority of Dinwiddie County, Virginia
~~\$15,000,000 Lease Revenue Notes, Series 2004A and~~
\$41,040,000 Lease Revenue and Refunding Bonds, Series 2004B

TO: SunTrust Bank
FROM: The Industrial Development Authority of Dinwiddie County, Virginia,
Project Fund
DATE: October 3, 2005

AMOUNT	TO	PURPOSE
\$ 23,950.00	Moseley Architects	Design Development
\$ 13,167.00	Mosley Architects	Additional Services
\$ 37,117.00	TOTAL OF THIS REQUISITION	

Mr. Stone questioned the design and construction billing as he had not seen a design for the project.

Mr. Stone requested that a meeting be arranged between himself and School Superintendent, Dr. Maranzano in order to discuss this billing if the other members of the Board did not want to meet. By consensus of the Board it was agreed that these requisitions would be held until a meeting could take place between Mr. Stone and Dr. Maranzano.

5. CITIZEN COMMENTS:

- 1) Michael Bratschi – 23500 Cutbank Road – McKenney – thanked Mr. Stone for meeting with him and Mrs. Scarborough at the Town Hall Meeting the previous night. Mr. Bratschi asked that the next time there is a contract for an Administrator position that a morality clause be added. He asked also that if the person violates the term of the contract that there be a clause that they are financially responsible for interview costs. Mr. Bratschi also spoke about the GIS position and the expense of school. He asked that if County employees are sent to expensive schooling that they commit to a contract to reimburse the County should they choose to leave before a three year timeframe. Mr. Bratschi questioned whether the curfew ordinance was being enforced. He asked why the Sheriff’s Department did not have a representative on the Gang Prevention Task Force. Lastly, he spoke about Mrs. Avery’s concerns about the cemetery on the site of the future high school property, and asked if someone could assist her with this concern.
- 2) LeRoy Ivey – 25808 Franklin Street – Petersburg – expressed concern about Westgate Plaza and the crime in that area. He asked that this area be patrolled.
- 3) David Dudley – 25907 Smith Grove Road – Petersburg – expressed concern regarding the School Board’s spending of taxpayer’s dollars. He said that he felt the Board should be more involved, and should know where the money was being spent. He expressed concern about the roads in the county, especially White Oak, Squirrel Level and Duncan Road. He asked who determines the work that gets done on these roads as parts of these roads have been reworked and parts have not. Mr. Dudley also asked why Geri Barefoot has not been given recognition.
- 4) George Hobbs – P.O. Box 1722 - Petersburg – said he was back because of the same problem he had brought before the Board in previous meetings. He expressed his concerns with the Sheriff’s Department.

Mr. Stone asked that someone in Administration give Mr. Hobbs the contact information of the Commonwealth Attorney, Mr. Marable. He said that if Mr. Hobbs had evidence of cover-up then due diligence needed to be done by giving him the information to contact the Commonwealth Attorney for follow-up.

As there was no one else signed up to speak, the Chairman declared the Citizen Comments period closed.

6. A. REPORT: VDOT

Mr. Ray Varney, Resident Engineer, gave a report as to work that is being done along the Interstates in the way of trash pick up and mowing. He discussed Route 613, White Oak Road, and the fact that this road classification has been changed to collector. He said that concerning Southbound Interstate 85, the contractor for that job had a paint

abatement problem which had held up the job. This problem has now been resolved. The reopening of the southbound lanes of Interstate 85 is now scheduled for approximately late November. He said that pothole patching is also scheduled for Interstate 85 next week.

Mr. Varney also asked that the public hearing be scheduled for the Secondary Six-Year Plan. He noted that when the Board next sees the Secondary Six-Year Plan it will be in a different format. The format has changed to be compatible with the Six-Year Improvement Plan. It will all be combined and be available on-line. The public hearing needs to be for the Secondary Six-Year Plan and also for the Budget. The Budget is for the 06/07 fiscal year as it appears on the plan. The future years are best estimate.

Mr. Stone asked the status of the Ft. Pickett signs.

Mr. Varney said that the contractor was to install the signs for crossing that section of Route 40.

Mr. Stone asked about reducing the speed limit to 45 M.P.H. through that area.

Mr. Varney said that there is potential for that, although it is not typically done in this type of situation. He stated that he would look into it.

Mr. Bowman commented that when Mr. Varney came on board it was stated that the Board was trying to do a Six-Year Plan based on traffic volume rather than political preference. He asked whether Mr. Varney was completely satisfied with the way the Six-Year Plan stands.

Mr. Varney said that he is satisfied that there are three important projects on the plan.

