

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 DECEMBER, 1994, AT 2:00 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 (ARRIVED AT 2:13 P.M.) ELECTION DISTRICT #1
AUBREY S. CLAY ELECTION DISTRICT #5

OTHER: PAUL JACOBSON COUNTY ATTORNEY

IN RE: AMENDMENTS TO AGENDA

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

Add, 15.(c) - Section 2.1-344(a) 5-Discussion of Industrial Prospects, 15.(d) - Section 2.1-344(a) 7-Consultation with Legal Counsel.

Add, Virginia Association of Counties Recognition to be heard after Claims.

IN RE: MINUTES

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes for the December 7, 1994 Special Meeting and December 7, 1994 Regular Meeting are hereby approved in their entirety.

IN RE: CLAIMS

Upon motion of Mr. Haraway, seconded by Mr. Bracey, 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 #31893 - #32051 (void #31895) for General Fund \$228,343.41, E911 Fund \$1,412.86, Self Insurance \$356.64, CDBG \$182,649.28, Law Library \$45.95, Jail Phone Commission \$675.70, Landfill Funds \$4,050.00 for a total of \$417,533.84.

IN RE: VIRGINIA ASSOCIATION OF COUNTIES RECOGNITION

Mrs. Everett stated that at the annual meeting of the Virginia Association of Counties in November Mr. Clay was recognized. Mrs. Everett presented to Mr. Clay a twenty year pin and a certificate which reads as follows:

The Virginia Association of Counties, at its 50th annual meeting on November 13, 1994, Congratulated Aubrey S. Clay, Dinwiddie County Supervisor for dedicated services to County Government since 1974.

Mr. Clay stressed how appreciative he was.

IN RE: CITIZEN COMMENTS

No one spoke during the citizen comments period.

IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION - REPORT

Ronald Reekes, Resident Engineer, Virginia Department of Transportation, came before the Board and stated that he did not have

anything to present but would be glad to answer any of the Board's questions.

1. Mrs. Everett asked if there was any progress on the truck traffic problem on Route 226. Mr. Reekes stated that he had done a little investigating and still is trying to get some information. He is having a study conducted by the traffic engineering department. He is not as optimistic as he would be on a secondary road because the primary system was intended to carry all vehicles of all types. He did say that he is looking into it and there may be some other measures that could be done other than restricting truck traffic.

Mrs. Everett expressed how fortunate the County was to get Mr. Reekes. He has been very responsive to the Board's concerns and commended him for all of the progress that he has done.

2. Mr. Clay stated that the slow down sign on Hills Drive has been taken down and thrown into the woods and he would appreciate if it could be taken care of. He also commended Mr. Reekes for attending the Highway Safety Meeting, Mr. Reekes is the first Resident Engineer to attend a meeting.

IN RE: TREASURER

Mr. William E. Jones provided his reports for the month of November, 1994.

Mr. Jones stated that at the end of the year last year the tax collection rate was 86.70% and the current tax collection rate is 86.45%.

Mr. Bracey questioned the additional cafeteria funds that were listed on the Investment Sheet for the report that was done in November. Mr. Jones stated that the cafeteria account had an excess of funds and instead of just having a checking account they just invested those funds into a certificate of deposit. Mr. Bracey has a problem with them having CD's and constantly each year they increase the cost of lunches because he feels that it should be a nonprofit situation.

Ray Watson, Assistant to the Superintendent for Finance and Technology, came before the Board. He stated that Mrs. Mead, Director of Food Management for the County's School System, has set aside this amount for equipment replacement so that she does not have to come back to the Board for additional funds if she needs a major piece of equipment.

