

County of Dinwiddie Board of Supervisors

MINUTES

Regular Meeting – September 20, 2016, 3:00 PM

Board Meeting Room, Pamplin Administration Building
14016 Boydton Plank Road, Dinwiddie, Virginia

Supervisors Present:

Brenda Ebron-Bonner, *Chair*
Harrison A. Moody, *Vice Chair*
Dr. Mark E. Moore
Daniel D. Lee Election District 4

Election District 5
Election District 1
Election District 2
Tyler Southall, *County Attorney*

Administration Present:

W. Kevin Massengill, *County Administrator*
Anne Howerton, *Deputy County Administrator,*
Finance and General Services

1. ROLL CALL

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. AMENDMENTS TO AGENDA

Mr. Massengill asked that item 7.E. Contract Award: Economic Development Road Access Design be removed from the agenda.

Upon motion of Mr. Moody, seconded by Dr. Moore,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the agenda was adopted as amended.

AYES: Mr. Lee, Mr. Moody, Dr. Moore, Ms. Ebron-Bonner

NAYS: None

5. CONSENT AGENDA

A. SUMMARY AND CLAIMS

CLAIMS	August 19, 2016	August 31, 2016	August 31, 2016	August 31, 2016	August 31, 2016	September 1, 2016	September 1, 2016	September 1, 2016	TOTALS
	1099445-1099470	1099471-1099484 payroll	1099485	1099486-1099513	1099514-1099518	1099519-1099527	1099528	1099529-1099597	
101 - General Fund	\$78,133.10	\$1,071,788.74	\$66.60	\$28,955.12	\$8,045.68	\$270.00	\$49,500.66	\$159,788.73	\$1,396,548.63
103 - Jail Commission							\$91.08		\$91.08
105 - Recreation									\$0.00
209 - Litter Grant Fund									\$0.00
210 - Economic Developmt								\$3,384.00	\$3,384.00
211-Community Service							\$24.84		\$24.84
219 - CSA									\$0.00
226 - Law Library	\$166.64								\$166.64
228 - Fire Programs & EMS							\$3,384.11	\$941.62	\$4,325.73
229 - Forfeited Asset Sharing Program									\$0.00
305 - Capital Projects Fund	\$470,257.06						\$791.04	\$413,769.15	\$884,817.25
401 - County Debt Service								\$19,978.88	\$19,978.88
402 - School Debt Service									\$0.00
724 - Abraham Scholarship									\$0.00
	\$548,556.80	\$1,071,788.74	\$66.60	\$28,955.12	\$8,045.68	\$270.00	\$53,791.73	\$597,862.38	\$2,309,337.05

B. MINUTES: AUGUST 16, 2016 REGULAR MEETING AND SEPTEMBER 6, 2016 WORKSHOP

C. VRA 2016 BOND REQUISITION #3

BACKGROUND

VRA 2016 Requisition #3 is ready for submission to US Bank for payment related to reimbursable expenditures incurred between July 21, 2015 and August 10, 2016, which is the pre-bond issuance period of the government complex project. The Board of Supervisors had approved a resolution on July 21, 2015 which allowed for reimbursement of expenditures related to the demolition of the Health Department and Social Services Buildings, the US Rt. 1 fiber installation between the current Public Safety Building and Company #1, the government complex well relocation, and legal and A&E services related to the PPEA RFP for the construction of the two new buildings. The requisition and receipts are attached for review.

REQUESTED ACTION

We are asking for approval of the following resolution.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, does hereby authorize payment of VRA 2016B Requisition # 3 to Dinwiddie County for \$260,224.11.

FORM OF REQUISITION

Requisition No. 3

Date: 9/20/2016

U.S. Bank National Association, as Trustee
Attention: Corporate Trust Department
1021 East Cary Street
18th Floor
Richmond, Virginia 23219

Virginia Resources Authority
1111 East Main Street
Suite 1920
Richmond, Virginia 23219
Attention: Executive Director

This Requisition, including Schedule 1 and Schedule 2 hereto, is submitted in connection with the Local Lease Acquisition Agreement and Financing Lease dated as of July 20, 2016 (the "Financing Lease") between the Virginia Resources Authority and the County of Dinwiddie, Virginia (the "Local Government"). Unless otherwise defined in this Requisition, each capitalized term used herein has the meaning given it under Article I of the Financing Lease. The undersigned Local Representative hereby requests payment of the following amounts from the Local Account established for the Local Government in the 2016B Acquisition Fund established under the Thirty-Sixth Supplemental Series Indenture.

Payee (including electronic payment instructions if requesting electronic payment):
TREASURER, DINWIDDIE COUNTY

Address:
**P O DRAWER 70
DINWIDDIE VA 23841**

Amount to be Paid: **\$260,224.11**

Purpose (in reasonable detail) for which obligations(s) to be paid were incurred:

**New Government Buildings Bond Proceeds
Reimbursable Expenditures Incurred between July 21, 2015 and August 10, 2016**

Activity	Vendor	Amount
PPEA Legal Counsel	Hefty Wiley & Gore PC	\$30,000.00
PPEA A & E Support Services	DJG Inc.	\$30,630.85
Asbestos Abatement & Demolition of Health Department & Social Services Buildings	HDH Associates PC	\$4,165.33
	Southern Environmental Srvs	\$97,551.00
	Dominion Power	\$762.53
Fiber Relocation	The Fishel Company	\$77,303.50
	Ronald H Gordon Surveyors	\$2,615.00
	Well Relocation	Cardno Inc
	Ronald H Gordon Surveyors	\$625.00
	Total	\$260,224.11

