

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 4TH DAY OF DECEMBER, 1996, AT 7:30 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 (ABSENT) ELECTION DISTRICT #2  
LEENORA EVERETT ELECTION DISTRICT #3  
  
PAUL JACOBSON COUNTY ATTORNEY

IN RE: AMENDMENTS TO AGENDA

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the following be added to the agenda:

11. EXECUTIVE SESSION
  - a. Sec. 2.1-344(a) 5-Discussion concerning a prospective business or industry.

IN RE: MINUTES

Mr. Bracey stated that he would like for the conversation between him and Dan Siegel, County Attorney, added where they discussed the signing of the School CIP Contract.

The Board agreed that they would approve the minutes as is for now. They instructed staff to add the conversation between Mr. Bracey and Dan Siegel, County Attorney for them to review at the next Board Meeting.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes for the November 20, 1996 Regular Meeting are hereby approved in their entirety.

IN RE: CLAIMS

Upon motion of Mr. Moody, seconded by Mrs. Everett, Mrs. Everett, Mr. Bracey, 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 #1003883 - #1004076 for Payroll in the amount of \$268,586.46; Accounts Payable in the amount of \$190,030.86; General Fund \$186,677.75, Jail Commission \$131.70, E911 Fund \$368.00, Self Insurance Fund \$341.65, Law Library \$1,045.76; Fire Programs/EMS Fund \$1,466.00.

IN RE: APPROVAL OF REQUISITION #12 -- COURTHOUSE CONSTRUCTION

Mrs. Wendy Weber Ralph, Ass't County Administrator, stated that Requisition #12 for the Courthouse consists of Geotechnical Services & the 4th draw from the contractor.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that Requisition #12 in the amount of \$207,053.77 be approved and funds appropriated for CIP expenses for the Courthouse Project Fund.

Extract

IN RE: APPROVAL OF REQUISITION #12 -- SCHOOL CONSTRUCTION

Mrs. Wendy Weber Ralph, Ass't County Administrator, stated that Requisition #12 for the School Projects consists of the Balance of the Track Project, Transcript Binding and Legal Fees, and Builders Risk Insurance.

Mr. Bracey wanted to know if there was someone available at the meeting to answer whether or not the bill for the Balance of the Track Project was being issued because the work was completed.

Mr. Ray Watson, Ass't to the Superintendent for Finance and Technology, came before the Board and stated that the work was complete and the bill was signed off on by the Superintendent. Mr. Watson stated that there was one piece of warranty work being done but it was being done satisfactory.

Mr. Bracey stated that if they release this money then it releases this Company from the contract.

Mr. Watson stated that it does not release them from their warranty agreement.

Mr. Bracey stated that he would like to see the warranty agreements in writing as soon as possible.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that Requisition #12 in the amount of \$21,900.64 be approved and funds appropriated for CIP expenses for the School Project Fund.

IN RE: RESOLUTION OF APPRECIATION -- DR. J. DARRELL RICE

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

WHEREAS, Dr. J. Darrell Rice has served, for 16 years, on the Appomattox River Water Authority with distinction and integrity from December, 1980, until September, 1996; and

WHEREAS, The Board of Supervisors on this 4th day of December in the year 1996 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 Dr. J. Darrell Rice for his 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 presented to Dr. J. Darrell Rice, and a copy spread upon the minutes of this meeting.

IN RE: VDOT -- SIX YEAR CONSTRUCTION PROGRAM -- 1997-98  
THROUGH 2002-03

This being the time and place as advertised in the Progress Index Newspaper on November 24, 1996, November 28, 1996, December 1, 1996, December 3, 1996 and in the Dinwiddie Monitor on November 20, 1996 and November 27, 1996 for the Board of Supervisors to conduct a Public Hearing for the revision of the six-year road plan for secondary road improvements -- 1997-98 through 2002-03.

Mr. Ronald H. Reekes, Resident Engineer of the Virginia Department of Transportation, presented the six-year road plan for Dinwiddie County.

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

1. Bill Newton came before the Board and stated that he lives in Virginia Beach but owns property on Route 619. He stated that he saw that it was on the plan to have a section of it repaved and he would like to see it stay on schedule to get completed.