IN RE: APPROVAL OF VEHICLE & DOG LICENSE AGENTS & LOCATION

Mr. William E. Jones, Treasurer, requested approval for the following agents and their locations for the sale of Vehicle and Dog Licenses:

VEHICLE LICENSES

Namozine Fire & Rescue	- Namozine Fire & Rescue
Reams Ruritan	- Jarrett's Food Center
Wilson-Hebron-Ford Ruritans	- B & B Grocery
Wallace & Sons	- Wallace's Supermarket

DOG LICENSES

Louis Dowdy	- Edgehill Supermarket
George Williams	- Country Hardware
Reams Ruritan	- Jarrett's Food Center
Mike Barnes	- Bolster's Store
Wallace & Sons	- Wallace's Supermarket

Mr. Jones requested that Mr. Steve Beville, Animal Control Officer be added to the list of approved agents to sell dog licenses for 1995. He also added that the Bond amounts will remain the same.

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Mrs. Everett voting "aye", the list for Vehicle & Dog License Agents & Locations was approved as presented with

the addition of Mr. Steve Beville, Animal Control Officer to sell dog licenses for 1995.

IN RE: COMMONWEALTH ATTORNEY - REPORT

Mr. T.O. Rainey, Commonwealth Attorney, appeared before the Board and stated that he did not have anything to present but would be glad to answer any of the Board's questions.

Mrs. Everett stated that there are some hogs that keep getting out on Glebe Road and it is a continuing problem. She advised Mr. Rainey that if he could be of help in any way it would be greatly appreciated.

Mr. Rainey stated that he would get with Mr. Burgess, County Administrator and see what could be done.

Mr. Moody wanted to know the status of the horse thieves.

Mr. Rainey stated that they are being detained by another jurisdiction but are in the process of being transported to our area.

IN RE: SHERIFF - REPORT

Mr. Claiborne Fisher, Deputy, appeared before the Board and stated that Mr. Bennie M. Heath, Sheriff, was unable to be present but he would be glad to answer any questions for the Board on his behalf.

IN RE: BUILDING INSPECTOR - REPORT

Mr. Dwayne Abernathy, Building Inspector, provided his report for the month of November, 1994.

IN RE: ANIMAL WARDEN - REPORT

Mr. Steve Beville, Interim Animal Warden, provided his report for the month of November, 1994.

IN RE: LIVESTOCK CLAIM - RICHARD UNDERWOOD

Mr. Steve Beville, Interim Animal Warden, stated that on November 7, 1994 a dog killed some of Richard Underwood's chickens, for a total value of \$63.00.

Upon motion of Mr. Clay, 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, that the livestock claim for Richard Underwood, for one Rhode Island Layer and fifteen Broilers in the amount of \$63.00 is approved.

IN RE: LIVESTOCK CLAIM - SAM SHANDS

Mr. Steve Beville, Interim Animal Warden, stated that on November 2, 1994 some dogs killed Sam Shands goats, for a total value of \$270.00.

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, that the livestock claim for Sam Shands, for four nanny goats and three newborn kids in the amount of \$270.00 is approved.

IN RE: ANIMAL SHELTER - PURCHASE OF FLOPPY DOOR PLASTIC

Mr. Beville stated that the animal shelter was out of plastic for the doors and without it the heat and air-conditioning will be completely lost. The S.P.C.A. donated some to the shelter in June of 1993 and it needs to be replaced. The cost per month for 15 runs equals \$17.42 for a total cost of \$296.12.

Extract

Extract

Mrs. Wendy Weber Ralph, Assistant County Administrator, asked if Mr. Beville had gotten different quotes from different businesses. Mr. Beville stated that they could only find one store that carries it.

Upon motion of Mr. Bracey, seconded by Mr. Clay, 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 Animal Warden has approval to purchase plastic to cover the doors at the Animal Shelter in the amount of \$296.12.

IN RE: POSITION ANNOUNCEMENT - ANIMAL WARDEN

Upon motion of Mr. Bracey, seconded by Mr. Haraway, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Mrs. Everett voting "aye", Mr. Steve Beville is appointed as Animal Control Officer, effective January 1, 1994, at the grade and step of 9B, and salary at \$20,387.00.

