VIRGINIA: AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD IN THE MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING, DINWIDDIE COUNTY, VIRGINIA, ON THE 7TH DAY OF OCTOBER, 1992, AT 7:30 P.M.

PRESENT:	EDWARD A. BRACEY, JR., CHAIRMAN	ELECTION DISTRICT #4
	A. S. CLAY VICE-CHAIRMAN	ELECTION DISTRICT #5
	HARRISON A. MOODY	ELECTION DISTRICT #1
	DONALD L. HARAWAY	ELECTION DISTRICT #2
	LEENORA EVERETT	ELECTION DISTRICT #3
	DANIEL SIEGEL	COUNTY ATTORNEY
	CLAIBORNE FISHER	DEPUTY SHERIFF

IN RE: MINUTES

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes of the September 16, 1992 Regular Meeting are hereby approved in their entirety.

IN RE: CLAIMS

Upon motion of Mr. Moody, seconded by Ms. Everett, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey 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 #20705 thru #20976; (void check #20846) General Fund - $297,314.32; E-911 Fund - $2,108.19; Self Insurance - $7,976.08; CDBG - $179.02; Capital Projects - $2,126.44; Law Enforcement - $42.90; Fire Programs Fund - $4,408.76; for a total of $314,155.71.

IN RE: REGISTRAR -- REQUEST FOR USE OF FUNDS

Extract

Ms. Betty Jeter, Registrar, told the Board that $9,000 was set aside for the Meals Tax Special Election. Of that amount $4,952 was spent leaving a balance of $4,048. She asked the Board to authorize her to purchase 22 voting machine covers at the cost of $1,430, using the remaining fund balance from the meals tax allocation.

Upon motion of Ms. Everett, seconded by Mr. Clay, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, voting "aye", Mr. Bracey voting "nay", the Registrar was authorized to purchase 22 voting machine covers at the cost of $1,430.

IN RE: CITIZEN COMMENTS

1. Mr. Fred Sahl, showed a video of the condition of the closed school buildings in the County. He said he knew the School Board is responsible for the buildings, but he was bringing it straight to the Board of Supervisors, because citizens' tax money is involved. Mr. Sahl said that the School Board has been derelict and irresponsible. He asked the Board to form an ad hoc committee to work with the School Board to resolve the problem.

Mr. Haraway said he was on the School Board when Northside was closed and the maintenance department was instructed to winterize the school because it would be used again. He said he was shocked by what he saw in the video.

Ms. Everett said she shared the concerns also.

The Chairman stated he would personally see the Chairman of the School Board on Friday.

2. Ms. Margie Ingram expressed concern about the County School cars not having decals on them and the condition the closed schools have been left in. The Chairman asked Ms. Ingram to bring these items to the attention of the School Board.

3. Mr. Larry Brown told the Board he is a pastor in the County, but not a resident. He said there was a fear of being a teacher in the County because you may get fired without a notice. The Chairman advised Mr. Brown he should discuss this issue with the School Board.

IN RE: CRATER PLANNING DISTRICT COMMISSION -- AMENDMENT TO CHARTER AGREEMENT

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

BE IT RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia that the Charter Agreement of the Crater Planning District commission be amended as follows:

1. That Section 3 of ARTICLE I be amended to read:

Section 3. The COMMISSION shall be a public body corporate and politic, with all the powers and duties granted to it by the Virginia Area Development Act, as from time to time amended.

Extract

2. That Section 4 of ARTICLE I be amended to read:

Section 4. The purpose of the COMMISSION shall be to promote the orderly and efficient development of the physical, social and economic elements of the Planning District by planning, and encouraging and assisting governmental subdivisions to plan for the future and, if requested by a member governmental subdivision or group of member govermental subdivisions, and to the extent the COMMISSION may elect to act, assisting the subdivisions by carrying out plans and programs for the improvement and utilization of said elements, such as environmental quality, transportation, solid waste, housing, land development, economic development, and other programs as deemed appropriate. To the extent the COMMISSION may elect to act, and when requested to do so by a member governmental subdivision or group of member governmental subdivisions, the COMMISSION may engage in any functions, and exercise any powers or authority, permissible under the Virginia Area Development Act, as from time to time amended.

IN RE: OVERALL ECONOMIC DEVELOPMENT PLAN

Mr. Denny Morris, Executive Director, Crater Planning District Commission, was present to request the approval of the Overall Economic Development Plan.

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

Extract

WHEREAS, improved economic conditions and the creation of additional jobs continue to be the overriding goals of the localities in the Crater Planning District, and;

WHEREAS, the Crater Planning District has been designated as an Economic Development District by the U.S. Economic Development Administration, and;

WHEREAS, the Economic Development Administration makes its assistance available through designated economic development districts, and;

WHEREAS, representative local officials in the Crater Planning District, working in conjunction with the Crater Planning District Commission staff, have developed an updated Overall Economic Development Program for improving the economy of the region and establishing a positive climate for the creation of jobs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia hereby recognizes the benefits of economic development district designation for the Crater Planning District, and wholeheartedly endorses the District's goals and objectives as set forth in the Overall Economic Development Program Update, September, 1992; and

BE IT FURTHER RESOLVED THAT a copy of this resolution be submitted to the United States Department of Commerce, Economic Development Administration in support of the Overall Economic Development Program Update, September, 1992, for the Crater Planning District.