2. Ramon Zitta came before the Board and stated that a portion of his private property was being used for public access. He stated that he lives on Blue Tartan Road and has brought this concern to the Board previously but nothing has been done. He would like to see it added to the State system for them to maintain because the public uses it. He stated that one of the problems in the past was that a portion of a neighbor's property was involved and they were not willing to give a right-of-way. He stated that the owner of the property was now willing.

Ron Reekes, Resident Engineer, came before the Board and stated that he was aware of the problem but had not followed up on it. He assured Mr. Zitta and the Board that he would follow up on the request.

3. Leonard Davis 5004 Olgers Road and Beamon Hayes 5010 Olgers Road submitted the following statement prior to the meeting:

We are not able to attend the hearing on the Secondary Road System Six Year Construction Plan for the years 1997 to 2003. It is our desire to call your attention to our road 632 Olgers Road. We would like very much to have it paved with asphalt. The asphalt will make for a more durable and cleaner surface. The tar and gravel that is being used to maintain the surface is unstable and cause chips and tar damage to our vehicles.

Mrs. Everett stated that she felt that they needed to continue to try to recuperate funds from the State for Archeological digs that the Federal and State government mandates.

Mr. Moody stated that he has never voted for a change of priority because he believes once it has been set it should stay that way.

Mr. Bracey stated that he was concerned about Route 670, Shady Lane, being taken off of the plan some time ago because it met the criteria and is still being left out. He stated that he could not vote for the plan in good conscience. He also stated that he felt that a response should be mailed to the gentlemen on Olgers Road that requested that their Road be paved.

Mr. Reekes stated that his office will respond.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County of Virginia, that the six-year plan for 1997-98 through 2002-03 was approved as presented by the Virginia Department of Transportation.

IN RE: C-96-2 -- CONDITIONAL USE PERMIT SUBMITTED BY JETHRO WILLIAMS TO ESTABLISH A HOME FOR THE AGED AT 7902 DUNCAN RD

This being the time and place as advertised in the Dinwiddie Monitor on November 20, 1996 and November 27, 1996 for the Board of Supervisors to conduct a public hearing to consider a conditional use permit submitted by Jethro Williams to establish a home for the aged on property identified as Tax Map Parcel #34-7 and addressed as 7902 Duncan Road. The property is situated at the intersection of Duncan Road and Merten Lane.

Mr. Scheid came before the Board and stated that Mr. Williams requested that the Board delay the public hearing because he still needs to get together some more information and he also needs to address some of the citizens concerns that were expressed at the Planning Commission meeting. Mr. Scheid stated that he felt that if the Board tabled it for sixty days, that would give Mr. Williams enough time.

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

BE IT RESOLVED By the Board of Supervisors of Dinwiddie County, Virginia, that C-96-2 be tabled for sixty days.

IN RE: P-96-4 -- A REZONING REQUEST TO CHANGE THE DISTRICT CLASSIFICATION FROM RESIDENTIAL, R-1, TO BUSINESS B-2 -  
TONY CHRISTOPHER

---

This being the time and place as advertised in the Dinwiddie Monitor on November 20, 1996 and November 27, 1996 for the Board of Supervisors to conduct a public hearing to consider a rezoning request submitted by Tony C. Christopher seeking to change the district classification of land parcel 20-90A from R-1, Residential, Limited to B-2, Business, General for the purpose of establishing a "towing service".

Mr. William Scheid, Director of Planning, came before the Board and stated that Mr. Christopher owns a towing service and wishes to locate this business on the site under consideration. This property consisting of 1.87 acres and is located on the west side of U.S. Route 1 a few hundred yards south of Guiseppies Pizza. The property is low and flat. It is fairly clear on the front and has standing timber in the rear. Mr. Scheid also stated that the Planning Commission reviewed this application by the applicant on March 9, 1994. The staff report submitted at that time recommended approval of the request. The Planning Commission had several concerns regarding this site and recommended disapproval to the Board.

Mr. Scheid added that the applicant has addressed many of the concerns raised by the Planning Commission during the March 1994 meeting and has voluntarily proffered the following conditions:

1. No structure or parking/loading area will be built within 70 feet of the center line of the highway right-of-way;
2. The office building will be of block construction with a brick facade facing Route 1;
3. The vehicle storage area shall be located behind the main office building and will have a 8' foot high chain link fence which will also provide screening from public view on the north, south and east side;
4. The vehicle storage area will provide storage for approximately 25 vehicles;
5. While a graveled storage area is proposed, the area will be monitored by the Planning Department to insure that there is not an environmental problem arising from fluid leakage;
6. The paved entrance road will be located near the northern most property line adjacent to the property owned by Mr. & Mrs. Goodwyn and there will be paved parking area for a minimum of four (4) vehicles; and
7. There will be no storage of junk vehicles and/or vehicle parts.

