

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 AUGUST, 1993, AT 2:00 P.M.

PRESENT: A. S. CLAY, CHAIRMAN
LEENORA EVERETT, VICE-CHAIRMAN
HARRISON A. MOODY
DONALD L. HARAWAY
EDWARD A. BRACEY, JR.
DANIEL SIEGEL

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

IN RE: MINUTES

Upon motion of Mr. Moody, seconded by Ms. Everett, 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 the minutes of the August 4, 1993 Regular 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 #25206 thru #25361, (void check #25205 and a duplicate check #25321 written to Robinson, Farmer, Cox Associates for \$8,250.04); General Fund - \$112,255.34; E911 - \$11,521.00; Self Insurance - \$7,493.70; CDBG - \$7,282.77; Law Library - \$596.86; Fire Programs - \$1,733.71; Forfeited Asset Sharing Program - \$116.50; Landfill Fund - \$6,367.37; for a total of \$147,367.25.

IN RE: APPROPRIATION -- COURTHOUSE MAINTENANCE FEE FUNDS

The Interim County Administrator stated that at the last meeting the Board had given authorization to separate the Capital Projects Fund into several separate funds. She said we had hoped to have some carry-over funds from the Capital Projects Fund to fund some of the cost associated with the Courthouse project which the County is incurring for the site investigation and other expenses. Unfortunately, there were no carry-over funds. She said the Courthouse Maintenance Fee Fund has a balance of \$47,600 and Ms. Weber recommended appropriating this for the Courthouse project.

Upon motion of Mr. Bracey, seconded by Mr. Haraway, Mr. Bracey, Mr. Haraway, Mr. Moody, Ms. Everett, Mr. Clay voting "aye", the Board appropriated the Courthouse Maintenance Fee Fund for expenses incurred for the Courthouse project.

IN RE: LOTTERY DISCUSSION

Mr. Fred Sahl appeared before the Board to request a resolution supporting the return of the lottery profits to localities with no strings attached. He reported that the chief source of new revenue to all local governments in Virginia is the lottery profits. It is a smokeless industry in being, with monies already identifiable and reported by Counties and cities. Funds are substantial. Dinwiddie's share for 1992-93 would be \$1,640,000.

Mr. Sahl stated that the Virginia Association of Counties (VACO) could be a very potent instrument in organizing and publicizing their collective thrust to have the lottery profits returned to the local governments, whence derived, to compensate for all the new unfunded laws and mandates; VACO should be firm in its stand to have "all profits returned without strings." Local governments know best where monies are needed locally - NOT RICHMOND. The point is not to start compromising and philosophizing before the foot is even in the door. Assembly members who would be opposed, would be exposed and become very unpopular in their districts.

Mr. Sahl said somebody has to prod VACO. It might as well be Dinwiddie. He also volunteered to provide help as far as studies, position papers, and briefings.

Some of the Board members felt the funds should be allocated according to need rather than "point of sale". However, all the members felt the lottery funds should be returned to the counties.

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

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia urges the Legislature of Virginia to adopt legislation to return all lottery profits to the local governments from whence derived, without strings attached; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Virginia Association of Counties is hereby requested to urge its member localities to support the return of the lottery profits in their 1994 legislative package.

Mr. Moody stated he felt a fair distribution based on need would be more ideal.

IN RE: ADELPHIA CABLE COMMUNICATION

Mr. Luke Matthews, General Manager, appeared before the Board to request their authorization to grant a transfer of the cable TV franchise from Dinwiddie Cable Partners to Adelphia. Adelphia is the managing partner and they are planning to purchase the cable system from Dinwiddie Cable Partners. Mr. Matthews stated the new owner would be SVHH Cable Acquisitions L.P. SVHH would own approximately 99 percent of the cable system but would continue to operate under the name of Adelphia Cable Communications.

Mr. Joseph Price, Adelphia Virginia Regional Manager, stated there would be some changes in the billing systems and there would also be more technical expertise available to the subscribers. He said Adelphia is managing 37 cable systems.

Mr. Haraway stated he had received a number of calls from some residents in the Sterling Road and Dinwiddie Gardens area who have had a decline in service. He said he had not received a complaint before the last three months. Mr. Matthews stated if a problem can't be handled locally, to call him. He did state that, hopefully, SVHH will have a 24 hour a day call center.

The Interim County Administrator clarified not having to do a background check on SVHH because ownership of SVHH is Adelphia and Adelphia and Dinwiddie Cable are already operating under the Dinwiddie County Franchise.

