

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 MARCH, 1993, AT 7:30 P.M.

PRESENT: A. S. CLAY, CHAIRMAN ELECTION DISTRICT #5
LEENORA EVERETT, VICE-CHAIRMAN ELECTION DISTRICT #3
HARRISON A. MOODY ELECTION DISTRICT #1
DONALD L. HARAWAY ELECTION DISTRICT #2
EDWARD A. BRACEY, JR. ELECTION DISTRICT #4

DANIEL SIEGEL COUNTY ATTORNEY

IN RE: MINUTES

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes of the February 17, 1993, Regular Meeting, are hereby approved in their entirety.

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

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes of the February 24, 1993, Continuation Meeting, are hereby approved in their entirety.

IN RE: CLAIMS

Upon motion of Mr. Haraway, 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 following claims are approved and funds appropriated for same using checks #22854 thru #23073, (void checks #22853 #22976); General Fund - \$316,345.09; E911 - \$1,941.38; Self Insurance - \$2,048.12; CDBG - \$1,450.00; Capital Projects - \$144.10; Law Library - \$493.20; Law Enforcement - \$490.17; for a total of \$322,912.06.

IN RE: AMENDMENTS TO THE AGENDA

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

Add: 13. Executive Session - 1. Personnel
2. Legal

IN RE: PUBLIC HEARING -- A-93-1 -- LIBRARIES WITH REQUIRED PARKING

This being the time and place as advertised in the Progress Index Newspaper on February 18, 1993, and February 24, 1993, for the Board of Supervisors to conduct a public hearing to amend Section 22-114, to add Permitted Uses, (13) "Libraries with the required parking," in Residential, Limited District, R-1.

Mr. Leonard Ponder, Director of Planning, told the Board that the inclusion of this use into the R-1 district is relatively straight forward as churches, schools, and parks and playgrounds are allowed. Section 22-113, states that uses, "such as schools, parks, churches and certain public utilities that serve the residents of the district," should be allowed. Staff's recommendation is that A-93-1 be forwarded to the Board of Supervisors for approval.

The Planning Commission voted unanimously at its February 10, 1993 meeting to recommend A-93-1 to the Board of Supervisor for approval.

Mr. Ponder stated that this request is merely a housekeeping measure and that there would be more requests in the coming months.

No one spoke for, or, in opposition to the amendment.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that Section 22-114 of the Dinwiddie County Code is hereby amended to add Permitted Uses, (13) "Libraries with the required parking," in Residential, Limited District, R-1. In all other respects, said zoning ordinance is hereby reordained.

IN RE: PUBLIC HEARING -- A-93-2 -- COMPUTER SOFTWARE DEVELOPMENT FIRMS

This being the time and place as advertised in the Progress Index Newspaper on February 18, 1993, and February 24, 1993, for the Board of Supervisors to conduct a public hearing to amend Section 22-71, Permitted Uses, to add (52) "Computer software development firms, to exclude the manufacturing of said software, screened from view and two hundred (200) feet from the state road right-of-way" to Agricultural, General District, A-2.

Mr. Leonard Ponder, Director of Planning, told the Board that staff is requesting this amendment because a firm such as the one listed is attempting to site in the County. Firms such as these have traditionally started in non-industrial settings such as the Silicon Valley in California. Staff has also excluded the manufacturing of this software from the use as that would be a use more suited to Industrial areas.

This is also a use much less innocuous than many already allowed in A-2 districts. One only has to look at sawmills, planing mills, gravel plants, ethanol plants, and others to see that this use would fit as prescribed in the amendment.

The Planning Commission voted to recommend A-93-3 to the Board of Supervisors for approval with the stipulation that this use also be added to the B-2 zoning district as soon as possible.

No one spoke for, or, in opposition to the amendment.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that Section 22-71 is hereby amended to add, Permitted Uses, (52) "Computer software development firms, to exclude the manufacturing of said software, screened from view and two hundred (200) feet from the state road right-of-way" to Agricultural, General District, A-2. In all other respects, said zoning ordinance is hereby reordained.

