

VIRGINIA: AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE ADMINISTRATION BUILDING, DINWIDDIE, VIRGINIA, ON THE 18TH DAY OF OCTOBER, 1989, at 7:30 P.M.

PRESENT: A. S. CLAY, CHAIRMAN
HARRISON A. MOODY, VICE-CHAIRMAN
EDWARD A. BRACEY
CHARLES W. HARRISON
GEORGE E. ROBERTSON, JR.
GORDON SAUNDERS
CLAUDE TOWNSEND

ELECTION DISTRICT #4
ELECTION DISTRICT #1
ELECTION DISTRICT #3
ELECTION DISTRICT #2
ELECTION DISTRICT #2
INTERIM COUNTY ATTORNEY
DEPUTY SHERIFF

IN RE: MINUTES

Upon motion of Mr. Robertson, seconded by Mr. Harrison, Mr. Bracey, Mr. Harrison, Mr. Robertson, Mr. Clay voting "aye" (Mr. Moody arrived at 7:40 P.M.), the minutes of the October 4, 1989 Regular Meeting were approved as presented.

IN RE: POULTRY CLAIM -- RED KERLEY

Mr. John White, Deputy Animal Warden, presented a poultry claim for Mr. Randall Kerley for 40 chickens, at a value of \$3.60 each. He stated a trap was set and the dog was caught.

Upon motion of Mr. Harrison, seconded by Mr. Bracey, Mr. Bracey, Mr. Harrison, Mr. Robertson, Mr. Clay voting "aye", Mr. Moody "abstained",

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Mr. Randall Kerley, Route 1, Box 215, Sutherland, Virginia, is awarded reimbursement for a poultry claim for 40 chickens at a cost of \$3.60 each, for a total of \$144.00.

IN RE: CLAIMS

Upon motion of Mr. Bracey, seconded by Mr. Moody, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye",

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the following claims be approved and funds appropriated for same, using checks numbering 5964 thru 6121: General Fund - \$136,012.52; E911 - \$240.95; Self-Insurance - \$4,964.60; Capital Project \$57,276.22; Law Library - \$231.80, for a total of \$198,726.09.

IN RE: CITIZEN COMMENTS

1. Mrs. Anne Scarborough appeared before the Board regarding the Animal Shelter. She referred to an article in the Progress-Index regarding the Shelter and the conditions found. Mrs. Scarborough stated the conditions were an embarrassment to the County, although she admitted she had never been to the pound herself. Mrs. Scarborough quoted the article regarding the cleanliness of the pound, the flies eating the dogs' ears, dogs sleeping with dead dogs, and the the statement that the SPCA had tried to work with this and nothing was accomplished. Mrs. Scarborough stated she found this to be a deplorable and an inexcusable situation. She asked the Chairman of the Board to appoint a person to inspect the Shelter first thing Thursday morning and to check it again and report back at the November 1, 1989 meeting. She also requested the appointment of a person to monitor the pound unannounced and keep a record of the date and comment on the conditions so citizens could check the conditions.

Mr. Harrison told Mrs. Scarborough he had visited the Dog Pound within the last couple of months on several occasions and had found the Pound in good condition. Mrs. Scarborough again stated she had not personally been to the Pound but had heard the rumor for a long time about the conditions and felt it was time she did something about it.

Mrs. Wendy Quesenberry, Interim County Administrator, advised that she has communicated with the SPCA two or three times and each time the complaint was followed up.

Mr. Spike Wells stated the pound is cleaned daily around 2:30 as he witnesses the employee cleaning and feeding the animals.

The Chairman asked each Board member to visit the Dog Pound and asked Mr. Dennis King, Director of Sanitation, to check the conditions and advise the County Administrator of any problems. Mr. King advised he checked the Pound before leaving that day and the pound appeared very clean as the individuals had just conducted their daily cleaning.

2. Mrs. Kay Winn appeared on behalf of a citizen regarding the Virginia Freedom of Information Act request that had been filed and not answered in a timely fashion. According to the new Freedom of Information Act, responses have to be made within five days and not 14 days as the previous requirements stated. She stated the FOIA is one of the few ways citizens can find out what is going on in local, state and federal governments. She hoped the County would not show a pattern of non-compliance as this could lead to a conviction. She requested everyone be brought up-to-date on the new FOIA regulations.

