

VIRGINIA: AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 21ST DAY OF SEPTEMBER, 1994, AT 7:30 P.M.

PRESENT:	LEENORA EVERETT, CHAIR	ELECTION DISTRICT #3
	DONALD L. HARAWAY, VICE-CHAIR	ELECTION DISTRICT #2
	EDWARD A. BRACEY, JR.	ELECTION DISTRICT #4
	HARRISON A. MOODY	ELECTION DISTRICT #1
	AUBREY S. CLAY	ELECTION DISTRICT #5
OTHER:	PAUL JACOBSON	COUNTY ATTORNEY
	O. M. RAINEY	DEPUTY SHERIFF

IN RE: AMENDMENTS TO AGENDA

Upon motion of Mr. Haraway, seconded by Mr. Clay, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Mrs. Everett voting "aye", the agenda was amended as follows:

Add Item 6(a) - Retirement Benefit Increase

IN RE: MINUTES

Upon motion of Mr. Moody, seconded by Mr. Clay, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Mrs. Everett voting "aye", the minutes of the September 7, 1994 Continuation Meeting and September 7, 1994 Regular Meeting were approved as presented.

IN RE: CLAIMS

Upon motion of Mr. Haraway, seconded by Mr. Moody, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Mrs. Everett 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 #30692 - #30822 (void #30691) for Accounts Payable (Total \$174,901.20): General Fund - \$163,742.40, E911 Fund - \$2,288.94, Self Insurance Fund - \$2,657.60, Law Library Fund - \$168.05, Landfill Fund - \$6,044.21.

IN RE: RECOGNITION - DIXIE YOUTH BASEBALL TEAM

The Dixie Youth Baseball Team qualified to attend the Little League World Series in Augusta, Georgia. The following were presented with certificates of recognition for their achievements:

William Rideout Avery, Jr.
Richard Andrew Beasley, Jr.
Cory Russell Bishop
John Barrett Chappell, Jr.
Adam Riche Charboneau
Shan Quinton Lamaris Crowder
Sean Christopher Maitland
Albert Jason Marek
Douglas Jabari Moore
Ronald Lanier Pecht
Jerry Thomas Perkinson, Jr.
Craig Winn Rathbone
John Samuel Edward Winn
Patrick Noggin
William R. Avery, Coach
Calvin Cunningham, Coach
Al Marek, Coach

IN RE: RETIREMENT BENEFITS

Charles W. Burgess, Jr., County Administrator, submitted information to the Board regarding a 3% increase in benefits for current and future retirees as recommended in Senate Bill 2008.

Mr. Clay suggested that we invite a representative from the General Assembly and explain to the Board why the County should pay \$25,000.00 for something that the General Assembly instigated. Mrs. Everett asked that a Legislator also be invited to have a discussion about the whole issue. Mr. Burgess advised that a Legislator would be invited to answer the Board's questions.

Mrs. Everett stated that they would all like to see the assistance but would like to see what the States obligation on the issue for the non professional personnel.

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Mrs. Everett voting "aye", action is postponed for a sixty day review period so that the Board can meet with a representative from the General Assembly and review all information presented.

IN RE: CITIZEN COMMENTS

1. Sherry Ailstock, 8210 Courthouse Road, Church Road, Virginia appeared and requested the resurfacing of the County's public tennis courts, located at Dinwiddie High School and Rohoic Elementary School. After speaking with several school and county officials, she was advised that the courts were built in 1978 and in sixteen years they have never been resurfaced. The courts at the High School are owned by the School System and the courts at Rohoic Elementary are owned by the County but are on School property. They are in such bad shape that they will have to be bulldozed or either resurfaced; they are considered a safety hazard.

Tim Haynes, Dinwiddie County High School Athletic Director, advised her that two years ago the tennis coaches in the central district met and requested of Coach Stone that home games be played away because they were concerned about the safety of the courts. She stated that each year the School Board includes in their budget the tennis court maintenance but it is always cut.