IN RE: PUBLIC HEARING -- C-92-4 -- VIRGINIA CELLULAR

This being the time and place as advertised in the Progress-Index Newspaper on September 23, 1992, and September 30, 1992, for the Board of Supervisors to conduct a Public Hearing to consider a request from Virginia Cellular Limited Partnership for a conditional use permit to construct and operate a cellular telephone exchange.

Mr. Leonard Ponder, Director of Planning, stated that Virginia Cellular Limited Partnership has applied for a conditional use permit to construct and operate a cellular telephone exchange on Tax Parcel 31-33 located near Tranquility Road (Route 628) in the Namozine Magisterial District. Virginia Cellular avers that this tower is necessary to improve service in this part of the County.

The issues involved in these facilities are normally security and aesthetics. In this case the closest residence to the base of the tower is located at least 1,750 feet from the base of the tower. This should be sufficient to screen this tower and act as an adequate buffer from residential uses. Security can be addressed by adequate fences and gates around the base of the tower and the access road.

Staff recommends approval of C-92-4 with the following conditions:

1. The conditional use permit must be reviewed at least every two years for compliance with stated conditions.

2. A minimal amount of natural vegetation shall be disturbed by placement of the tower on the property. Additional landscaping or screening to buffer adjacent property owners from the base of the tower may be required by the Director of Planning.

3. If the tower becomes inoperable for more than one year, it must be taken down by the current or final property owner.

4. An eight (8) foot security fence will be required around the base of the tower. A metal gate, which shall be locked at all times, will be installed within fifty (50) feet of the right-of-way and Tranquility Road.

5. If any property owner shall have any interference problems with his or her electrical communications equipment which is confirmed by the County Planning Department to have been caused by this tower, Virginia Cellular Limited Partnership will investigate the problem, devise a solution, and replace any damaged equipment attributable to that problem.

Virginia Cellular Limited Partnership flew a balloon in August at the top height of the tower at the request of the National Park Service. The inconspicuousness of the balloon led the National Park Service to withdraw any objection. The Planning Commission voted unanimously at its September 9, 1992 meeting to recommend C-92-4 to the Board for approval.

Walter Witt spoke in favor of the conditional use permit.

No one spoke against the conditional use permit.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that the conditional use permit for Virginia Cellular Limited Partnership to construct and operate a cellular telephone exchange on Tax Parcel 31-33 located near Tranquility Road (Route 628) in the Namozine Magisterial District is hereby approved with the above stated conditions.

IN RE: PUBLIC HEARING -- C-92-6 -- WSVV RADIO, INC

This being the time and place as advertised in the Progress-Index Newspaper on September 23, 1992, and September 30, 1992, for the Board of

Supervisors to conduct a Public Hearing to consider a request from Ms. Sandra M. Adair Vaughan, t.a. WSVV Radio, for a radio station and its appurtenant facilities for a conditional use permit.

Mr. Leonard Ponder, Director of Planning, told the Board that Ms. Sandra M. Adair Vaughan, t.a. WSVV Radio, has requested a Conditional Use Permit for a radio station and its appurtenant facilities to be located on parts of Tax Map 36-4 and 36-8 near the intersection of Halifax Road and Carson Drive.

Per Section 22-71 (45) a "communication tower with station" is a permitted use in A-2 zoning districts with a conditional use permit. Ms. Vaughan is requesting this permit to allow her to build a three hundred (300) foot high transmission tower (FM) and a transmitter building on this site because she feels it would maximize the area that WSVV could effectively reach. Ms. Vaughan avers that this site has been approved by the FAA and the FCC as being nondisruptive to neighborhoods or people in those neighborhoods. The FCC has verified that the permit has been issued and we have a copy on file.

The issues with this case are essentially the same as the preceding case in that the conditions required are and should be similar if not exact. A visit to the site showed that the conditions required should be nearly the same. Staff recommends approval of C-92-6 with the following conditions:

1. A landscaping plan needs to be submitted showing landscaping to be done around the base of the tower and any buildings.

2. A Security gate will be required at the intersection of Halifax Road and the access to the station.

3. An eight foot security fence will be required around the base of the tower and any building.

4. If any property owner should have any interference problems with his or her electrical communications equipment which is confirmed by the County Planning Department to have been caused by this tower, WSVV, Sandra M. Adair Vaughan will investigate the problem, devise a solution, and replace any damaged equipment attributable to that problem.

5. An eight (8) foot security fence will be required around the base of the tower. A metal gate, which shall be locked at all times, will be required around the base of the tower. A metal gate, which shall be locked at all times, will be installed within fifty (50) feet of the access road and Halifax Road.

The Planning Commission voted unanimously at its September 9, 1992 meeting to recommend C-92-6 to the Board of Supervisors for approval.

No one spoke for or against the conditional use permit.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that the conditional use permit for Ms. Sandra M. Adair Vaughan, t.a. WSVV Radio, for a radio station and its appurtenant facilities to be located on parts of Tax Map 36-4 and 36-8 near the intersection of Halifax Road and Carson Drive is hereby approved with the above stated conditions.