IN RE: AMENDMENTS TO AGENDA

Upon motion of Mr. Harrison, seconded by Mr. Bracey, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", the following items were added to the Agenda:

- 7a. EXECUTIVE SESSION - Legal
- 10. LANDFILL ENGINEERING
 - 3. Air Compressor
- 12. BORROWING MONEY
- 13. EXECUTIVE SESSION
 - 1. Legal
 - 2. Personnel

IN RE: PRESENTATION OF RESOLUTION

Mr. James E. Cornwell, Jr. was presented a framed resolution which was adopted June 21, 1989, thanking him for his services to Dinwiddie County as County Attorney.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Robertson, seconded by Mr. Moody, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", pursuant to Section 2.1-344(7) of the Virginia Freedom of Information Act, the Board moved into Executive Session at 7:45 p.m. to discuss Legal matters. A vote having been made and approved, the meeting reconvened into Open Session at 8:15 p.m.

IN RE: CERTIFICATION OF EXECUTIVE MEETING

Upon motion of Mr. Robertson, seconded by Mr. Moody, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", the following Certification 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 -- A-89-18 - BUILDING PERMIT FEES

This being the time and place as advertised in the Progress-Index Newspaper on Wednesday, October 4, 1989 and October 11, 1989, for the Board of Supervisors to conduct a Public Hearing to consider an amendment of Chapter 6, Article II, Section 6-18 of the Code of the County of Dinwiddie, Virginia - "Permit Fees-Generally" to increase certain permit fees for building, plumbing and heating and air conditioning, with ducts, residential and to add a category of fees for tanks, removal or installation.

Mr. Dwayne Abernathy, Building Inspector, presented the amendment. He stated that the increase in fees was comparable to other localities and the main purpose for the increase was to cover office expenses.

No one spoke in favor of or against the amendment.

Upon motion of Mr. Moody, seconded by Mr. Robertson, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye",

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the Dinwiddie County Code be further amended by the following addition and changes to Chapter 6, Section 18 thereof and in all other respects be reordained, effective November 1, 1989.

(b) Building Permits.

- (1) Single-story dwellings, including additions, six cents (\$0.06) per square foot.
- (2) Basements and second and higher stories, five cents (\$0.05) per square foot.
- (3) Industrial buildings, detached garages, carports, storage buildings, churches and schools, five cents (\$0.05) per square foot.
- (4) Remodeling existing buildings, six cents (\$0.06) per square foot.

Add a new subsection to Section 6-18 as Subsection (b)15 as follows:

- (15) Tanks, removal or installation (underground or above ground):
 - (a) 600 gallons and under, twenty dollars (\$20.00) each.
 - (b) More than 600 gallons to 1,000 gallons, thirty dollars (\$30.00) each.
 - (c) More than 1,000 gallons and over, forty dollars (\$40.00) each.
- (f) Plumbing permits, residential..
 - (2) Each fixture, drain or other connection requiring a trap, four dollars (\$4.00) per trap.
- (g) Heating and air conditioners, with ducts, residential.
 - (2) Each room with four ducts or less, four dollars (\$4.00).
 - (3) Each room with more than four ducts, five dollars (\$5.00).

IN RE: PRINCE GEORGE/DINWIDDIE BOUNDARY LINE -- GEORGE HOBBS

Mrs. Wendy Quesenberry, Interim County Administrator, advised that at the October 4 meeting, the Board requested she investigate (1) what happened when the Boundary Line was presented in court, (2) what it would cost to redraw the Boundary Line around Mr. Hobbs' property, and (3) to contact Prince George to see what their position was. She stated she communicated with Mr. Jim Cornwell, the County Attorney at that time, and his comments were forwarded to the Board for review. She checked with the surveyor, Rouse-Sirine, and to redraw the line would require more field work, redrawing the plat and revising the documents accompanying the plat at a cost of \$1714. If the survey is revised, the Board is changing the 1901 Boundary Line, which is not what the firm was asked to do to begin with. Therefore, changes would need to be made throughout the document. This would take the line from the Route 618S monument to the Route 618N monument. This would have to go back to Court, which would mean additional advertising costs. Prince George is putting the existing plat on record in the Clerk's office. One of the alternatives was the plat did not have to go to Court to be approved by the Judge and Prince George feels they can legally put the plat to record. However, any changes Dinwiddie makes would be treated as an amendment and would have to go back before the Prince George Board of Supervisors.

Mrs. Quesenberry advised there are three options available:

(1) Leave the Boundary Line as presented and record it in the Dinwiddie Clerk's office.

(2) Resurvey around Mr. Hobbs' property with the county paying the \$1,714 cost.