The Planning Commission recommended approval with proffers by a 5-2 vote.

Mr. Burgess stated that he felt that the chain link fence which will provide screening from public view needed to be clarified as to how a chain link fence will provide screening.

Mr. Christopher stated that he was thinking of putting the slats inside the chain links.

Mr. Burgess asked if Mr. Christopher would mind adding that to his proffers.

Mr. Christopher then added to his proffers that he would put slats inside the chain links of the fence and then initialed the correction.

EXTRACT

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

No one signed up to speak.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that parcel 20-90A of the Dinwiddie County Zoning Maps, is amended by changing the district classification from R-1, Residential, Limited to B-2, Business, General with the following conditions proffered by the applicant:

1. No structure or parking/loading area will be built within 70 feet of the center line of the highway right-of-way;
2. The office building will be of block construction with a brick facade facing Route 1;
3. The vehicle storage area shall be located behind the main office building and will have a 8' foot high chain link fence with slats, which will also provide screening from public view on the north, south and east side;
4. The vehicle storage area will provide storage for approximately 25 vehicles;
5. While a graveled storage area is proposed, the area will be monitored by the Planning Department to insure that there is not an environmental problem arising from fluid leakage;
6. The paved entrance road will be located near the northern most property line adjacent to the property owned by Mr. & Mrs. Goodwyn and there will be a paved parking area for a minimum of four (4) vehicles; and
7. There will be no storage of junk vehicles and/or vehicle parts.

BE IT FURTHER ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that in order to assure compliance with Virginia Code Section 15.1-491(g), it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice.

In all other respects, said zoning ordinance is hereby reordained.

IN RE: SV-96-2 -- AN APPLICATION FOR STREET VACATION OF APPROXIMATELY 389 FEET OF BROWNWALL ROAD SUBMITTED BY TIMMONS AND ASSOCIATES ON BEHALF OF EAST COAST AND JMC CORPORATION

This being the time and place as advertised in the Progress Index on November 21, 1996 for the Board of Supervisors to conduct a public hearing to consider a request submitted by Timmons and Associates on behalf of the JMC Corp. and East Coast to vacate approximately 389 feet of Brownwall Road (Rt. 671) as measured from the dead end adjacent to Route 460 and running in a north eastern direction toward Route 1. The road is bounded by the properties of JMC Corp. and a small portion of San Martin.

*Extract*  
Mr. Scheid came before the Board and stated that some of the information that Timmons and Associates submitted was false so he requested that the Board go ahead and hold the public hearing but wait to take action until Mr. Scheid could get the corrected information from the applicant.

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

No one signed up to speak.

The Board agreed that they would defer action until January 2, 1996 at 7:30 P.M.

IN RE: A-96-21 -- AN AMENDMENT TO THE ZONING ORDINANCE TO PROVIDE FOR AN ADMINISTRATIVE VARIANCE

This being the time and place as advertised in the Dinwiddie Monitor on November 20, 1996 and November 27, 1996 for the Board of Supervisors to conduct a public hearing to consider an ordinance to amend Section 22-1 of the Dinwiddie County Zoning Ordinance by adding the definition, "variance, administrative".

Mr. Scheid stated that this amendment and the following one go together. They deal with the Zoning Ordinance in matters that are handled by the Board of Zoning Appeals and the Zoning Administrator. The BZA over the last couple years have expressed the desire that on certain items, specifically setbacks, the Zoning Administrator be given some discretion of being allowed to vary some standards without the matters constantly coming to the BZA when common sense would dictate that these matters should allow for a variance. The state code recently has been changed to allow for this. Legal Counsel has reviewed the two proposed ordinances and have found that they are legally acceptable. The Planning Commission voted to approve the amendment on a 7-0 vote.

This first would allow for an administrative variance which simply states: A variance from any building setback requirement which may be granted by the Zoning Administrator.

