

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 15TH DAY OF MAY, 1996, AT 2:00 P.M.

PRESENT: AUBREY S. CLAY, CHAIRMAN ELECTION DISTRICT #5
HARRISON A. MOODY, VICE-CHAIR ELECTION DISTRICT #1
EDWARD A. BRACEY, JR. ELECTION DISTRICT #4
MICHAEL H. TICKLE ELECTION DISTRICT #2
LEENORA EVERETT ELECTION DISTRICT #3

PAUL JACOBSON COUNTY ATTORNEY

IN RE: MINUTES

Mr. Tickle asked that a correction be made to the spelling of his name in the Certification section of the May 1, 1996 Continuation Meeting.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes for the May 1, 1996 Continuation Meeting, May 1, 1996 Regular Meeting and the May 8, 1996 Continuation Meeting are hereby approved with corrections to the May 1, 1996 Continuation Meeting minutes under Certification by correcting the spelling of Mr. Tickle's name.

IN RE: CLAIMS

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the following claims are approved and funds appropriated for same using checks #1001207-#1001373 (void #1001207) for Accounts Payable in the amount of \$237,198.24; General Fund \$226,226.03, E911 Fund \$1,893.53, Self Insurance Fund \$799.88, Fire Programs/EMS Fund \$682.90, CDBG Fund \$7,595.90.

IN RE: CITIZEN COMMENTS

1. Joe Daniels, Sutherland, VA, came before the Board and stated that his neighbor shoots his gun all the time and it is causing some real problems. He displayed some of the ammunition that was being fired and stated that it is very dangerous. He has called the Sheriff's Department several times and is not getting anywhere. He would like to see the code state that if someone discharges a weapon in a residential district they could be cited. He presented the following petition signed by 12 residents in his neighborhood:

PETITION

We respectfully request that an ordinance be passed which would restrict or prevent the use of firearms in the Rupert A. Collins Subdivision, State Route #623, Namozine District, Dinwiddie County, Virginia.

According to the Dinwiddie County Sheriff Department, there are no laws on the books preventing use of firearms in this area. Their hands are tied.

Because certain individuals refuse to show respect for their neighbor's lives and property, we feel we must take this matter before you.

There are children, pets, etc., walking and playing in the woods behind our homes as well as the campers at Whippernock Marina who are in danger from the flying bullets.

Even children playing in their own yards and people working gardens in their own yards are forced to go inside their homes seeking protection from the possibility of stray bullets.

Your kind consideration of this urgent and consequential matter will be greatly appreciated.

After some discussion between the Board they asked the Zoning Administrator and the Commonwealth Attorney to investigate the problem and come back at the next board meeting with a recommendation.

2. Pamela Scibelli, Sutherland, VA, stated that she agreed with Mr. Joe Daniels.

3. Melinda Daniels, Sutherland, VA, came before the Board and stated that she also agrees with Mr. Daniels but she also wanted to add that their neighborhood is scared for their children and animals. They are terrified that something will happen to them if they go outside.

IN RE: DINWIDDIE VOLUNTEER RESCUE SQUAD -- ACCEPTANCE OF TITLE

Darryl E. Hayes, Dinwiddie Volunteer Rescue Squad, came before the Board and requested the title to Rescue 2. The unit is presently sitting at Robinson Ambulances in Windsor, VA and it is not operational and has been approved for trade by the DVRS Board of Directors. They are wishing to trade the chassis on Rescue 2 for repairs to their crash truck.

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

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, authorizes the release of the title to Rescue 2 for payment to Robinson Ambulances to upgrade their crash truck.

IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION -- REPORT

Mr. Harold Dyson, Ass't Resident Engineer, Virginia Department of Transportation, came before the Board and stated that Ronald Reekes, Resident Engineer, was out of town and was unable to attend.

Mr. Dyson answered several questions for the Board dealing with different sites.