(3) Resurvey the property with Mr. Hobbs' paying the \$1,714, as he was requesting the change.

Mr. Robertson asked if redrawing the line would be at no cost to the County. Mrs. Quesenberry stated redrawing the line requires the revision of the plat and the firm will not sign the document as a certified plat without resurveying it due to the fact the 1901 Boundary Line is being changed, along with all the records.

Mr. Bracey asked if the \$1,714 was paid by the County or paid by Mr. Hobbs. She stated they were two of the alternatives if the Board wished to resurvey. The other option is if the Board does not resurvey, then record the survey as it was presented and accepted by both Boards in the Clerk's office.

Mr. Bracey asked what would this do for Dinwiddie County and would it change the taxing situation. Mrs. Quesenberry advised it would change the 1901 Survey. It does not change the taxation of Mr. Hobbs as he is being taxed by Dinwiddie now. The only time the tax would change is if Mr. Hobbs divided the property with a new survey. Then the surveyors would use the new boundary line as a reference.

Mr. George Hobbs is still adamant that the line has been moved since the 1901 survey and this property is located in Dinwiddie per his maps.

Mr. Robertson asked that if in the future someone else bought the house with children, where would the children go to school? Since the problem is narrowed down to this one piece of property and would cost \$1,714, he recommended the County pay the \$1,714 to correct the line so no more problems will be encountered in the future.

Mr. Bracey stated local surveyors had looked at the situation and have agreed with the 1901 survey. His concern was the county paying the \$1,714 only or would there be more expense involved.

Mrs. Quesenberry stated if the county paid to have it resurveyed, there were two options (1) to go to court and have the judge order it; or (2) have the two bodies agree and have it recorded.

Mr. Gordon Saunders, Interim County Attorney, advised if the two Boards agreed the resurvey was correct, it could be recorded with the

Clerk. However, if the survey is changed, it cannot be recorded without a public hearing and going back to court.

Mrs. Quesenberry stated the firm of Rouse-Sirine Engineers was hired to resurvey the existing 1901 Boundary Line between Dinwiddie and Prince George Counties. In their professional opinion, this has been done and the two boards voted on and accepted their Resurvey, thus it can be recorded in the Clerk's Office. However, if there is a change to the 1901 Survey, then the change would have to go before the Court, there would be advertising costs, the Judge would review it and sign the Order for it to be recorded.

Mr. Robertson asked if could all matters be done for \$1,714. Mr. Saunders advised the resurveying fee was \$1,714, Court costs will not be that substantial; however, there will be advertising costs. Mr. Robertson stated the cheapest way to go was for the Board to agree on the line. Mr. Saunders stated the surveyors have re-established the 1901 line, not changing anything. If both counties agreed this was the line, with no dispute, then the agreement can be signed and recorded in the Courthouse. However, if one County wishes to change that line to allow Mr. Hobbs' property to be within Dinwiddie County, it still has to go to court to be approved, and Dinwiddie would also have to get the agreement from Prince George. The survey will have to be changed as the County is gaining property.

Upon motion of Mr. Robertson, seconded by Mr. Harrison, Mr. Bracey, Mr. Harrison, Mr. Robertson voting "aye", Mr. Moody, Mr. Clay voting "no",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that Rouse-Sirine be hired at a cost of \$1,714 to resurvey from the Route 618S monument to the Route 618N monument to include the property on which Mr. George Hobbs resides to be located in Dinwiddie County, contingent upon approval by the Prince George County Board of Supervisors.

IN RE: LANDFILL ENGINEERING -- AWARD OF CONTRACT

Mrs. Wendy Quesenberry, Interim County Administrator, advised ten proposals for the Landfill Engineering services were received. The Selection Committee evaluated the proposals and two companies were interviewed, Draper Aden and Resource International. As stated in the RFP and Procurement Law, one company was selected to begin negotiations with. On October 6, 1989, a contract was negotiated with Draper Aden for \$59,250. This includes \$10,000 for the recycling project, for which the County will receive \$5,000 from the State. Therefore, the net cost to the County will be \$54,250.

Upon motion of Mr. Moody, seconded by Mr. Bracey, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the County Administrator be authorized to execute a contract for the Landfill Study with Draper Aden Associates at a cost of \$59,250.