IN RE: AMERICA 2000 MOVEMENT -- WAL-MART

Mr. Chris Purvis, Human Resources Manager, Wal-Mart, appeared before the Board to present the America 2000 Movement. On April 18, 1991, President Bush announced America 2000: An Education Strategy. It is a bold national strategy to help make this land all that it should be -- a 9-year crusade to move us toward the six ambitious national education goals that the president and the governors adopted in 1990 to close our skills-and-knowledge gap.

By the year 2000:

1. All children in America will start school ready to learn.

2. The high school graduation rate will increase to at least 90 percent.

3. American students will be competent in the core subject.

4. U. S. students will be first in the world in science and mathematics achievement.

5. Every adult American will be literate and possess the skills necessary to compete in a world economy.

6. Every school in America will be safe and free of drugs.

Mr. Purvis said a Task Force was formed and Wal-Mart has been appointed the corporate sponsor for the area. He said the President is challenging every city, town, and neighborhood in the nation to become an America 2000 Community by doing four things:

1. Adopt the six National Education Goals.

2. Develop a community-wide strategy for achieving the goals.

3. Design a report card to measure progress.

4. Plan for and support a New American School.

Mr. Purvis extended an invitation to the Board to attend the next town meeting October 15, 1992, at 6:00 p.m., at the Wal-Mart Distribution Center.

IN RE: PUBLIC HEARING -- A-92-4 -- WEAPONS ORDINANCE

This being the time and place as advertised in the Progress-Index Newspaper on September 23, 1992, and September 30, 1992, for the Board of Supervisors to conduct a Public Hearing for the purpose of adopting a Weapons Ordinance.

Mr. Daniel Siegel, County Attorney, presented the following Weapons Ordinance to the Board:

Sec. 15.1-1. Definitions

When used in this section the following words shall have the meanings ascribed to them as follows:

Ammunition shall mean a cartridge, pellet, ball, missile or other projectile adapted for use in a firearm, toy pistol or toy rifle.

Firearm shall mean a weapon in which ammunition may be used or discharged by explosion, pneumatic pressure or mechanical contrivance, including any hand gun, pistol, shotgun, rifle, BB gun, or pellet gun, but shall mean a toy pistol or toy rifle.

Sec. 15.1-2. Discharging weapons in or along roads, etc.

If any person, other than a police officer in the lawful discharge of his official duties, discharges or shoots any firearm or other weapon in or along any public road or street or within one hundred (100) yards thereof, or in any zoning district zoned for R-1 or higher use, within one hundred (100) yards of any building occupied or used as a dwelling or place where the public gathers, not his own dwelling or residence, except in the lawful defense of his own person or property or that of a member of his family, he shall be guilty of a Class 1 misdemeanor.

Cross references - Penalty for Class 1 misdemeanor, 1-11.

State Law references - Similar provisions, Code of Virginia, 18.2-280 and 18.2-286; authority of county to prohibit discharge of weapons in certain areas, 15.1-518.

Sec.15.1-3. Discharge a firearm at a songbird or domestic animal.

If any person, other than a police officer or animal warden in the lawful exercise of his official duties, discharges or shoots any firearm or other weapon at a songbird, pet, or other domestic animal, so as to wound or kill the same, such person shall be guilty of a Class 4 misdemeanor.

Cross references - Penalty for Class 4 misdemeanor, 1-11.

The following spoke in favor of the Weapons Ordinance:

1. Anne Blazek - wanted to extend coverage to camp grounds.

The following were opposed to the Weapons Ordinance:

1. W. C. Bass - questioned shooting at animals attacking livestock.

2. Claiborne Fisher - expressed concern about agricultural districts.

3. John Boswell
4. Dwayne Abernathy
5. Amy McDowell
6. Elmer Jeter
7. J. S. Major

Mr. Clay said he had received more calls on this ordinance than anything in a long time, and about 95% were opposed to the ordinance.

Mr. Haraway felt the ordinance was needed but not in its present form. He asked that the County Attorney redraft the ordinance and address the issues commented on tonight.

Ms. Everett said she had been told by the Deputies that the County needed an ordinance in order to protect the citizens.

Mr. Moody injected that he felt the County needed an ordinance to protect the citizens in highly populated areas.

Mr. Clay made the motion to disapprove the Weapons Ordinance. There was no second to the motion. The Chairman called for the vote. Mr. Clay, Mr. Moody, Mr. Bracey voting "aye", Ms. Everett, Mr. Haraway, voting "nay", the Weapons Ordinance was not approved.

IN RE: RECESS

The Chairman declared a recess at 9:22 P.M. The meeting reconvened at 9:37 P.M.

IN RE: PUBLIC HEARING -- A-92-5 -- CLASS I, CLASS II, CLASS IV MISDEMEANOR FINES

This being the time and place as advertised in the Progress-Index Newspaper on September 16, 1992, and September 23, 1992, for the Board of Supervisors to conduct a Public Hearing for the purpose of adopting an Ordinance which amends Chapter 1, Section 11 of the Dinwiddie Code.

Mr. Daniel Siegel, County Attorney, told the Board because of changes in the Virginia Code effective July 1, 1992, it is necessary for the County to make an amendment to County Code Section 14-3 re-enacting all of Virginia Code Section 46.2 and Article II of Chapter 7 of Title 18.2. Because of changes that are occurring annually in the code section, it is necessary that we update this code to allow the increase in fines for the County.