IN RE: PUBLIC HEARING -- A-93-6 -- DOG CONFINEMENT ORDINANCE

This being the time and place as advertised in the Monitor Newspaper on February , 1993, and February , 1993, for the Board of Supervisors to conduct a public hearing for the purpose of adopting an Ordinance to amend Chapter 4 of the Dinwiddie Code, Section 4-17 "Running at large generally," to extend the time periods prohibiting dogs to run at large from April 1 through April 30 east of Interstate 85 in the County and May 1 through May 31 west of Interstate 85 in the County.

Mr. John Mellick, Animal Control Officer, explained that this amendment is for the purpose of extending the time periods prohibiting dogs to run at large from April 1 through April 30 east of Interstate 85 in the County and May 1 through May 31 west of Interstate 85 in the County. This extended time will allow sufficient time for the Animal Control Officers to properly inspect dog licenses in the County.

Ms. Everett stated she had received several calls from citizens in the rural areas who were concerned about having to keep their animals confined for a month. She asked if the County could be divided into four sections, and have a two week confinement period for each section.

Mr. Mellick said he was reluctant to divide the county into four sections because it is difficult for a lot of people to distinguish "east" or "west" of I-85 now, and he felt it would confuse things even more.

The following people spoke in opposition to the amendment:

1. Freeman Browning - stated the confinement period for a dog which is not accustomed to being confined was inconvenient and ridiculous. He stated it was time that the citizens had some consideration and respect from the Board.

2. Thomas Van Pelt - stated he had a problem with the ordinance as far as it pertained to him; he said he had a large dog that he didn't chain up. The dog is a watch dog and Mr. Van Pelt stated he hated to restrict the dog.

Mr. Clay asked if the dog stayed on Mr. Van Pelt's property? Mr. Van Pelt stated he stayed on the property most of the time.

Mr. Mellick stated that there was a misunderstanding of the ordinance. If the dogs stayed at home, and their license are on them, there was no need to confine the dogs.

No one spoke in favor of the amendment.

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

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Section 4-17 of the Dinwiddie Code shall be amended to read as follows, and in all other respects be reordained:

Section 4-17. Running at large generally.

(a) For the purposes of this section, a dog shall be deemed to run at large while roaming, running or self hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control.

(b) No person residing in the county on the east side of U.S. Interstate 85 shall cause or permit any dog owned or kept by him to run at large in the county during the period of April first through April thirtieth of each year and no person residing in the county on the west side of U.S. Interstate 85 shall cause or permit any dog owned or kept by him to run at large in the county during the period of May first through May thirty-first of each year.

(c) No person shall knowingly cause or permit any female dog in heat to run at large in the county at any time. Evidence that such person was previously informed by the animal warden or any other person that the dog is in heat shall create a rebuttable presumption that such person knowingly allowed the dog in question to run at large in violation of this subsection.

(d) Any person who permits a dog owned by him to run at large or remain unconfined, unrestricted or not penned up during times mentioned in this section shall be deemed to have violated the provisions of this section.
(Code 1970, SS 4-8 -- 4-10; Ord. of 4-18-79; Ord. of 2-17-82; Ord. of 12-17-86)

Cross reference - Running at large in certain residential areas, S 4-22.

State law reference - Authority for subsections (b) and (c) above and provisions similar to subsections (a) and (d), Code of Virginia, S 3.1-796.63.

This Ordinance shall be immediately effective as of this 3rd day of March, 1993.

IN RE: APPOINTMENTS -- SUBDIVISION COMMITTEE

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

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Mr. Oscar L. Edwards, is hereby appointed to the Dinwiddie County Subdivision Committee from District #2.

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

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Mr. John L. Melvin, is hereby appointed to the Dinwiddie County Subdivision Committee from District #5.

IN RE: APPOINTMENTS -- CERTIFICATION COMMITTEE

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

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Mr. William Tucker, Mr. J. Kimbrough Jones, Mrs. Minna Fisher, and Mr. Harold M. Walker are hereby reappointed to the Dinwiddie County Certification Committee, for a four year term to expire September 30, 1996.

IN RE: COUNTY ADMINISTRATOR COMMENTS

1. The County Administrator informed the Board that if they were still interested in making site visits to the courthouses that New Kent, Amelia, and Prince George would be the ones to visit. The Board agreed; March 24, 1993 was set for the tentative date.