SCHEDULE 1
Form to Accompany Requisition

Requisition #: 3
 Recipient: Dinwiddie County - VPPF Series 2016B
 Local Representative: Anne R Howerton
 Title: Deputy County Administrator
 Date: 20-Sep-16

Cost Category	Total Project Costs	Previous Disbursements	Disbursement This Period	Disbursements to Date	Remaining Balance
Construction	\$ 25,000,000.00	-	260,224.11	260,224.11	24,739,775.89
Local Costs of Issuance	130,000.00	129,784.80	-	129,784.80	215.20
Contingency / Additional Proceeds	415.52	-	-	-	415.52
TOTALS	\$ 25,130,415.52	\$ 129,784.80	\$ 260,224.11	\$ 390,008.91	\$ 24,740,406.61

Upon motion of Mr. Lee, seconded by Dr. Moore, the consent agenda was approved as presented.

AYES: Mr. Lee, Mr. Moody, Dr. Moore, Ms. Ebron-Bonner
 NAYS: None

6. REPORTS:

A. VIRGINIA DEPARTMENT OF TRANSPORTATION

Scott Thornton, Assistant Residency Administrator, presented the following report to the Board.

DINWIDDIE COUNTY
September 20, 2016 – Monthly Report

MAINTENANCE	
Dinwiddie Area Headquarters for the month of August 2016	
<ul style="list-style-type: none"> • Performed debris cleanup and repaired signs along various primary and secondary roads. • Removed trash bags picked up by Adopt -A- Highway citizens and Dinwiddie Sheriff's Dept. inmates on secondary roads. • Surface treated Routes 628 (Rural Rustic Project-Tranquility Lane), 647 (Nash Road) between Route 1 and Stony Creek, 613 (Waterford Landing), 609 (Old Stage Road), and 696 (Bourdon Creek Road). • Patched potholes and cracked areas on various secondary routes. • Machined dirt roads throughout county and machined shoulder on Route 460 WBL between Bank of McKenney and Route 226 (Cox Rd.). Machined and added gravel to Route 699 (Horsetail Road). • Cleaned pipelines along Routes 460, 628 (Tranquility Lane) and 600 (Ferndale Road). • Mowed: Route 460, Route 1 and Route 40. Cut for sight distance on secondary roads and behind guardrails. Mowed bank and removed trash on Route 1313 (Franklin Street). • Assisted Railroad with crossing closure for repair on Route 622 (Baltimore Road). • Swept loose gravel from recently surface treated Routes 1210 (Waterford Circle) and 1213 (Waterford Drive). Swept and removed heavy buildup of loose gravel from secondary intersections and roadways along Routes 611 (Trinity Church Road), 613 (White Oak Road), and 715 (Patillo Road). • Pipe replacement along Routes 646 (Glebe Road), 734 (Rainey Road), 617 (Bolsters Road), and Route 660 (Quaker Road). • Performed ditching and slope repair on Route 619 (Courthouse Road) and various secondary roads. • Cleaned out pipes along Routes 613 (Squirrel Level Road), 672 (Church Road), 741 (Fort Emory Road), and 626 (Flatfoot Road). 	
LAND DEVELOPMENT & PERMITS	Paul Hinson, P.E.
Dinwiddie County	
Plans with outstanding comments or under review (Activity within last 90 days)	
<ul style="list-style-type: none"> • None 	
Plans approved	
<ul style="list-style-type: none"> • Project Minecraft, US 1, Boydton Plank Road – Revised plan submitted on 8-1-16 for proposed warehouse facility located off of US 1. Site to be accessed by County Economic Development Access Road. Site plan found acceptable on 8-8-16. 	
Other	
<ul style="list-style-type: none"> • Residency working with Dinwiddie County on Economic Development Access Road grant application. Goal is for CTB to hear in September. 	
LUP Permits Issued and Completed	

Permit Number	Permittee	Dinwiddie County	Permit Issuance Date	Permit Completion Date
57905	Laberzac Enterprises, Inc.	26	8-3-16	
57940	Dinwiddie County Water Authority	26	8-5-16	
57941	Dinwiddie County Water Authority	26	8-5-16	
57943	Roy Alan Hayes	26	8-17-16	
57944	Michael A. Winchell	26	8-18-16	
57946	Piedmont Soil & Water Conservation District	26	8-18-16	
57950	C & L Excavation, LLC	26	8-26-16	
57856	Comcast Communications	26	2-16-16	8-10-16
57870	Lud Hudgins, Inc.	26	3-17-16	8-10-16
57897	S. B. Cox, Inc.	26	5-10-16	8-10-16
57834	Slade & Sons Construction, LLC	26	12-10-15	8-4-16

CONSTRUCTION	Ron Hobson, P.E.
<p><u>UPC 104466 / Order D39 /Project: (NFO) 0085-026-263, N501</u> Contractor: Adams Construction Co. Name: I-85 SB Restore Existing Pavement CM: Smith Fixed Completion Date: 11-15-2017 Description: Main line paving to continue.</p> <p><u>UPC 105287 / Order I65 /Project: (NFO) 0085-026-609, N501</u> Contractor: Denton Construction Co. Name: I-85 NB Restore Existing Pavement CM: Smith Fixed Completion Date: 11-15-2016 Description: Concrete patching to continue.</p> <p><u>UPC 80993 / Order G95 /Project: (NFO) 0001-026-107,C501 (Dinwiddie)</u> Contractor: Branscome Name: Route 226 and Route 1 roundabout and intersection improvements CM: Miller Fixed Completion Date: 10/14/16 Description: Intersection improvements at Routes 1 and 226, and roundabout at Route 600s and 226. Comments: Contractor has completed storm drain installation project wide. Continuing grading/widening operations to include installation of curb & gutter, entrances, and sidewalk on Cox Road Eastbound. Contractor plans to begin paving operations on Cox Rd Eastbound in the next 2 weeks and anticipates a traffic switch to place traffic in circular pattern mid-September.</p>	