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

Whereas by action of the Board of Supervisors of Dinwiddie County, Virginia Cable Partners, L.P. has been granted a franchise to operate a Cable TV system in Dinwiddie County and use the public right of ways therein pursuant to Chapter 7 of the Dinwiddie County Code; and

Whereas Dinwiddie Cable TV desires to sell and convey more than fifty percent of its ownership and interests in and to said franchise to SVHH Cable Acquisition, L.P. and requests the consent to such conveyance pursuant to Section 7-44 of the Dinwiddie County Code; and

Whereas the Board of Supervisors has considered such request and is agreeable to such transfer upon certain conditions.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 7-44 of the Dinwiddie County Code, the Board of Supervisors of Dinwiddie County does hereby consent to transfer of franchise rights by Dinwiddie

Cable Partners, L.P. to SVHH Cable Acquisition, L.P. upon the following terms and conditions:

1. That SVHH Cable Acquisition, L.P. shall execute and acknowledge an acceptance to the terms and conditions of Chapter 7 of the Code of Dinwiddie County and the franchise as required by Section 7-24 of the Dinwiddie County Code.

2. That an executed copy of the bill of sale or similar document conveying the franchise rights shall be filed with the County Administrator as required by Section 7-44 of the Dinwiddie County Code.

3. That SVHH Cable Acquisition, L.P. shall comply with all requirements of Section 7-69 of the Dinwiddie County Code by obtaining all policies and bonds therein required and filing the same with the County Administrator and executing all other documents thereunder.

4. That SVHH Cable Acquisition, L.P. shall comply with all other provisions of Chapter 7 of the Dinwiddie County Code and the franchise agreement as previously executed by Dinwiddie Cable Partners, L.P. and now in force and effect.

Duly and lawfully passed, adopted and approved by the Board of Supervisors of the County of Dinwiddie, Virginia.

IN RE: REPORT -- VIRGINIA DEPARTMENT OF TRANSPORTATION

Ms. Penny Forrest, Resident Engineer, Virginia Department of Transportation, gave the following update to the Board:

1. Both sections of Route 619 have been completed.
2. Work completed on Route 636.
3. Route 715, Patillo Road, work is to begin in approximately 45 days.

The Board had the following comments and requests:

1. Mr. Bracey asked if the VDOT was going to reseed the ditches on Rt. 619. Ms. Forrest replied it would be done in the Fall.
2. Ms. Everett asked about the status of the "no through truck signs" for Franklin and Sunset. Ms. Forrest stated that it takes from six to twelve months to get through the whole process. Ms. Everett also asked Ms. Forrest to check the mowing schedule for Rt. 226 and Ferndale.
3. Mr. Moody told Ms. Forrest that there was a lot of truck traffic on Rts. 642 and 643 causing the pavement to break apart. She said she would check them.
4. Mr. Bracey said that the pavement on Rt. 619 was beginning to wear due to the sand being applied during the summer.
5. Mr. Clay stated that approximately 300 feet of Rt. 703 is tar and gravel and the remainder of the surface is asphalt. Ms. Forrest said the remainder has been scheduled for asphalt but not this year.
6. The Interim County Administrator stated she learned at a recent meeting that the legislature was considering a revision in the unpaved road formula. She also understood the total allocation for unpaved roads is being reduced. Ms. Forrest stated she had heard about the formula but had not received anything in writing. Ms. Forrest said she would forward a copy to the County if she received one.
7. The Interim County Administrator asked if Ms. Forrest would do a current study for signalization for the Associates entrance to Wal-Mart to see if it passed warrant. Ms. Forrest stated she would. Ms. Weber stated that the State has committed to install signalization at the Associates entrance as well as the truck entrance when they pass warrant at no additional expense to the County.
8. Mr. Moody stated he felt the speed limit from Wal-Mart to U.S. #1 should be reduced due to the increase in traffic. Mr. Clay stated

he did not think that a speed limit reduction was necessary for the four lane highway.

9. The Interim County Administrator stated that the reflectors on the turning lane at the intersection of U.S. #1 and 460 have not been installed. Ms. Forrest said she would check on it.

IN RE: COMMISSIONER OF THE REVENUE

Mrs. Deborah Marston, Commissioner of the Revenue, was not present.

IN RE: COMMONWEALTH ATTORNEY -- REPORT

Mr. T.O. Rainey, III, Commonwealth Attorney, stated he had nothing to report.

IN RE: SHERIFF -- REPORT

The yearly summary of traffic violations was provided by the Sheriff's Department.

IN RE: BUILDING INSPECTOR -- REPORT

Mr. Dwayne Abernathy, Building Inspector, provided his report for the month of July.

