

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 3RD DAY OF FEBRUARY, 1993, AT 7:30 P.M.

PRESENT: A. S. CLAY, CHAIRMAN  
LEENORA EVERETT, VICE-CHAIRMAN  
HARRISON A. MOODY  
DONALD L. HARAWAY  
EDWARD A. BRACEY, JR.  
BENJAMIN EMERSON  
ALVIN BOOTH

ELECTION DISTRICT #5  
ELECTION DISTRICT #3  
ELECTION DISTRICT #1  
ELECTION DISTRICT #2  
ELECTION DISTRICT #4  
COUNTY ATTORNEY  
CAPTAIN

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IN RE: MINUTES

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes of the January 20, 1993, Continuation Meeting, and the January 20, 1993, Regular Meeting, are hereby approved in their entirety.

IN RE: CLAIMS

Upon motion of Mr. Bracey, seconded by Mr. Haraway, Mr. Moody, Mr. Haraway, Mr. Bracey, Ms. Everett, Mr. Clay 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 #22453 thru #22683, (void checks #22452, #22585-22579); General Fund - \$315,778.85; E911 - \$11,515.76; Self Insurance - \$21,173.88; Capital Projects - \$6,711.30; Law Enforcement - \$441.88; Fire Programs - \$866.37; for a total of \$356,488.04.

IN RE: CITIZEN COMMENTS

1. Betty Jeter, Registrar, appeared before the Board with new redistricting lines information for the Board. According to Ms. Jeter the General Assembly is requesting new boundary lines to help alleviate split districts and to help with paper ballots having to be used at precincts. Ms. Jeter stated only a couple of districts would be affected and the Board members had no problem with the changes. She presented a map with the changes to the Board members and informed them as soon as she heard from the General Assembly she would let them know formally.

2. Robert Ragsdale asked Mr. Bracey if he had talked with Mr. Edward Titmus. Mr. Bracey responded, yes. Mr. Ragsdale asked if Mr. Titmus told the County Administrator not to meet with the Board of Assessors? Mr. Bracey stated he didn't hear that. Mr. Clay talked with Mr. Titmus and he stated he did not remember telling the County Administrator not to meet with them; he said he went to see him in the office and he wasn't there twice. Mr. Ragsdale stated that Mr. Cashwell owed the Board of Assessors an apology. Mr. Ragsdale stated the citizens have not been treated fairly about the noise level at the proposed race track. Mr. Haraway stated he had asked the County Administrator about the noise levels and he had stated that when the big stock cars are brought in, the stands would shake from the noise level.

3. George Hobbs appeared before the Board and asked how could a road name be changed for Freeman Browning and not for him? He asked what the difference was between them. Mr. Hobbs injected that the road was split between two white men, John Clements and Freeman Browning. He told the Board an injustice was being done to the Black people living on Halligan Park Road. He asked if the change was made? The County Administrator explained to Mr. Hobbs that no decision was made pending legal determination on the original petition of Mr. Browning.

Ms. Everett stated she was not aware of Mr. Hobb's petition and she felt it was a good compromise.

Mr. Hobbs said the name Halifax Road dated back 170 years; he said the name Halligan Park Road was very painful for blacks. He said here is Clements on one end and Browning on the other end getting what they want and the people in the middle not getting anything.

4. Freeman Browning told Mr. Hobbs he agreed with him. He said he wanted the whole road named South Halifax Road. But he couldn't get that so they compromised. He stated Mr. Clements doesn't even own property where he lives. He said he was here tonight to thank the Board for voting for him. He said his original petition was the one Mr. Hobbs had been instrumental in getting the names on. He stated he didn't get a new petition. The original process only required 50% of the land owners' signatures, but the Board changed it to 75%. He said he had also tried to get the name changed to the Prince George line.

Mr. Hobbs asked when the Board made a decision to contact him and his people. He was informed that the issue would be dealt with at the next meeting on February 17, 1993 at 2:00 P.M.

5. Robert Belcher and Kitty Vaughan, representing the Golden Olympians, reported to the Board that the Olympians enrollment in September 1990 was only nine members and the enrollment has grown to twenty-four now. She stated that the Golden Olympians would like to attend the Virginia State Golden Olympians competition and they were requesting the Board fund \$500 to help defray the expenses of the games this year to allow more citizens to attend.

Mr. Belcher told the Board that the Senior Games were March 11-13 and he invited everyone to participate.

IN RE: AMENDMENTS TO THE AGENDA

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

Add: 8. Sheriff's Department Addition

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

Mr. Benjamin Emerson, County Attorney, stated at its meeting on January 20, 1993, the Board asked him to contact the Sheriff's Department concerning the proposed weapons ordinance that the Board has been considering over the past few months to request that a representative attend the meeting to explain to the Board why an ordinance is needed in addition to the existing law. He said Mr. Alvin Booth was present for questions. The following revised ordinance was presented 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.

