

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 1ST DAY OF FEBRUARY, 1995, AT 7:30 P.M.

PRESENT:	DONALD L. HARAWAY, CHAIR	ELECTION DISTRICT #2
	AUBREY S. CLAY, VICE-CHAIR	ELECTION DISTRICT #5
	HARRISON A. MOODY	ELECTION DISTRICT #1
	EDWARD A. BRACEY, JR.	ELECTION DISTRICT #4
	LEENORA EVERETT	ELECTION DISTRICT #3
	BEN EMERSON	COUNTY ATTORNEY

IN RE: MINUTES

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes for the January 18, 1995 Regular Meeting are hereby approved in their entirety.

IN RE: CLAIMS

Upon motion of Mr. Moody, seconded by Mr. Clay, Mrs. Everett, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway 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 #32483 - #32677 (void #32484) for Payroll \$249,464.46, E911 Fund \$110.00, General Fund \$53,316.22, CDBG \$12,811.65, and Jail Phone Commission \$681.67 for a total of \$316,384.00.

IN RE: DINWIDDIE COUNTY COMMUNITY CERTIFICATION COMMITTEE --
RESOLUTION OF APPRECIATION

The Dinwiddie County Community Certification Committee was formed in 1988 to work with the Virginia Department of Economic Development in meeting the requirements for Dinwiddie County to become a Certified Community. Attracting new industry is extremely competitive, and it is the communities that come together in a unified effort, using all their available resources, that are successful. Dinwiddie County has been extremely fortunate to have such a qualified, diligent group of people to represent us in this effort.

Unfortunately, the State made the decision to discontinue the Certification program in August of last year, but the hard work and information developed by these citizens are invaluable to our economic development activities.

It is for this reason, the Board is recognizing the Certification Committee members with the following resolution:

Ann Blazek	Mildred Bridgeman
Thomas Rasberry	Harold M. Walker
William Bolte	Dr. Richard A. Grenoble
Ruby Evans	William Tucker
J. Kimbrough Jones	Minna Fisher

WHEREAS, the Dinwiddie County Board of Supervisors has received invaluable assistance for years from the advice and participation received from _____ as a member of the Dinwiddie County Community Certification Committee; and

WHEREAS, _____ has, through their service on the Dinwiddie County Community Certification Committee, devoted themselves to providing for the present and future needs and resources of Dinwiddie County in the promotion of the health, safety, morals, order, convenience, prosperity and general welfare of the citizens of Dinwiddie County; and

WHEREAS, through their actions, _____ has represented themself a model of citizen government with their commitment and devotion to Dinwiddie County.

NOW, THEREFORE, BE IT RESOLVED, that the Dinwiddie County Board of Supervisors does hereby adopt this resolution of appreciation and gratitude to _____ for their commitment and dedication in their years of public service and good citizenship to Dinwiddie County for the period beginning _____ through August, 1994.

This resolution shall be effective immediately, this 1st day of February, 1995.

IN RE: RESOLUTION OF RECOGNITION -- BRENDA DENNY SPAIN

The Board of Supervisors presented the following resolution to Brenda Denny Spain in appreciation for her years of service to Dinwiddie County:

WHEREAS, Brenda D. Spain has served the County of Dinwiddie with distinction and integrity from October, 1987 until January, 1995, and

WHEREAS, the Board of Supervisors on this 1st day of February, 1995, is desirous of acknowledging these qualities and further to express its appreciation for this work on behalf of the County;

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County, Virginia, hereby commends Brenda D. Spain for her many contributions and devoted service to the County of Dinwiddie; and

BE IT FURTHER RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia, that this resolution be delivered to Brenda D. Spain, and a copy spread upon the minutes of this meeting.