She presented to the Board 124 signed copies of letters from concerned Dinwiddie citizens with help from Coach Stone requesting the resurface of the courts.

Mr. Haraway stated that the School Board's Budget was funded 100%, so if tennis court maintenance was in the school budget this year then it shouldn't be a problem. She was told by Tim Haynes that tennis court maintenance was cut from the budget before the Board voted on it.

Mr. Bracey did not understand why Mrs. Ailstock stated that one set of courts were public and the other owned by the school. She was advised by Jim Hutchinson, Dinwiddie County School Board Office, that the only courts that were available for public use were Rohoic Elementary's but were owned by the County. Mr. Bracey advised her that there was a public bond given to the Dinwiddie County School Board and the tennis courts were included in that bond and the money was not used for this purpose and he also stated that the records will clearly show this. Mr. Bracey stated that she needed to direct her questions to the Dinwiddie County School Board. She said that she was told that it was a combination of use by adults and children meaning that it was not only a School issue but also a County one. Mr. Bracey asked who gave her this information and she stated that the Athletic Director of the School, Jim Hutchinson, Mike Stone and various other people, such as Mr. Burgess.

Mrs. Everett stated that they were concerned about the tennis courts and would like to see that they were repaired. She asked Mr. Burgess, the County Administrator, to work with the School Board and come back and advise the Board of Supervisors what steps need to be taken to do something about the courts.

Mr. Bracey asked Mr. Burgess, the County Administrator, to set up a meeting with Dr. Gaul to discuss this issue.

IN RE: PUBLIC HEARING -- A-94-2 -- SIDE YARD, PARKING AND LOADING
SPACE DESIGN

This being the time and place as advertised in the Dinwiddie Monitor Newspaper on September 7, 1994 and September 14, 1994, for the Board of Supervisors to conduct a public hearing to consider a text amendment addressing parking and loading space design requirements for residential, commercial, industrial, and public uses.

Mr. Tim Davis, Zoning Administrator, advised the Board that the text amendment would establish standards for parking/loading space dimensions, parking area design, lighting and vehicular circulation.

The text changes proposed in Section 22-177, 22-188, 22-201, 22-214 and 22-227 of the Zoning Ordinance are essentially minor. The term "and loading" is added to the section title, with references made to Article V (Supplementary District Regulations). The other minor changes involve clarification of setback relative to side yards. The term "ten (10) feet or more" has been amended to read "at least ten (10) feet". Section 22-188 has been amended from "ten (10) feet" to "at least ten (10) feet". Similar changes also have been proposed in Sections 22-214 and 22-277. Section 22-201 remains unchanged except for the reference to Article V mentioned previously.

The majority of the proposed text amendment pertains to Article V; specifically Section 22-237 of the Ordinance relative to off-street parking. These changes are proposed for the following purposes:

1. Recognizing the need for flexibility in parking areas designed for maximum utilization of building sites.
2. Adopting of nationally accepted design standards for parking area size, aisle widths, maneuvering spaces, etc.
3. Clarifying the procedures for parking area construction to enable more effective enforcement, if necessary.

This text amendment proposal was approved by the Planning Commission by a vote of 6:0 on August 10, 1994.

This being a public hearing, the Chairman opened the floor for public comment: No one appeared to speak.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, text amendment A-94-2 was approved as presented without any changes.

IN RE: PUBLIC HEARING -- C-94-7 -- LLOYD BOISSEAU

This being the time and place as advertised in the Dinwiddie Monitor Newspaper on September 7, 1994 and September 14, 1994, for the Board of Supervisors to conduct a public hearing to consider the request of Lloyd Boisseau to obtain a conditional use permit to construct and operate a propane bulk storage facility per Section 22-23 and 22-71(50) of the Dinwiddie County Zoning Ordinance.

Mr. Wayne Knox, Director of Planning, advised the Board that the property is located on Tax Parcel 70-21 situated off of State Route #650, approximately three-tenths of a mile from the DeWitt exit of Interstate 85.

