

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 19TH DAY OF JULY, 1995, AT 2:00 P.M.

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

PAUL JACOBSON (ARRIVED AT 2:20) COUNTY ATTORNEY

IN RE: MINUTES

Action was delayed until legal counsel was present.

IN RE: CLAIMS

Upon motion of Mr. Moody, seconded by Mrs. Everett, Mrs. Everett, Mr. Bracey, Mr. Moody, 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 check #34758 - #34852 (void #34759) for General Fund \$128,359.44, Self Insurance Fund \$8,532.69, CDBG \$2,990.00 - Accounts Payable June 30, 1995 Year End (Total \$139,882.13); using check #34853 - #34911 (void #34853) for General Fund \$189,694.66, Landfill Fund \$28.51, E911 Fund \$1,414.36, Self Insurance Fund \$21,375.00, Law Library \$237.54 - Accounts Payable July 19, 1995 New Year (Total \$352,632.20).

IN RE: CITIZEN COMMENT -- REPORT

No one signed up to speak.

IN RE: COMMISSIONER OF REVENUE -- REPORT

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

IN RE: TREASURER -- REPORT

Mr. William E. Jones, Treasurer, presented his report for the month of June, 1995.

IN RE: DELINQUENT TAX LISTING REPORT AS OF JUNE 1995

In accordance with 58.1-3928 of the Code of Virginia, the following information was provided to the Board:

1993 Uncollected Taxes as of June 30, 1995 - Base Tax Only

	<u>June 30, 1994</u>	<u>June 30, 1995</u>
1. Uncollected 1993 R.E. Tax	197,609.53	83,330.48
2. Uncollected 1993 P.P. Tax	117,769.44	82,967.67
3. Uncollected 1993 M.L. Tax	1,455.58	---

1994 Uncollected Tax Listing Report as of June 30, 1995

1. Uncollected 1994 Real Estate taxes	187,644.31
2. Uncollected 1994 Personal Property taxes	155,835.05
3. Uncollected 1994 Public Services taxes	3,524.95

Mr. Jones stated that due to the collection rate being up this year and having other means of collecting delinquent taxes he didn't feel it necessary to run the list in the newspaper or post it at the courthouse.

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

Extract

the Treasurer the delinquent tax list will not be published for the 1994 calendar year.

IN RE: COMMONWEALTH ATTORNEY -- REPORT

Mr. T.O. Rainey, Commonwealth Attorney, was not present.

IN RE: SHERIFF -- REPORT

Mr. Bennie M. Heath, Sheriff, was not present.

IN RE: BUILDING INSPECTOR -- REPORT

Mr. Dwayne Abernathy, Building Inspector, presented his report for the month of June, 1995.

IN RE: ANIMAL WARDEN -- REPORT

Mr. Steve Beville, Animal Warden presented his report for the month of June, 1995.

Mr. Bracey asked how much the existing heating system at the Animal Shelter costs to run per year. He also asked if the Board should be considering putting another heating system in that would be more efficient.

Mr. Beville stated that he has been keeping track of it and he doesn't feel that the bills have been too bad. He did say that he thought that the two hot water heaters are what is running up the bills.

Mr. Bracey wanted to know how many times the furnace has been repaired in the last two years.

Mr. Beville stated that he only knew of one time last winter.

Mr. Bracey asked Mr. Beville to put together an amount that the furnace costs to run.

IN RE: DIRECTOR OF PLANNING -- REPORT

Charles W. Burgess, Interim Director of Planning, presented the Planning report for the month of June, 1995.

Mr. Bracey stated that he has gotten several phone calls from citizens that were not given all the information that they needed from the Planning Department. He hopes that something can be done to get the Planning Department in order so that the citizens are not given the run around.

After some discussion between the Board they decided to discuss the issue in Executive Session under consultation with legal counsel.

IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION -- REPORT

Mr. Ronald H. Reekes, Resident Engineer, advised the Board that Interstate 85 will have two new bridges under construction next month. He also stated that White Oak Road has been completed and it has turned out to be real nice. They have sent out a lot of equipment and man power to counties to the west of us because of all of the flood damage.