Mr. Moody said that Nottoway County on Route 460 had their section of Route 460 mowed for some time now. He said also that they have convicts clean up the sides of the road for trash instead of privatizing. He asked if Dinwiddie would save money and get things done faster by using convicts to do the work.

Mr. Varney said that those jobs were indeed done by state forces using convicts. He said he was not sure whether there was a cost savings, but under the current Administration of the State that private contracts would continue.

6.B. REPORT: PARADE ANNOUNCEMENT

Mr. Tim Smith, Director of Recreation, announced that the Dinwiddie County Holiday Parade will be held on Saturday, December 10, 2005 at 2:00 P.M. The rain date will be Sunday, December 11, 2005 at 3:00 P.M. This year's theme is *Unwrap the Magic of the Holidays with Glitter, Glow, Gifts and Snow*. The route will be the same as the previous year on Route 1. However, this year it will start at the Courthouse rather than finishing there. This will free up the Intersection of Courthouse and Route 1 much quicker.

7.A. ACTION ITEM: PROPANE BID UPDATE

RESULTS OF PROPANE GAS BID

Director of Finance, Anne Howerton, presented the following to the Board.

Our current propane contract with Parker Oil Company expires October 31, 2005. The results of the bid opening on October 7, 2005 are attached. In the past, we have had a fixed price for this contract. However, given the current fuel market, only one vendor submitted a fixed price bid, which was considerably higher than any of the variable differential bids we received bids. The vendors' differential bid prices are based on a weekly OPIS terminal price. Amerigas Propane typically uses the Chesapeake terminal pricing and Parker and Ferrellgas typically use the Apex NC terminal pricing. The base price for each terminal is slightly different on any given day. In an analysis of the past three months' prices for the two terminals and the price differential presented in each bid, Amerigas would be the least costly vendor. Our recommendation at this point is to award the propane gas contract to Amerigas Propane as the lowest differential price bidder. As we have not dealt with this company in the past, we will need to check their

references and do a little more research on their ability to meet our delivery needs before final award. Also attached is a copy of the one year contract.

We are asking for approval of this contract award and permission for the County Administrator to enter into the propane contract with Amerigas Propane.

CONTRACT
PROPANE GAS

The agreement is made this _ day of October, 2005 by and between Amerigas Propane, Inc. of 3323-E South Crater Road, Petersburg, Va. 23805, (the "Contractor"), and the County of Dinwiddie, Virginia and the Dinwiddie County School Board (the "County").

WHEREAS, pursuant to the Virginia Public Procurement Act, the County solicited sealed bids for Propane Gas ("Propane");

WHEREAS, the Contractor submitted a bid to supply the Propane consistent with the Specifications in the Invitation to Bid (the "Bid");

WHEREAS, the Contractor was the lowest responsive and responsible bidder for the Propane and the County has selected the Contractor to supply the Propane;

NOW THEREFORE, in consideration of the mutual benefits, promises, and undertakings, the sufficiency and receipt of which are acknowledged, the following terms and conditions are agreed to by the parties to this Contract:

1. **Incorporation by Reference.** The County's Invitation to Bid for Propane Gas, IF'B-06-100705-1 with date of September 18, 2005 including all related appendices and addenda; and the Contractor's bid in its entirety dated October 6, 2005 are made a part hereof as if the same were fully set forth. If any discrepancies arise between the County's Invitation to Bid and the Contractor's bid, the Contractor agrees to abide by the County's Invitation to Bid.

2. **Time of Performance.** The initial term of this contract is November 1, 2005 through October 31, 2006.

3. **Costs.** The Contractor agrees to supply the Propane pursuant to this Contract and in accordance with the County's Invitation to Bid and the Contractor's bid with pricing schedule summarized as follows: Propane: Terminal Location – Chesapeake, VA., OPIS Price plus differential of \$.1895 (the "Contract Price"). Payment shall be made to the Contractor at its Petersburg, Va. office within thirty (30) days of receipt of invoice.

4. **Notices.** Any notices required shall be given in writing, unless otherwise permitted hereunder, and shall be deemed received five (5) days after mailing of the same in the U.S. mail with postage prepaid at the addresses set forth below or upon actual receipt. Notice to the County shall be made to:

Gregory Horwedel
County Administrator
P.O. Drawer 70
Dinwiddie, VA 23841
(804) 469-4500

5. **General Terms and Conditions.** The Contractor agrees to procure and maintain during the term of this Contract insurance which meets all the County's requirements in the Invitation to Bid documents.