Extract

No one spoke for or against the Ordinance.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that Section 11 of Chapter 1 of the Dinwiddie Code is hereby amended such that the maximum fine for a Class 1 misdemeanor shall be $2,500, for a Class 2 misdemeanor shall be $1,000 and for a Class 4 misdemeanor shall be $250, as permitted by Section 18.2-11 of the Code of Virginia of 1950, as amended.

This Ordinance shall become effective immediately.

IN RE: PUBLIC HEARING -- A-92-6 -- MEALS TAX

This being the time and place as advertised in the Progress-Index Newspaper on September 16, 1992, and September 23, 1992, for the Board of Supervisors to conduct a Public Hearing for the purpose of adopting an Ordinance to implement and levy a meals tax as permitted by Section 58.1-3833 of the Code of Virginia.

No one spoke for or against the meals tax ordinance.

Ms. Everett stated she felt the effective date should be November 1, 1992.

Mr. Haraway stated he felt the cafeteria in a hospital or industrial plant should not be exempt.

Mr. Bracey stated he felt the tax should be 3%.

Upon motion of Mr. Haraway, seconded by Mr. Clay, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey voting "aye", the following meals tax ordinance is adopted, with the effective date of December 1, 1992:

Sec. 19-131. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings ascribed to them by this section. Words and phrases used in this article that are not defined herein shall have the meanings ascribed to them under Section 1-2 of Chapter I of this Code, if any, and, if not defined therein, the meanings commonly attributable to them in normal and customary usage.

Beverage: Any alcoholic beverages as defined in Section 4-2 of the code of Virginia (1950), as amended, and nonalcoholic beverages, any of which are served as part of a meal, whether such beverage or meal is intended to be, or actually is, consumed on the seller's premises or elsewhere.

Extract

Caterer: A person who furnishes meals on the premises of another, for compensation.

Commissioner: The Commissioner of the Revenue of the County, and any of his or her duly authorized deputies, assistants, employees or agents.

Food: Any and all edible refreshments, foodstuffs or nourishment, liquid or otherwise, including beverages as herein defined, sold for human consumption in or from a restaurant or by a caterer or other vendor, whether such food is intended to be, or actually is, consumed on the seller's premises or elsewhere, except snack foods.

Purchaser: Any person who purchases food in or from a restaurant, caterer or other vendor.

Restaurant: Any place in or from which food is sold in the county, including, but not limited to, any place where food is prepared for service to the public on or off the premises, or any place where food is served. Examples of such places include, but are not limited to, lunchrooms, short order places, cafeterias, coffee shops, cafes, taverns, delicatessens, dining accommodations of private schools and colleges. Excluded from the definition are places manufacturing packaged or canned foods which are distributed to grocery stores or other similar food retailers for sale to the public.

The term also includes any place or operation which prepares or stores food for distribution to persons of the same business operation or of a related business operation for service to the public. Examples of such places or operations include, but are not limited to, operations preparing or storing food for catering services, pushcart operations, hotdog stands, and other mobile points of service. Such mobile points of service are also deemed to be restaurants unless the point of service and of consumption is in a private residence. The word "restaurant" shall not mean a grocery store, convenience store, or supermarket except for any space or section therein designated or used as a delicatessen which sells prepared foods ready for human consumption or for the sale of prepared sandwiches and single-meal platters.

Seller: Any person who sells food in or from a restaurant and any caterer.

Sec.19-132. Exemptions.

The following purchases of food shall not be subject to tax under this article:

a. Food sold by nonprofit educational, charitable or benevolent organizations or by a church or religious body on an occasional basis as a fund-raising activity.

b. Food furnished or sold by boardinghouses that do not accommodate transients.

c. Food sold by cafeterias operated by industrial plants for employees only.

d. Food sold by nonprofit cafeterias in public schools, nursing homes and hospitals.

e. Food sold by churches or religious bodies, fraternal and social organizations and volunteer fire departments and rescue squads at occasional dinners and bazaars of one or two days duration at which food prepared in the homes of members or in the kitchen of the organization is offered for sale to the public.

f. Food furnished by churches which serve meals for their members as a regular part of their religious observances.

g. Food and beverages sold through vending machines.

h. Food sold by grocery stores and convenience stores except for prepared sandwiches and single-meal platters and prepared food ready for human consumption sold at a delicatessen counter.

i. Any other sale of food which is exempt from taxation under the Virginia Retail Sale and Use Tax Act, or administrative rules and regulations issued pursuant thereto.

Sec.19-133. Levy of Tax; Amount.

In addition to all other taxes and fees of any kind now or hereafter imposed by law, a meals tax, pursuant to Section 58.1-3833 of the Code of Virginia is hereby levied and imposed on the purchaser of all food and beverages served, sold, or delivered for human consumption in the county in or from a restaurant, whether prepared in such restaurant or not, or prepared by a caterer. The rate of this tax shall be four percent of the amount paid for such food. In the consumption of this tax, any fraction of one-half cent or more shall be treated as one cent ($0.01).

Sec. 19-134. Payment and Collection of Tax.

