

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 18TH DAY OF DECEMBER, 1991, AT 7:30 P.M.

PRESENT: CHARLES W. HARRISON, CHAIRMAN ELECTION DISTRICT #3
EDWARD A. BRACEY, JR., VICE-CHAIRMAN ELECTION DISTRICT #4
HARRISON A. MOODY ELECTION DISTRICT #1
MICHAEL H. TICKLE ELECTION DISTRICT #2
A. S. CLAY ELECTION DISTRICT #5

DANIEL SIEGEL COUNTY ATTORNEY

IN RE: PRESENTATIONS

The County Administrator presented a plaque to Mr. Charles W. Harrison and Mr. Michael H. Tickle for their dedication and service on the Dinwiddie County Board of Supervisors.

IN RE: TAKING OATH OF OFFICE

Mrs. Annie Lee Williams, Clerk of the Circuit Court, swore in the new members of the Board of Supervisors and presented them with their Certificates.

IN RE: LEGAL HOLIDAYS

The Assistant County Administrator told the Board that the Clerk of the Circuit Court had received notification that the clerk's office could be closed for the designated days of December 25th and January 1st as defined in Section 17-41 (8). In order to be closed on any other day a resolution would have to be duly adopted by the governing body of such county or city and approved by the Judge of the Circuit Court and filed in the office of the clerk. The days of December 26th and 27th, 1992 have been declared holidays by the Governor for State employees. It has been the County's policy to observe all State holidays.

Upon motion of Mr. Tickle, seconded by Mr. Moody, Mr. Clay, Mr. Moody, Mr. Tickle, Mr. Bracey, Mr. Harrison voting "aye", December 26th and December 27th are hereby declared as general holidays for the employees of Dinwiddie County, Virginia.

IN RE: MINUTES

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes of the December 4, 1991 Regular Meeting, and the December 4, 1991 Continuation Meeting, are hereby approved in their entirety.

IN RE: CLAIMS

Upon motion of Mr. Moody, seconded by Mr. Bracey, Mr. Clay, Mr. Moody, Mr. Tickle, Mr. Bracey, Mr. Harrison 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 #16679 thru #16819, (void check #16678): General Fund - \$121,526.86; E911 - \$122.42; Self Insurance - \$32,773.71; Capital Projects - \$15.00; Law Library - \$365.13 for a total of \$154,803.13.

IN RE: TRANSFER OF FUNDS

The Assistant County Administrator asked for authorization to transfer \$50,000 from the Capital Projects Fund to the General Fund to replenish funds paid for reserve sewage capacity to the Water Authority in lieu of connection fees. When the County entered into the Wal-Mart project, as you will recall, an earnest money account was established to take care of the expenses associated with that project. That account has approximately \$62,000 in it which was to be applied to connection fees. Each year \$50,000 is budgeted for the reserve sewage capacity of which

Extract

Wal-Mart is now a user. Our recommendation is that the balance of the funds for reserve sewage capacity be paid to the Water Authority in lieu of connection fees from Wal-Mart and the funds be repaid by a transfer from the earnest money account in the Capital Projects fund to the General Fund, in the amount of \$50,000. This will help clear out that account, so the County can provide a complete accounting to Wal-Mart and provide the funds the Water Authority is due for connection fees.

Upon motion of Mr. Bracey, seconded by Mr. Moody, Mr. Clay, Mr. Moody, Mr. Tickle, Mr. Bracey, Mr. Harrison voting "aye", the Treasurer was authorized to transfer \$50,000 from the Capital Projects Fund to the General Fund.

IN RE: CITIZEN COMMENTS

1. Ms. Nancy Batte, representing Dinwiddie Friends of Animals, thanked the Board for their support. She told the Board that a total of 23 pound dogs were adopted as a result of the Christmas Parade. She thanked Mr. John Mellick, Mr. John White, Mr. and Mrs. Jim Godwin and Ms. Crystal Elder for their help with the float in the parade, which she felt was a tremendous success.