IN RE: ANIMAL WARDEN -- REPORT

Mr. Steve Beville, Deputy Animal Warden, submitted his reports for the month of July.

Ms. Everett stated she had toured the animal shelter and commended the department on the improvements.

IN RE: DIRECTOR OF PLANNING

Mr. Leonard K. Ponder, Director of Planning, gave the following report:

1. West Petersburg - the sale of property for the CDBG rehab program closed Friday, and last week work began on the first rehab house. Another rehab house is scheduled to start this week, and next week.

2. There will be a meeting with the contractors August 24, to discuss what they are willing to commit to, to clear up the drainage problem on West Drive. VDOT will not commit to help with the situation.

3. Wythe Park Power - Chuck Packard, Manager, will be reviewing various measures to muffle the noise level at the plant by installing low end level mufflers.

Mr. Haraway asked Mr. Ponder if he had checked the noise level? Mr. Ponder responded both he and Ms. Weber had been out and checked the area and felt levels of noise were not excessive. Mr. Ponder stated that when some shrubs and trees are planted, that would help buffer also.

IN RE: DIRECTOR OF SOCIAL SERVICES -- REPORT

Mrs. Peggy McElveen, Director of Social Services, asked the Board to appropriate the following funds to the Dinwiddie Social Services Department. No local match is needed.

Crater Agency of Aging	\$2,500
Anonymous Donor	5,501.29

Upon motion of Mr. Bracey, seconded by Mr. Haraway, Mr. Bracey, Mr. Haraway, Mr. Moody, Ms. Everett, Mr. Clay voting "aye", \$8,001.29 was appropriated to the Social Services Department for FY 1993-94.

IN RE: SUPERINTENDENT OF SCHOOLS -- REPORT

Mr. Joseph Hubbard, Financial Officer, informed the Board that the space needs study was complete and that the School Board wanted to schedule a meeting to present a synopsis to them. The Board requested that the School Board set a separate meeting to ensure a sufficient amount of time for any discussion. The Board decided to discuss a date at the next meeting.

IN RE: RECREATION DIRECTOR -- REPORT

Mr. Tony Rinaldi, Recreation Director, submitted the progress report for the month of July, 1993.

IN RE: PUBLIC SAFETY DIRECTOR -- REPORT

1. Mr. David W. Nichols, Public Safety Officer, submitted his reports including the Fire Department's and Rescue Unit's responses for the month of July, 1993.

2. Mr. Nichols stated he would like to reactivate the Local Emergency Planning Committee. One member shall be a government official and one member shall be a citizen appointed by the Board. He asked the Board for their recommendations. Mr. Bracey instructed Mr. Nichols to contact the former members to see if they might be interested.

3. Mr. Nichols gave a summary of the tornado incident of Friday, August 6.

The Interim County Administrator commended Mr. Nichols on his job performance by immediately being on top of the storm's damage to Dinwiddie County residents. She said with the assistance of Mr. Jimmy Maitland, we were able to file a full preliminary report to the State by 6:00 P.M. that afternoon.

IN RE: DECLARATION OF LOCAL EMERGENCY

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

WHEREAS, the Board of Supervisors of the County of Dinwiddie does hereby find:

1. That due to the tornados, accompanied by heavy rains and windstorms, the County of Dinwiddie is facing severe damage to homes and destruction of property;

2. That due to the tornado, extreme damage to property and destruction of homes necessitates the proclamation of the existence of an emergency;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED by the Board of Supervisors of Dinwiddie County, Virginia that an emergency now exists throughout said County; and

IT IS FURTHER PROCLAIMED AND ORDERED by the Board of Supervisors of Dinwiddie County, Virginia that during the existence of said emergency the powers, functions, and duties of the Director of Emergency Services and the Emergency Services organization of the County of Dinwiddie shall be those prescribed by State law and the ordinances, resolutions, and approved plans of the County of Dinwiddie in order to mitigate the effects of said emergency.

IN RE: ASSISTANCE FOR TORNADO VICTIMS

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

WHEREAS, the Tri-Cities area and surrounding communities survived one of the worst natural disasters of recent history; and

WHEREAS, the citizens of these communities received a tremendous amount of support to help them through the initial impact of this disaster; and

WHEREAS, it will be quite some time before many individual will be able to rebuild and return to their homes and businesses; therefore, the need for strong support will continue;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia urges its citizens to continue to contribute both monetarily and through volunteering their time and services for the individuals of the Tri-Cities area and surrounding communities who are victims of this disaster; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a copy of this resolution be delivered to the governing bodies of the affected communities.