IN RE: COMMISSIONER OF THE REVENUE -- REPORT

Mrs. Deborah M. Marston, Commissioner of the Revenue, came before the Board and stated that she did not have anything officially to report. She also stated that she had to leave before the County Attorney was to present the proposed ordinance establishing certain motor vehicles as a separate class of personal property for local tax purposes and she wanted to make several comments on it since she would be the administrator of the ordinance if it is passed. She has talked to Caroline County and the Department of Taxation and it looks like it is only going to affect the motor common carrier which would be a person that would be a individual that leases himself and/or his vehicle out for hire to haul articles or merchandise. It would not include the motor private carrier who would be people like Walmart. At this time Caroline County only has two motor carrier vehicles involved with the special tax rate.

Mrs. Marston stated that the books are complete and dumped to the Treasurer and everything went fine. She notified Mr. Bracey that the microfilm machine was picked up last week.

Mr. Bracey stated that it did not bother him that it took so long for them to pick up the machine because the County was only going to pay for the time that they used it.

Mrs. Ralph, Ass't County Administrator, asked Mrs. Marston if she had a feel for how many people the new tax rate for motor common carriers would affect.

Extract

Mrs. Marston stated that she didn't think that we had that many people here that would be greatly affected. She has already asked the County Attorney to consider making a part of the ordinance that before you can qualify for this special tax, you must provide to the office of the Commissioner of the Revenue a current copy of your certificate of Interstate Commerce Commission Authority. By them submitting this they would know if the person was legitimate or not to get this special tax relief.

Mr. Moody asked if the law stated that we have to do this.

Mrs. Marston stated that the law states that we may do it.

Mrs. Marston stated that the bottom line is that these individuals would be taxed at a rate of \$3.30 per \$100 opposed to a tax rate of \$4.90 per \$100.

Mr. Bracey stated that Mrs. Marston said that she was leaving and the Board needed to see her in Executive Session after the Regular Meeting.

After some discussion between the Board they agreed to have an Executive Session now.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Bracey, seconded by Mr. Tickle, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Moody, Mr. Clay 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; the Board moved into Executive Session at 2:50 P.M. A vote having been made and approved the meeting reconvened into Open Session at 3:20 P.M.

IN RE: CERTIFICATION

Upon motion of Mr. Bracey, seconded by Mr. Moody, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Moody, Mr. Clay 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 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: COMMISSIONER OF THE REVENUE -- REPORT -- CONTINUED

Mr. Burgess read the following statement on behalf of the Board of Supervisors: "Mrs. Marston, the Board has determined that based on mis-communication on the fact of the expenditure of funds and the lateness of reporting expenditures in the past several months. The Board hereby requests that within the next seven calendar days that a report be submitted to this Board delineating those expenses associated with twice a year tax collection which was above and beyond the appropriations of your department that were made for this current fiscal year and based upon that report the Board will then address the overages that appear in the claims that have been made versus the appropriations that your department is to operate under. Based upon the information that you submit, additional appropriations will be made in such an amount that will match those monies that are clearly associated with the twice a year tax collection. Until

such time as that report is submitted and this issue resolved there are no additional funds to be expended out of your department."

Mrs. Marston stated for the record that she was never called into the Executive meeting when she was told that she was needed to be present so she could attend.

IN RE: TREASURER --- REPORT

Mr. William E. Jones, Treasurer, presented his report for the month of April, 1996.

Mr. Jones also stated that the first half of the tax bills were mailed off this morning.

Mr. Moody asked if there was enough time in between when the tax bills were mailed out and when they are due.

Mr. Jones stated that he indicated to the Board last November that he would like to postmark them on May 1st but we were within the law to send them out now and require that they still be payable on their due date of June 5th.

IN RE: COMMONWEALTH ATTORNEY --- REPORT

Mr. T.O. Rainey, Commonwealth Attorney, was present.

He stated that in reference to the Daniels' coming before the Board earlier complaining about their neighbor shooting, he has set up a meeting with him and they are thinking about bringing the Game Warden into the meeting to see if he has some ideas.