IN RE: DIRECTOR OF PLANNING - REPORT

Mr. Wayne Knox, Director of Planning, provided his report for the month of November, 1994 and wanted to discuss some things that were not in his report.

1. Mr. Knox stated that on December 9, 1994 he attended the American Planning Association meeting and they discussed the recodification of the State Code Section 15.1 which defines the powers of local governments. In this case there may be some changes in this coming calendar year which may impact some of these powers, specifically they may deal with land use. He stated that he had no specifics at the present time as to what the changes may be but he will let the Board know just as soon as he does.

Charles W. Burgess, Jr., County Administrator, stated that the Board needed to discuss on the first meeting of the year how they wanted to handle the Right to Farm issue. He thought that they needed to discuss what issues still need to be addressed and with whom do they need to discuss them with.

The Board requested to see if Harry Dalton could come and speak at the January 18, 1995 Board Meeting to discuss with the Board the Right To Farm. Mr. Knox stated that he would see what he could do.

Mrs. Everett stated that the Petersburg National Battlefield has developed a comprehensive plan to protect and maintain various historic places. In the plan there are several locations that are in Dinwiddie County and Mrs. Everett feels that the Board should be thinking about how they can help this plan.

IN RE: DIRECTOR OF SOCIAL SERVICES - REPORT

Mrs. Peggy McElveen, Director of Social Services, came before the Board and wanted to discuss some of the issues that were addressed in the Governor's proposed budget.

1. Mrs. McElveen stated that most of the funding for the salary revisions that has been talked about for two years has been taken away.

2. She also stated that there will be consolidation of Long Term Care and she is still not quite sure how it will impact them at this time. She did know that Local Boards will be given the authority to decide how services will be delivered in their localities.

3. She stated that the Governor is proposing a Welfare Reform program. He is proposing a program that consists of finding people jobs if they are unable to, such as community service. Mrs. McElveen stressed that a plan is needed before people are put to work. She feels that there is going to be significant shifting of responsibility from State to Localities.

She hoped that she would have more information after the General Assembly voted on the Budget with these particular programs.

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Mrs. McElveen stated that the Christmas Sharing Program did very well and she wanted to recognize WalMart Distribution Center for their generous contributions.

IN RE: SUPERINTENDENT OF SCHOOLS - REPORT

Dr. Thomas H. Gaul, School Superintendent, was present and had a few issues that he wanted to bring before the Board.

1. There has been an outbreak of an infectious virus in the County and as a result there has been low attendance at the High School and various other schools.

2. Dr. Gaul stated that he wanted to address a comment that came from a citizen at the last Board meeting in reference to the down sizing of the School Boards Central office. He stated that his office is not disguising a reduction of the work force for the School System. He asked his staff to do a study and see what kind of reduction they have actually done and their conclusion was that it has been reduced by 26.84% from when he first took over. This reduction doesn't mean people have been moved somewhere else there have been jobs eliminated. There were only two positions that were relocated.

3. He presented to the Board a request for carry over monies. He stated that he is still waiting for a final audit.

Mr. Bracey wanted to know the status of the tennis courts and the track that were discussed a few months back. Dr. Gaul stated that they bid out the track and they did not get a response so they are rebidding it. The tennis courts have been bided out and they have gotten someone to do the work. He also stated that they have worked with an engineer and a surveyor and they think they are going to put the track around the football field. Mr. Bracey stated that he thought that the track was going to remain where it is and they were going to just renovate it. Dr. Gaul stated that it would cost more to leave it where it is than it would be to move it to where there are already the facilities to accommodate spectators and there are already lights there.

Mrs. Everett stated that the financial reports have come in for the CIP Program and wanted to know what plans the Board would like to make in discussing the Program.

