

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 19TH DAY OF DECEMBER, 1990, AT 7:30 P.M.

PRESENT:	A. S. CLAY, VICE-CHAIRMAN	ELECTION DISTRICT #4
	EDWARD A. BRACEY, JR.	ELECTION DISTRICT #3
	CHARLES W. HARRISON	ELECTION DISTRICT #2
	MICHAEL H. TICKLE	ELECTION DISTRICT #2
	THOMAS KEARNEY	COUNTY ATTORNEY
ABSENT:	HARRISON A. MOODY	ELECTION DISTRICT #1

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IN RE: MINUTES

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes of the Continuation Meeting of December 5, 1990 and the December 5, 1990 Regular Meeting are hereby adopted and approved in their entirety as presented.

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IN RE: CLAIMS

Upon motion of Mr. Bracey, seconded by Mr. Tickle, Mr. Bracey, Mr. Clay, Mr. Harrison, Mr. Tickle, 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 #11760 thru #112038 (void checks #11758, 11759, 11906, 11794, 11853, 11876, and 11877): General Fund - \$290,050.70; E911 - \$2,294.15; Self Insurance - \$1,282.56; Law Library - \$119.65; Capital Project - \$2,098.21 for a total of \$295,845.27.

Mr. Harrison stated he would like to see the contract for pumping the sewage system at the jail bid out again. The Assistant County Administrator stated she was preparing the bid document and asked Mr. Harrison to give her a list of those firms he would like for bid documents to be mailed to. Mr. Bracey stated he would like to see all firms licensed in Dinwiddie County included.

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IN RE: CITIZENS COMMENTS

1. Mr. Freeman Browning stated the problem he was having with the road name change was not with the Board of Supervisors, but with the Administration because of the frequent changes of the requirements. The Board needs to clarify the issue to let people know exactly what they need to do.

2. Mr. George Hobbs stated he wants to find out what will happen to the road. Will it be Halligan Park in one section and Halifax Road in another section? He just is not for any road being split in this manner. The Board has the power to do what is best for them all.

3. Brian Hartman commented that he was here in reference to an alleged dog bite of July 7, 1990. He received a registered letter from Allie Brooks on July 10 of this year in which his dog was cited as a vicious dog-at-large, but as of December 19 of this year Allie Brooks has not been to his house. Mr. Walker and Mr. White came about three and one-half weeks later; Mr. Tutweiler with the health department came about four days later after being notified by Prince George because that was who handled it through the emergency room. When Mr. Tutweiler came two or three days later, and he told me to put the dog up and keep it confined for ten days and not to let him out unless he was constrained or someone was watching him. We did exactly as we were told. Mr. Tutweiler came back ten days later and said the dog was fine. Mr. Walker, Mr. White, Mr. Tutweiler and Officer Simmons have all seen and played with my dog at my house. They have never seen the dog prior and they all said the dog is not a vicious dog. On August 2, with a court date of August 16 he received a summons of vicious dog at large. His question is who deems a dog vicious? No one has been able to tell him. The only one that has taken it on himself is Mr. Cashwell to pursue this issue. How can Mr. Cashwell who

has never seen my dog sit in his office and declare my dog vicious? He stated he would like to sit down with all the people involved and the Board at their discretion and discuss this issue and get some answers.

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IN RE: TARGET RANGE PERMITS -- A-90-13

This being the time and place as advertised in The Progress-Index newspaper on December 5, 1990 and December 12, 1990, for the Board of Supervisors of Dinwiddie County, Virginia, to conduct a Public Hearing to receive comments on a proposed amendment to Article IV, Division 2 of Chapter 3 of the Dinwiddie Code entitled "Target Ranges".

No one spoke for or against the amendment.

The Assistant County Administrator advised the Board that this change would include all target ranges, not just turkey shoots. Mr. Bracey asked that the application state what the funds are to be used for. Also he requested that the applicant be directed to contact the Commissioner of the Revenue for a business license.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the ordinance to amend Article IV, Division 2 of Chapter 3 of the Dinwiddie Code entitled "Target Ranges" which provides for approval of same by the Board of Supervisors so that future applications shall be approved by the County Administrator,

BE IT ORDAINED, by the Board of Supervisors of Dinwiddie County, Virginia Article IV, Division 2 of Chapter 3 of the Dinwiddie Code is hereby amended to replace sections 3-66, 3-67, 3-68, and 3-69 with the following:

DIVISION 2. COUNTY ADMINISTRATION APPROVAL

Sec. 3-66. Required.