Mrs. Everett stated that she was glad to see that the speed limit all along Route 226 is now 45 mph.

IN RE: DIRECTOR OF SOCIAL SERVICES -- REPORT

Mrs. Peggy M. McElveen, Director of Social Services, presented her report for the month of June, 1995.

She also gave a report from the Crater District Disabilities Services Board.

IN RE: APPROPRIATIONS RESOLUTION -- UNITED WAY FUND

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that \$1,972.00 from United Way be appropriated to the Social Services Department for FY 1995-96.

IN RE: SUPERINTENDENT OF SCHOOLS -- REPORT

Mr. Ray Watson, Assistant to the Superintendent for Finance and Technology, came before the Board to present Dr. Gaul's report.

He stated that they met with the low bidder on the track and they have to rework the bid a little bit because the drainage costs were a little more than they had planned but he still thinks that they can get it back at budget. He stated that the actual bid came in at \$317,000.00 which was \$80,000.00 above their budgeted amount so they had to go back and rework some things and it is still going to be a little bit above the \$227,000.00 but they think that they can absorb the rest of it in the Capital Improvement Program. They have not finalized anything yet but the price will probably be somewhere around \$250,000.00. It looks like they will be able to work around football season and have the track available for the first home track meet which will be the middle of April. They also found out that they may be selected as the site for the District Track Meet.

He also stated that they are reviewing the plans for the Capital Improvement Program. They received the preliminary plans from the Architects and he invited the Board and the citizens to look them over and make comments.

He stated that Summer School this year is a success. It is just about cost neutral because it basically is covered by the State.

Mr. Watson stated that the enrollment projections that he gathered yesterday appear to safely support the budget that they presented based on 3,770 students.

IN RE: RECREATION DIRECTOR -- REPORT

Mr. Anthony S. Rinaldi, Recreation Director, presented his report for the month of June, 1995.

He also presented to the Board a bid from Harrison's Mobile Home Auto Sales and Service, which was submitted last year, and a bid from B & J Enterprises for a Storage Building that would be placed at the Middle School for all of his equipment. He requested that the Board accept the bid from Harrison's for the 24 X 31 Enclosed Car-Port at a cost of \$5,395.00.

After some discussion between the Board they decided that the bids that Mr. Rinaldi submitted were not acceptable because he did not submit proper specifications to the companies that bid. They requested that he draw up specifications and get bids from several different businesses.

IN RE: DIRECTOR OF WASTE MANAGEMENT -- REPORT

Mr. Denny King, Director of Sanitation, came before the Board and presented his report for the month of June, 1995.

Mr. Bracey stated that the dumpster sites really look bad and wanted to know if they were having some staffing problems because they were not being picked up very well.

Mr. King stated that he would look into it and see what the problem is with the clean up crew.

Mrs. Everett stated that she is very concerned about enforcement at the dumpster sites. Signs are not legible and do not actually state what can and cannot be put in the dumpsters. Mrs. Everett suggested that the new signs have more information on them and have directions to the Landfill.

IN RE: AUTHORIZATION TO SOLICIT AN INVITATION FOR BID
FOR DISPOSAL SERVICES

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the Director of Sanitation is authorized to solicit an invitation for bid for Trash Disposal Services for the County.

IN RE: MINUTES

Mr. Bracey stated that he had a question for legal counsel concerning the minutes for the Continuation Meeting dated July 5, 1995. He stated that the meeting was advertised as a continuation meeting and was held at the Homeplace Restaurant for an Executive Session. His problem was that when the Executive Session was finished the door of the restaurant upstairs was opened and said that it was public. He stated that there was no public present; it was not advertised to be a public meeting; it was advertised as an Executive Session. When the door was opened the Board voted on an issue. After the issue was voted on there was a legal question asked by a Board member to Legal Counsel. He stated that County Administration received a written response from Legal Counsel which did not address the issue and to date he has never gotten a ruling. He also stated that he was very concerned about when the door was opened at the restaurant upstairs, did that constitute a public meeting.