Charles W. Burgess, Jr., County Administrator, stated that he had a letter from Dr. Gaul and he was planning on sharing it with the Board in Executive Session. He stated that they could at that time discuss what type of time frame they are looking at and what course of action the Board is considering.

Dr. Gaul stated that if they are talking about any kind of funding other than the meals tax the two most beneficial sources would be the Literary Loan but the deadline for that is December 31, 1994 to be able to get on the list. The second is the Virginia Public Schools Authority and that deadline is in mid January and then the next deadline would be six months down the line.

IN RE: AUTHORIZATION TO ACCEPT FUNDS FROM THE STATE FOR ELECTRONIC REFERENCE MATERIAL FOR THE HIGH SCHOOL

Dr. Gaul stated that on December 16, 1994 the School Board received notification that the state has allocated an additional \$1,728.00 to be spent on electronic reference material for the High School. He also stated that it was part of the Educational Technology Program Initiative and does not require a local match by the county.

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, that the School Board be authorized to amend their budget to allow them to receive and spend \$1,728.00 to be spent on electronic reference material for the High School.

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IN RE: APPROVAL OF FUNDS FROM MEALS TAX TO SCHOOL SYSTEM'S FUND 260 TO PAY FOR THE SCHEMATIC PHASE OF CAPITAL IMPROVEMENTS PLAN

Upon motion of Mr. Moody, 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, that on October 5, 1994, the Board of Supervisors authorized the transfer of \$56,100 be made from the Meals Tax Fund to the School Construction Fund.

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the Treasurer is authorized to transfer an additional \$224,400 from the Meals Tax Fund to the School Construction Fund for a total of \$280,500 to pay for the schematic phase of the Capital Improvements Plan.

IN RE: RECREATION - REPORT

Mr. Tony S. Rinaldi, Recreation Director, provided his report for the month of November, 1994 and wanted to add that the Midway, Dinwiddie and Rohoic basketball project which consisted of renovating the courts has been completed.

Mr. Rinaldi stated that the bids for the lighting at Dinwiddie Elementary should be in on January 4, 1995. He stated that he had to rebid because he had to respecify. Mr. Rinaldi stated they needed to go out further and longer and they needed more lighting. It may cost a few dollars more because they are going to a multipurpose field possibly.

Mr. Bracey wanted to know why these things were not brought to the Board before Mr. Rinaldi decided to go to a multipurpose field. Mr. Bracey stated that when Mr. Rinaldi came before the Board the last time he just wanted authorization to bid out lights for a baseball park.

Mr. Rinaldi stated that the School System requested the change. Mr. Clay advised Mr. Rinaldi that he agreed with Mr. Bracey, the Board should have been notified that they wanted to go to a multipurpose field.

Mr. Rinaldi advised the Board that when the bids came in he would present them to the Board and let them decide how they wanted to proceed in terms of finances.

IN RE: PUBLIC SAFETY DIRECTOR - REPORT

Mr. David W. Nichols, Public Safety Officer, presented his report for the month of November, 1994.

IN RE: PREVENTATIVE MAINTENANCE PROGRAM OF EMERGENCY VEHICLES

Mr. Nichols came before the Board and stated that a committee of Raymond Foster, Bob Mengel, Wendy Ralph and himself met and came up with the following proposal for a preventative maintenance program for emergency vehicles:

1. Allow each company to schedule and/or perform routine preventative maintenance (PM).
2. Each company will go to a garage of their choice.
3. Three thousand dollars will be allocated to each fire company (except Carson) for PM.
4. All bills for PM will be submitted directly to the County for payment. All funds will be approved & administrated by County personnel.
5. Copies of all records will be submitted to the County to be placed in a maintenance file for each vehicle.
6. Pump service and maintenance will continue to be done by Fire-Rescue Vehicles, Inc., on an annual basis. Pump maintenance will not be deducted from the \$3,000.
7. Items included in the PM program will be annual vehicle inspections, oil filter & lube, minor brake service, transmission servicing, minor tire service, minor electrical service, towing, and any other work normally considered PM.