IN RE: RESOLUTION OF RECOGNITION -- JAMES T. DAVIS

The Board of Supervisors presented the following resolution to James T. Davis in appreciation for his service to Dinwiddie County:

WHEREAS, James T. Davis has served the County of Dinwiddie with distinction and integrity from June, 1994 until January, 1995, and

WHEREAS, the Board of Supervisors on this 1st day of February, 1995, is desirous of acknowledging these qualities and further to express its appreciation for this work on behalf of the County;

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County, Virginia, hereby commends James T. Davis for his many contributions and devoted service to the County of Dinwiddie; and

BE IT FURTHER RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia, that this resolution be delivered to James T. Davis, and a copy spread upon the minutes of this meeting.

IN RE: RECOGNITION OF SERVICE -- WENDY WEBER RALPH

The Board presented Wendy Weber Ralph, Assistant County Administrator, a plaque in appreciation of her twenty years of service beginning on January 17, 1975.

IN RE: CITIZEN COMMENTS

Mr. Haraway opened the floor for citizen comments and asked that each person please limit their comments to 3 minutes.

1. Anne Scarborough, P.O. Box 415, Dinwiddie, VA. She appeared before the Board and wanted to know what kind of a tax increase the CIP Program would cause if it was passed. She stated that she felt that maintenance was the problem with the conditions of our County schools. Water damage is one of the main problems at the Middle School, although a new roof was put on the structure less than five years ago the leakage is already severe. The tiles are so damaged from water leaking through the

roof that they would be impractical to replace. If the roof was maintained this wouldn't be a problem. She wanted assurance from the Board that the renovations, if passed, would be maintained so that this wouldn't be a problem again.

2. Dayle Thomas, 15011 Brick Road, Carson, VA. She came before the Board and stated that she was a 6th grade teacher at Dinwiddie Middle School and she also has one child at the High School and one at the Elementary School. She stated that the conditions of the Countys' School were pitiful. She asked the Board to vote "Yes" for the CIP Program.

3. Benny Sheffield, 12933 Ruth Hill Road, Church Road, VA. He stated that he was Vice President of the Midway PTO and urged the Board to vote "Yes" for the total Capital Improvements Project.

4. Cheryl Martinez, 23718 Sparrow Court, Petersburg, VA. She came before the Board and urged the Board to vote "Yes" for the CIP Program.

5. Vicky Watson, 2828 Sutherland Road, Sutherland, VA. She came before the Board and urged the Board to approve the funding for the CIP Program.

6. Susan Chappell, 18514 Lakewood Drive, Dinwiddie, VA. She stated that she has children in Dinwiddie Elementary School and she wanted the Board to support the Capital Improvements Program.

7. Kathy Cook, 4514 Brickwood Meadow Drive, Petersburg, VA. She stated that she has just moved to the County and is concerned about the education that her son is getting at the High School. She does not feel that Dinwiddie County is offering him a competitive education in science. She stated that she would much rather put her tax dollars into schools as opposed to jails or prisons. If something is not done now to better our schools, we are going to have a big problem on our hands. She urged the Board to please support the CIP Program.

8. Teresa Maitland, 4120 Henshaw Drive, Petersburg, VA. She came before the Board and stated that she was with the Middle School PTO and urged the Board to vote "Yes" for the CIP Program.

9. Dr. Southall, Dinwiddie County, VA. He came before the Board and urged them to have courage when looking into the future of the County. He also stated that diversity is needed in our school system. He urged the Board to make Dinwiddie County a place that people would like to raise their children.

IN RE: CAPITAL IMPROVEMENTS PROGRAM -- AUTHORIZATION
TO SEEK LITERARY LOAN

Mr. Haraway stated that the Board met earlier in the day with David Rose of Wheat First Butcher Singer, the County's Financial Advisor, and discussed how to finance the CIP Program.