The Planning Commission approved this request at their September 14, 1994 meeting with a conditional use permit. The importance of a conditional use permit is to protect adjacent property owners from any environmental issues as well as to impose conditions that will serve to protect the County if future uses such as these should appear.

Adjacent property owners were mailed notice of the conditional use permit application and hearing, in accordance with Section 15.1-431 of

EXTRACT

the Code of Virginia, 1950, as amended. A copy of the affidavit of mailing is available for public viewing in the Planning Department.

Staff Recommendations:

In order to assure compliance with Virginia Code Section 15.1-491(g), it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice. Staff recommends approval of this application with the following conditions:

1. Before any construction can begin, a site plan prepared by an engineer must be submitted to the Planning Department for approval. This site plan shall include a grading plan showing the current topography and the finished site at two foot contours. A containment wall shall be included in the area of the concrete pad utilized for loading and unloading of vehicles.

2. An erosion and sediment control plan for all land disturbing activities must be submitted and approved by the Planning Department prior to issuance of applicable building permits. This shall include controls during the construction phase and field operation phases of the facility.

3. A copy of all applicable state and federal permits must be on file with the Planning Department before a Certificate of Occupancy will be issued.

4. The entire facility shall be enclosed with at least an eight-foot, three barbed wire cyclone type fence with the barbed wire strand facing outward. In addition, the fence gate shall be located at least 50 feet from State Route 650, and shall be locked at all times.

5. The facility shall be constructed in accordance with all National Fire Prevention Association, Pamphlet #58 Standards, with all applicable setbacks and provisions.

6. Training for local volunteer firefighters shall be provided by the owner of the facility prior to issuance of the Certificate of Occupancy for the facility.

Mr. Knox also advised that since the Planning Commission met on this matter several people stopped by the office to inquire on a few of the following issues:

1. To see exactly where this parcel is located.

2. Ask and answer questions pertaining to propane bulk storage. Such as what it means, what its dangers are, how it is actually stored, and how it is loaded and unloaded.

He also added that he has talked with David W. Nichols, Dinwiddie County Public Safety Director and adjacent Fire Marshals on how to fight such a fire if there was an accident. Their response was that there is training available for this type of fire. Mr. Nichols had told Mr. Knox that he would be out of town but would be available at the next board meeting to answer any questions.

Mr. Haraway asked if Mr. Nichols thought that there would be any problem with this. Mr. Knox advised that he didn't think that there would be a problem but there would be concern of neighbors and adjacent property owners who felt that they needed to know more about the safety aspects of having such a facility next to them. Mr. Knox visited several sites where these tanks were and was surprised to see them located next to residences and businesses. The safety officers in these areas stated that they have never had any problems with them. Mr. Bracey asked what kind of training have these officers had to prepare them for an accident. Mr. Knox advised that they have taken classes.

Sammy Gee, Parker Oil Company, represented Mr. Lloyd Boisseau. He advised the Board that propane is considered a non-contaminant, non-toxic gas. It produces no pollutants and is recognized by the Clean Air Act of 1990. He also stated that it is one of the most regulated

industries in the United States. It is regulated by the DOT, The American National Standards Institute, Underwriters Laboratory, American Chemical Engineers, National Fire Protection Association, and The National Propane Gas Association. The Pamphlet #58 Standards, which contains the guidelines of how the facilities are built was adopted by the State of Virginia.

This being a public hearing, the Chairman opened the floor for public comment:

The following people spoke in opposition of the facility:

1. Charles P. Johnson - 16716 Hamilton Arms Road, DeWitt
2. Patricia J. Pope - 16720 Hamilton Arms Road, DeWitt
3. Ann Robertson - 15116 First Street, DeWitt
4. Ronald Johnson - Hamilton Arms Road, DeWitt
5. Roy Greenwood - Gave his time to Charles P. Johnson

Mr. Charles P. Johnson presented to the Board a petition signed by 191 citizens which states the following:

We, the residents of Dinwiddie County oppose the Bulk Propane Facility. The property is located on Tax Parcel 70-21 and situated off of State Route 650 approximately three-tenths of a mile from the DeWitt exit of Interstate 85.