IN RE: AMENDMENTS TO AGENDA

Upon motion of Mr. Tickle, seconded by Mr. Clay, Mr. Clay, Mr. Moody, Mr. Tickle, Mr. Bracey, Mr. Harrison voting "aye", the following amendments were approved.

Remove: 7. - Public Hearings - 1. C-91-5 - Rodney Durham
Move 11. - Appointments to Item #19

IN RE: PUBLIC HEARING -- A-91-16--REMOVAL OF SALVAGE YARDS

This being the time and place as advertised in the Progress-Index Newspaper on December 4, 1991 and December 11, 1991, for the Board of Supervisors to conduct a Public Hearing to consider an ordinance to amend Section 22-71 of the Dinwiddie Code.

Mr. Len Ponder, Director of Planning, told the Board that A-91-16 is a request by the Staff to delete Section 22-71(46), vehicle salvage yards, screened with a conditional use permit from Agricultural, General, District A-2. If this request for a code amendment is approved by the Board, no more commercial salvage yards will be allowed in the County in the A-2 District.

No one spoke for or against the ordinance amendment.

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

WHEREAS, the County of Dinwiddie (the "County") currently has in operation at least six (6) automobile salvage yards; and

WHEREAS, the Board of Supervisors of the County (the "Board") is concerned with the dangers associated with the operation of such industry in the County and to the health, safety and welfare of the citizens of the County; and

Whereas, the Board desires to enhance the aesthetics and resources of the County by eliminating any future location of such an industry in the County; and

Whereas, the Dinwiddie County Code (the "Code") currently authorizes vehicle salvage yards, screened, with conditional use permit in agricultural districts designated A-2;

NOW, THEREFORE, BE IT ORDAINED, that the Board hereby adopts an amendment to Article IV of Chapter 22 of the Dinwiddie County Code to delete from section 22-71 permitted use number 46 "vehicle salvage yards, screened, with a conditional use permit."

This amendment shall be effective as of its date of adoption.

IN RE: C-9-18 -- VIRGINIA CELLULAR LIMITED

Mr. Leonard Ponder, Director of Planning, stated he had no new information to provide the Board on the conditional use permit for Virginia Cellular but that there were representatives from the Company present if the Board had any questions.

Mr. Walter Witt, Attorney for Virginia Cellular, told the Board he had Mr. Richard L. Biby, and Mr. Ed Bass with him for any questions the Board or any citizen may have in regard to the health effects or construction of the tower.

Mr. Richard L. Biby, P.E., of Communications Engineering Services, 6105-G Arlington Boulevard, Falls Church, Virginia, told the Board there was no proof of harmful health effects from the electromagnetic waves emitted from the cellular towers.

Mr. Edward Bass, Technical Engineer, 618 W. 36th Street, Richmond, Virginia, told the Board that the frequency for cellular phones was above all T.V. frequencies. Mr. Bass stated that if for any reason the tower interfered with radio or T.V.'s that one of the conditions in their permit was that the County could rescind the permit.

After much discussion by the citizens and representatives for Contel Cellular about the frequency interferences, health hazards, and location of the tower, Mr. Tickle stated that he felt that the major concern of the citizens was that no one wanted the tower in their back yard and neither did he. He said that Contel needed to come back with a suitable amount of land and location for the tower.

Mr. Moody stated that it was up to Contel Cellular to bring conditions to this particular piece of property and that he felt these conditions were not appropriate.

The County Attorney was asked if the permit had to be approved; he stated that it did not have to be approved with the conditions before the Board.

The consensus of the Board was that Contel was to going to try to locate a new site.

Mr. Moody said it was Contel's obligation to carry this permit forward on this piece of property. If they wanted to locate a new piece of property the same process would have to be followed again. The only action that the Board could take now would have to be on this conditional use permit.

Upon motion of Mr. Moody, seconded by Mr. Bracey, Mr. Clay, Mr. Moody, Mr. Tickle, Mr. Bracey, Mr. Harrison voting "aye", the conditional use permit for Contel Cellular was denied based on the conditions not being acceptable for the proposed site.