6. **Miscellaneous.** This Contract shall be governed by the laws of the Commonwealth of Virginia. Venue for any action arising out of the performance of this Contract shall be with a state or federal court with jurisdiction in Dinwiddie County, Virginia. All pronouns used herein shall refer to every gender. Headings or titles in this Contract are only for convenience and shall have no meaning nor effect upon the interpretation of the provisions of this Contract. This Contract is the entire agreement between the parties and may not be amended or modified, except by writing, signed by each party. If any provision of this Contract is determined to be unenforceable, then the remaining provisions of this Contract shall be interpreted as in effect as if such

unenforceable provisions were not included therein.

IN WITNESS WHEREOF, the parties hereto have executed this Contract as of the day first written above.

Amerigas Propane, Inc.

By: _____

Title: _____

Attest: _____

Dinwiddie County, Virginia

By: _____

Gregory S. Horwedel
County Administrator

Attest: _____

Dinwiddie County School Board

By: _____

Title: _____

Attest: _____

Approved as to Form:

County Attorney

Upon motion of Mr. Stone, seconded by Ms. Moody,

BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County, Virginia does hereby authorize and direct Gregory S. Horwedel, County Administrator, to execute the necessary documents to award the contract for the purchase of propane gas to Amerigas Propane.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody

Nays: None

7.B. ACTION ITEM: APPOINTMENTS

Upon motion of Mr. Stone to appoint Mr. Ervin Bielmyer from District 1 to the Gang Prevention Task Force, seconded by Mr. Bowman,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Ervin Bielmyer is hereby appointed to the Dinwiddie Gang Prevention Task Force.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody

Nays: None

8. COUNTY ADMINISTRATOR COMMENTS

County Administrator Horwedel stated that he had met with Mr. George Whitman regarding the school funding project. Mr. Whitman is planning to assemble a community meeting for November 7, 2005. However, there are no further details as to time and location at this point.

Mr. Horwedel said that he and County Attorney Drewry had researched the County's current proffer system as instructed by the Board. They would like to brief the Board in closed session as to the legal matters. By consensus it was decided to meet Thursday, October 20, 2005, at 6:00 P.M.

Mr. Stone asked Mr. Horwedel if Assistant County Administrator Massengill was able to get School Superintendent, Dr. Maranzano to address the concerns regarding the School bond requisitions that had been pulled from the Consent Agenda.

Mr. Massengill stated that he had gone to Dr. Maranzano to ask whether he would be available to speak to the Board during the current meeting. Dr. Maranzano was on his way to a meeting and was unable to speak to the Board during this current meeting. Dr. Maranzano indicated that the School Board had a retreat scheduled for the following week; the first week of November had been scheduled for the Governor's office

efficiency review; and the second week of November the School Board would be meeting with the engineer and architect regarding construction issues. Therefore, the earliest Dr. Maranzano felt comfortable updating the Board would be late November.

9. BOARD MEMBER COMMENTS

Mr. Stone said that there will not be a District 5 Community Meeting in November because the schedule of the meeting would fall on the week of the Thanksgiving Holiday. The next District 5 Meeting will be Monday, December 19, 2005.

As the School Board would not be available to meet until late November to discuss the requisitions presently before the Board, Mr. Stone said he would be available to meet with Dr. Maranzano anytime between 7:00 a.m. to 12:00 p.m. He said that he would take time off if needed in order to meet; and asked that Administration schedule this meeting with Dr. Maranzano. Mr. Stone also asked that Administration arrange a date to meet regarding the School's non-teaching personnel and work chart. He stated that he wanted to work on consolidation of services as soon as possible. He said he would like to participate and would like for this meeting to take place preferably before the end of November.

Mr. Stone said that the request had been made of Administration to initiate criteria for presenting individual resolutions.

Mr. Moody stated that he agreed that criteria need to be in place. He said that in his experience in the past, these resolutions were usually for people who had worked for the County for several years, for associations who had made contributions that needed to be recognized, and that there had also been individual resolutions. He stated that he did feel that there needed to be a set process.

Mr. Haraway stated that he thought it very important that the Sheriff's Department have a representative on the Gang Prevention Task Force. He asked that Administration contact the Sheriff to see if there can be a designated person from that department to attend.

There were no further Board comments.

ADJOURNMENT

Upon motion of Mr. Stone, seconded by Mr. Bowman,

The meeting was continued until Thursday, October 20, 2005 at 6:00 P.M. to discuss the legal aspects of voluntary cash proffers.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody

Nays: None

Harrison A. Moody, Chairman

ATTEST: _____
Gregory Horwedel
County Administrator
Clerk to the Board

/wjn