<p><u>UPC 107812 / Order404 /Project: ST4D-026-F16 (Dinwiddie)</u> Contractor: Whitehurst Name: Surface Treatment Schedule CM: Bondurant Fixed Completion Date: 10/28/16 Description: Resurfacing of various routes in Dinwiddie County. Comments: Contractor began surface treatment operations in early August. Patching is complete.</p> <p><u>UPC 107844 / Order409 /Project: PM4D-026-F16 (Dinwiddie)</u> Contractor: Allan Myers Name: Plant Mix Schedule CM: Bondurant Fixed Completion Date: 12/02/16 Description: Resurfacing of various routes in Dinwiddie County. Comments: Contractor will begin paving operations in late September to mid-October.</p>	
<p>TRAFFIC STUDIES/SPECIAL REQUESTS</p> <ul style="list-style-type: none"> • A request for no thru truck restriction for Route 603 (Weakley Rd.) and 604 (Halifax Rd.) is currently being reviewed. • A request for a stop bar on Route 1007 (5th St.) next to the stop sign at intersection with Route 1001 (Rives Ave.) is currently being reviewed. • A request for speed study to reduce speed limit on Route 460 (Cox Rd/Airport St.) between Route 1 (Boydton Plank Rd.) and Route 769 (RB Pamplin Dr.) is currently being reviewed by Traffic Engineering. • A request for centerline markings on Route 650 (Hawkins Church Rd.) is under review by the Residency. • A safety review is underway on Route 1 (Boydton Plank Rd.) at Green Acres due to concerns with center turn lane operations. 	

B. AGENCY AND DEPARTMENTAL UPDATES

Each of the following provided updates to the Board on their respective department or agency:

1. Department of Forestry, Heather Dowling;
2. Dinwiddie Chamber of Commerce, Chana Ramsey;
3. Historical Society, Betty Bowen; and
4. Social Services Advisory Board, Kathy Young.

7. ACTION ITEMS:

A. CONTRACT AWARD: THIRTEEN MOBILE DATA TERMINALS

Anne Howerton, Deputy County Administrator, Finance and General Services, presented the following for the Board’s approval.

BACKGROUND

Since 2010, Dinwiddie Sheriff’s Office has benefited from the use of Mobile Data Terminals (MDT) in their patrol cars. The ability to access Virginia Criminal Information Network (VCIN) has been invaluable. Dinwiddie Information Technology department is always looking for tools to help the officers be more effective in the field. The ability to have mobile interoperability between the officers and the Computer Aid Dispatch (CAD) system allows for features like Automatic Vehicle Location (AVL) to give real-time monitoring for officer safety.

Currently we have 21 MDT’s in the field that are reaching end of life. We are requesting the purchase of 13 new Panasonic MDT’s with the latest technologies this year and the replacement of the other half next fiscal year. During this refresh process, we will also be adding docking stations to make the transition from office to patrol car as seamless as possible.

CONTRACT NEGOTIATIONS

The procurement of the MDT’s will be through Daly Computers using a state contract.

REQUESTED ACTION

We are requesting approval of the following resolution.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, does hereby authorize and direct the County Administrator to execute the necessary documents to award the contract to Daly Computer for an amount not to exceed \$54,176.85 for the purchase of 13 Panasonic CF-54 Toughbooks and 13 Gamber dual docking stations.

CONTRACT
DINWIDDIE COUNTY
THIRTEEN (13) TOUGHBOOKS FOR SHERIFF’S OFFICE

The Agreement is made this 20th day of September 2016, by and between **Daly Computers Inc.**, of 22521 Gateway Center Drive, Clarksburg, MD 20871 (party of the first part, and hereinafter known as “Contractor”), and the **County of Dinwiddie**, Virginia (party of the second part, and hereinafter known as “County”).

WHEREAS, pursuant to the Virginia Public Procurement Act, County used cooperative procurement to procure 13 toughbooks for the Sheriff’s Office; and

WHEREAS, Contractor submitted a quote for same, consistent with the County’s needs; and

WHEREAS, Contractor was selected to provide toughbooks; and

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 following are made a part hereof as if the same were fully set forth herein, and if any discrepancies arise between the documents, they will prevail in the following order: (1) this Contract including the General Terms and Conditions, (2) Contractor’s quote dated August 18, 2016 and (3) Virginia State Contract # VA-140331-DALY. This procurement is governed by the Virginia Public Procurement Act and the Dinwiddie County Purchasing Policies and Procedures. All terms and conditions of the Act and the Policies and Procedures are hereby adopted and incorporated by reference herein.

2. **Time of Performance.** Contractor agrees to deliver equipment within thirty (30) days of executed contract.

3. **Costs.** Contractor agrees to provide all equipment pursuant to this Contract for a sum no greater than FIFTY-FOUR THOUSAND ONE HUNDRED SEVENTY-SIX AND 85/100 DOLLARS (\$54,176.85) (the “Contract Price”). Payment shall be made to Contractor within thirty (30) days after receipt of invoice and after County has inspected and tested the work and notified Contractor of its acceptance of same.