IN RE: RECESS

The Chairman declared a recess at 9:01 p.m. The meeting reconvened at 9:14 p.m.

IN RE E911 UPDATE

Paul Miller, Tri-Cities Area Manager, of C&P Telephone Company told the Board that he was happy to announce to them that as of December 10, 1991, 95% of the C&P subscribers in Dinwiddie County have notified them of their new addresses. Now they would start building the data base and hopefully implement 911 in the next 12 months. After February they would be able to announce an exact date. He said it was possible that this percentage could have been reached earlier. He apologized to the Board for C&P not being more proactive, but would expedite the implementation of Enhanced 911. He said the reason for the delay was due to the complexity of rural area lines. He explained C&P was responsible for the last few months delay due to the address location of test lines belonging to C&P, and private fax lines. Mr. Miller told the Board that the staff had done an admirable job. He assured the Board that C&P is moving ahead with all due speed to complete the provisions of Enhanced 911 service to

Dinwiddie County. As C&P proceeds, all necessary steps will be taken to insure the expedient provision of an accurate and reliable 911 system for the citizens of the County.

Mr. Tickle asked how it would be expedited?

Dave Major, Communications Representative, said C&P would work continuously to shorten the date of implementation. He informed the Board that he would be contacting Mr. John Clarke, Planning Technician, and the Sheriff's Department several times a month.

Mr. Tickle asked if C&P would make a commitment to stay in contact with the E911 staff at least on a weekly basis?

Mr. Miller said that they would stay in close contact with the County Administrator and C&P would stay abreast this time. We want to move ahead but keep the quality necessary to operate E911 properly.

Mr. Freeman Browning asked the C&P representative for confirmation by C&P that if a road with a physical separation (county line) having the same name could still be named with the same name under E911. The representative stated there would be no problem in dispatching for emergencies because each address is located on the enhancer at the sheriff's department.

Kay Winn questioned the cost of implementation and the present balance of the E911 Fund. The Assistant County Administrator stated in the beginning, the General Fund advanced \$100,000 to get the project started which still has to be paid back. Because of the cost of the street naming and house numbering and the installation of signs and paying personnel to finish the project, there is probably \$20,000 on balance in the fund now. The fund generates \$45,000 per year.

IN RE: PUBLIC HEARING -- A-91-18 -- PROHIBIT DUMPING OF SOLID WASTE FROM NONRESIDENTS OF THE COUNTY

This being the time and place as advertised in the Progress-Index Newspaper on December 4, 1991 and December 11, 1991, for the Board of Supervisors to conduct a Public Hearing to consider for adoption a proposed ordinance to amend Chapter 17 of the Dinwiddie Code.

The County Attorney informed the Board that he had spoken with the Commonwealth Attorney about the ordinance and had gotten several good suggestions for its enforcement. Mr. Siegel suggested the Board continue the public hearing until January 15, 1992 to allow for these revisions.

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mr. Clay, Mr. Moody, Mr. Tickle, Mr. Bracey, Mr. Harrison voting "aye", the public hearing to consider a proposed ordinance to amend Chapter 17 of the Dinwiddie Code was continued to January 15, 1992.

IN RE: BALL FIELD LIGHTING

Mr. Anthony Rinaldi, Recreation Director, informed the Board that he had a letter from the School Board supporting the ball field lighting project at the Middle School. He said he had met with the staff at the Middle School and hopefully worked out the problems on the placement of the poles for the lights. Mr. Rinaldi said this would enhance the fields so that the County could service more people and also bring in more revenue. The list of bids received is as follows:

Extract

J. W. Electric - Colonial Heights, Virginia

- 1. N.B.
- 2. N.B.
- 3. Both Fields \$47,750.00

E. H. Saunders & Sons - Hopewell, Virginia *DOES NOT DISPOSE OF TRANSFORMERS

- 1. \$22,798.00
- 2. \$22,000.00
- 3. Both Fields \$44,798.00

Brinkley-Ward Electric Inc. Farmville, Virginia

1. \$32,213.00
2. \$25,286.00
3. Both Fields \$53,499.00

* With specified layout footcandles for new lamps will be as specified. The footcandles will not be maintained as lamps age.