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8. Repair items will still need to be approved by the Board of Supervisors prior to payment.
9. As we realize that some companies require more PM than others, expenses over the \$3,000 limit will be paid if surplus money exists at the end of the budget year.

Upon motion of Mr. Clay, 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 proposed preventative maintenance program for emergency vehicles be approved as presented effective January 1, 1995.

IN RE: OLD HICKORY COMPANY 5 TANKER TRUCK REPAIRS

Mr. David W. Nichols, Public Safety Director, stated that Old Hickory Company 5 will be repairing a substantial leak in the tank of one of their fire engines. The membership would like the support of the Board and will be requesting financial assistance once the task is completed. The job will be done on a time and materials basis.

Upon motion of Mr. Clay, 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, that the Board approves of Old Hickory Company 5 having the tank on their fire engine repaired.

IN RE: DINWIDDIE VOLUNTEER FIRE COMPANY SELL VEHICLE

Mr. David W. Nichols, Public Safety Director, stated that Dinwiddie Volunteer Fire Company requests approval to sell the 1981 Chrysler used for training and transportation by sealed bid. This car has become a burden to the membership due to the amount of maintenance required to keep the unit running. They have requested a surplus vehicle from Virginia Power to replace this one. Mr. Nichols stated that they are requesting permission to retain the funds generated by the sale to equip the new vehicle.

Upon motion of Mr. Bracey, seconded by Mr. clay, 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 Dinwiddie Volunteer Fire Company has approval to sell the 1981 Chrysler by sealed bid and retain the funds generated to equip a surplus vehicle from Virginia Power.

IN RE: LANDFILL DISPOSAL AGREEMENT WITH ATLANTIC WASTE DISPOSAL

Mr. Denny King, Director of Waste Management, appeared before the Board and stated that they have finally found a way to dispose of the tires that have been piling up at the Landfill. Atlantic Waste Disposal hauls the tires away for \$50.00 a ton which works out to be about \$.50 a tire.

Mr. King stated that Atlantic Waste Disposal is requesting to secure a one year contract with the county at the following price:

<u>Type of Waste</u>	<u>Volume</u>	<u>Rate</u>
Whole tires	per ton	\$50.00 per ton
Transportation	per hour	\$52.00 per hour

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 Diniwiddie County, Virginia, that the contract between Atlantic Waste Disposal and Dinwiddie County Landfill is approved contingent upon the County Attorney's approval.

IN RE: COUNTY ATTORNEY - REPORT

Mr. Paul Jacobson, County Attorney, was present but had nothing to present to the Board at this time.

IN RE: PAYMENT POLICY FOR NEW STREETLIGHT REQUESTS

Mrs. Wendy Weber Ralph, Assistant County Administrator, came before the Board and reviewed with the Board the adopted policy regarding streetlights. This issue resurfaced due to a request by the Waterford Landing Homeowner's Association for the Board of Supervisors to assume the costs associated with the streetlights in their subdivision.

Mr. Donald C. Tomczak, Jr., Virginia Power Energy Efficiency Coordinator, came before the Board and presented a letter that outlined their policy for installing streetlights within a subdivision, which is as follows:

1. The neighborhood requesting the light must form a Homeowner's Association or Resident's Association. This Association must pay any applicable installation costs and set up an account with Virginia Power to be billed the monthly charges for the light(s).
2. There must be a 1-year time lapse between the first meter installation within the neighborhood and the first streetlight installed by Virginia Power.
3. The association must contact the County to receive approval for lighting locations within the neighborhood.
4. An officer of the Association should then contact Virginia Power and arrange an appointment with the appropriate service representative in our Petersburg District, phone number 862-6012, to discuss the specifics of the request.