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

Notice to County shall be made to:

W. Kevin Massengill
County Administrator
P. O. Drawer 70
Dinwiddie, Virginia 23841
(804) 469-4500
accounting@dinwiddieva.us

Notice to Contractor shall be made to:

Louis Davis
Daly Computers, Inc.
22521 Gateway Center Drive
Clarksburg, MD 20871
(800) 955-3259
louis.davis@daly.com

5. **Counterparts.** This Agreement may be executed in one or more counterparts each of which shall be deemed an original but all of which together shall constitute one and the same instrument. Signed signature pages may be transmitted by facsimile or as an attachment to an email, and any such signature shall have the same legal effect as an original.

6. **Severability.** If any provision of this Agreement is determined to be unenforceable, invalid or illegal, then the enforceability, validity and legality of the remaining provisions will not in any way be affected or impaired, and such provision will be deemed to be restated to reflect the original intentions of the parties as nearly as possible in accordance with applicable law.

7. **Miscellaneous.** This Contract shall be governed by the laws of the Commonwealth of Virginia. Jurisdiction and venue for any litigation arising out of or involving this Agreement shall lie in the Circuit Court of the County of Dinwiddie, Virginia, and such litigation shall be brought only in such courts. All pronouns used herein shall refer to every gender. Headings or titles in this Contract are only for convenience and shall have no meaning or 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 provision were not included therein.

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

County of Dinwiddie, Virginia

Daly Computers, Inc.

By: _____
W. Kevin Massengill
County Administrator

By: _____
Title: _____

Attest: _____

Attest: _____

Approved as to form:

Department Approval:

Tyler Southall, County Attorney

Norm Cohen, Director of IT

Upon motion of Mr. Moody, seconded by Mr. Lee, the contract was approved as presented.

AYES: Mr. Lee, Mr. Moody, Dr. Moore, Ms. Ebron-Bonner
NAYS: None

B. APPOINTMENT OF RYAN MOORE, DEPUTY ANIMAL CONTROL OFFICER

Alvin Langley, Animal Control Manager, presented the following to the Board for their approval.

BACKGROUND

Pursuant to the Code of Virginia Section 3.2-6555, the County of Dinwiddie is required to appoint an officer to be known as the Animal Control Officer and may also appoint one or more deputy Animal Control Officers.

With the hiring of Ryan Moore to the position of full time Deputy Animal Control Officer, the Board of Supervisors has the need to appoint him to that position for the County of Dinwiddie.

REQUESTED ACTION

Approve a motion to appoint Ryan Moore as Deputy Animal Control Officer.

MOTION(S)

I hereby move to appoint Ryan Moore, as Deputy Animal Control Officer for Dinwiddie County.

Upon motion of Dr. Moore, seconded by Mr. Moody, Ryan Moore was appointed Deputy Animal Control Officer.

AYES: Mr. Lee, Mr. Moody, Dr. Moore, Ms. Ebron-Bonner
NAYS: None

C. PRE-PAYABLE PENALTIES FOR FIRE OFFENCES

Tyler Southall, County Attorney, and Nick Sheffield, Fire and EMS Coordinator, presented the following to the Board for their approval.

BACKGROUND

Nick Sheffield, Deputy Fire Marshall for Dinwiddie County, requested that violations of Sections 10-2, 10-4, 10-4.1, and 10-4.2, each addressing different aspects of open burning violations, be made pre-payable criminal violations. (These County Code sections are attached as **Exhibit A**.) Mr. Sheffield believes that making these offenses, which are currently Class 3 misdemeanors (punishable by a fine of up to \$500) into pre-payable penalties will allow both (i) citizens charged with a violation the law and (ii) County staff to avoid spending long periods of time waiting in court if the citizen agrees that they are guilty and wishes to simply pay the fine. Because these open burning violations are Class 3 misdemeanors under the County Code, they qualify as pre-payable under Virginia Code Section 16.1-69.40:2(D). Section 16.1-69.40:2(D) allows the Circuit Court to be petitioned to adopt a schedule of pre-payable penalties to include the aforementioned open burning violations.

Virginia Code Section 16.1-69.40:2 (a copy of which is attached as **Exhibit B**) allows for the Supreme Court of Virginia to “designate the non-traffic offenses for which a pretrial waiver of appearance, plea of guilty and fine payment may be accepted.¹ Such offenses shall not include: (1) Indictable offenses; (2) Class 1 or Class 2 misdemeanors; (3) Offenses which involve moral turpitude; (4) Any offenses involving injury to persons; (5) Any offense punishable by incarceration or by a fine of more than \$500.” Virginia Code Section 16.1-69.40:2(D) further states that local ordinances meeting the above criteria “may be pre-payable in a like manner if such ordinances appear in a schedule entered by order of the local circuit courts. The chief judge of each circuit may establish a schedule of the fines, within the limits prescribed by local ordinances to be imposed for prepayment of local ordinances designating each offense specifically.” In order for an offense to become a pre-payable criminal offense, it would have to meet the five criteria set forth above, and the Chief Judge of the 11th Circuit would have to adopt the aforementioned schedule.

PROPOSED ACTION

Upon the request of Mr. Sheffield, I am asking for Board of Supervisors approval to petition the Circuit Court Judge to establish violations of Dinwiddie County Code Sections 10-2, 10-4, 10-4.1, and 10-4.2 as pre-payable offenses. Staff has prepared the following resolution to assist.

RESOLUTION

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia does hereby authorize and direct the County Attorney to petition the Dinwiddie County Circuit Court to establish Dinwiddie County Code Sections 10-2, 10-4, 10-4.1 and 10-4.2 as pre-payable offenses pursuant to Virginia Code Section 16.1-69.40:2(D).

