

VIRGINIA: AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE ADMINISTRATION BUILDING, DINWIDDIE, VIRGINIA, ON THE 20TH DAY OF DECEMBER, 1989, AT 7:30 P.M.

PRESENT: A. S. CLAY, CHAIRMAN ELECTION DISTRICT #4  
HARRISON A. MOODY, VICE-CHAIRMAN ELECTION DISTRICT #1  
EDWARD A. BRACEY ELECTION DISTRICT #3  
CHARLES W. HARRISON ELECTION DISTRICT #2  
GEORGE E. ROBERTSON, JR. ELECTION DISTRICT #2  
  
DANIEL M. SIEGEL INTERIM COUNTY ATTORNEY  
ROY HODGES DEPUTY SHERIFF

IN RE: OATH TAKEN BY MEMBERS TO TAKE OFFICE JANUARY 1, 1990

Mrs. Annie L. Williams, Clerk of the Circuit Court, delivered the Oath of Office to the Board members who will take office January 1, 1990.

IN RE: PRESENTATION OF PLAQUE

The Chairman presented Mr. Robertson with a plaque in honor of his 10 years of service on the Board.

IN RE: MINUTES

Mr. Robertson requested the December 6, 1989 minutes be amended by deleting the last sentence in paragraph 2 under Public Hearing A-89-19 -- Street Lights.

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 December 6, 1989 Regular Meeting minutes are approved in their entirety, upon the deletion of the last sentence in paragraph 2 of IN RE: Public Hearing A-89-19, Street Lights, "If adopted, all subdivisions will have street lights and people moving into subdivisions will know from the beginning that they, as residents, will be assessed for the street lights."; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the December 14, 1989 Continuation Meeting minutes are hereby adopted and approved in their entirety.

IN RE: CLAIMS

Upon motion of Mr. Moody, 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 following claims be approved and funds appropriated for same using checks 6902-7012, 7014-7016, manual check 6731, and 6733-6858: General Fund - \$336,761.46; E911 - \$1,663.66; Self-Insurance - \$103.88; Capital Projects - \$232.50; Law Library - \$442.90 for a total of \$339,204.40 (voided checks 6732, 6859-6901, 7013).

IN RE: CITIZEN COMMENTS

No one spoke during this portion of the agenda.

IN RE: AMENDMENTS TO AGENDA

Upon motion of Mr. Robertson, seconded by Mr. Harrison, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", the agenda was amended as follows:

5. Resolution of Appreciation - Postponed

- 6. Minutes - Add - December 14, 1989 Continuation Meeting
- 10a. Add - Director of Planning - Report
- 12. Virginia Department of Transportation
  - a. Remove - Sysonby Ridge - Acceptance of Roads
  - b. Change Rt. 142 to Rt. 642
- 14a. Add - Holidays
- 15.b. Change Personnel to Legal

IN RE: REPORT -- ANIMAL WARDEN

Mr. Allie Brooks, Animal Warden, presented his monthly report for November. He stated the new septic system has been installed at the pound.

IN RE: DIRECTOR OF PLANNING REPORT -- LOT SIZES

At the December 6, 1989 meeting, the Board instructed Mr. Leonard Ponder to survey surrounding counties regarding their acreage requirements for lot sizes in agricultural zoning. Mr. Ponder reported Prince George has a one acre minimum, with mobile home restrictions of two year maximum until house is built; Brunswick has proposed a two acre minimum and mobile homes with a Conditional Use Permit; Greenville has a one acre minimum with 150 ft. road frontage going to 1.5 or 2 acres and mobile homes are allowed; New Kent has a 1.5 acres minimum; and Sussex has a one acre minimum (A-1 general), five acre minimum (A-2 Intensive). Dinwiddie's requirement is 3 acres and 300 ft. road frontage in A-2.

Mr. Ponder stated Dinwiddie's concern was strip residential development and there are soils in the County which require a larger lot size with individual septic systems. He stated lots platted before July 1, 1988 can go with the old acreage minimum, which is one acre and 150 ft. of road frontage. Since July 1, 1988, people have been advised to have three acres when surveying.

Mr. Bracey and Mr. Harrison stated they were against Dinwiddie's three acre requirement. Mr. Robertson suggested the Planning Commission review it if the Board wishes to change the requirement. Mr. Ponder advised the Planning Commission has discussed this, along with private road restrictions. Mr. Robertson stated he was in favor of the 300 ft. road frontage and whatever is done should not be done in haste as a lot of planning went into the three acre, 300 ft. road frontage requirement. Mr. Moody commented the Planning Commission feels strongly about this requirement. Mr. Clay stated there was a public hearing on this requirement and he felt strongly about it. Mr. Ponder stated he would address the Planning Commission in January and would report back to the Board.