Upon motion of Mr. Clay, 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 policy for the installation of streetlights within a subdivision is approved as follows:

1. The neighborhood requesting the light must form a Homeowner's Association or Resident's Association. This Association must pay any applicable installation costs and set up an account with Virginia Power to be billed the monthly charges for the light(s).
2. There must be a 1-year time lapse between the first meter installation within the neighborhood and the first streetlight installed by Virginia Power.
3. An officer of the Association should then contact Virginia Power and arrange an appointment with the appropriate service representative in our Petersburg District, phone number 862-6012, to discuss the specifics of the request.

IN RE: DISCUSSION OF COUNTY'S OBLIGATION TO PAY FOR STREETLIGHTS IN SUBDIVISIONS

Mr. J. Bryan Cobb, President of Waterford Landing Homeowners Association, came before the Board and stated that when his organization decided to install streetlights in their subdivision they found that the County's ordinance stated that the County would look at paying for streetlights. They felt that in 1991 when the County made their decision to grandfather several subdivisions they thought that the County would make an exception for them.

After some discussion, the Board decided to make a decision on Mr. Cobb's request at the January 18, 1995 meeting. At that time they will also see if they need to change the County's ordinance so that no one else will misinterpret the County's policy for payment of streetlights.

IN RE: COMMISSIONER OF REVENUE - REPORT

Mrs. Deborah Marston, Commissioner of Revenue, presented her report for the month of November, 1994. She also apologized for being late.

IN RE: A-94-8 - BUSINESS LICENSE

Mrs. Everett stated that the public hearing for this was on December 7, 1994 and the Board delayed action until this date.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that Section 13-1.2, 13-22, 13-90 and 13-186 of the Dinwiddie Code shall be amended to read as follows, and in all other respects be reordained:

Section 13-1.2. Limitations with respect to license tax on direct sellers.

(a) Notwithstanding any other provision of this chapter, no license tax shall be imposed upon a direct seller, as defined herein, unless the total sales of such seller exceed four thousand dollars (\$4,000.00) per year. The rate of tax levied on a direct seller whose total sales exceed four thousand dollars (\$4,000.00) per year shall be sixteen cents (\$0.16) per one hundred dollars (\$100.00) of retail sales or five cents (\$0.05) per one hundred dollars (\$100.00) of wholesale sales, whichever is applicable. No license tax shall be imposed upon such direct seller unless such person maintains his place of above in the county.

(b) As used in this section the term "direct seller" means any person who:

(1) Engages in the trade or business of selling or soliciting the sale of consumer products primarily in private residences and maintains no public location for the conduct of such business; and

(2) Receives remuneration for such activities, with substantially all of such remuneration being directly related to sales or other sales-oriented services, rather than to the number of hours worked: and

(3) Performs such activities pursuant to a written contract between such person and the person for whom the activities are performed and such contract provides that such person will not be treated as an employee with respect to such activities for federal tax purposes.

Sec. 13-22. Collection and payment of tax-Date of assessability; when due and payable.

Except as otherwise provided, every license tax assessable under this chapter shall be assessable on the first day of the license tax year and shall be due and payable on the following March 1 or if such day is not a business day, the next following business day.

Sec. 13-90. Same-Amount of license tax.

Every contractor, for the privilege of transacting business in the county, including the performance in the county of a contract accepted outside the county, shall pay for the privilege an annual license tax of fourteen cents (\$0.14) for each one hundred dollars (\$100.00) of gross receipts, as hereinabove defined, from such occupation during the preceding calendar year; the minimum annual license tax shall be thirty-five (\$35.00).

Sec. 13-186. Enforcement.

In addition to any interest of penalty imposed by this chapter, operation of a business or profession without a county license shall constitute a misdemeanor and subject the operator to twelve (12) months in jail, a fine of up to the maximum amount allowed by law or both.

EXTRACT

These ordinances shall become effective January 1, 1995.

IN RE: A-94-9 - ITINERANT MERCHANT

Mrs. Everett stated that the public hearing for this was held on December 7, 1994 and action was delayed until this time.