Exhibit A

§ 16.1-69.40:2

Non-traffic offenses for which prepayment authorized; schedules, fines; prepayment of local ordinances

A. The Supreme Court shall by rule, which may from time to time be amended, supplemented or repealed, but which shall be uniform in its application throughout the Commonwealth, designate the non-traffic offenses for which a pretrial waiver of appearance, plea of guilty and fine payment may be accepted. Such offenses shall not include:

1. Indictable offenses;
2. Class 1 or Class 2 misdemeanors;
3. Offenses which involve moral turpitude;
4. Any offenses involving injury to persons;
5. Any offense punishable by incarceration or by a fine of more than \$ 500.

¹ Thanks to Meghan Campbell, Deputy Commonwealth’s Attorney, for bringing this code section to my attention.

B. An appearance may be made in person or in writing by mail to a clerk of court or in person before a magistrate, prior to any date fixed for trial in court. Any person so appearing may enter a waiver of trial and plea of guilty and pay the fine established for the offense charged, with costs. He shall, prior to the plea, waiver and payment, be informed of his right to stand trial and that his signature to a plea of guilty will have the same force and effect as a judgment of court.

C. The Supreme Court, upon the recommendation of the Committee on District Courts, shall establish a schedule, within the limits prescribed by law, of the amounts of fines to be imposed upon prepayment of non-traffic offenses authorized as pre-payable under subsection A, designating each offense specifically. The schedule, which may from time to time be amended, supplemented or repealed, shall be uniform in its application throughout the Commonwealth. Such schedule shall not be construed or interpreted so as to limit the discretion of any trial judge trying individual cases at the time fixed for trial. The Rule of the Court establishing the schedule shall be prominently posted in the place where the fines are paid. Fines and costs shall be paid in accordance with the provisions of this Code or any rules or regulations promulgated thereunder.

D. Local ordinances fulfilling the criteria set out in subsection A may be pre-payable in a like manner if such ordinances appear in a schedule entered by order of the local circuit courts. The chief judge of each circuit may establish a schedule of the fines, within the limits prescribed by local ordinances to be imposed for prepayment of local ordinances designating each offense specifically. Upon the entry of such order it shall be forwarded within 10 days to the Supreme Court of Virginia by the clerk of the local circuit court. The schedule, which may from time to time be amended, supplemented or repealed, shall be uniform in its application throughout the circuit. Such schedule shall not be construed or interpreted so as to limit the discretion of any trial judge trying individual cases at the time fixed for trial. This schedule shall be prominently posted in the place where the fines are paid. Fines and costs shall be paid in accordance with the provisions of this Code or any rules or regulations promulgated thereunder.

History

1978, c. 605; 1989, c. 421; 2011, c. 694.

Exhibit B

Sec. 10-2. - Leaving open fire untended.

(a) Any person who shall build a fire in the open air or use a fire built by another in the open air, within 150 feet of any woodland, brushland or field containing dry grass or other inflammable material, shall totally extinguish the fire before leaving the area and shall not leave the fire unattended.

(b) A violation of this section shall constitute a Class 3 misdemeanor. If it is established that any fire requiring suppression originated from any such fire, the person building or using such fire, in addition to any other penalty imposed for the violation of this section, shall be liable for the full amount of all costs incurred in suppressing the fire.

(Code 1970, § 9-2; Ord. of 9-20-11, § 1)

State Law reference— Burning of woods, brush, etc., penalties, Code of Virginia, § 10.1-1142.

Sec. 10-4. - Open burning or fires.

(a) *Open burning or fires allowed without a permit:*

(1) A person may dispose of his own refuse by burning such refuse upon property under his ownership or under his effective control as provided by this chapter so long as such burning does not jeopardize the health, safety, or general welfare of the public.

(2) The resident(s) or the owner(s) of a single-family dwelling may burn leaves, tree debris, yard, and garden trimmings where the burn location is further than 100 feet from any occupied building unless the occupant has given prior written permission.

(3) Households lacking curbside trash collection may burn household refuse, as defined herein, in an appropriate container equipped with a spark arrester.

(4) Open burning or fire is authorized without a permit for bona fide firefighting instruction, for campfires or other fires used solely for recreational purposes, for outdoor noncommercial preparation of food, for safety flares and for warming of outdoor workers.

(5) Open burning or fires within agricultural zoning districts utilizing forest management and agriculture practices.

(b) *Open burning or fires prohibited at all times, with or without a permit:*

(1) It shall be unlawful to conduct open burning of commercial garbage, non-household refuse, construction waste, tires, asphalt materials, crank case oil, impregnated wood, rubber, petroleum based materials, toxic or hazardous materials, or the containers for such materials.

(2) All open burning shall be prohibited upon declaration of an alert warning or emergency stage of the air pollution episode when proclaimed by either the executive director of the state air pollution control board or his designated representative.

(3) All open burning shall be prohibited upon declaration of a fire emergency by the board of supervisors or its designee, as provided in section 10-4.1 herein.

(4) Open burning shall be restricted during certain months of the year, as provided in section 10-4.2 herein.

(c) *[Open burning permit:]* Open burning or fire not described in section (a) or (b) above shall be authorized provided that an open burning permit is obtained from the fire official prior to commencement of burning and the burn is conducted in accordance with all applicable laws and regulations.

(d) *Open burning permit requirements:*

(1) The fire official shall establish procedures for issuance of permits for open burning or fires and shall include in the permits restrictions and conditions determined in the sole discretion of the fire official to be necessary to assure control of the fire and to minimize the impact on air quality.