* We recommend redesigning these fields using some of the existing equipment for a considerable savings.

Matthews Construction Company Inc. - Richmond, Virginia

1. \$27,944.00
2. \$26,234.00
3. Both Fields \$54,178.00

* Any power company connection fees will be paid by owner.

* If contract is just for field #1, several poles in right field on field #1 will have to remain to feed primary service to field #2.

* Our price on this job includes a disconnect switch on each pole for over current protection, which is required by the National Electric Code.

* Any wire runs up light pole will be in conduit.

* I don't think you will get the light levels outlined in your plans with 18 fixtures per field.

Hawkins Electrical - Chester, Virginia

1. \$23,965.00
2. \$18,384.00
3. Both Fields \$42,349.00

Southeastern Electrical Contractors - Roanoke, Virginia

1. \$34,673.00
2. \$39,872.00
3. Both Fields \$74,545.00

* No utility connections fees.

* Direct burial cable type use for underground wiring.

* Electric Service will be stubbed out 5' for Utility Company connection.

* Light fixture will be 1500 watt qualite.

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mr. Clay, Mr. Moody, Mr. Tickle, Mr. Bracey, Mr. Harrison voting "aye", the Recreation Director was authorized to proceed with the low bid from Hawkins Electrical for both fields in the amount of \$45,349.00 - to be funded in the following manner - \$14,000 from the Recreation Capital Project Funds and the remaining \$31,349.00 from the Reserve Fund to be repaid from fees collected by the recreation department from the use of these fields.

Mr. Rinaldi was instructed to be the Clerk of Works. He was asked to work out a repayment schedule for the funds taken from the reserve, with the budget process.

IN RE: INDUSTRIAL DEVELOPMENT AUTHORITY FINANCING

The County Attorney stated he had a commitment letter from the Bank of Southside Virginia to purchase the note from the IDA to repay the loan from the Reserve for purchase of the Virginia Power site. Based on the appropriation in October, the reserve must be repaid before the end of the year. According to the bank, the loan could be closed the end of January to give time since interest rates are fixed. The note will be at the taxable rate of 9.95% for 5 years.

Mr. Moody said he felt the pay-off penalty fees were too high and would like to negotiate it. He commented that the County should also be able to refinance without a penalty.

Extract

Upon motion of Mr. Moody, seconded by Mr. Tickle, Mr. Clay, Mr. Moody, Mr. Tickle, Mr. Bracey, Mr. Harrison voting "aye", action on the IDA financing was postponed until January 15, 1992 meeting.

IN RE: HEALTH DEPARTMENT -- REQUEST TO RETAIN FUNDS

The Health Department received its State allocation for FY 92 in the amount of \$191,778, resulting in an overage of \$2,100 in local commitment funds. They are requesting that the Board allow them to retain the \$2,100 for the budget year. Since the Health Department had budgeted at a program maintenance level it is very important to the operation of the local health department that the full amount of local commitments be retained. Together with the revenues generated primarily from home health services this would obviate any personnel or program cuts for the current fiscal year.

Mr. Clay made the motion to deny the request from the health department to retain the overage for \$2,100. The motion was seconded by Mr. Bracey, Mr. Clay, Mr. Bracey, voting "aye", Mr. Tickle, Mr. Moody, Mr. Harrison voting "nay",

The Assistant County Administrator explained to the Board that they may want to investigate to see if retaining this overage would generate income for the County.

Mr. Moody made the motion to deny the request from the health department to retain the overage for \$2,100 unless it could prove it will generate income for the County. The motion was seconded by Mr. Tickle, Mr. Moody, Mr. Bracey, Mr. Tickle, Mr. Harrison voting "aye", Mr. Clay voting "nay".