Regarding the status of the E-911 system, Mr. Ponder reported they have hired a part-time high school student, Marie Andrews, to help John Clarke in reviewing the maps and also, Mr. Leslie Stell, the part-time building inspector is helping in locating existing sign positions.

IN RE: PUBLIC HEARING -- A-89-22 -- PERSONAL PROPERTY RETURNS

This being the time and place as advertised in the Progress-Index Newspaper on Wednesday, November 24 and Friday, December 1 1989, for the Board of Supervisors to conduct a Public Hearing to consider amending Chapters 13 and 19 of the Code of Dinwiddie County, to provide penalties for failure to file applications for local licenses and annual returns for taxable tangible personal property, machinery and tools and for nonpayment in time and for payment of interest on delinquent taxes, pursuant to Section 58.1-3916 of the Code of Virginia.

Mrs. Deborah M. Marston, Commissioner of the Revenue, presented the amendment which would require a penalty of 10% for failure to file an application for local licenses and annual returns for taxable tangible personal property, machinery and tools. She stated only 40% of County citizens file their forms and hopefully this penalty will get a better

EXTRACT

response for filing the forms and will help her office in maintaining information. The deadline for filing the forms is May 1; however, an extension may be filed with her office.

No one spoke for or against the amendment. Mr. Tom VanPelt asked if the extension could be filed one time to meet all three requirements. Mrs. Marston advised Federal returns have to be filed with the Internal Revenue Service, State returns have to be filed with the State and being this is a local tax, the extension has to be filed locally as the State has nothing to do with the tax.

Upon motion of Mr. Moody, seconded by Mr. Harrison, 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 Chapters 13 and 19 of the Dinwiddie County Code are hereby amended as follows:

Section 13-25. Shall be added to the Dinwiddie Code which is set forth below:

If a person required to file a return or statement shall fail to file such return or statement by the date on which such filing is due, then a penalty shall be added to such tax in the amount of ten percent (10%) of the tax assessed. Penalty for failure to file a statement or return shall be assessed on the day after such return or statement is due. No penalty for failure to file a statement or return shall be greater than ten percent (10%) of the tax assessable or ten dollars (\$10.00), whichever is greater; provided, however, that the penalty shall in no case exceed the amount of the tax assessable.

Notwithstanding the provisions set forth above, the Commissioner of the Revenue may grant an extension of time, not to exceed ninety (90) days for filing a return or statement, whenever good cause exists. The Commissioner of the Revenue shall keep a record of every such extension. If any person who has been granted an extension of time for filing his return fails to file his return within the extended time, his case shall be treated the same as if no extension had been granted.

Section 19-5 shall be added to the Dinwiddie Code which is set forth below:

If a person required to file a return fails to file by the date on which such filing is due, then a penalty shall be added to such tax in the amount of ten percent (10%) of the tax assessed. Penalty for failure to file a return shall be assessed on the day following the day on which such filing was due. No penalty for failure to file a return shall be greater than ten percent (10%) of the tax assessed or ten dollars (\$10.00), whichever is greater; provided, however, that the penalty shall in no case exceed the amount of the tax assessable.

Notwithstanding the provisions set forth above, the Commissioner of the Revenue may grant an extension of time for failing to file such return, not to exceed ninety (90) days, whenever good cause exists. The Commissioner of the Revenue shall keep a record of every such extension. if any person who has been granted an extension for filing his return fails to file his return within the extended time, his case shall be treated the same as if no extension had been granted.

This ordinance shall become effective January 1, 1990.

IN RE: RT. 642 BRIDGE REPLACEMENT - ROAD CLOSURE

*EXTRACT*  
Mr. MacFarland Neblett, Resident Engineer, Virginia Department of Transportation, requested a resolution to close Rt. 642 during construction of the new bridge over the Norfolk & Western railroad tracks. He stated the weight limit had been lowered to three tons and advertisement for the detour route would be in February. Actual replacement would begin in April or May 1990 and it would take six months to replace. The detour would be from Rt. 642 to 639 (into Wilsons).

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 Virginia Department of Transportation is authorized to temporarily close Route 642 to thru traffic during replacement of the existing bridge and construction of approaches to the bridge.

IN RE: APPOINTMENTS - PLANNING COMMISSION

EXTRACT  
Mr. Bracey nominated Legert Hamilton and Mr. Robertson nominated Mr. Max Roberts for reappointment to the Planning Commission. Upon motion of Mr. Bracey, seconded by Mr. Moody, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", the nominations were closed.

Upon motion of Mr. Robertson, 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 Mr. Legert Hamilton and Mr. Max Roberts be reappointed to the Planning Commission for four year terms, ending December 31, 1993.