(2) Any person conducting open burning or fires which requires a permit shall first obtain a permit from the fire official.

(3) Permit applications shall be made on forms prescribed by the fire official. Permit applications may be submitted at any time prior to a proposed burn; however, permit applications must be submitted at least five days prior to a proposed burn in order to guarantee timely review and action by the fire official.

(4) Permits shall be effective for a maximum period of 90 days from the date of issuance, shall apply only to the site defined in the permit application, and must be available on that site for inspection by the fire official.

(e) *General requirements for open burning and fires:*

(1) Open burning or fires shall be attended at all times by a person 18 years of age or older to assure that the fire is controlled. The person attending the fire shall have available on site a fire suppression mechanism sufficient in capacity to prevent the spread of fire.

(2) All open burning and fires shall be conducted in accordance with and as permitted by all applicable laws and regulations, including but not limited to § 10.1-1142 of the Code of Virginia, 1950, as amended.

(f) *Land clearing refuse may be burned subject to the following conditions:*

(1) Land clearing refuse must be burned on the site of clearing operations resulting from commercial, industrial, or residential development, the construction of roads or highways, railroad tracks, pipelines, and power or communication lines, using an open pit incinerator or open burning that is conducted to ensure the best possible combustion with a minimum of smoke being produced.

(2) The open pit incinerator shall be at least 750 feet from any occupied building, other than a building located on the property on which the burning is conducted.

(3) The material to be burned shall consist only of brush, stumps, and other vegetative matter generated at the site and shall not include demolition or construction debris.

(g) *[Violations:]* Violations of this section shall be punishable as a Class 3 misdemeanor. In addition to any penalty imposed for such violation, if a forest fire results from the violation, the violator shall be liable to the county for the full amount of all expenses incurred by it in suppressing such fire, such amount to be recoverable by action brought by the board of supervisors on behalf of the county.

(Code 1970, § 9-3.1; Ord. of 1-20-09, § 1; Ord. of 9-20-11, § 1)

Cross reference— Burning of waste material, near buildings or fences, § 10-1; leaving open fire unattended, § 10-2.

Sec. 10-4.1. - Open burning or fires during a fire hazard.

(a) Whenever the county administrator, after consultation with appropriate agencies, determines that a drought condition exists; or that forest lands, brush lands and fields have become so dry or parched; or that other conditions exist so as to create an extraordinary fire hazard, the county administrator may declare that open burning or fires are prohibited in part or all of the county.

(b) Following such a declaration it shall be unlawful for any person to burn brush, grass, leaves, trash, debris or any other flammable material or to ignite or maintain any open fire within the county or within any part of the county subject to the prohibition. The declaration of the county administrator shall remain effective until the county administrator declares the drought condition abated and the prohibition terminated.

(c) When any such declaration is issued, amended, or rescinded, the county administrator shall promptly post a copy of the declaration, amendment, or rescission on the front door of the county courthouse and at each fire station in the area of the county in which the emergency has been declared. In addition, the county administrator shall publish the declaration, amendment, or rescission in a newspaper of general circulation.

(d) Enforcement.

- (1) The fire official and the sheriff shall enforce the provisions of this section.
 - (2) Violation of this section shall be punishable as a Class 3 misdemeanor.
 - (e) Each violation of this section shall constitute a separate offense.
- (Ord. of 9-20-11, § 1)

Sec. 10-4.2. - Burning of brush, leaves, etc., restricted to certain hours between February 15 and April 30 each year.

(a) During the period beginning February 15 and ending April 30 of each year, it shall be unlawful for any person to set fire to or to procure another to set fire to any brush, leaves, grass, debris or field containing dry grass or other inflammable material capable of spreading fire, located in, or within 300 feet of, any woodland or brushland, except between the hours of 4:00 p.m. and 12:00 midnight.

(1) The provisions of this section shall not apply to:

- a. Fires which may be set on federal lands;
- b. Fires which may be set on rights-of-way of railroad companies by their duly authorized employees; or
- c. Fires authorized by and conducted in accordance with § 10.1-1142(C) of the Code of Virginia, 1950, as amended.

(b) Violations of this section shall be punishable as a Class 3 misdemeanor. In addition to any penalty imposed for such violation, if a forest fire results from the violation, such person shall be liable to the county for the full amount of all expenses incurred by it in suppressing such fire, such amount to be recoverable by action brought by the board of supervisors on behalf of the county.

(Ord. of 9-20-11, § 1)

Upon motion of Mr. Moody, seconded by Mr. Lee, the resolution was approved as presented.

AYES: Mr. Lee, Mr. Moody, Dr. Moore, Ms. Ebron-Bonner
 NAYS: None

D. DISBURSEMENT OF DHCD-RELATED MONEY TO SOUTHSIDE OUTREACH GROUP, INC.

Tyler Southall presented the following for the Board’s approval.

BACKGROUND

At its July 19, 2016 meeting, the Board of Supervisors took action to authorize the return of overpaid amounts under a certain Deed of Trust associated with the Indoor Plumbing Rehabilitation Program (the “IPR Program”) and to direct staff to work with the Southside Outreach Group, Inc. to develop an updated Program Income Plan with the goal for the Board to formally adopt a new Program Income Plan and authorize the disbursement of \$45,676.15 to the Southside Outreach Group, Inc. at the August or September Board meeting.

After further communication with the Southside Outreach Group, Inc. and Ms. Joanne Peerman of the Department of Housing and Community Development (“DHCD”), it was determined that the County did not need to adopt a new Program Income Plan because the Southside Outreach Group, Inc. can use its already existing Program Income Plan. All that is needed is for the County to transfer the funds to the Southside Outreach Group, Inc.