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

RESOLUTION IN SUPPORT OF CIP PROGRAM

BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County (the "Board of Supervisors") hereby authorizes and approves the application to the State Literary Loan (the "Literary Loan") for subsidy loans in the maximum amount available for financing of the Dinwiddie High School renovation and addition construction (estimated at \$5 million), Dinwiddie Middle School renovation and addition construction (estimated at \$5 million) and Midway Elementary School renovation and addition construction (estimated at \$3 million) (the "School Capital Projects") and directs the County Administrator to coordinate the preparation of such applications with the Superintendent of County Schools; and

BE IT FURTHER RESOLVED, that the Board of Supervisors hereby authorizes and approves the interim financing up to \$14,000,000 in School

Capital Projects and hereby directs the County Administrator and County Attorney to review and recommend appropriate methods of obtaining such financing; and

BE IT FURTHER RESOLVED, subject to confirmation of funding from the Literary Loan of the School Capital Projects, the Board of Supervisors hereby authorizes and approves the financing of an additional \$8 million for completion of the financing of the School Capital Projects; and

BE IT FURTHER RESOLVED, the Board of Supervisors and the School Board shall jointly select a Clerk of the Works for supervision and oversight of the construction of the School and County Capital Projects.

This resolution shall be immediately effective.

THE CHAIRMAN RECESSED THE MEETING AT 8:05 P.M. AND RECONVENED AT 8:20 P.M.

IN RE: A-94-4 - RIGHT TO FARM - PUBLIC HEARING

This being the time and place as advertised in the Dinwiddie Monitor Newspaper on January 18, 1995 and January 25, 1995, for the Board of Supervisors to conduct a public hearing to discuss the proposed change in the Dinwiddie County Code under Article VIII - Agricultural Production Operations and Facilities.

Mr. Wayne P. Knox, Director of Planning, came before the Board and gave a historical overview of how the proposed change in the ordinance came about.

Mr. James T. Davis, Zoning Administrator, came before the Board and reviewed the proposed ordinance and discussed the major issues. The first one being a 1,000 animal unit cap. The second being the setback requirements, in particularly the one that says that there has to be a one mile distance from other existing like facilities.

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

1. Becky Hudson, 3509 Cox Road, Wilsons, VA. She stated that she felt that the 1,000 animal unit cap was way too high and she is also concerned that the spraying of affluent has not even been addressed. She feels that the Board should apply more limits on the animal units as well as regulate the spraying of affluent.

2. Kay Winn, 15211 Winnwood Lane, Dinwiddie, VA. She appeared before the Board and quoted from a letter written by the County Attorney that stated that he did not feel that animal caps would withstand challenge. She felt that the animal cap was discriminating against people who raised livestock and poultry. She stated that she has reported four different facilities that are not in compliance with the code and she has yet to receive a response from the County. She stated that if she can't build a hog facility within 2,000 feet of a residentially zoned district then they should not be able to build near her operation. She feels that the proposed ordinance is very discriminating.

3. Harold Conover, 20522 Old Coker Lane, Carson, VA. He came before the Board and stated that he had sent a package to the Board and wanted to know did they understand it and did they have any questions. He asked that the information that he sent to the Board be made part of the record and placed in the file dealing with this matter. He feels that the animal caps are not on solid legal ground and they won't stand up. He urged the Board to review the proposed ordinance thoroughly. He also stated that he would like for the Board to consider adding the Lancaster, Pennsylvania Disclaimer to the proposed ordinance.

4. Ronald Abernathy, 25308 Courthouse Road, Stony Creek, VA. He feels that a lot of work has gone into the proposed ordinance and supports it. He does have concerns over the animal caps and setbacks.

5. Chip Bain, 14608 Sleepy Hollow Road, Dinwiddie, VA. He appeared before the Board and stated that he felt that the ordinance is a compromise. He has spoken to several attorney's and is being told that

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nowhere does it state that caps will not hold up, but it is possible that they will be challenged. He feels that there is no discrimination in the proposed ordinance.

Mr. Haraway stated that the Public Hearing was closed but he saw a few members from the Planning Commission in the audience and wanted to know if any of them wanted to speak.

Mr. Dan Lee, Planning Commission, appeared before the Board and stated that he felt that the setbacks protect both the livestock producer as well as individuals that move into the County. He thinks that the 1,000 feet from an existing dwelling for a new facility is a good distance to protect both parties. He thinks that 500 feet from public roadways is a good distance to protect the facility. He does have a problem with the 1 mile between facilities, he tried to get it lowered. He would like to see it cut in half or taken out all together. He stated that he is also not in favor of the 1,000 animal unit cap. He would like to see the nutrient management plan be the cap. He feels that the nutrient management plan is a good way to control these facilities because if there are problems they would correct them with yearly updates. He feels that the ordinance should protect both the livestock producers and the citizens.