Every seller of food with respect to which a tax is levied under this article shall collect the amount of tax imposed under this article from the purchaser on whom the same is levied at the time payment for such food becomes due and payable, whether payment is to be made in cash or on credit by means of a credit card or otherwise. The amount of tax owed by the purchaser shall be added to the cost of the food by the seller who shall pay the taxes collected to the county in the same manner and at the same times as payments to the county of the county's retail sales tax are made. Except as may be otherwise expressly set forth in this article, the meals tax imposed under this article shall be administered and collected by the Commissioner in the same manner as the county's retail sales tax and shall be subject to the same penalties for violations thereof, including, without limitation, the penalties provided for in Section

58.1-635 and 58.1-636 of the Code of Virginia, except that all monetary penalties, payments and reports required to be made hereunder shall be made to the Commissioner and the Treasurer, as applicable, and not to the state tax commissioner. Taxes collected by the seller shall be held in trust by the seller for the benefit of the county until remitted to the county.

Sec.19-135. Reports and Remittances Generally.

Every seller of food with respect to which a tax is levied under this article shall make out a report upon such forms and setting forth such information as the Commissioner may prescribe and require, showing the amount of food charges collected and the tax required to be collected, and shall sign and deliver such report to the Commissioner with a remittance of such tax. Such reports and remittance shall be made on or before the twentieth day of each month, covering the amount of tax collected during the preceding month.

Sec. 19-136. Preservation of Records.

It shall be the duty of any seller of food liable for a collection and remittance of the taxes imposed by this article to keep and preserve for a period of three (3) years records, showing gross sales of all food and beverages, the amount charged the purchaser of each such purchase, the date thereof, the taxes collected thereon and the amount of tax required to be collected by this article. The Commissioner shall have the power to examine such records at reasonable times and without unreasonable interference with the business of the seller, for the purpose of administering and enforcing the provisions of this article and to make copies of all or any parts thereof.

Sec. 19-137. Enforcement; Duty of Commissioner of the Revenue.

The Commissioner shall promulgate rules and regulations for the interpretation, administration and enforcement of this article. It shall also be the duty of the Commissioner to ascertain the name of every seller liable for the collection of the tax imposed by this article who fails, refuses or neglects to collect such tax or to make the reports and remittances required by this article. The Commissioner shall have all of the enforcement powers as authorized by Article 1, Chapter 31 of Title 58.1 of the Code of Virginia (195), as amended, for purposes of this article.

Sec.19-138. Duty of County Treasurer.

The County Treasurer shall have the power and duty of collecting the taxes imposed and levied hereunder and shall cause the same to be paid into the general treasury for the County. The Treasurer shall have all of the enforcement powers as authorized by Article 2, Chapter 31 of Title 58.1 of the Code of Virginia (1950), as amended, for purposes of this article.

Sec.19-140. Violation of Article.

Any person violating, failing, refusing or neglecting to comply with any provision of this article shall, in addition to being subject to all the same penalties as provided for in Article IV of this Chapter 19 for a violation thereof, be guilty of a Class 1 misdemeanor. Conviction of such violation shall not relieve any person from the payment, collection or remittance of the taxes provided for in this article. Each failure, refusal, neglect or violation, and each day's continuance thereof, shall constitute a separate offense.

Sec. 19-141. Discount.

For the purpose of compensating sellers for the collection of the tax imposed by this chapter, every seller shall be allowed three percent (3%) of the amount of the tax due and accounted for in the form of a deduction on his monthly return; provided, that the amount due is not delinquent at the time of payment.

Sec. 19-142. Tips and Service Charges.

Where a purchaser provides a tip for an employee of a seller and the amount of the tip is wholly in the discretion of the purchaser, the tip is not subject to the tax imposed by this chapter, whether paid in cash to the employee or added to the bill and charged to the purchaser's account, provided in the latter case, the full amount of the tip is delivered to the employee by the seller.

An amount or percent, whether designated as a tip or a service charge, that is added to the price of the meal by the seller and required to be paid by the purchaser, is a part of the selling price of the meal and is subject to the tax imposed by this chapter.

IN RE: PUBLIC HEARING -- VPSA -- $350,000 SCHOOL BOND ISSUE

This being the time and place as advertised in the Progress-Index Newspaper on September 16, 1992, and September 23, 1992, for the Board of Supervisors to conduct a Public Hearing to propose for passage a resolution authorizing the issuance of not to exceed $350,000 general obligation school bonds for school purposes.

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

Extract

WHEREAS, the Dinwiddie County School Board (the "School Board") has determined that it is necessary and expedient to borrow not to exceed $350,000 and to issue its general obligation school bonds for the purpose of financing certain capital projects for school purposes;

WHEREAS, the County has held a public hearing, duly noticed, on October 7, 1992, on the issuance of the Bonds (as defined below) in accordance with the requirements of Section 15.1-227.8A, Code of Virginia 1950, as amended (the "Virginia Code"); and

WHEREAS, the School Board of the County has requested, by resolution, the Board to authorize the issuance of the Bonds (as hereinafter defined) and, prior to the issuance of the Bonds, the School Board will have consented to the issuance of the Bonds;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia:

1. Authorization of Bonds and Use of Proceeds. The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bonds in an aggregate principal amount not to exceed $350,000 (the "Bonds") for the purpose of financing certain capital projects for school purposes. The Board hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution.