2. The Assistant County Administrator asked the Board if they wanted to meet for a budget session on Wednesday March 17, 1993 after the regular Board meeting. The Board members agreed.

3. The County Administrator stated he had included a letter in their Board package information from the County Attorney, Paul C. Jacobson, regarding the legality of members of the County Board of Supervisors and County administrative employees participating as bidders at a public auction in which the Dinwiddie School Board proposes to dispose of surplus personal property.

3. The Crater Juvenile Detention Commission has decided upon the recommendation of the Executive Director to change the name of the facility to more accurately reflect the fact that they are not just providing detention. The mission of the organization has changed. It is now to be called, Crater Youth Care Commission, pending a one month period for comment and notification from local governing bodies.

IN RE: SEWER LINE EASEMENT

Upon motion of Mr. Bracey, seconded by Mr. Moody, Mr. Bracey, Mr. Haraway, Mr. Moody, Ms. Everett, Mr. Clay, voting "aye", the County Attorney was authorized to advertise for a public hearing the conveyance of land from the County for a sewer line easement to the Dinwiddie County Water Authority.

IN RE: BOTTLED WATER DISPENSER -- HEALTH DEPARTMENT

The Health Department personnel have requested a bottled water dispenser. The Assistant County Administrator told the Board that unfortunately they did not have money in the budget to handle the cost.

Upon motion of Mr. Bracey, seconded by Ms. Everett, Mr. Bracey, Mr. Haraway, Mr. Moody, Ms. Everett, Mr. Clay, voting "aye", the Board approved the request by the Health Department personnel to place a bottled water dispenser at the Health Department to be paid for by the County until the cost can be placed in their 1993-94 budget.

IN RE: BOARD MEMBER COMMENTS

Ms. Everett asked the Commissioner of Revenue if she had a report on the meals tax revenue for the month. She replied no but she would call the Board members as soon as she had the information.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Moody, seconded by Mr. Haraway, Mr. Bracey, Mr. Haraway, Mr. Moody, Ms. Everett, Mr. Clay voting "aye", pursuant to the Virginia Freedom of Information Act, Section 2.1-344(a) (1) personnel; and Section 2.1-344(a) (7) Legal; the Board moved into Executive Session at 8:07 P.M. A vote having been made and approved, the meeting reconvened into Open session at 10:05 P.M.

IN RE: CERTIFICATION OF EXECUTIVE MEETING

Upon motion of Mr. Moody, seconded by Mr. Haraway, Mr. Bracey, Mr. Haraway, Mr. Moody, Ms. Everett, 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.

IN RE: RESOLUTION -- AMENDMENT TO CONSTRUCTION AND OPERATIONS CONTRACTS FOR MATERIALS RECOVERY FACILITY AND CO-COMPOSTING FACILITY

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

BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County ("Board") hereby adopts and approves the proposed Amendment to the Construction Contract for Materials Recovery Facility and Co-Composting Facility and the Operations Contract for Materials Recovery Facility and Co-Composting Facility, each between the County and Virginia Bio-Fuels Corporation, dated March 4, 1993 (the "Amendment to Contracts"); and

BE IT FURTHER RESOLVED, that the Board authorizes and directs the County Administrator, the Chairman or the Vice Chairman of the Board to execute and deliver the Amendment to Contracts in substantially the form presented to this Board at this meeting, with such changes, amendments or modifications as either of them may deem necessary, whose execution thereof shall be conclusive as to such approval, ratification and confirmation.

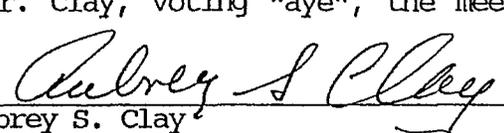
This resolution shall be immediately effective.

IN RE: ADJOURNMENT

Upon motion of Mr. Bracey, seconded by Mr. Haraway, Mr. Haraway, Mr. Moody, Mr. Bracey, Ms. Everett, Mr. Clay, voting "aye", the meeting adjourned at 10:02 p.m.

ATTEST:


Dewey P. Cashwell
County Administrator


Aubrey S. Clay
Chairman, Board of Supervisors