Mr. Bracey stated the question that he asked was could the person that was appointed to the position as Planning Director be on the Planning Commission at the time that he was appointed and did the vote that was made at the Restaurant upstairs with the door open count. He then received a letter from the person that was appointed to the position dated July 5, 1995 resigning from the Planning Commission. He thought that the issue of the person be appointed to the position was on hold until Legal Counsel answered the question. He stated that those are the problems that he has with the minutes and he cannot attest to those minutes or he will be doing something that he feels is legally wrong and he feels that he would be doing something against the citizens of Dinwiddie County.

Mr. Haraway stated that he was fully aware that when he voted it had nothing to do with the decision that was received from the Attorney's. Since Mr. Moody was not at the meeting when the vote occurred Mr. Haraway asked Mrs. Everett did she think that the decision from the Attorney would have any effect on the vote.

Mrs. Everett stated that she really didn't think that the decision from the Attorney would have any effect on the vote but she was looking for a response to see if it was legal or not for someone to be appointed to the position if they were on a commission.

Mr. Haraway stated that in the last four years that he has been on the Board there has been meetings in the conference room across the hall from the Board Room and they have opened the door and they said it was public. They did not come back in the Board Room and physically take a presence; the decision was made in the conference room.

Mr. Bracey stated that just because it was done does not mean that it was right. He questioned whether or not it was public because it was advertised as a Continuation Meeting for an Executive Session.

He stated that he hoped that the Board would never take action unless it is open to the public and voted on in the Board Room even if there is no one there but them. He also stated that he still wanted an answer from Legal Counsel as soon as possible.

Mrs. Everett moved that the minutes for the July 5, 1995 Continuation Meeting and the July 5, 1995 Regular Meeting are hereby approved in their entirety. Mr. Moody seconded the motion. Mrs. Everett, Mr. Haraway voted "aye", Mr. Bracey voted "nay", Mr. Moody "abstained".

IN RE: RENEWAL OF FUEL CONTRACT -- PARKER OIL COMPANY

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the fuel contract with Parker Oil Company, Inc. is extended for one year at the following prices on a fixed price basis to commence October 1, 1995:

87 octane nolead gasoline \$.5740 per gallon
Low sulfur diesel fuel \$.6170
#2 fuel oil \$.5870 per gallon

IN RE: COUNTY ADMINISTRATOR COMMENTS

1. Mr. Burgess stated that he passed out some information prior to the meeting in regard to the opposition to Tidewater area with water from Lake Gaston. The information was submitted on behalf of the Roanoke River Basin Association who is seeking this Board's support in opposing the placing of the pipeline. He stated that Mr. Lewis Crowder was present to support their request and asked him if he wanted to address the Board.

Mr. Lewis Crowder, Roanoke River Basin Association, came before the Board and asked the Board to support their organization in opposing the placing of the pipeline from Lake Gaston to the Tidewater Area. He requested the Board to adopt a resolution stating their opposition and asked for donations for litigation purposes. He also stated that his organization has gotten the support of several surrounding counties, such as, Charlotte County, Lunenburg County, Nottoway County and Prince Edward County.

After some discussion between the Board they decided that they needed more information about the subject before they could make a decision. Mr. Haraway suggested that Administration do some research on the subject and bring it back to the Board at their next meeting, August 2, 1995.

2. Mr. Burgess stated that he received a proposed agreement of jurisdictions that is going to be involved with the Regional Reuse Planning for Fort Pickett, with the guiding group being called the Fort Pickett Local Reuse Authority. This authority is to be comprised of six elected officials. He stated that he and Mr. Moody were already in place as far as the County having representation in the different Groups that are involved in the closure of Fort Pickett but he wanted the Board to think about who they would like to appoint to the Economic Planning Group. He asked the Board to also consider allowing himself and Mr. Moody to continue serving in the various groups that they are in.

IN RE: APPROPRIATION OF FUNDS -- NEW AMBULANCE

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that a check be prepared payable to Fire Rescue Services, Inc. for the new ambulance in the amount of \$80,816.00.

Mrs. Everett asked about funding sources and Mr. Burgess explained, there would be no cost to the County.