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.

a. The petition process provided for herein shall be available and apply only to areas of the county which are zoned for residential use and designated as residential district R-1, residential district R-14A, residential district R-2 or residential district PRD. Upon completion of the petition process described below, the areas within the county to which this section applies may be established, enlarged, or reduced upon amendment hereto properly adopted by the board of supervisors. Any property owners residing in a definable area may request the board of supervisors to establish, enlarge or reduce the restrictions of this section to or from their area by a petition signed by a two thirds majority of the property owners within said area. Said petition must

accurately describe the definable area at issue and must list the name or names of all property owners within said area. Upon consideration of said establishment, enlargement or reduction, and after notice and public hearings as required by the Code of Virginia, said establishment, enlargement or reduction may be approved by the board of supervisors, in its discretion.

b. In the areas of the county zoned for residential use and which have been designated by the Board of Supervisors as areas to which this ordinance applies pursuant to the petition process described in subsection 15.1-2 (a) above, it shall be unlawful for any person to willfully discharge any firearm: (i) from, in, on or across any street, sidewalk, alley, roadway, or school property or within one hundred (100) yards thereof; or (ii) within one hundred (100) yards of any building occupied or used as a dwelling, any tent, trailer or vehicle or any place where the public gathers; provided that this section shall not apply to any law enforcement officer in the performance of his official duties or to any other person whose actions are otherwise justifiable or excusable at law in the protection of his or her life or property, or are otherwise specifically allowed by law, including Section 15.1-3 below; and, further provided, that nothing in this section shall prevent the construction, use or operation of any target range or shooting range which is constructed and operated in accordance with the Dinwiddie Code.

c. Violation of this section shall constitute 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.

a. It shall be unlawful for any person to discharge any firearm or other weapon at a songbird, pet, or other domestic animal, so as to wound or kill the same; provided that this section shall not apply to a law enforcement officer or animal warden in the performance of his official duties, to any person finding a dog in the act of killing or injuring livestock or poultry on land utilized by the livestock when the circumstances show that such chasing is harmful to the livestock, or to any act otherwise specifically allowed by law.

b. Violation of this section shall constitute a Class 4 misdemeanor.

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

State Law reference - Similar provision, Code of Virginia, Section 3.1-796.126; authority of county to prohibit discharge of firearms in certain areas, Code of Virginia, Section 3.1-796.118; Right of person to kill dog found killing or injuring livestock, Code of Virginia Section 3.1-796.116.

Mr. Alvin Booth, Captain, told the Board he found the following information concerning firearms in the State code:

18.2-286 - Shooting on a road - violation of this section shall constitute a Class 4 misdemeanor.

18.2-56.1 - Reckless use of a firearm - violation of this section shall constitute a Class 1 misdemeanor.

Songbirds - protected under Federal law; he stated he did not find a definition for songbirds specifically but that a nuisance species could be shot.

15.1-58 - County may provide an ordinance against guns in areas heavily populated, but he felt it would be difficult to enforce. He stated 112 calls on gun activities were reported last year. There were no calls on killing songbirds.

Ms. Everett stated she knew of four calls on songbirds.

Mr. Booth stated there was one problem with the enforcement and that is it was up to the officer or judge at the time of trial to prove "reckless use." Mr. Booth said he was aware of the Prince George ordinance but he didn't know how the officers would enforce the ordinance unless the boundary lines could be defined and the area is identified.

Mr. Haraway asked Mr. Booth what changes needed to be made to the ordinance. Mr. Booth stated subdivisions needed to be defined. He said they now have to decide whether the firearm was discharged in a reckless manner. This carried a "fine" only, if there is a conviction. Also, R-1, R-1A, R-2, and PRD needs to be defined.

Mr. Moody said if 2/3 of the people in a definable area wanted the ordinance they could petition the Board. He asked Mr. Booth if in an area, say a road to a certain RR track, would that be definable enough to enforce the ordinance. Mr. Booth stated it should be posted and then the officer would have to prove intent to violate.

Ms. Everett stated she had spoken to Sheriff Lewis in Prince George about their ordinance. Since 1970 they have had an ordinance prohibiting BB guns and air rifles and this ordinance has taken care of the problems they had. Ms. Everett said she couldn't understand why this ordinance has turned into such a complicated issue. All that was intended was to protect people in heavily populated areas. Ms. Everett stated she didn't like the ordinance as it was written either.