PROPOSED ACTION

The proposed action is for the funds associated with DHCD, which, according to the Treasurer amounts to \$45,676.15 after the correction is made for overpayments from the IPR Program.

RESOLUTION

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia does hereby authorize the disbursement of approximately \$45,676.15 to the Southside Outreach Group, Inc. for use within the boundaries of Dinwiddie County.

Upon motion of Dr. Moore, seconded by Mr. Lee, the resolution was approved as presented.

AYES: Mr. Lee, Mr. Moody, Dr. Moore, Ms. Ebron-Bonner
 NAYS: None

E. PROCLAMATION: NATIONAL SUICIDE PREVENTION MONTH

W. Kevin Massengill, County Administrator, presented the following proclamation for the Board’s approval.

**Proclamation of the County of Dinwiddie
 National Suicide Prevention Month - September 2016**

This Proclamation recognizes suicide as a national public health problem, and suicide prevention as a statewide responsibility, and designates September 2016 as in *Suicide Prevention Month* in the County of Dinwiddie, Virginia. This month includes *National Suicide Prevention Week* that is recognized this year during *September 5-11, 2016* and *World Suicide Prevention Day* that will be recognized internationally and supported by the World Health Organization on *September 10, 2016*.

WHEREAS, suicide is the 11th leading cause of all deaths in the United States and the 3rd leading cause of death among individuals between the ages of 15 to 24;

WHEREAS, in the United States, one person completes suicide every 16 minutes;

WHEREAS, it is estimated that 5 million people in the United States are survivors of suicide (those who have lost a loved one to suicide);

WHEREAS, 51% of people who die by suicide use a firearm, and guns stored in the house are used for suicide 40 times more often than for self-protection;

WHEREAS, the overall suicide rate in our country has only slightly declined from record highs in recent years, the suicide rate for those 15-24 years old has more than doubled since the mid-1950s; and the suicide rate remains highest for adults 75 years of age and older;

WHEREAS, the stigma associated with mental illness and suicidality works against suicide prevention by discouraging persons at risk for suicide from seeking life-saving help and further traumatizes survivors of suicide;

WHEREAS, statewide suicide prevention efforts should be developed and encouraged to the maximum extent possible;

WHEREAS, organizations such as District 19 Community Services Board, the Coalition Against Alcohol, Nicotine & Drug Under-Age Use (CAAN DUU) and Team Save A Life Suicide Prevention Committee which are dedicated to reducing the frequency of suicide attempts and deaths, and the pain of survivors affected by suicides of loved ones, through educational programs, research projects, intervention services, and bereavement services urge that we:

1. Recognize suicide as a national and state public health problem and declare suicide prevention to be a statewide priority;
2. Acknowledge that no single suicide prevention program or effort will be appropriate for all populations or communities;
3. Encourage initiatives based on the goals contained in the *National Strategy for Suicide Prevention*:
 - A. Promote awareness that suicide is a public health problem that is preventable.
 - B. Develop broad-based support for suicide prevention.
 - C. Develop and implement strategies to reduce the stigma associated with being a consumer of mental health, substance abuse, and suicide prevention services.
 - D. Develop and implement community-based suicide prevention programs.
 - E. Develop and implement community-based suicide bereavement support services.
 - F. Promote efforts to reduce access to lethal means and methods of self-harm.
 - G. Implement training for the recognition of at-risk behavior and for the delivery of effective treatment.
 - H. Develop and promote effective clinical and professional practices.
 - I. Increase access to, and community linkages with, mental health and substance abuse services.
 - J. Improve reporting and portrayals of suicidal behavior, mental illness, and substance abuse in the entertainment and news media.
 - K. Promote and support research on suicide and suicide prevention.
 - L. Improve and expand surveillance systems for suicide behavior.

WHEREAS, a great many suicides are preventable;

THEREFORE IT BE RESOLVED that, we the members of, County of Dinwiddie Board of Supervisors, do hereby designate September 2016 as "*National Suicide Prevention Month*" in the County of Dinwiddie, Virginia.

Upon motion of Mr. Moody, seconded by Mr. Lee, the proclamation was approved as presented.

AYES: Mr. Lee, Mr. Moody, Dr. Moore, Ms. Ebron-Bonner

NAYS: None

8. CITIZEN COMMENTS

The following citizens spoke in opposition of the Southside Electric Center Star Substation Upgrade project:

1. Blair Childs;
2. Joan Browning;
3. Charles Little;
6. John Parker
7. Jeff Dean; and
8. Lynette Camden.

4. George Rapp;
5. Earl Petzold;

9. COUNTY ADMINISTRATOR COMMENTS

Mr. Massengill addressed the citizen comments regarding the Southside Electric Center Star Upgrade project. He stated that the Board passed a resolution on July 19, 2016 which addressed the concerns of the County regarding the route. The resolution was shared with the Board of Directors of Southside Electric, participating parties at the Rural Utilities Services (RUS), as well as State and Federal representatives. He shared that the Board was hopeful that that resolution would carry some weight and at least get some answers to questions as citizens are stating that they are not seeing any interruption of power.

Mr. Massengill explained that the County received word from RUS that they recognize the concerns of the County, however they are ordering funds to Southside Electric. Upon receipt of the notification, public and private lobbying parties have requested an extension. The 60 day extension was granted, however it was back dated so the deadline is September 23rd. Mr. Massengill expressed that staff has composed fundamental comments on the glaring mistakes of this project to clarify and reaffirm and restate our position. The comments as of today will be included as well. He reiterated that the County does not have direct authority over Southside Electric or the decision making process but are sympathetic to the issues.