2. Sale of Bonds. It is determined to be in the best interest of the County to accept the offer of the Virginia Public School Authority (the "VPSA") to purchase from the County, and to sell to the VPSA, the Bonds at par upon the terms established pursuant to this Resolution. The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to enter into a Bond Sale Agreement dated October 28, 1992, with the VPSA providing for the sale of the Bonds to the VPSA in substantially the form submitted to the Board at this meeting, which form is hereby approved (the "Bond Sale Agreement").

3. Details of the Bonds. The Bonds shall be issuable in registered form in denominations of $5,000 and whole multiples thereof; shall be dated the date of issuance and delivery of the Bonds; shall be designated "General Obligation School Bonds, 1992 Series;" shall bear interest from the date of delivery thereof payable semi-annually on each June 15 and December 15 beginning June 15, 1993 (each an "Interest Payment Date"), at the rates established in accordance with Section 4 of this Resolution; and shall mature on December 15 in the years (each a "Principal Payment Date") and in the amounts set forth on Schedule I attached hereto (the "Principal Installments"), subject to the provisions of Section 4 of this Resolution.

4. Interest Rates and Principal Installments. The County Administrator is hereby authorized and directed to accept the interest rates on the Bonds established by the VPSA, provided that each interest rate shall be ten one-hundredths of one percent (0.10%) over the annual rate to be paid by the VPSA for the coresponding principal payment date of the bonds to be issued by the VPSA (the "VPSA Bonds"), a portion of the proceeds of which will be used to purchase the Bonds, and provided further, that no interest rate on the Bonds shall exceed nine percent (9%) per annum. The Interest Payment Dates and the Principal Installments are subject to change at the request of the VPSA. The County Administrator is hereby authorized and directed to accept changes in the Interest Payment Dates and the Principal Installments at the request of the VPSA, provided that the aggregate principal amount of the Bonds shall not exceed the amount authorized by this Resolution. The execution and delivery of the Bonds as described in Section 8 hereof shall conclusively evidence such interest rates established by the VPSA and Interest Payment Dates and the Principal Installments requested by the VPSA as having been so accepted as authorized by this Resolution.

5. Form of the Bonds. For as long as the VPSA is the registered owner of the Bonds, the Bonds shall be in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A. On twenty (20) days written notice from the VPSA, the County shall deliver, at its expense, the Bonds in marketable form in denominations of $5,000 and whole multiples thereof, as requested by the VPSA, in exchange for the temporary typewritten Bond.

6. Payment; Paying Agent and Bond Registrar. The following provisions shall apply to the Bonds:

a) For as long as the VPSA is the registered owner of the Bonds, all payments of principal of, premium, if any, and interest on the Bonds shall be made in immediately available funds to the VPSA at, or before 11:00 a.m. on the applicable Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next preceding such Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption.

b) All overdue payments of principal or interest shall bear interest at the applicable interest rate or rates on the Bonds.

c) The County Administrator is hereby authorized and directed to designate a bank or trust company to act as Bond Registrar and Paying Agent for the Bonds.

7. Prepayment or Redemption. The Principal installments of the Bonds held by the VPSA coming due on or before December 15, 2002, and the definitive Bonds for which the Bonds held by the VPSA may be exchanged that mature on or before December 15, 2002, are not subject to prepayment or redemption prior to their maturities. The principal installments of the Bonds held by the VPSA coming due after December 15, 2002, and the definitive bonds for which the Bonds held by the VPSA may be exchanged that mature after December 15, 2002, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after December 15, 2002, upon payment of the prepayment or redemption prices (expressed as percentages of principal installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

Dates	Prices
December 15, 2002 to December 14, 2003, inclusive ...	103%
December 15, 2003 to December 14, 2004, inclusive ...	102%
December 15, 2004 to December 14, 2005, inclusive ...	101%
December 15, 2005 and thereafter....................	100%

Provided, however, that while the VPSA is the registered owner of the Bonds, the Bonds shall not be subject to prepayment or redemption prior to their stated maturties as described above without first obtaining the written consent of the VPSA. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

8. Execution of the Bonds. The Chairman or Vice Chairman and the Clerk or any Deputy Clerk of the Board are authorized and directed to execute and deliver the Bonds and to affix the seal of the County thereto.

9. Pledge of Full Faith and Credit. For the prompt payment of the principal of, the premium, if any, and the interest on the Bonds as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Bonds shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of, the premium, if any, and the interest on the Bonds as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the county are not lawfully available and appropriated for such purpose.

10. Use of Proceeds Certificate. The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute a Certificate as to Arbitrage and a Use of Proceeds Certificate each setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the Bonds and on the VPSA Bonds. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such Certificate as to Arbitrage and such Use of Proceeds Certificate and that the County shall comply with the other covenants and representations contained therein and (ii) that the County shall comply with the provisions of the code so that interest on the Bonds and on the VPSA Bonds will remain excludable from gross income for Federal income tax purposes.

11. State Non-Arbitrage Program; Proceeds Agreement. The Board hereby determines that it is in the best interest of the County to authorize and direct the County treasurer to participate in the State Non-Arbitrage Program in connection with the Bonds. The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the County, the other participants in the sale of the VPSA Bonds, the VPSA, Public Financial Management, Inc., as investment manager, and Central Fidelity Bank, as depository, substantially in the form submitted to the Board at this meeting, which form is hereby approved.