No one spoke in favor of the facility.

Mr. Gee in his rebuttal stated that there is training available for Fire Departments in the area. Training would be provided on-site free of charge. As to the concern over a rifle bullet penetrating the tank, the tank is 5/8 inch thick and rifles are outlawed in Virginia. The facilities are built to code and in the code it states that they have to be at least 50 feet away from a residence.

Mrs. Everett asked if the Highway Department had been notified and have they taken a position on it. Mr. Gee stated that he has not received any material from them.

Mr. Bracey asked Mr. Knox if the Highway Department was sent a letter and Mr. Knox responded that yes they were sent a letter and the Highway Department had not commented.

Mr. Bracey asked where would the Fire Fighters get water from in the event of an explosion or fire. Mr. Gee stated that they were still discussing the issue.

Mrs. Everett asked if any alternative property was being discussed, such as a property located in an industrial zone. Mr. Gee stated no that this was the only site that was being considered.

Mrs. Everett asked if Dave Nichols, Dinwiddie County Public Safety Director, left a written report as to his feelings of this facility. Mr. Knox responded that Mr. Nichols had asked that he be present and directly address the Board Members, so he would be present at the next meeting to do so.

Mrs. Everett also asked what would be the advantage to the citizens of Dinwiddie County to have this facility. Mr. Gee stated that it would be close to many users and because it was so close to Interstate 85 it would cut down on traffic on the back roads. Mrs. Everett asked what kind of traffic this facility would generate. Mr. Gee stated that there may be two or three trucks a week at the most. Mrs. Everett asked what areas this facility would service. Mr. Gee responded that the facility would serve Dinwiddie County and some of Petersburg.

Mr. Bracey requested that they delay a vote until the Safety Director could return and give a statement. He also suggested that Parker Oil Company try and seek another location.

Mr. Clay stated that he does not live far from this site and for many years he lived next to a gasoline storage facility which never bothered him.

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

Extract
BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, postpone making a decision until October 5, 1994 at 7:30 P.M. so they can review information from Dave W. Nichols, the Dinwiddie County Safety Director and information from the Department of Transportation.

THE CHAIRMAN RECESSED THE MEETING AT 9:07 P.M AND RECONVENED AT 9:18 P.M.

IN RE: PUBLIC HEARING -- P-94-4 -- HORACE L. HENSHAW

This being the time and place as advertised in the Dinwiddie Monitor Newspaper on September 7, 1994 and September 14, 1994 for the Board of Supervisors of Dinwiddie County, Virginia to consider a request of Horace L. Henshaw for the conditional zoning of a 28.3 ± acre parcel of property located on State Route 601, River Road, from R1, Residential Limited District to R-1A, Residential Limited District.

Mr. Wayne Knox, Director of Planning, advised the Board that the property is identified as Tax Parcel 9-1 & 1A and is adjacent to and west of Section 7 of the Mansfield subdivision. The current topography of the subject parcel is slowly rolling terrain - similar to the Mansfield subdivision. It is currently undeveloped property with no history of any previous applications considered by the Planning Commission. It should be noted that, if developed, the development would be subject to current subdivision regulations requiring the installation of curb and gutter.

A R-1A zoning of the property would permit the developer to reduce minimum lot size requirements from 20,000 square feet (water and sewer is available) to 15,000 square feet. In addition, minimum lot widths (at the building setback line) may be reduced from 100 feet to 90 feet. Finally, R-1A zoning would also permit the construction of two-family duplexes. The applicant, however, has proffered in writing, that no two-family duplexes. The applicant, however, has proffered in writing, that:

1. No two-family duplexes will be constructed.
2. A 30 foot preservation strip will be maintained around the tract of land known as Mansfield Section 8.
3. He will only select-cut the parcel for development.

Adjacent property owners were mailed notice of the conditional zoning application and hearing in accordance with Section 15.1-431 of the Code of Virginia, 1950 as amended. A copy of the affidavit of mailing is available for public viewing in the Planning Department.