They are going to try to present to the Board at their next meeting what is on the books right now, state and locally, some potential options they have if they want to do something and lastly, some things that they are not going to be able to do.

Mr. Rainey stated that in reference to the questions that Mr. Tickle had in reference to the policy of illegal parking, he spoke with Dan Siegel, County Attorney, and his office is in the process of drawing up an ordinance to address that. The ordinance will also address handicap parking. He also informed Mr. Tickle that he did not have any luck finding out anything about collecting fines but that Mr. Tickle was welcome to go to the General District Clerk's Office and speak with Donna Brockwell.

IN RE: SHERIFF --- REPORT

Mr. Samuel H. Shands, Sheriff, stated that he did not have anything to present but he was available for questions from the Board.

He also stated that his office had received several complaints from Mr. Daniels in reference to his neighbor shooting and they had responded to each complaint.

Mr. Bracey requested copies of the complaints that Mr. Daniels filed with the Sheriff's Office.

IN RE: BUILDING INSPECTOR --- REPORT

Mr. Dwayne Abernathy, Building Inspector, came before the Board and presented his report for the month of April, 1996.

IN RE: ANIMAL WARDEN --- REPORT

Mr. Steve Beville, Animal Warden, presented his report for the month of April, 1996.

IN RE: DIRECTOR OF PLANNING --- REPORT

Mr. W.C. Scheid, Director of Planning, presented his report for the month of April, 1996.

IN RE: DIRECTOR OF SOCIAL SERVICES -- REPORT

Mrs. Peggy M. McElveen, Director of Social Services, presented her report for the month of April, 1996.

IN RE: SUPERINTENDENT OF SCHOOLS -- REPORT

Mrs. Troilen Seward, Superintendent of Schools, came before the Board and presented her report for the month of April, 1996.

IN RE: AUTHORIZATION FOR SUPERINTENDENT TO PROCEED WITH ISSUANCE OF CONTRACTS FOR POSITIONS INCLUDED IN THE REVISED FY-97 SCHOOL BOARD BUDGET

Mrs. Seward, Superintendent of Schools, came before the Board and passed out copies of the Revised FY-97 School Board Budget that the Dinwiddie County School Board approved at their May 14, 1996 meeting. She requested that the Board of Supervisors allow them to proceed with the issuance of contracts for positions included in this revised budget. She also stated that if they are allowed to proceed, they can better compete for new teachers and have improved knowledge of openings that need to be filled.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the School Board is authorized to proceed with the issuance of contracts for positions included in the Revised FY-97 School Board Budget.

IN RE: GROUNDS MAINTENANCE PROGRAM -- AWARD OF BID -- TRACTOR AND LAWNMOWER

Mr. Charlie Chambers, Supervisor of Maintenance for the Dinwiddie County School Board, came before the Board and presented the following bids for the purchase of a tractor and a lawn mower that the County and the School Board would share:

Company	Base Tractor	4-Wheel Drive	Total
Southside Ford	\$13,640.00	\$15,502.00	\$18,156.00
TOTAL BID INCLUDING FINISHING MOWER AND BUSHOG			\$20,194.00
Dinwiddie Tractor	\$14,572.00	\$17,883.98	\$18,021.63
TOTAL BID INCLUDING FINISHING MOWER AND BUSHOG			\$22,265.61

Mr. Chambers recommended the approval of the 4-Wheel Drive Tractor in the amount of \$15,502.00 from Southside Ford with tires and rims in the amount of \$2,211.00 for a total of \$17,713.00. He then recommended that they purchase the finishing mower in the amount of \$1,468.66 and the bushog in the amount of \$815.97 from Dinwiddie Tractor.

Mr. Bracey stated that he did not particularly care for the arrangement between the School Board and the County. He feels that the School Board is the one that needs the tractor and he doesn't see why they just don't purchase it on their own. It doesn't matter how much the County pays towards it, the School Board will ultimately own it.