IN RE: AUTHORIZATION FOR COUNTY ADMINISTRATOR TO ATTEND LOCAL GOVERNMENT OFFICIALS CONFERENCE

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that Charles Burgess, County Administrator is authorized to attend the Local Government Officials Conference in Charlottesville on August 13th through August 15th at a cost of \$50.00 registration fee and lodging at the Holiday Inn at a rate of \$58.00 per night.

IN RE: PUBLIC SAFETY DIRECTOR -- REPORT

Mr. David Nichols, Public Safety Director, came before the Board and apologized for being late and stated that he was late to the meeting due to a Crater Communications Regional Study Committee. Mr. Nichols presented his report for the month of June, 1995.

IN RE: BOARD MEMBER COMMENTS

1. Mr. Bracey questioned the County's contract with Legal Counsel. He wanted to know how much the County has paid to Legal Counsel in the last three years and he would like to get an itemized statement. He also wanted to know when the County's contract ends with the present law firm. He stated that he personally does not feel that the County is getting what they are paying for when it comes to Legal Counsel.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Moody, seconded by Mrs. Everett, Mrs. Everett, Mr. Bracey, Mr. Moody, Mr. Haraway 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 concerning a prospective business or industry; Section 2.1-344(a) 7-Consultation with legal counsel; the Board moved into Executive Session after a five minute recess at 3:52 P.M. A vote having been made and approved the meeting reconvened into Open Session at 5:45 P.M.

IN RE: CERTIFICATION

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

WHEREAS, the Board of Supervisors of Dinwiddie County convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board of Supervisors of Dinwiddie County, that such Executive meeting was conducted in conformity with the Virginia law;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting to which this certification resolution applies; and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board of Supervisors of Dinwiddie County, Virginia.

IN RE: AUTHORIZATION TO ADVERTISE -- PUBLIC HEARING -- CONVEYANCE
OF PROPERTY -- WEST PETERSBURG

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that Administration is authorized to advertise for a public hearing on Wednesday, July 26, 1995 at 12:00 P.M. concerning the conveyance of real property located on Greensville Avenue in West Petersburg by Dinwiddie County.

IN RE: AUTHORIZATION TO ADVERTISE -- PUBLIC HEARING --
CONDEMNATION BY DINWIDDIE COUNTY -- COURTHOUSE &
ADMINISTRATION FACILITY

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County,
Virginia, that Administration is authorized to advertise for a public
hearing on Wednesday, August 2, 1995 concerning condemnation of the
Hargrave Tract in order to accomplish the construction of the courthouse
and administration facility.

IN RE: ZONING ORDINANCE -- EMERGENCY ORDINANCE

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County,
Virginia, that the Zoning Ordinance be amended to provide in those
situations where two dwellings exist on a single parcel that they not be
less than 15 feet apart subject to approval of the building official and
the Health Department; and

Extract
BE IT FURTHER ORDAINED by the Board of Supervisors of Dinwiddie
County, Virginia, that as a result of the foregoing recitals and such
emergency, the above referenced amendment to the Dinwiddie County Zoning
Ordinance is hereby adopted, effective immediately, and the Dinwiddie
County Zoning Ordinance in all respects be and hereby is reordained.

IN RE: EMS 24 HOUR A DAY COVERAGE -- ANNOUNCEMENT

Mr. Charles W. Burgess, Jr., County Administrator stated that the
Board has authorized staff to move forward with the planning process for
staffing paid coverage for EMS Services in the County for 24 hours a day 7
days a week. He stated that he would report back to the Board about their
findings.

IN RE: ADJOURNMENT

Upon motion of Mr. Bracey, seconded by Mr. Moody, Mrs. Everett,
Mr. Bracey, Mr. Moody, Mr. Haraway voting "aye", the meeting adjourned at
5:55 P.M. to be continued to July 26, 1995 at 12:00 Noon at Board Meeting
Room.

Donald L. Haraway

Donald L. Haraway
Chair, Board of Supervisors

ATTEST: *Charles W. Burgess, Jr.*

Charles W. Burgess, Jr.
County Administrator

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