STAFF RECOMMENDATION:

In order to assure compliance with Virginia Code Section 15.1-491(g) it is stated that the public purpose for which this Resolution is Initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice.

Staff recommends approval of this application, as proffered.

Mrs. Everett asked what did Mr. Knox mean by "maintained". Mr. Knox stated that it would be a strip of land that would be untouched, uncut and never cleared to act as a buffer for aesthetic and soil and erosion reasons.

Mr. Knox advised that the 30 feet will be made a part of the subdivision plan and as any lot is developed where this buffer goes across it will show up as part of that lot, therefore the setback will change somewhat but there will always be a buffer on any of those lots that abut this 30 foot preservation strip. Mr. Knox also stated that this would

help prevent some of the soil erosion problems that has been happening in some of the other subdivisions.

George Whitman, Certified Land Surveyor, appeared representing Horace L. Henshaw and stated that the total combined area to be subdivided is 52.74 acres. From that, seven acres will be used for streets, three acres are designated for other use, possibly a small detention farm, where necessary. That leaves a balance of 42.74 acres and out of that there are 100 lots proposed. The lots' would average 18,640 square feet throughout the subdivision. The subdivision would have curb and gutter and would be the first in the county.

Mr. Haraway was concerned about how the drainage system would work. Mr. Whitman stated that the drainage would be under River Road and assured Mr. Haraway that he has drawn plans for subdivisions for the past 30 years and has never had any drainage problems.

Mr. Haraway also asked who was going to maintain the common area. Mr. Whitman stated that it could be done through a homeowners association.

Mr. Whitman advised that he was there representing Linwood Henshaw, Horace Henshaw, Keith Henshaw and Mike Christopher. They were all present to answer any questions that the Board may have.

Horace L. Henshaw appeared in front of the Board and had nothing further to add but asked if the Board had questions. Mr. Haraway asked him how was he planning to maintain the common area. Mr. Henshaw stated that if he had to have the detention pond he would like to deed it off to the homeowners that are adjacent or if he could not do that he would organize a homeowners association. The dues for such an association would very minimal, maybe \$25.00 per year. There would not be any real maintenance to it so he would rather deed it off to the adjacent homeowners.

Mr. Knox presented the following written, voluntary Proffer from Mr. Horace L. Henshaw that was submitted prior to the public hearing:

1. He would only build single family homes.
2. He would maintain a 30-foot preservation strip around the tract of land, known as Mansfield Section 8.
3. He would only "select-cut" the woods on the property.

This being a public hearing, the Chairman opened the floor for public comment: No one appeared to speak.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, P-94-4 was approved as Proffered by the applicant.

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

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia approved the Proffer for P-94-4 as presented.

IN RE: PUBLIC HEARING -- P-94-5 -- HORACE L. HENSHAW

This being the time and place as advertised in the Dinwiddie Monitor Newspaper on September 7, 1994 and September 14, 1994, for the Board of Supervisors to conduct a public hearing to consider a request of Horace L. Henshaw for the conditional zoning of a 24.4 ± acre parcel of property located on State Route 601, River Road, from R1, Residential Limited District to R-1A, Residential Limited District.

Mr. Wayne Knox, Director of Planning advised the Board that the property is identified as Tax Parcel 8B-1 and is adjacent to and west of Section 7 of the Mansfield subdivision. The current topography of the

Extract

subject parcel is slowly rolling terrain - similar to the Mansfield subdivision. It is currently undeveloped property with no history of any previous applications considered by the Planning Commission. It should be noted that, if developed, the development would be subject to current subdivision regulations requiring the installation of curb and gutter.

A R-1A zoning of the property would permit the developer to reduce minimum lot size requirements from 20,000 square feet (water and sewer is available) to 15,000 square feet. In addition, minimum lot widths (at the building setback line) may be reduced from 100 feet to 90 feet. Finally, R-1A zoning would also permit the construction of two-family duplexes. The applicant, however, has proffered in writing, that no two-family duplexes will be constructed.