Mr. Chambers stated that he understood Mr. Bracey's concerns but they have a plan that they discussed with the County Administrator and his assistant and they feel that they can work together.

Mr. Bracey requested that a copy of the agreement between the County and the School Board in reference to the use of this tractor be distributed to each Board Member.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the County is authorized to participate with the School

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Board in the purchase of a 4-Wheel Drive Tractor in the amount of \$15,502.00 from Southside Ford with tires and rims in the amount of \$2,211.00 for a total of \$17,713.00; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the County is authorized to participate with the School Board in the purchase of a finishing mower in the amount of \$1,468.66 and the bushog in the amount of \$815.97 from Dinwiddie Tractor.

IN RE: OFFICE ON YOUTH AND COMMUNITY SERVICES -- APPOINTMENTS

Mrs. Francene Newman, Director, Office on Youth, came before the Board and listed individuals that the existing Youth Commission members recommended for potential new members.

Mr. Tickle stated that he felt the individuals that she named were very good recommendations but felt that the individuals that were named were not a very good cross representation of the student population. He would like to recommend that they have a cross section of the student population, not only gender and/or color, but also academically and socially.

Mrs. Everett asked if they could go ahead and approve the recommendations for this year and take into consideration Mr. Tickle's comments next year.

Mr. Bracey stated that he agreed with Mrs. Everett but he would like for Mr. Tickle's request to become a part of the guidelines for the Office on Youth for next year.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the following individuals are appointed to the Office on Youth and Community Services:

For three year term:

Carla Brandon
Carolaine Jones
Tom Wicks

Butch Cunningham
George Rivers

For one year term (students):

Beth Henshaw
Tyler Ragsdale
Teneille Walker

Nekesa Jones
April Spain

IN RE: RECREATION DIRECTOR -- REPORT

Mr. Anthony S. Rinaldi, Recreation Director, presented his report for the month of April, 1996.

IN RE: DIRECTOR OF WASTE MANAGEMENT -- REPORT

Mr. Dennis E. King, Director of Waste Management, presented his report for the month of April, 1996.

IN RE: DEPUTY EMERGENCY SERVICES COORDINATOR -- REPORT

Mrs. Dawn Titmus, Deputy Emergency Services Coordinator, presented her report for the month of April, 1996.

IN RE: COUNTY ATTORNEY -- REPORT

Mr. Paul Jacobson, County Attorney, came before the Board and discussed with the Board the proposed ordinance establishing certain motor vehicles as a separate class of personal property for local tax purposes.

Mr. Bill Jones, Treasurer, came forward and stated that he felt that the Board should wait and see how many people the ordinance would affect before the Board does anything.

After some discussion between the Board they agreed to wait and see how many people the ordinance would affect before they consider adopting the ordinance because it may very well not affect anyone at all.

IN RE: CONSTRUCTION INSPECTOR -- REPORT

Mr. Donald Faison, Construction Inspector, came before the Board and stated that he did not have anything to present for the month of April, 1996 but he was available for any questions from the Board.

IN RE: CDBG PROGRAM -- ADOPTION OF REVISED ANTI-DISPLACEMENT AND PROGRAM INCOME PLANS

Mrs. Wendy Weber Ralph, Ass't County Administrator, came before the Board and presented the revised Residential Anti-Displacement and Relocation Assistance Plan and the revised Program Income Plan in reference to the Community Development Block Grant for West Petersburg.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the revised Residential Anti-Displacement and Relocation Assistance Plan and the revised Program Income Plan were approved as presented in reference to the Community Development Block Grant for West Petersburg.

IN RE: ENVIRONMENTAL CONSULTANT SERVICES -- AWARD OF BID

Mrs. Wendy Weber Ralph, Ass't County Administrator, came before the Board and submitted the proposals received for the Environmental Consultant Services for the groundwater monitoring wells and additional work required by DEQ for the Jail and Courthouse wells.