Mr. Ben Emerson, County Attorney, wanted to speak in reference to Kay Winn's statements about the letter that he wrote. He stated that he couldn't think of a rational basis for the cap per farm but that doesn't necessarily mean that someone else couldn't. He then read an insert from the letter that Kay Winn quoted earlier which states as follows: "We do not believe a cap per farm, regardless of the size of the farm, would withstand challenge as we have been unable to think of a rational basis for such a restriction. If, however, the Committee determines that a rational basis exists for a restriction on a per farm basis regardless of size, it may well be permissible for the Board to adopt it." He stated that he is not an agricultural expert and he does not know whether there is some reason or rational basis, which is what is needed in order to support any local ordinance. In his letter he was just advising that they did not know of such a basis, that does not necessarily mean that one does not exist.

Mr. Moody, stated that he is also a member of the Planning Commission and voted along with the other members for the ordinance as a whole but does have a problem with the caps and the setbacks.

Mr. Haraway reminded the Board and the public that on February 15, 1995 at 7:30 P.M. there will be a work session between the Planning Commission and the Board of Supervisors and on March 1, 1995 at 7:30 P.M. there will be the second public hearing on this issue.

IN RE: APPOINTMENT -- DISTRICT 19 COMMUNITY SERVICES BOARD

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that Dan Rapp be appointed to the District 19 Community Services Board for a three year term, expiring January 1, 1998.

THE CHAIRMAN RECESSED THE MEETING AT 9:27 P.M. AND RECONVENED AT 9:40 P.M.

IN RE: A-95-2 - ELECTED SCHOOL BOARD - PUBLIC HEARING

This being the time and place as advertised in the Dinwiddie Monitor Newspaper on January 18, 1995 and January 25, 1995, for the Board of Supervisors to conduct a public hearing to consider a proposed ordinance to amend Article 3 of Chapter 2 of the Code of Dinwiddie County to provide for an Elected School Board, the Number and Terms of its Members and their Powers and Duties.

Mr. Haraway stated this was a public hearing, but no one signed up to speak.

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

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WHEREAS, at a referendum held on November 3, 1992, the voters of Dinwiddie County determined that the County's School Board should be elected directly by the voters; and

WHEREAS, a plan is required for the election, organization and duties of an elected School Board;

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that Article III of Chapter 2 of the Code shall be amended to add a new Division 1.5 to read as follows:

DIVISION 1.5 SCHOOL BOARD

Sec. 2-39.1. The supervision of schools in the County shall be vested in a School Board directly elected by the voters.

Sec. 2-39.2. The School Board shall consist of one (1) member from each of the five (5) election districts set forth in Chapter 8 of the Code or a total of five (5) members.

Sec. 2-39.3. Election of the School Board shall coincide with the election of the Board of Supervisors beginning at the general election in November 1995. Each member shall serve for a term of four (4) years commencing on January 1 following each quadrennial election. Any vacancy on the School Board shall be filled pursuant to Sub Section 24.2-226 and 24.2-227 of the State Code.

Sec. 2-39.4. The School Board is authorized to compensate its members, including an additional salary for its chairman, in accordance with Section 22.1-32 of the State Code.

Sec. 2-39.5. The School Board shall have the powers and duties prescribed by state law.

In all other respects the Dinwiddie County Code is hereby reordained.

This Ordinance shall be effective February 1, 1995.

IN RE: EMERGENCY MEDICAL SERVICES -- AWARD OF BID FOR AMBULANCE

Charles Burgess, County Administrator listed the following bids that were submitted for the Ambulance:

COMPANY	BID AMOUNT
1. Wheeled Coach	\$73,951.00
2. Kodiak	no bid
3. P.L. Custom	\$77,315.00
	w/1994 Chassis
	\$80,815.00
	w/1995 Chassis

Mr. Burgess recommended the Bid from P.L. Custom with the 1995 Chassis be accepted in the amount of \$80,815.00. The reason being the 1995 Chassis will have better fuel economy and better speed acceleration.