Adjacent property owners were mailed notice of the conditional zoning application and hearing in accordance with Section 15.1-431 of the Code of Virginia, 1950 as amended. A copy of the affidavit of mailing is available for public viewing in the Planning Department.

STAFF RECOMMENDATION:

In order to assure compliance with Virginia Code Section 15.1-491(g) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice.

Staff recommends approval of this application, as proffered.

Mr. Knox presented the following written, voluntary, Proffer for Mr. Horace L. Henshaw that was submitted prior to the public hearing.

1. He would only build single family homes.
2. He would maintain a 30 foot preservation strip around the tract of land, known as Mansfield Section 8.
3. He would only select cut the woods on the property.

This being a public hearing, the Chairman opened the floor for public comment: No one appeared to speak.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, P-94-5 was approved as presented without any changes.

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

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, approved the Proffer for P-94-5 as presented.

IN RE: PUBLIC HEARING -- SV-94-2 -- EDESEL BLAND

This being the time and place as advertised in the Dinwiddie Monitor Newspaper on September 7, 1994 and September 14, 1994 for the Board of Supervisors of Dinwiddie County, Virginia to consider a request of Edsel Bland to vacate WhiteHall Drive, a 200 foot unopened street on Tax Map #96, as part of the Mansfield Subdivision, Section 1.

Mr. Wayne Knox, Director of Planning advised the Board that the property is situated between Lot #6 of Block B and Lot #1 of Block C on the side of River Road (601). It is Mr. Bland's desire to vacate this unopened street to enlarge his lot.

Adjacent property owners were mailed notice of the zoning application and hearing, in accordance with 15.1-431 of the Code of Virginia, 1950 as amended. Copy of affidavit of mailing is available for public viewing in the Planning Department.

Extract

Staff Recommendation:

State legislation requires that in vacating streets, the abutting property owners are to be given fee simple title to the centerline of the street being vacated. In order to assure compliance with Virginia Code Section 15.1-491(g), it is stated that the public purposes for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice. Staff recommends that this request be granted with the provision that each abutting property owner be given fifty (50%) percent of the land constituting WhiteHall Drive.

Edsel Bland, 23923 River Road, appeared in front of the Board and stated that cars pull into the area in question at all hours of the night and it is very disturbing. He would like to reclaim the 25 feet of his property and use it for his yard.

Mr. Haraway asked was this 25 feet or 50 feet. Mr. Bland stated that it is a 50 foot rightway and that it was intended to be a street in Mansfield Subdivision but instead they built a house and left it a dead end.

Mr. Haraway stated that Mr. Bland then would be entitled to 25 feet and the other adjacent property owner would be entitled to the other 25 feet. Mr. Bland said that it would be resurveyed and a Quitclaim Deed would be filed.

Mr. Moody asked who would be responsible for paying for the survey. Mr. Bland stated that he would pay the fee.

This being a public hearing, the Chairman opened the floor for public comment: No one appeared to speak.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, SV-94-2 was approved as presented.

IN RE: REQUEST FOR AMENDMENT - PRIVATE SEWAGE DISPOSAL FACILITIES

James E. Belshan, Virginia Soils Evaluation Company, appeared in front of the Board and requested the Board to consider an amendment to the Dinwiddie County Code, Chapter 21, Section 98, Subsection C - entitled, "Private Sewage Disposal Facilities".

Mrs. Everett stated that she would like to hear from the Zoning and Planning Department. Tim Davis, Zoning Administrator, advised the Board that he did not do any research because he was waiting for Mr. Belshan to present his case to the Board and then wait for guidance from the Board. Mrs. Everett suggested that this go before the Planning Commission and then they make a recommendation to the Board.

George Whitman, Certified Land Surveyor, asked if he could make a statement on the issue, Mrs. Everett said that he could. He was for the proposed amendment to the Dinwiddie County Code.

Mr. Bracey wants the Planning Commission to have a report ready for the Board to review at their next meeting or the one after.