Upon motion of Mr. Clay, seconded by 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 Section 13-138 of the Dinwiddie Code shall be amended to read as follows, and in all other respects be reordained:

Sec. 13-138. Same-License required; amount of tax.

Every itinerant merchant who is not expressly exempt from tax under the provisions of this Division 4 shall obtain a license for the privilege of doing business in the county and shall pay a license tax of the applicable amount set forth below:

(a) Unless otherwise provided in some section of this Code, the license tax for each itinerant merchant, other than those described in subparagraph (b), shall be five hundred dollars (\$500.00) for each location used during the tax year. Notwithstanding the foregoing, the license tax for each itinerant merchant doing business at any organized event of five (5) days or less shall be fifty dollars (\$50.00) for each such organized event.

This ordinance shall become effective January 1, 1995.

IN RE: APPOINTMENT - PLANNING COMMISSION

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that Pat Hume be reappointed to the Planning Commission for District #1 for a term of four years, expiring December 31, 1998.

IN RE: APPOINTMENT - PLANNING COMMISSION

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that Gilbert Wood be reappointed to the Planning Commission for District #3 for a term of four years, expiring December 31, 1998.

IN RE: COUNTY ADMINISTRATOR COMMENTS

Charles W. Burgess, Jr., County Administrator, stated that the survey on the County owned property and adjacent properties on the Courthouse Project should be completed by the end of the month. It is moving along and some square footages should be put together by March or April of 1995.

IN RE: RESOLUTION IN SUPPORT OF CENTRAL STATE HOSPITAL

WHEREAS, the Governor's Blue Ribbon Strike Force has targeted Central State Hospital as a possible facility to be converted into a privatized correctional facility; and

WHEREAS, Central State Hospital is one of three major state mental health hospitals and employs about 700 people; and

WHEREAS, the entire mental health complex, which includes Southside Virginia Training Center and the Hiram Davis Medical Center, employs 2,500 people; and

WHEREAS, the conversion of this facility to a prison would not only affect employment in the entire Tri-Cities area, but would also

Extract

affect the quality of care for the patients, since this area provides a resource of trained nursing staff through three nursing schools; and

WHEREAS, the Governor's proposed Amendments to the 1994-96 Appropriation Act as presented include \$20 million in cuts to mental health, mental retardation and substance abuse services;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County is opposed to any plans for the conversion of Central State Hospital to a privatized correctional facility both now and in the future; and

BE IT FURTHER RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia is opposed to further reductions in mental health and mental retardation services that would lead to further de-institutionalization and an increased burden on local communities; and

BE IT FURTHER RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia urges its neighboring localities to adopt similar resolutions and further to disseminate and promote the intent of these resolutions to appropriate state and local officials.

Extract

IN RE: BOARD MEMBER COMMENTS

1. Mr. Bracey stated that he is looking forward to taking care of some issues next year that were not resolved this year.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Moody, seconded by Mr. Haraway, 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) Discussion of employment, salaries, disciplining of public officers, appointees, or employees of any public body; Section 2.1-344(a) (5) Discussion of Industrial Prospects; Section 2.1-344(a) (6) Investment of Public Funds; Section 2.1-344(a) (7) Consultation with legal counsel; the Board moved into Executive Session at 4:55 P.M., following a ten minute recess. A vote having been made and approved the meeting reconvened into Open Session at 6:20 P.M.

IN RE: CERTIFICATION

Upon motion of Mr. Haraway, 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 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. Haraway, seconded by Mr. Clay, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Mrs. Everett, voting "aye", the meeting adjourned at 6:25 P.M. to be continued until December 30, 1994 at 10:00 A.M. for an Executive Session if necessary, if it is not necessary it is to be continued until January 4, 1995 at 3:00 P.M. for a Continuation Meeting.

LeeNora Everett
Chair, Board of Supervisors

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

/rle