Mrs. Everett wanted to know if the County would get back the additional cost over a period of time and would it be cost effective to get the 1995 Chassis.

Mr. Burgess stated that after talking with the Public Safety Officer and EMS Personnel they thought that the 1995 Chassis would be the better buy.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the bid from P.L. Custom with the 1995 chassis for the Ambulance be accepted in the amount of \$80,815.00.

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IN RE: APPROPRIATION OF FUNDS - EMERGENCY MEDICAL SERVICES

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the following funds be appropriated from the general fund for Emergency Medical Services for fiscal year 94/1995:

Salary and Benefits	\$75,000
Professional Health Services	1,000
Repairs and Maintenance	200
Service Contract - BFI	500
Service Contract - Oxygen	2,400
Electrical Service	1,800
Postal Service	200
Telecommunications	500
Office Supplies	200
Medical Supplies	20,000
Janitorial Supplies	100
Linen Supplies	300
Vehicle - Supplies and Maintenance	7,000
Uniforms	5,000
Books/Subscriptions	100
Other Operating Supplies	1,000
Travel (Education)	500
Dues/Association Memberships	100
Equipment	12,650
Furniture/Fixtures	500
Communications Equipment	4,200
Vehicle Purchase	80,815
TOTAL	\$214,065

IN RE: RESOLUTION FOR AMERICAN HISTORY MONTH

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

WHEREAS this Nation has been built upon the efforts, sacrifices and contributions of a great number of persons; and

WHEREAS the National Society of the Daughters of the American Revolution encourages all Americans to read and become more aware of the history of their Country; and

WHEREAS a knowledge of our history increases an appreciation of the many rights and privileges which are part of our national heritage.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of the County of Dinwiddie this 1st day of February, 1995, hereby declares the month of February as "American History Month" for 1995; and

BE IT FURTHER RESOLVED by the Board of Supervisors of the County of Dinwiddie this 1st day of February, 1995, that a copy of this Resolution be posted for the public and spread upon the minutes of this meeting.

IN RE: ACCEPTANCE OF RESIGNATIONS AND POSITION ANNOUNCEMENT

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the resignation from Brenda D. Spain, effective January 31, 1995 be accepted and the resignation from James T. Davis, effective February 2, 1995 be accepted and Teresa Glancy be appointed to the position of Scale House Attendant, effective February 1, 1995, at the salary level of Grade 4, Step D1.

IN RE: TREASURER'S ACCOUNTABILITY STATEMENT

The County Administrator requested authorization to run the Treasurer's Accountability Statement in the Dinwiddie Monitor Newspaper.

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mrs. Everett, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway voting "aye", the County Administrator was authorized to publish the Treasurer's Accountability Statement.

IN RE: BOARD MEMBER COMMENTS

1. Mrs. Everett stated that she attended the Executive Meeting of the Crater Planning District Commission and they voted that the contribution from localities would remain the same. She also stated that the funding was questionable this year because of the Governor's proposed cuts.

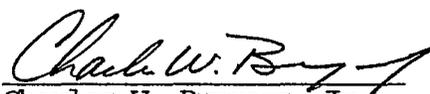
2. Mr. Haraway stated that on February 10th, area elected officials are going to go to Washington, D.C. to listen to the Senate talk about putting Fort Lee on the list of military base closings. He wanted to know who on the Board would like to attend. Mr. Bracey stated that he would have to let Mr. Haraway know whether he could or not.

IN RE: ADJOURNMENT

Upon motion of Mr. Clay, seconded by Mr. Moody, Mrs. Everett, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway voting "aye", the meeting adjourned at 9:55 P.M.



Donald L. Haraway
Chair, Board of Supervisors

ATTEST: 
Charles W. Burgess, Jr.
County Administrator

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