Mrs. Everett would also like to schedule a public hearing on the matter.

Mr. Haraway thinks that it would be polite to discuss this issue with Richard Hartman, Executive Director of the Appomattox Water Authority.

IN RE: GAS & FUEL OIL BIDS

The following bids for gasoline, fuel oil and diesel were presented:

UNLEADED :

DIESEL

Extract

<u>COMPANY</u>	<u>FIXED</u>	<u>FLUCIUATING</u>	<u>FIXED</u>	<u>FLUCIUATING</u>
Parker Oil	.5890	.5433	.6350	.5897
Barksdale	NO BID	.5797	NO BID	.5777
Delta	NO BID	NO BID	NO BID	NO BID

<u>COMPANY</u>	<u>FUEL #2</u>		<u>FUEL #4</u>	
	<u>FIXED</u>		<u>FIXED</u>	
Parker	.5895		NO BID	
Barksdale	.5631		NO BID	
Delta	.6351		NO BID	

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

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, accepted the bid from Parker Oils on a fixed price basis of .5890, for unleaded gasoline, .6350, for diesel fuel and .5895, for Fuel #2, beginning October 1, 1994.

IN RE: COUNTY ADMINISTRATOR COMMENTS

1. Mr. Burgess notified the Board that the County had received their medical license to operate the Emergency Medical Service. Dinwiddie Volunteer Rescue Squad loaned the County a transport unit and we are in the process of advertising for individuals that are interested in applying for the three positions that are needed. The deadline for the applications was today at 4:00 P.M. The ultimate goal is to have personnel on duty six days a week, twelve hours a day beginning October 1, 1994.

2. Mr. Burgess presented to the board a handout from the Virginia Association of Counties and a fax. It regards public hearings that will be held relative to Governor Allen's plan to reform sentencing and abolishing parole. The Virginia Association of Counties is requesting that all localities respond to the potential fiscal impact on their Counties should this reform plan move forward.

3. Mr. Burgess presented to the Board a letter from Tom Gaul, Superintendent of Schools, that requests a reappropriation of \$368,752.00 of unexpended funds from fiscal year 1994. If reappropriated, the money would be used for the following items:

a. Transfer to retirement fund	\$128,000
b. Playground and playground equipment repairs	40,000
c. Adequate track at High School	98,000
d. Lights on field at Dinwiddie Elementary	15,000
e. Technology improvements	44,000
f. Textbooks and resource materials	40,000
g. General supplies	3,752

These figures are subject to final verification through the audit report which is anticipated to be done by November 1, 1994. Mr. Burgess suggested to wait until the audit report for a final figure or authorize the listing of where the money is to be distributed.

Mr. Clay suggested that the Board wait until they receive the audit report.

Mr. Bracey would like a detailed explanation from the School Board as to why 1.9% of the budget was not spent. He is very concerned about why the tennis courts, that were brought to the Board's attention earlier in the evening, have not been repaired and would like to see if the school board could look into the matter.

Mr. Haraway commended the School Board for coming so close to their budget. He would rather see the School Board use the money responsibly and come under budget, as opposed to going over budget.

Mrs. Everett asked if Mr. Ray Watson, Assistant to the Superintendent for Finance and Technology, wanted to make a comment on the issue.

Mr. Watson appeared before the Board and apologized for Dr. Gaul not being able to be present himself but he was in a School Board meeting. Mr. Watson was very concerned about the issues at hand and assured the board that he would take their concerns back to Dr. Gaul.

Upon motion of Mr. Clay, seconded by Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Mrs. Everett voting "aye", the Board postponed action until the final figures are submitted from the audit report to reappropriate the funds left over from the School Board budget for fiscal year 1994.

IN RE: ANIMAL SHELTER CUSTODIAN

Mr. Burgess respectfully requested that the position currently titled Animal Shelter Custodian be reclassified from a part-time position to a full-time position.