It shall be unlawful for any person to construct or operate any rifle, pistol, or shotgun range within the county without written approval of the county administrator.

Sec. 3-67. Application.

Application for approval of target range shall be submitted to the county administrator, on forms obtained from his office.

Sec. 3-68. Grant or denial.

The county administrator, in his discretion, shall grant or deny his approval of the target range described in the application submitted under section 3-67.

Sec. 3-69. Term; renewal.

Approval for the construction or operation of a target range, if granted by the county administrator, shall be issued for a period of twelve (12) months and renewed, at the option of the county administrator, upon proper application as provided by this division.

This Ordinance shall become effective immediately.

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IN RE: PERMIT FOR MUSIC OR ENTERTAINMENT FESTIVALS -- A-90-14

This being the time and place as advertised in The Progress-Index newspaper on December 5, 1990 and December 12, 1990, for the Board of Supervisors of Dinwiddie County, Virginia, to conduct a Public Hearing to receive comments on a proposed amendment to Article II, Division 2 of Chapter 3 of the Dinwiddie Code entitled "Permit".

No one spoke for or against the amendment.

The Assistant County Administrator stated the amendment would make the permit applicable to large events whether music is involved or not, i.e. circus, carnival, or etc.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the ordinance to amend Article II, Division 2 of Chapter 3 of the Dinwiddie Code entitled "Permit" which provides for approval of same by the Board of Supervisors so that future applications for music or entertainment festivals shall be approved by the county administrator'

BE IT ORDAINED, by the Board of Supervisors of Dinwiddie County, Virginia Article II, Division 2 of Chapter 3 of the Dinwiddie Code is hereby amended to replace sections 3-16, 3-28, 3-30, 3-31, and 3-32 with the following:

Sec. 3-16. Definition.

For purposes of this article, the term "musical or entertainment festival" or "festival" shall mean any gathering of groups or individuals for the purpose of listening to or participating in entertainment, including, but not limited to, a circus, a carnival, a concert or musical festival, conducted in open spaces not within a permanent enclosed structure.

Sec. 3-28. Application Generally.

Application for a permit required by this division shall be in writing, on forms provided for that purpose, and filed, in duplicate, with the county administrator, at least twenty-two (22) days before the date of the proposed festival. Such application shall have attached thereto and made a part thereof the plans, statements, approvals and other documents required by this division.

Sec. 3-30. Applicant to furnish right of entry.

No permit shall be issued under this division unless the applicant shall furnish to the county administrator permission for the administrator, his lawful agents and duly constituted law-enforcement officers to go upon the property at any time.

Sec. 3-31. Issuance or denial.

The county administrator shall act on an application for a permit under this division within five (5) working days from the filing of same. If granted, the permit shall be issued in writing, on a form provided for that purpose, and mailed by the county administrator to the applicant at the address indicated. If denied, the refusal shall be in writing and the reasons for such denial stated therein and mailed by the county administrator to the applicant at the address indicated.

Sec. 3-32. Revocation.

The county administrator shall have the right to revoke any permit issued under this division upon noncompliance with any of the provisions and conditions of the permit or the provisions of this article.

This Ordinance shall become effective immediately.

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IN RE: CONVEYANCE OF BUTTERWORTH PROPERTY TO DINWIDDIE LIBRARY FOUNDATION

This being the time and place as advertised in The Progress-Index newspaper on December 5, and December 12, 1990, for the Board of Supervisors of Dinwiddie County, Virginia, to conduct a Public Hearing to receive comment on the conveyance of the Butterworth property to the Dinwiddie Library Foundation for the exclusive use as a Library.

No one spoke for or against the conveyance.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, that the Board of Supervisors has determined that it is in the best interests of the citizens of Dinwiddie County, Virginia (the "County") to donate that certain property previously donated to the County to the Dinwiddie Library Foundation for the exclusive use as a Library.