IN RE: APPOINTMENTS -- TRANSPORTATION SAFETY COMMISSION

EXTRACT  
Upon motion of Mr. Bracey, 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 Mr. A. S. Clay, Mr. T. E. Gibbs, Ms. Rebecca Tilson, Mr. Terry Jones, Ms. Barbara Wilson, Mr. Max Roberts, and Mr. Louis Thibault be reappointed to the Transportation Safety Commission for a one year term, ending December 31, 1990.

IN RE: APPOINTMENT -- DISTRICT 19 MENTAL HEALTH & MENTAL RETARDATION SERVICES BOARD

EXTRACT  
Mr. Robertson nominated Mr. Kenneth Wright for reappointment to the District 19 Mental Health & Mental Retardation Services Board.

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 Mr. Kenneth Wright be reappointed to the District 19 Mental Health & Mental Retardation Services Board for a three year term, ending December 31, 1993.

IN RE: APPOINTMENT -- CRATER PLANNING DISTRICT COMMISSION

EXTRACT  
Mr. Bracey nominated Mr. Michael H. Tickle to fill the unexpired term of Mr. George E. Robertson, Jr. for the Crater Planning District Commission.

Upon motion of Mr. Bracey, 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 Mr. Michael H. Tickle be appointed to fill the unexpired term of Mr. George E. Robertson, Jr., to the Crater Planning District Commission, ending December 31, 1991; and, to the Crater District Planning Commission Executive Committee and MPO, term ending June 30, 1990.

IN RE: BINGO & RAFFLE PERMIT -- DINWIDDIE YOUTH LEAGUE

EXTRACT  
Upon motion of Mr. Bracey, seconded by Mr. Moody, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", the following resolution was adopted:

WHEREAS, Dinwiddie Youth League has submitted an application for a Bingo and Raffle Permit for Calendar Year 1990; and

WHEREAS, Dinwiddie Youth League meets the requirements as set out in Section 18.2-340.10 of the Code of Virginia and has paid the Ten Dollar (\$10.00) application fee.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Dinwiddie Youth League be granted a Bingo and Raffle Permit for the Calendar Year 1990.

IN RE: BINGO & RAFFLE PERMIT -- DINWIDDIE BABE RUTH BASEBALL

EXTRACT  
Upon motion of Mr. Moody, seconded by Mr. Harrison, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", the following resolution was adopted, contingent upon the Commonwealth Attorney's approval and signature:

WHEREAS, Dinwiddie Babe Ruth Baseball has submitted an application for a Bingo and Raffle Permit for Calendar Year 1990; and

WHEREAS, Dinwiddie Babe Ruth Baseball meets the requirements as set out in Section 18.2-340.10 of the Code of Virginia and has paid the Ten Dollar (\$10.00) application fee.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Dinwiddie Babe Ruth Baseball be granted a Bingo and Raffle Permit for the Calendar Year 1990.

IN RE: BINGO & RAFFLE PERMIT -- DINWIDDIE WOMEN OF THE MOOSE

EXTRACT  
Upon motion of Mr. Harrison, seconded by Mr. Bracey, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Clay voting "aye", Mr. Robertson "abstaining", the following resolution was adopted, contingent upon a successful audit:

WHEREAS, Dinwiddie Women of the Moose has submitted an application for a Bingo and Raffle Permit for Calendar Year 1990; and

WHEREAS, Dinwiddie Women of the Moose meets the requirements as set out in Section 18.2-340.10 of the Code of Virginia and has paid the Ten Dollar (\$10.00) application fee.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Dinwiddie Women of the Moose be granted a Bingo and Raffle Permit for the Calendar Year 1990.

IN RE: HOLIDAY SCHEDULE

Upon motion of Mr. Bracey, seconded by Mr. Robertson, 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 Administration office will close at Noon, Friday, December 22, 1989 and also at Noon, Friday, December 29, 1989, for employees directly under the supervision of the County Administrator.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Robertson, seconded by Mr. Harrison, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", pursuant to Section 2.1-344(5) and (7) of the Virginia Freedom of Information Act, the Board moved into Executive Session at 8:21 p.m. to discuss industrial and legal matters. A vote having been made and approved, the meeting reconvened into Open Session at 9:15 p.m.

IN RE: CERTIFICATION OF EXECUTIVE MEETING

Upon motion of Mr. Bracey, seconded by Mr. Harrison, 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: ADJOURNMENT

Upon motion of Mr. Bracey, seconded by Mr. Harrison, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", the meeting was adjourned at 9:17 p.m., until 2:00 Thursday, December 28, 1989.

  
A. S. Clay, Chairman

ATTEST:   
Wendy W. Quesenberry  
Interim County Administrator