IN RE: BIDS ON EXCAVATION/CLEARING

Mrs. Quesenberry, Interim County Administrator, advised she was working on bids to dig a new cell or new trench. In talking with the consulting firms, their recommendation was not to expose new areas with trenches, but try and go up on the already covered trash with additional lifts of trash. Instead of digging a trench to bury the trash, they will be digging a borrow area and using that soil to cover with. Hopefully, this will extend the life of the Landfill and cut down on the County's exposure and on the area that will have to be closed. Due to these changes, it is necessary to go back to the original bidders and revise the bids. At the last meeting, the Board authorized the County Administrator to proceed with the low bid; however, due to the changes, she needed authorization on obtaining bids on clearing, excavating an area and stock piling dirt. She stated she would consult with the Chairman and advise him of the results of the bidding.

Upon motion of Mr. Bracey, seconded by Mr. Moody, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the County Administrator is authorized to obtain bids on clearing and excavating land at the Landfill; and,

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the County Administrator is authorized to award the contract to the lowest responsive bidder.

IN RE: PORTABLE AIR COMPRESSOR -- LANDFILL

Mr. Dennis King, Director of Sanitation, requested authorization to purchase a new portable air compressor. He stated the present machine is inoperable due to motor and tank failures. This compressor is used daily to clean the compactor, to blow out the bulldozer radiators and cab ventilation filters. It is also used for machine lubrication and as a mobile air supply. Transporting the air compressor to these machines is time saving and will prevent extensive damage to the landfill roads. Three prices were obtained from area suppliers for an industrial, five horsepower mobile air compressor, as follows: Northern Hydraulic Company - \$629.99, Torrence Cable & Sling Company - \$670.00, W. W. Granter Company - \$708.59.

Upon motion of Mr. Bracey, seconded by Mr. Moody, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that a gasoline, industrial, five horsepower mobile air compressor be purchased for the County Landfill from Northern Hydraulic Company, at a cost of \$629.99.

IN RE: PUBLIC SAFETY COMMITTEE -- STATUS REPORT

Mrs. Nila Cook, Chairman of the Public Safety Committee, advised the Committee has met and talked with approximately 20 past and present members of the Dinwiddie Volunteer Rescue Squad. They have also talked with the Board of Directors and Sheriff Dispatchers. The Committee is looking at operations of Rescue Squad organizations in other localities and will have their final recommendations at the November 1 Board meeting.

IN RE: BORROWING MONEY

W. E. Jones, Treasurer, requested authorization to borrow from the Self-Insurance Fund, if needed, at the end of the month. Mr. Spencer Elmore, Robinson, Farmer, Cox indicated that was an alternative that the County could consider without having to borrow from the Bank. The County will need to borrow the first of November to handle claims. He advised only money as needed will be borrowed. In June, Mr. Jones was authorized to borrow from banks with a tax anticipation note; however, it was not needed.

Mr. Moody asked if there was a minimum required for the Self-Insurance Fund. Mrs. Quesenberry stated with the excess umbrella policy the County is responsible for the first \$200,000, plus Division of Motor Vehicles requires \$70,000 for their Certificate.

Mr. Jones recommended the Board put a cap on the maximum to withdraw.

Mrs. Kay Winn requested elimination of the June authorization to borrow on tax anticipation notes before approving borrowing from Self-Insurance, or make borrowing with the tax anticipation note contingent upon replenishing funds to the Self-Insurance as needed to pay potential claims. As it is now, the Board has authorized the borrowing of money in June and again in October.

Upon motion of Mr. Robertson, seconded by Mr. Harrison, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Treasurer is authorized to transfer funds as needed from the Self-Insurance Fund to the General Fund to meet expenses, not to exceed \$400,000; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that this is the only borrowing authorized.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Harrison, seconded by Mr. Moody, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", pursuant to Section 2.1-344(1), (7) of the Virginia Freedom of Information Act, the Board moved into Executive Session at 9:10 p.m. to discuss personnel and legal matters. A vote having been made and approved, the meeting reconvened into Open Session at 10:25 p.m.

IN RE: CERTIFICATION OF EXECUTIVE MEETING

Upon motion of Mr. Bracey, seconded by Mr. Moody, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", the following Certification 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

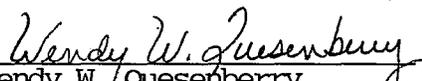
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IN RE: ADJOURNMENT

Upon motion of Mr. Bracey, seconded by Mr. Robertson, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", the meeting was adjourned at 10:30 p.m.


A. S. Clay, Chairman

ATTEST: 
Wendy W. Quesenberry
Interim County Administrator