The Review Committee consisted of Mr. Burgess, Donald Faison and Wendy Ralph. Since this was a Request for Proposals, they had to select at least two to interview. They selected the following:

Groundwater Technology
Marshall Miller & Assoc.
IMS Environmental

This is the same order they ranked them after the interview. Because this was a request for "other than professional services", they could ask for and discuss pricing. The cost breakdown from all of the above firms did not exceed the UCR allowed for reimbursement by the Dept. of Environmental Quality. What this means is that most of the costs should be reimbursable.

The staff recommended Groundwater Technology based on their experience and familiarity already with the project at the jail. They installed the first monitoring well in November and prepared the Site Investigation Report. They are presently managing the work for the School Maintenance shop and Midway School. The staff therefore, requested authorization to negotiate a contract with Groundwater Technology.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the County is authorized to negotiate a contract with the following firms, beginning with the first firm listed and then negotiating with the second if a contract cannot be reached with the first, for the Environmental Consultant Services for the groundwater monitoring wells and additional work required by DEQ for the Jail and Courthouse Wells:

Groundwater Technology
Marshall Miller & Associates

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IN RE: COUNTY ADMINISTRATOR COMMENTS

1. Charles W. Burgess, Jr., County Administrator, reminded the Board that the Business Industry Appreciation Reception is June 6, 1996 at the Pamplin Administration Building from 3:00 to 6:00 P.M.

IN RE: COUNTY ADMINISTRATOR ATTEND -- VIRGINIA LOCAL GOVERNMENT MANAGEMENT ASSOCIATION CONFERENCE

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the County Administrator is authorized to attend the Virginia Local Government Management Association Conference from June 26-29, 1996 in Virginia Beach, VA.

IN RE: BOARD MEMBER COMMENTS

1. Mrs. Everett reminded the citizens that the Recreation Department will be having Senior Citizen Day at the Homeplace Restaurant on May 22, 1996 from 10:00 A.M. to 2:30 P.M.

2. The Board decided that they would meet in Executive Session next Wednesday, May 22, 1996 at 7:00 P.M. to discuss Personnel issues.

3. Mr. Clay stated that he received a letter from Wilson Greene, Pamplin Park Civil War Site, requesting that the Park become exempt to Admissions Taxes. The Board asked Administration to put the item on the agenda for the next meeting.

4. Mr. Moody stated that Mrs. Marston stated that she didn't get a chance to speak in the Executive Session that was earlier in the meeting and he felt that there was such a shortage of time that she would have been late for her previous appointment if they brought her in.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Tickle, seconded by Mrs. Everett, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Moody, Mr. Clay 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) 7-Consultation with legal counsel; after a five minute recess the Board moved into Executive Session at 4:55 P.M. A vote having been made and approved the meeting reconvened into Open Session at 5:39 P.M.

IN RE: CERTIFICATION

Upon motion of Mrs. Everett, seconded by Mr. Tickle, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Moody, Mr. Clay 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 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.

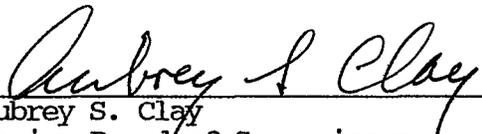
IN RE: AUTHORIZATION TO HIRE PART TIME PERSONNEL - GENERAL
REASSESSMENT

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County,
Virginia, that Administration is authorized to hire one part-time person
to assist with the General Reassessment Office.

IN RE: ADJOURNMENT

Upon motion of Mrs. Everett, seconded by Mr. Tickle, Mrs.
Everett, Mr. Bracey, Mr. Tickle, Mr. Moody, Mr. Clay voting "aye", the
meeting adjourned at 7:00 P.M. to be continued until Wednesday, May 22,
1996 at 7:00 P.M. for an Executive Session to discuss Personnel.



Aubrey S. Clay
Chair, Board of Supervisors

ATTEST: 

Charles W. Burgess, Jr.
County Administrator

/rlm