The following people spoke to the Board regarding the ordinance:

1. John Frazier - need to educate people on use of guns; do not need ordinance.
2. Robert Mayer - the problem in subdivisions is people don't have backbone to confront a neighbor; need to serve warrants.
3. Aubrey Pennington - Dinwiddie County is changing. The only problem with the ordinance is the distance from a residence is not long enough--it needs to be longer; hoped Board would vote for ordinance.
4. Ted Scott - It is the "duty" of the Board to serve the people; he presented 875 names on a petition opposing the ordinance.
5. Robert Bishop - opposed to ordinance.
6. Earl Allgood - against ordinance.
7. Leroy Bishop - against ordinance.
8. R. C. Clarke, Jr. - against ordinance -- where will it stop? Think before making a decision.
9. Clarence Allgood - opposed to ordinance.
10. Brian Miller - opposed -- parent's need to look after children. Where will the zoning stop?
11. Amy McDowell - opposed to ordinance.
12. Sheldon Gafford - Why do we have such a long legal document if Prince George has less than a paragraph and it is sufficient?
13. John Boswell relinquished his time to the Game Warden.
14. Paul Booth, Game Warden, stated he researched the laws on the books and there are a lot of laws against guns in the county. He stated he had not received any calls or complaints on songbird killing. He said anyone can get a warrant but they must be willing to testify in court.

Mr. Haraway said he was not sure he would be voting properly without calling the people in his District if he voted tonight. He said he would like to postpone the vote until he could do some calling.

Mr. Bracey called for the question.

Ms. Everett stated she was not for or against the ordinance. It was not written like she would like to see it written.

Mr. Moody stated he didn't feel that this ordinance would do us justice as it is written.

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mr. Bracey, Mr. Moody, Mr. Clay, voting "aye", Mr. Haraway, Ms. Everett, "abstaining", the ordinance, A-92-4, was disapproved.

IN RE: RECESS

The Chairman called a recess at 9:31 P.M. The meeting reconvened at 9:40 P.M.

IN RE: SHERIFF'S DEPARTMENT ADDITION

The County Administrator informed the Board that the revisions and plans for the Sheriff's Department addition have been completed. The size of the addition has increased from 1,000 sq. feet to 1,700 sq. feet and the cost has increased to \$125,000. Without bidding it out, the Engineer had stated this was only an estimate. The budgeted amount of \$80,000 was only an estimate. The increase in size and cost is due to handicapped requirements and the addition of an evidence room on the lower level. Engineering fees are \$16,000. Mr. Alvin Booth was present to explain the increase in the size of the addition and the need for an evidence room.

Mr. Booth told the Board that the evidence room had been deleted when the E-911 equipment was installed. He said that this room was needed to house evidence and also for finger printing.

Ms. Everett questioned the overcrowding situation in the jail at the present time. Mr. Booth stated most of it was due to prisoners from other localities.

After much discussion, the Board postponed action until the next meeting in order for handicapped requirements to be looked at and more information presented.

IN RE: POSITION ANNOUNCEMENT -- LANDFILL -- TRUCK DRIVER II

Upon motion of Mr. Haraway, seconded by Ms. Everett, Mr. Moody, Mr. Haraway, Mr. Bracey, Ms. Everett, Mr. Clay voting "aye", Mr. Louis Allen was appointed to the position of Truck Driver II, effective February 1, 1993 at Grade 8, Step B2, at an annual salary of \$18,674.

IN RE: POSITION REGRADE -- LANDFILL -- TRUCK OPERATOR II

Upon motion of Mr. Haraway, seconded by Mr. Moody, Mr. Moody, Mr. Haraway, Mr. Bracey, Ms. Everett, Mr. Clay voting "aye", the position held by Mr. Randy Brooks was regraded to the position of Truck Driver II, effective February 1, 1993 at Grade 8, Step D, at an annual salary of \$20,167.

IN RE: POSITION ANNOUNCEMENT -- ZONING ADMINISTRATOR

Upon motion of Mr. Moody, seconded by Ms. Everett, Mr. Moody, Mr. Haraway, Ms. Everett, Mr. Clay voting "aye", Mr. Bracey, voting "nay", Mr. Wayne P. Knox was appointed to the position of Zoning Administrator, effective February 16, 1993 at Grade 10, Step C, at an annual salary of \$22,991.

IN RE: APPOINTMENT -- DINWIDDIE COUNTY PLANNING COMMISSION

Ms. Everett nominated Mr. C. Floyd Perkinson to fill the unexpired term of Mr. Walter Kelly on the Dinwiddie County Planning Commission; Mr. Haraway seconded the nomination.

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

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

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Mr. C. Floyd Perkinson is hereby appointed to the Dinwiddie County Planning Commission, to fill the unexpired term of Mr. Walter Kelly, expiring December 31, 1996.