The second would grant the Zoning Administrator the authority to approve an administrative variance.

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

1. Jeffrey H. Anderson, Susie Drive, Sutherland, VA. He came before the Board and stated that he felt that these requests should continue to go before the BZA. He feels that it gives too much power to the Zoning Administrator.

Mr. Scheid wanted to clarify that these administrative variances are only concerning front, side and rear setbacks, not uses or anything else, strictly setbacks.

Mr. Scheid also wanted to clarify that if there were any concerns raised by the adjacent property owners within 21 days of being notified of the request, it would automatically be brought before the BZA. The Zoning Administrator could only approve an administrative variance if there were no objections.

Mr. Bracey stated that he agreed with Mr. Anderson. He felt that the BZA should continue to hear these requests and the Zoning Administrator not be given that much authority.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that Section 22-1 of Article I in Chapter 22 of the Code of the County of Dinwiddie, Virginia is hereby amended by adding the following:

Variance, Administrative: A variance from any building setback requirement which may be granted by the Zoning Administrator.

This Ordinance shall become effective immediately.

IN RE: A-96-22 -- AN AMENDMENT TO GRANT THE ZONING ADMINISTRATOR THE AUTHORITY TO APPROVE AN ADMINISTRATIVE VARIANCE

This being the time and place as advertised in the Dinwiddie Monitor on November 20, 1996 and November 27, 1996 for the Board of Supervisors to conduct a public hearing to consider an ordinance to amend

EXTRACT

Section 22-43 of the Dinwiddie County Zoning Ordinance, by enacting "Zoning Administrator; authority to grant administrative variances."

Mr. Scheid came before the Board and stated that this would go hand in hand with the amendment that was previously adopted. The Planning Commission voted to approve this amendment on a 7-0 vote.

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

1. Jeffrey H. Anderson, Susie Drive, Sutherland, VA. He came before the Board and stated that he felt what the Board was doing is wrong because it is giving the Zoning Administrator too much power.

2. Wallace Rowland, Butterwood Road, Petersburg, VA. He came before the Board and stated that he does not agree with the proposed amendment because he feels that it gives too much power to one person.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that Section 22-27 of Article III in Chapter 22 of the Code of the County of Dinwiddie, Virginia is hereby amended and reordained by adding the following:

Sec. 22-27 Zoning Administrator; authority to grant administrative variances.

(a) The Zoning Administrator, may grant an administrative variance from any building setback requirement contained in the Zoning Ordinance. If the Zoning Administrator finds in writing:

- (1) That the strict application of the ordinance would produce undue hardship;
- (2) That such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
- (3) That the authorization of such administrative variance will not be substantial detriment to adjacent property and that the character of the zoning district will not be changed by the granting of the administrative variance.

(b) The Zoning Administrator shall give, or require the applicant to give, all adjoining property owners written notice of the application and an opportunity to respond to the request within twenty-one (21) days of the date of written notice.

(c) The "date of written notice" shall be the date the notice is mailed. The notice shall specify that the Zoning Administrator shall act on the administrative variance application after twenty-one (21) days have lapsed from the date of written notice. If such written notice is provided by first class mail, the Zoning Administrator shall make an affidavit that such notice has been sent and shall file such affidavit with the application.

(d) If any adjacent property owner files a written objection to the application within twenty-one (21) days of the date of written notice, the application shall be transferred to the Board of Zoning Appeals for a decision.

(e) The Zoning Administrator shall act on the application only after twenty-one (21) days have lapsed from the date of written notice given to the adjoining property owners.

(f) Appeals shall be accompanied by a certified check for twenty dollars (\$20) payable to the county treasurer. If actual expenses associated with the appeal exceed twenty dollars (\$20), the applicant shall be billed the difference.

December 4, 1996

This Ordinance shall become effective immediately.

THE CHAIRMAN CALLED FOR A FIVE MINUTE RECESS AT 8:55 P.M.

IN RE: A-96-26 -- NEW BUSINESS, PROFESSIONAL AND OCCUPATIONAL  
LICENSE TAX ORDINANCE

This being the time and place as advertised in the Dinwiddie Monitor on November 20, 1996 and November 27, 1996 for the Board of Supervisors to hold a public hearing for the purpose of amending portions of Chapter 13 of the Dinwiddie County Code, specifically Sections 13-1 to 13-54 and 13-85 to 13-182 thereof concerning County license taxes in order to comply with the requirements of the Code of Virginia governing the County's business, professional and occupational license tax and to impose additional license tax filing requirements.