IN RE: DIRECTOR OF WASTE MANAGEMENT -- REPORT

Mr. Denny King, Director of Waste Management, told the Board that the State requires Certification for any individual who is an Operator of a landfill. A class is being offered at VCU September 29-30 at a cost of \$175, and he asked for authorization to attend to meet this State requirement.

Upon motion of Ms. Everett, seconded by Mr. Haraway, Mr. Bracey, Mr. Haraway, Mr. Moody, Ms. Everett, Mr. Clay voting "aye", the Director of Waste Management was authorized to attend the Certification Class at VCU September 29-30, 1993 for Landfill Operators.

Mr. King reported that the first load of trash was dropped at the Dinwiddie MRF today to begin testing only the MRF operation.

IN RE: TREASURER -- REPORT

Mr. William E. Jones provided his reports for the month of July. Mr. Jones asked for authorization for he and Ms. Glenice Townsend to attend the Virginia Government Finance Officers' Association two-part seminar on government accounting. Each seminar is two days, the first one is September 13-14 in Charlottesville and the second one is November 15-16 in Williamsburg. The cost of registration for both sessions is \$240.00 if taken together compared to \$150.00 each for each session if registrations are done individually. Mr. Jones stated that he felt that both of them would gain some benefit in attending the sessions.

Upon motion of Mr. Bracey, seconded by Mr. Haraway, Mr. Bracey, Mr. Haraway, Mr. Moody, Ms. Everett, Mr. Clay voting "aye", the Fiscal Officer was authorized to attend the Virginia Government Finance Officers' Association seminar on government accounting September 13-14 in Charlottesville and November 15-16 in Williamsburg.

Ms. Everett stated she would really like to see both Mr. Jones and Ms. Townsend attend the seminar.

IN RE: COUNTY ADMINISTRATOR COMMENTS

1. The Interim County Administrator told the Board that Weathers Auto Supply Inc. is planning an Open House on Saturday, September 25, 1993. In an effort to defray some of the cost of the promotion, again this year they are asking for \$300 to cover entertainment and food. She asked the Board if they were interested in participating this year.

Upon motion of Mr. Bracey, seconded by Mr. Moody, Mr. Bracey, Mr. Haraway, Mr. Moody, Ms. Everett, Mr. Clay voting "aye", the Interim County Administrator was authorized to participate in the Open House at Weathers Auto on September 25 at a cost of \$300.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Moody, seconded by Mr. Bracey, 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; Section 2.1-344(a) (3) Acquisition of Property; and Section 2.1-344(a) (7)

Legal; the Board moved into Executive Session at 4:02 P.M. A vote having been made and approved, the meeting reconvened into Open session at 5:35 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: AUTHORIZATION TO SOLICIT ADDITIONAL EMT POOL APPLICATIONS

Upon motion of Mr. Moody, seconded by Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey, Ms. Everett, Mr. Clay, voting "aye", the Dinwiddie Emergency Rescue Squad was authorized to solicit applications for additional paid part-time personnel for the EMT pool.

IN RE: NORFOLK AND WESTERN RAILWAY TAX REFUND

Mr. Daniel Siegel, County Attorney, presented a proposal from Norfolk and Western Railroad Company for real estate tax refunds necessitated by the Department of Taxation's revised tax assessments for 1988 and 1989. The revised assessments were triggered by the Virginia Supreme Court decision in County Board of Arlington County, et al. v. Commonwealth Department of Taxation, 240 Va. 108 (1990). That decision had the effect of invalidating the unit methods of determining railroad value which the Department reassessed railroad property using the "across the fence" method. Statewide the net effect was a tremendous increase in railroad taxes (primarily in highly urbanized areas). In certain localities, however, the application of the ATF method reduced assessment of railroad property. That was the case in Dinwiddie County.

Dinwiddie County received notice of the revised 1988 assessment from the Department of Taxation in August, 1991 and the County has made no refunds to the railroad to date.

The refund due Norfolk and Western for 1988 is \$27,214.93. The refund due Norfolk and Western for 1989 taxes is \$26,349.00. Both of these refund figures are exclusive of interest allowed by statute.

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

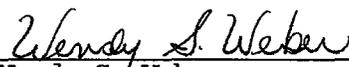
BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia agrees to the settlement of the Norfolk and Western Railway Company law suit for the years 1988-89 by accepting their proposal and approve the refund in the amount of \$53,563.93.

IN RE: ADJOURNMENT

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

adjourned at 5:48 P.M. to continue September 1, 1993 at 3:00 P.M. for Executive Session, Personnel, at the Pamplin Administration Building.


Aubrey S. Clay
Chairman, Board of Supervisors

ATTEST: 
Wendy S. Weber
Interim County Administrator