12. Comprehensive Annual Financial Reports. The County shall, so long as the VPSA is the registered owner of the Bonds, submit a copy of its Comprehensive Annual Financial Reports for each fiscal year of the County to the VPSA as soon as practical, after the end of each such fiscal year.

13. Filing of Resolution. The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.

14. Further Actions. The Members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.

15. Effective Date. This Resolution shall take effect immediately.

IN RE: RESOLUTION -- USDA PEANUT PROGRAM

Extract

The County Administrator informed the Board that the Greensville County Board of Supervisors sent a letter informing him of a plan, the General Agreement on Tariffs and Trade, that could have a devastating effect on the peanut growers in Southside Virginia. This Plan, also known as the Dunkel Proposal, includes a reduction in U.S. price supports on peanuts and would allow the importation of foreign peanuts, which are presently uninspected, into the U.S. market.

He said the Greensville Board believes, along with the National Association of Counties, that the implementation of this Plan will have a detrimental effect on the peanut growers in this area.

The Greensville Board has approved a resolution opposing the Dunkel Proposal and supporting the continuation of the present U.S.D.A. Peanut Program and supporting the continuation of the peanut price support under current guidelines.

The Greensville Board requests a similar resolution be approved and that the Dinwiddie County Board of Supervisors contact their congressional delegation concerning this issue.

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

WHEREAS, peanut production is an essential element of the agricultural economy of the Southeastern and Southwestern United States; and

WHEREAS, the agricultural economy is of vital importance to the citizens of Dinwiddie County, as well as to those of other counties in Southside Virginia; and

WHEREAS, the USDA peanut program is operated at very little cost to the U.S. taxpayer; and

WHEREAS, the Dunkel proposal of the General Assembly on Tariffs and Trade (GATT) negotiations contains two important sections, each of which would adversely impact U.S. peanut farmers:

1) a twenty (20%) percent cut in internal price supports, and

2) a domestic market access for foreign peanuts that starts at three (3%) percent in 1993 and increases to five (5%) percent over the six-year period between 1993 and 1999; and

WHEREAS, the Dunkel proposal would allow the importation of over 512 million pounds of foreign peanuts into the United States over the six-year implementation period, and because production standards and quality controls are not as high elsewhere as in the United States, the imported peanuts would be of inferior quality to those grown in the United States; and

WHEREAS, a study conducted by the University of Georgia concluded that the Dunkel proposal would result in a loss of gross income to U.S. peanut farmers of $1.675 billion over the six-year period; and

WHEREAS, such a loss in farm income would impose substantial economic hardship upon an industry which is already severely stressed, and importantly, could cause a further reduction in the number of family farms not just in Dinwiddie County, but throughout the United States; and

WHEREAS, family farms have historically played a vibrant role in the social fabric of the United States, and a substantial reduction in the number of family farms would have not just an adverse economic impact, but also an adverse social and cultural impact.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County, Virginia, in recognition of the importance of a healthy agricultural economy throughout the United States and the important role peanut farmers serve in the economic well-being of Dinwiddie County, supports the continuation of the present USDA peanut program, urges the continuation of peanut price support under current guidelines, and opposes the Dunkel proposal; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the Virginia delegation to Congress is hereby urged to vote no on the Dunkel proposal as it pertains to peanuts;

AND IT IS FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the USDA and all other state and federal agencies are urged to initiate and support all efforts to expand the markets for sale of peanuts raised by U.S. farmers, both within the United States and in foreign markets.

IN RE: DISCLOSURE STATEMENT DISCUSSION

Mr. Daniel Siegel, County Attorney, presented the following zoning disclosure ordinance for discussion to be added to Sec. 22-23:

d. Each application for rezoning or a conditional use permit shall include a list of the names and addresses of all persons owning any legal or equitable interest in the real property which is the subject of the application as a title owner, lessee, easement owner, contract purchaser, assignee, optionee, licensee or noteholder, including trustees, beneficiaries of trust, general partners, limited partners and all other natural or artificial persons owning any such interest; provided, however, that the names and addresses of governmental entities and public service companies owning recorded easements over the subject property need not be disclosed.

e. If any of the persons disclosed under Section 22-23 (d) is a corporation, then the application shall also list the names and addresses of any shareholders who own ten (10) percent or more of any class of stock issued by such corporation and, where such corporation has ten (10) or fewer shareholders, a list of the names and addresses of all of the shareholders. If any of the persons disclosed under Section 22-23 (d) is a partnership, joint venture, limited liability company, tract or other artificial person other than a corporation, then the application shall also list the names and addresses of any persons having any interest therein equal to ten (10) percent or more of the total of such interests and, where ten or fewer persons own all such interest, a list of the names and addresses of all such persons. For any corporation, partnership, joint venture, limited liability company, trust or other artificial person whose owners are unknown to the applicant and whose stock identities cannot be ascertained by the exercise of due diligence and for any corporation that has more than 100 shareholders or whose stock is regularly traded on a stock exchange or in the over the counter market, the applicant may so certify in lieu of providing a list of its stockholders or other persons having an interest therein.