Mr. Lee stated that he and Mr. Massengill have closely followed the process as well as met with citizens and leaders from Southside Electric. Mr. Lee shared that he will provide comments in writing on Friday.

Mr. Massengill promised to continue to update the citizens and Board as more information becomes available.

Next, Mr. Massengill provided an update on the County Fair, and the NFL Punt, Pass, and Kick competition. He then shared that the Sheriff's Office has been awarded a grant from the Department of Criminal Justice System to fund a full time deputy dedicated to enforcing compliance of a new code section on protective orders in which the recipient of the protective order is required to surrender firearms within 24 hours of the order being served.

Mr. Massengill then conveyed that the Ford Manned site opened on September 1st and has been well received. Then, he noted that the ALDI project is in the infrastructure phase, and is still on track for a fall 2017 opening. Sheriff's Office was recognized for highest seatbelt usage from the "Click it or Ticket" campaign. Also, he informed the Board that the facilities review is under way for the school systems, with the findings to be presented near the end of the year. Finally, Mr. Massengill thanked the departments and outside agencies departments for their reports.

10. BOARD MEMBER COMMENTS

Mr. Lee expressed his delight that the road has been fixed at Old Hickory and that the Ragsdale Community Center project is on schedule. Finally, he announced that the Board is doing an employee cookout in which the Board cooks and serves a meal to all County employees in recognition of what a good job they do.

Mr. Moody stated that the Ford Manned Site is a great success and he has received several good phone calls about it. He then summarized the VACo Summit meeting which occurred in August. He shared that there was a presentation about broadband, opiate abuse, and the Chesapeake Bay initiative. Mr. Moody asked staff to let VDOT know that trees are obstructing the view of the school zone sign at high school. He then thanked the citizens who came out to speak today, saying that Southside Electric is using the high school as a tool to justify this upgrade, and he does not believe the school would use that much energy. Finally, he thanked the agencies for giving their reports.

Dr. Moore thanked the citizens that came out to speak, stating that the Board tries to be as proactive as possible regarding the Southside Electric project, and he does not know of anyone in favor of it. As a member-run organization, they seem to not want to listen to their members. He stated that we have to preserve our history and the comments are not falling on deaf ears. Next, Dr. Moore thanked public safety personnel for the September 11th Memorial Service at the County Fair. He then promoted the Punt, Pass, and Kick event as another positive aspect of recreation. As school is back in session, Dr. Moore acknowledged the Sheriff's Office for traffic control and the school system for a safe opening as well as having a drug free environment at the middle school and high school.

As a member of the Airport Authority, Dr. Moore informed the Board that the Airport Authority is partnering with the Master Gardener program to improve the signage at the Airport. The Airport Authority is also looking for Boy Scouts doing Eagle projects as landscaping in front of the terminal is needed. Finally, Dr. Moore shared that the Airport is also in communication with the school system regarding field trips to airport for the students to learn about aviation as well. They are also working on an "Airport Day" in the month of May for the whole community.

Ms. Ebron-Bonner thanked the Board members and Mr. Massengill for their comments. She also thanked the group of citizens for coming out to speak, and expressed her hope to work together to resolve the Southside Electric issue. Ms. Ebron-Bonner also thanked the departments and agencies for their updates. Finally, she shared that the VACo Health and Human Services Steering Committee, of

which she is a member, is working on getting their platform together for the 2017 General Assembly session with a focus on mental health.

11. CLOSED SESSION

At 4:58 PM, upon the motion of Mr. Moody, seconded by Mr. Lee,

The Board convened into closed a closed meeting under:

- A. **§2.2-3711 (A) (3) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body:**
 - Acquisition of specific land for economic development
- B. **§2.2-3711 (A) (5) Business and industry development:**
 - Prospective business and industry
- C. **§2.2-3711(A) (29). Discussion of the award of a public contract involving the expenditures of public funds, including the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body:**
 - New Government Facilities Comprehensive Agreement

AYES: Mr. Lee, Mr. Moody, Dr. Moore, Ms. Ebron-Bonner

NAYS: None

At 6:34 PM, upon motion of Dr. Moore, seconded by Mr. Lee, the Board reconvened into open session.

AYES: Mr. Lee, Mr. Moody, Dr. Moore, Ms. Ebron-Bonner

NAYS: None

CERTIFICATION

Whereas, this Board convened in a closed meeting under section

- A. **§2.2-3711 (A) (3) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body:**
 - Acquisition of specific land for economic development
- B. **§2.2-3711 (A) (5) Business and industry development:**
 - Prospective business and industry
- C. **§2.2-3711(A) (29). Discussion of the award of a public contract involving the expenditures of public funds, including the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body:**
 - New Government Facilities Comprehensive Agreement

And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or of the matters identified in the motion 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. Lee, seconded by Mr. Moody, the Certification Resolution was adopted.

AYES: Mr. Lee, Mr. Moody, Dr. Moore, Ms. Ebron-Bonner

NAYS: None

12. ADJOURNMENT

Upon motion of Dr. Moore, seconded by Mr. Lee, the meeting was adjourned at 6:36 PM.

AYES: Mr. Lee, Mr. Moody, Dr. Moore, Ms. Ebron-Bonner

NAYS: None

Brenda Ebron-Bonner
Chair

ATTEST: _____

W. Kevin Massengill
County Administrator
Clerk to the Board

/sbw