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IN RE: RESOLUTION SUPPORTING THE TAX EXEMPT STATUS OF THE LAND TO BE DONATED BY THE COUNTY OF DINWIDDIE TO THE DINWIDDIE LIBRARY FOUNDATION

This being the time and place as advertised in The Progress-Index newspaper on December 14, 1990, for the Board of Supervisors of Dinwiddie County, Virginia, to conduct a Public Hearing to receive comment for the purpose of passing a resolution approving the TAX EXEMPT STATUS of the land to be donated by the County to the Dinwiddie Library Foundation.

No one spoke for or against the resolution.

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

WHEREAS, the Board of Supervisors of Dinwiddie County, Virginia (the "Board") has determined that it is in the best interests of the citizens of Dinwiddie County, Virginia (the "County") to donate to the Dinwiddie Library Foundation that certain land previously donated to the County for the exclusive use as a Library; and

WHEREAS, the Dinwiddie Library has taken the necessary steps to apply for a tax exemption from the State of Virginia; and

WHEREAS, the Dinwiddie Library Foundation has requested that the Board authorize said exemption in order to comply with all legal requirements prior to issuance of said exemption; and

WHEREAS, the County desires to assist with the creation of the Library; and

WHEREAS, the Board has examined and considered the provisions of subsection B of Virginia code section 30-19.04, it supports the exemption and recommends to the General Assembly that the Dinwiddie Library Foundation be classified as a charitable organization.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the property previously donated to the County for the exclusive use as a library is hereby authorized to receive tax exempt status, that such application is supported by the Board and that it is recommended to the General Assembly that the Dinwiddie Library Foundation be classified as a charitable organization.

This resolution shall be effective immediately.

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IN RE: ROAD NAME CHANGES

Mr. John Clarke presented the Board with six road name changes for consideration. At their December 12, 1990 meeting, the Planning Commission recommended to the Board that S-90-21 thru S-90-26 be approved for street name changes.

Mr. Tickle asked Mr. Clarke if any of the road name changes were closely related to the situation that is happening on Halifax Road. Mr. Clarke commented that there were some similar situations where petitions have been submitted and roads were broken and the Board had approved them, Hunnicut Road being one. He also stated that Sutherland Road and Warf Road are on the agenda which were similar situations.

Mr. Harrison and Mr. Clay stated they did not realize roads had been split before. They are disappointed but realize the situation needs to be corrected now.

Upon motion of Mr. Tickle, seconded by Mr. Harrison, Mr. Bracey, Mr. Clay, Mr. Harrison, Mr. Tickle, voting "aye", action on Warf Road and Sutherland Road is postponed until the Board can decide what measures to take.

The County Administrator asked in what manner these road name changes were to be considered. Mr. Tickle said a workshop would be best. Since the Board will be meeting in a special workshop session on January 16, 1991 at 4:00 p.m. these street names can be considered then.

Mr. Bracey stated that petitioners and all people involved should be at the workshop.

Mr. Glass and Mr. W. Green commented that Sutherland Road was not like the other cases. Mr. Clay agreed.

1. S-90-21 - Thomas L. Harmon - Submitted an application to rename Centre Hill Road to Wheeler Lane. This is a private drive.

2. S-90-23 - Franklin Zitta, Jr. - Submitted an application to rename Tartan Drive to Merten Lane. This is a private drive.

3. S-90-24 - Eva Parham - submitted an application to rename Sutherland Road to Parham Lane. This is a private drive.

4. S-90-25 - Zelma Wrenn - submitted an application to rename Beaver Pond Road (Route 638) to Harper's Road.

No one objected to these road name changes.

Upon motion of Mr. Harrison, seconded by Mr. Bracey, Mr. Bracey, Mr. Clay, Mr. Harrison, Mr. Tickle, voting "aye", road name changes S-90-21, S-90-23, S-90-24, and S-90-25 were approved as presented.

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IN RE: COUNTY ADMINISTRATOR COMMENTS

1. The County Administrator presented a letter from the VDOT stating what it's policy will be on snow removal due to the budget cutbacks.