IN RE: COUNTY ADMINISTRATOR COMMENTS

1. The County Administrator informed the Board that the School Board had set up a tour for them to inspect the computer equipment at Brunswick and Hanover County Schools on February 10, 1993 at 8:00 A.M. if they would care to attend. Mr. Haraway stated he felt the Board should rely on the recommendation of the consultant recommended by the County Administrator. He stated he felt if the consultant was recommending the system be adopted, action should be taken to release the funds as soon as possible. Ms. Everett stated she would go on the tour. Mr. Bracey stated he would like to go and they were requesting action too soon. Action was postponed until a report of the project is given by the consultant on February 17, 1993.

IN RE: RESOLUTION -- DONALD PORTER

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

WHEREAS, volunteer work in service to one's fellow citizens is among the finest contributions to the community that an individual can make; and

WHEREAS, it takes a special kind of individual to make a service commitment to a volunteer fire company, where an individual must risk personal hazard in order to protect and preserve the lives and property of others; and

WHEREAS, Chief Donald L. Porter has devoted thirty four years of such courageous service to the citizens of Dinwiddie County, having joined Namozine Volunteer Fire Company in 1959, and will retire from active service in the Company on January 30, 1993, and

WHEREAS, Chief Porters year's as a volunteer fireman have been characterized by steady progression through the ranks, increased responsibilities, and the establishment of an example for other benchmark for other new vehicles throughout the county, and

WHEREAS, Chief Porter will continue to serve as friend and advisor to the Namozine Volunteer Fire Company, and

WHEREAS, in recognition of his selfless dedication and commitment to duty the member of the Namozine Volunteer Fire Company have seen fit to award Chief Porter a lifetime membership in the Company,

NOW BE IT THEREFORE RESOLVED, that the government and Citizens of Dinwiddie County do hereby recognize the extraordinary contribution that Chief Donald L. Porter has made to his community and his fellow fire fighters, and the example that he has set for others to follow. The Board of Supervisors of Dinwiddie County does hereby express it's deepest gratitude to Chief Porter for a job well done, and encourages all citizens throughout the county to do likewise. We wish Chief Porter good luck and Godsend in all his future endeavors, and sincerely hope that he will continue to benefit the Namozine Volunteer Fire Company and the residents of the county with his knowledge and experience for many years to come.

IN RE: COUNTY ADMINISTRATOR COMMENTS CONTINUED

1. The County Administrator reminded the Board that a reception was to be given by Sands, Anderson, Marks, & Miller on February 12, 1993 from 6:30 - 8:30 P.M.

2. The School Board submitted a revised document on Leave Policies and Procedures for the Board members and asked if they had any comments or suggestions to please call before February 9, 1993 because the School Board is due to take action on the issue at their first meeting in March.

Mr. Haraway responded that he saw no reason to approve the Leave Policy now before the budget is adopted. He felt the School Board should wait until after that time to take action. The Board agreed.

IN RE: TRAVEL REQUEST

Upon motion of Ms. Everett, seconded by Mr. Haraway, Mr. Moody, Mr. Haraway, Ms. Everett, Mr. Clay voting "aye", Mr. Bracey, "abstaining", the County Administrator was authorized to attend the VLGMA Winter Conference, February 18-19, 1993, at Boar's Head Inn in Charlottesville, Virginia, at the cost of \$250.

IN RE: BOARD MEMBER COMMENTS

1. Mr. Bracey asked that a brief synopsis be included in the Board's packet on agenda items. The County Administrator replied he would try from now on to include it in the packet. Mr. Bracey also said the Director of Planning should be at the Board meetings.

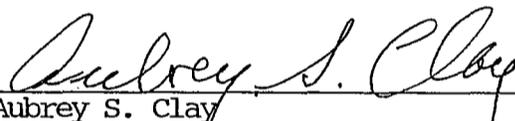
2. The County Administrator told the Board that \$19,000 has been collected the first month for Meals Tax.

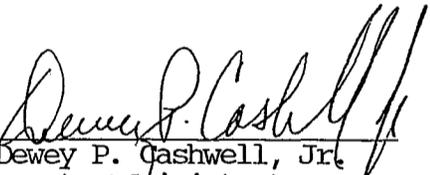
IN RE: BUDGET WORKSHOPS

The Board agreed to meet Wednesday, February 24, 1993 at 8:00 A.M. to receive budget requests from department and agency heads. The Board will meet with the School Board to review their proposed budget on Wednesday, March 3, 1993 at 5:00 P.M. for dinner at the Home Place Restaurant.

IN RE: ADJOURNMENT

Upon motion of Mr. Moody, seconded by Mr. Bracey, Mr. Haraway, Mr. Moody, Mr. Bracey, Ms. Everett, Mr. Clay, voting "aye", the meeting adjourned at 10:50 p.m.

  
Aubrey S. Clay  
Chairman, Board of Supervisors

ATTEST:   
Dewey P. Cashwell, Jr.  
County Administrator