Upon motion of Mr. Clay, seconded by Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Mrs. Everett voting "aye", the position of Animal Shelter Custodian is reclassified as a full-time position at grade 5D1, and salary at \$17,213, effective October 1, 1994.

IN RE: RESIGNATION OF ANIMAL CONTROL OFFICER

Upon motion of Mr. Bracey, seconded by Mr. Haraway, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Mrs. Everett voting "aye", the resignation of Mr. John Mellick, Animal Control Officer is accepted regretfully.

IN RE: INTERIM ANIMAL CONTROL OFFICER

Upon motion of Mr. Clay, seconded by Mr. Moody, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Mrs. Everett voting "aye", the appointment of Mr. Steve Beville to the position of Interim Animal Control Officer is approved with compensation at grade 9 step b, and salary at \$20,387.00, effective October 1, 1994.

IN RE: ADVERTISEMENT OF VACANCY - ANIMAL CONTROL OFFICER

Upon motion of Mr. Haraway, seconded by Mr. Moody, Mr. Clay, Mr. Bracey voting "nay", Mr. Moody, Mr. Haraway, Mrs. Everett voting "aye", the motion is passed with three "aye" and two "nay", the position for Animal Control Officer will be advertised.

Mr. Clay would like for Mr. Burgess, County Administrator to do some investigating into the possibility of not having to advertise when a position becomes available, when the Board would like to promote from within. Mr. Clay stated that we are the only organization in Dinwiddie that has to go through the channel of advertising. The Department of Social Services and the Sheriff's Department do not have a policy stating that they have to advertise so why should the Board.

Upon Motion of Mr. Moody, seconded by Mr. Haraway, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Mrs. Everett voting "aye", the motion to advertise the position of Animal Control Officer is rescinded. The staff and County Attorney are instructed to review the County policy concerning advertising and come back with a recommendation.

IN RE: UPDATE HANDICAPPED FISHING PIER

Wendy Ralph, Assistant County Administrator, notified the Board that the State has agreed to the \$2.00 parking fee being waived at the Boat Ramp for disabled People. She also advised the Board that the bathroom at the Boat Ramp cannot be renovated to accommodate disabled

people, and asked did the Board want her to seek bids on a Porta John. Mr. Bracey replied that he would like for her to see about getting a Porta John, as opposed to renovating the bathroom that is already their.

IN RE: BOARD MEMBER COMMENTS

1. Mr. Bracey stated that he would like to see the Planning Commission's minutes to their meetings so that he can see how the individual people vote on various issues.

2. Mr. Bracey attended a soccer tournament and was impressed as to how it was running but did have one concern over there about not being any first aid equipment on site. The coaches have enough on them just getting their players and equipment there. Mr. Bracey felt that the County could supply some first aid equipment.

3. Mrs. Everett advised the Board that on Wednesday, October 19, 1994 they were going to have the County tour at 8:30 A.M. Mr. Bracey asked if they could use the handicapped bus for the occasion.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Clay, seconded by Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Mrs. Everett voting "aye", pursuant to the Virginia Freedom of Information Act, Section 2.1-344(a)1 - Personnel - Discussion of employment, salaries, disciplining of public officers, appointees, or employees of any public body, the Board moved into Executive Session at 11:13 P.M., following a five minute recess.

Upon motion of Mr. Clay, seconded by Mr. Moody, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Mrs. Everett voting "aye", the meeting reconvened into Open Session at 11:45 P.M.

IN RE: CERTIFICATION

Upon motion of Mr. Clay, seconded by Mr. Moody, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Mrs. Everett voting "aye", the following 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 excepted 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: ADJOURNMENT

Upon motion of Mr. Clay, seconded by Mr. Moody, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Mrs. Everett voting "aye", the meeting was adjourned at 11:50 P.M. to be continued until 5:00 P.M., October 5, 1994 for an Executive Session for personnel purposes at the Home Place Restaurant.


Lee Nora Everett
Chair, Board of Supervisors

ATTEST: Charles W. Burgess, Jr.
Charles W. Burgess, Jr.
County Administrator

/rle