2. The Board received a copy of the final audit reports on Bingo and Raffle operations for the Dinwiddie Babe Ruth and Dinwiddie Youth Leagues. The Assistant County Administrator stated that she and the Commonwealth Attorney met with a representative from the Dinwiddie Youth League and a letter was presented stating how the audit comments would be addressed. Mr. Bracey stated he would like to see a similar letter from the Babe Ruth organization.

3. The County Administrator stated that as a result of the float in the Christmas Parade that 10 puppies and 2 adult dogs had been adopted. He also stated that the following days would be set aside for Adoption Days at the Pound:

VOLUNTEER SCHEDULE PROPOSED--(ALL SUNDAYS)  
ADOPTION DAYS

December 16, 1990	January 13, 1991
January 13, 1991	February 10, 1991
March 10, 1991	April 14, 1991
May 5, 1991	June 9, 1991
July 14, 1991	August 11, 1991
September 15, 1991	October 13, 1991
November 10, 1991	December 15, 1991

The Administrator stated that this list would be published in the local newspapers at the expense of the SPCA. He thanked all the people that were involved in this project.

4. The Board will meet in a workshop session at 4:00 p.m., January 16, 1991 to discuss redistricting.

5. Economic Development Marketing Project Fund - The County Administrator stated contributions were coming in from the private sector to be used for marketing the County and he requested that a separate fund be established for receipt of the contributions.

Upon motion of Mr. Harrison, seconded by Mr. Bracey, Mr. Bracey, Mr. Clay, Mr. Harrison, Mr. Tickle, voting "aye", the Treasurer is authorized to establish the Economic Development Marketing Project under the Capitol Projects Fund.

6. Mr. Cashwell stated that the National Organization on Disability has contacted the County seeking a representative to serve as a liaison between the County and N.O.D. The Representative may be a public employee or a private citizen, non-disabled or someone with a disability -- the primary consideration in making the appointment should be that this individual has contact with the disability community in our area. Mr.

Cashwell asked the Board for any suggestions that might help in locating such a person.

7. The Department of Historic Resources has informed us that the state Board of Historic Resources has placed Rose Bower on the Virginia Landmarks Register and has endorsed its being nominated to the National Register of Historic Places.

8. CDBG Payment Request - The Assistants County Administrator stated that because of the timing between the submission of request for payment and the actual receipt of the CDBG funds on the Wal-Mart Water and Sewer project, waiting another two weeks for a Board meeting to approve checks would put the payment to the contractors really behind schedule. She, therefore, requested authorization to draft checks from the CDBG fund between Board meetings should the need arise.

Upon motion of Mr. Harrison, seconded by Mr. Bracey, Mr. Bracey, Mr. Clay, Mr. Harrison, Mr. Tickle, voting "aye", the County Administrator is authorized to issue checks from the CDBG fund for the Wal-Mart Water and Sewer project between Board meetings if necessary.

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IN RE: EXECUTIVE SESSION

Upon motion of Mr. Harrison, seconded by Mr. Tickle, Mr. Bracey, Mr. Harrison, Mr. Tickle, Mr. Clay, voting "aye", pursuant to the Virginia Freedom of Information Act, Section 2.1-344(a)(1) personnel; (3) acquisition of real property; and (5) industrial matters, the Board moved into Executive Session at 9:00 p.m. A vote having been made and approved, the meeting reconvened into Open session at 10:15 p.m.

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IN RE: CERTIFICATION OF EXECUTIVE MEETING

Upon motion of Mr. Bracey, seconded by Mr. Tickle, Mr. Bracey, Mr. Harrison, Mr. Tickle, Mr. Clay, 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;

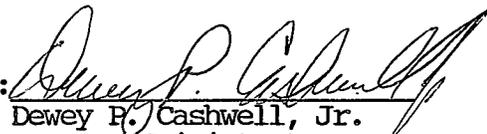
NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this 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.

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IN RE: ADJOURNMENT

Upon motion of Mr. Tickle, seconded by Mr. Harrison, Mr. Bracey, Mr. Clay, Mr. Harrison, Mr. Tickle, voting "aye", the meeting adjourned at 10:15 p.m. to be continued at 5:00 p.m. January 2, 1991.

  
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Harrison A. Moody  
Chairman, Board of Supervisors

ATTEST:   
Dewey P. Cashwell, Jr.  
County Administrator