f. If any of the persons disclosed under Section 22-23 (e) is a corporation, partnership, joint venture, trust or other artificial person, the application shall be sworn to under oath before a notary public or other official before whom oaths may be taken, stating whether or not any member of the Planning Commission or Board of Supervisors or of any of their immediate households owns any legal or equitable interest in the real property which is subject of the application as a title owner, easement owner, contract purchaser, lessee, assignee, optionee or licensee either individually or by ownership of an interest in a corporation trust, partnership, joint venture, limited liability company or other entity owning any such interest. If any member of the Planning Commission or Board of Supervisors or of any of their immediate households owns any such interest, the application shall identify each such Commissioner, Supervisor or household member and describe the nature and extent of his ownership interest. Otherwise, no further disclosure of the ownership of the real property which is the subject of the application or petition is required.

g. Prior to every public hearing, the applicant or petitioner must file a list updating the information previously disclosed under this section to reflect any change since the date of his previous submission if any such change has occurred.

Ms. Everett, Mr. Haraway, Mr. Moody, and Mr. Bracey supported the Ordinance.

Mr. Clay said the ordinance was too tight and it would require hiring another person to research what is required by the Ordinance.

Upon motion of Ms. Everett, seconded by Mr. Moody, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey, voting "aye", Mr. Clay voting "nay", the County Attorney was authorized to advertise the Zoning Disclosure Ordinance for public hearing on November 4, 1992.

IN RE: POSITION ANNOUNCEMENT -- DEPUTY ANIMAL CONTROL OFFICER

Extract

Upon motion of Mr. Clay, seconded by Mr. Moody, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey, voting "aye", Mr. Steve Beville was appointed Deputy Animal Warden effective October 1, 1992 at Grade 5 Step E, at an annual salary of $16,970.

IN RE: POSITION ANNOUNCEMENT -- ANIMAL SHELTER CUSTODIAN

Extract

The County Administrator informed the Board that Ms. Tina Hawkins resigned the position of animal shelter custodian effective October 1, 1992.

Upon motion of Mr. Clay, seconded by Mr. Haraway, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey voting "aye", Ms. Mary Ellison was appointed Animal Shelter Custodian at a salary of $5.77 per hour.

IN RE: VIRGINIA POWER CONTRACTS

Upon motion of Mr. Moody, seconded by Mr. Haraway, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey voting "aye", the County Administrator was authorized to sign the contract with Virginia Power to supply electric power to the County; at rates negotiated by the VACO.

IN RE: COUNTY ADMINISTRATOR COMMENTS

1. Mr. George Walker, County Administrator, Sussex County, wrote that their Board denied the funding request from Old Hickory Volunteer Fire Department for providing first response service.

Mr. Clay requested a copy of the letter be sent to the Old Hickory Volunteer Fire Department.

2. Penny K. Forrest, Resident Engineer, Department of Transportation, wrote in response to the request for intersection lighting at the intersection of Routes 1 and 460. According to the geometrical, operational and accident information available for this intersection, lighting is not warranted at this time.

Pavement markings along Route 1 between Eastside Elementary and Green Acres Trailer Park, as well as in DeWitt, is a three lane section with a broken yellow line. Signs adjacent to the roadway indicate that the center lane is for left turns only and should not be used as a passing lane.

Ms. Everett and Mr. Haraway expressed concern regarding the response from VDOT about intersection lighting at Routes 1 and 460.

3. The Wise Clean County Committee asked the Board to support the bottle bill legislation during the next session of the Virginia General Assembly.

IN RE: BOARD MEMBER COMMENTS

1. Mr. Haraway told the Board he felt the County should reconsider redrafting the Weapons Ordinance with the help of the Sheriff's Office.

Upon motion of Mr. Haraway, seconded by Ms. Everett, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey, voting "aye", the County Attorney was authorized to draft a new weapons ordinance to include the items discussed during the public hearing tonight.

2. Ms. Everett told the Board that she had a nominee for the regional Disabilities Services Board; Ms. Donna Ramsey-Saunders of 9121 Squirrel Level Road, Petersburg, VA 23803.

3. The Chairman asked the rest of the Board to meet with their School Board representative regarding the letter from a parent of a student at Rohoic Elementary School.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Moody, seconded by Mr. Haraway, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey, voting "aye", pursuant to the Virginia Freedom of Information Act, Section 2.1-344(a) (1) Personnel; Section 2.1-344(a) (7) Legal: Section 2.1-344(a) (5) Industrial; the Board moved into Executive Session at 10:45 P.M. A vote having been made and approved, the meeting reconvened into Open session at 11:46 P.M.

IN RE: CERTIFICATION OF EXECUTIVE MEETING

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

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

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

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

IN RE: PUBLIC HEARING FOR A REZONING REQUEST COUNTY LANDFILL

Upon motion of Mr. Haraway, seconded by Mr. Clay, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey voting "aye", the County Attorney was authorized to advertise for a joint public hearing to be held on November 4, 1992 to hear the rezoning issues involved in the co-composting facility to be located at the Dinwiddie County Landfill.

IN RE: ADJOURNMENT

Upon motion of Mr. Clay, seconded by Mr. Haraway, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey voting "aye", the meeting adjourned at 11:51 P.M.

Edward A. Bracey, Jr.
Chairman, Board of Supervisors

ATTEST: Dewey P. Cashwell, Jr.
County Administrator