IN RE: LEAVE TIME

The Assistant County Administrator asked the Board to allow the employees to carry over their unused balance of vacation time and compensatory time since many of them had not had the opportunity to take it.

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mr. Bracey, Mr. Clay, Mr. Moody voting "aye", Mr. Harrison, Mr. Tickle, voting "nay", the County employees were allowed to carry over any unused balance of annual leave or compensatory time contingent upon all employees depleting these balances by March 1, 1992.

IN RE: FIRE TRUCK BIDS

The County Administrator advised the Board that he had the specifications for the two fire trucks and everything was in good order. He asked the Board for authorization to advertise for bids.

Upon motion of Mr. Bracey, seconded by Mr. Tickle, Mr. Bracey, Mr. Harrison, Mr. Tickle, Mr. Clay, Mr. Moody voting "aye", the County Administrator was authorized to advertise for bids for the two fire trucks requested by the volunteer fire departments.

IN RE: COUNTY ADMINISTRATOR COMMENTS

1. The County Administrator told the Board he had received correspondence from the State to the extension office where they were asked to make additional cuts. They have been asked to submit two plans:

- a. A plan for a 3% revision for this fiscal year.
- b. A plan for a permanent 5% reduction in our budget beginning July 1, 1992.

2. The agreement among Dinwiddie Airport and Industrial Authority, Gerhard R. Gressman and Petersburg Dinwiddie Aviation, Inc. is enclosed for your information.

3. Dinwiddie Cable asked their subscribers to fill out a response card to inform them of subscribers viewing habits and included the new service rates effective January 1, 1992.

IN RE: BOARD MEMBER COMMENTS

1. Mr. Clay expressed the Boards appreciation to Mr. Harrison and Mr. Tickle for their service to the County and Board.

2. Mr. Tickle stated that he felt the County should hire an independent assessor to come in and review the assessments of the Board of Assessors because there has been such a discrepancy in the assessments.

The Board instructed the County Administrator to request the original working papers of the Blue Ridge Appraisal Company.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Clay, seconded by Mr. Moody, Mr. Bracey, Mr. Clay, Mr. Moody, Mr. Tickle, Mr. Harrison voting "aye", pursuant to Section 2.1-344 (1) Personnel, Section 2.1-344 (5) Industrial of Public Funds, and Section 2.1-344 (7) Legal, of the Virginia Freedom of Information Act, the Board moved into Executive Session at 11:51 P.M. A vote having been made and approved, the Board returned into open session at 2:21 p.m.

IN RE: CERTIFICATION OF EXECUTIVE MEETING

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

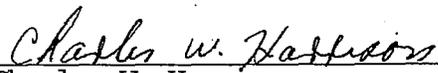
IN RE: APPOINTMENTS

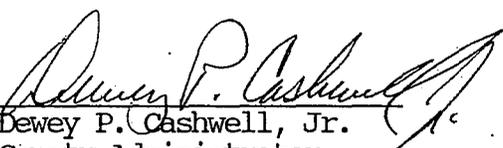
Mr. Clay made a motion to rescind all appointments made in the month of December. The motion was seconded by Mr. Moody, Mr. Bracey, Mr. Clay, Mr. Moody, voting "aye", Mr. Tickle, Mr. Harrison "abstaining"; the motion was approved to rescind the following appointments:

Crater Criminal Justice
Crater Planning District Commission
Transportation Safety Commission
Dinwiddie County Water Authority
Dinwiddie-Petersburg Airport Authority

IN RE: ADJOURNMENT

Upon motion of Mr. Tickle, seconded by Mr. Moody, Mr. Bracey, Mr. Clay, Mr. Moody, Mr. Tickle, Mr. Harrison voting "aye", the meeting adjourned at 2:35 A.M. to be continued until December 19, 1991 at 10:00 A.M. at the Pamplin Administration Building.


Charles W. Harrison
Chairman, Board of Supervisors

ATTEST: 
Dewey P. Cashwell, Jr.
County Administrator