Mr. Paul Jacobson, County Attorney, came before the Board and stated that these amendments are from the General Assembly telling us that our ordinance should contain provisions which say, such and such. Mr. Jacobson stated that the Board should hold their public hearing now and then take action at the December 18th meeting.

Deborah M. Marston, Commissioner of the Revenue, came before the Board and stated that she was satisfied with the changes.

Mr. Bracey asked about the appeals process. He wanted to know if the applicant would know up front the method of the appeals process. He stated that if he disagreed with the Commissioner he may not be told of the appeals process. The applicant should be told up front of the appeals process.

Mrs. Marston stated that if anyone asks what the process is they are told. She also stated that the appeal only comes into play when a person is assessed with a licensing tax as the result of an audit.

Mr. Bracey stated that all he was saying was that he felt that the applicant should be notified of the appeals process on the application.

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

No one signed up to speak.

Mr. Bracey asked legal counsel to see about how they could display the appeals process on the front of the application so the applicant would be aware of it up front.

The Board agreed that they would delay taking any action on the proposed amendment until their December 18, 1996 meeting.

IN RE: USE OF COUNTY BUILDINGS -- POLICY

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the following policy was adopted for the use of county buildings:

1. Authorized Activities - The use of County buildings is restricted to only those activities conducted by a department of County government (to include related federal/state agencies) in order to carry out a primary function of that department.
2. All requests for use of the Pamplin Administration Building should be directed to the Office of the County Administrator.
3. All requests for use of the Social Services Building should be directed to the Office of the County Administrator and coordinated with Mrs. Peggy McElveen, Director.

4. All requests for use of the Health Department facilities should be directed to the Office of the County Administrator and coordinated with Dr. Edwin Brown, Crater Health District.

5. All requests for use of the Clerk's Office should be directed to the Office of the county Administrator and coordinated with Mrs. Annie L. Williams, Clerk.

6. All requests for use of the courthouse should be directed to the Office of the County Administrator and coordinated with the Commonwealth Attorney, the Circuit Court Judge and Clerk of the Circuit Court.

7. All requests for use of the Dinwiddie County Jail should be directed to the Office of the County Administrator and coordinated with Sheriff Sam Shands.

8. The Department conducting the activity will be responsible for opening and closing the meeting room and/or building approved for use. A representative of the department must be present at all times during the activity. The Department will also be responsible for any equipment/materials or rearrangement of furniture and will make sure such equipment/materials are removed (including trash) and/or returned to their original position.

9. All requests for use of rooms and/or buildings shall be submitted on an application furnished by the Office of the County Administrator a minimum of ten (10) working days prior to the date of use.

10. The County Administrator is authorized to grant approval and schedule procedures in accordance with policies established by the Board of Supervisors. The Board of Supervisors reserves the right to deny use of facilities at any time and is the final authority concerning interpretations and modifications of policy, and in rendering decisions.

Mr. Bracey wanted to know why the School Board uses County offices so much. He stated that he feels that they have ample room in their office.

Mrs. Ralph stated that she would send them a copy of the Building Use Policy.

IN RE: AUTHORIZATION FOR CHESDIN ANIMAL HOSPITAL TO HOLD A RABIES CLINIC ON COUNTY PROPERTY

Mr. Charles W. Burgess, Jr., County Administrator, stated that he received a request from Chesdin Animal Hospital to hold Rabies Clinics here in the County of Dinwiddie for 1997. He wanted to know if this was O.K. with the Board.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that Chesdin Animal Hospital is authorized to hold Rabies Clinics in the County of Dinwiddie for 1997.

IN RE: BOARD MEMBER COMMENTS

1. Mrs. Everett stated that she has had some citizens concerned about the open burning that takes place in residential areas. They are concerned about the smoke and the various other health hazards that come from open burning. She advised the citizens that she would bring their concerns before the Board but did not feel that there would be a great deal of support.

2. Mr. Bracey stated that he has gotten a complaint from a citizen that they have a one acre lot that they can not build on because the Health Department says that it is not suitable for a septic system. Mr. Bracey wanted to know what good that land was to the person and why are they paying the same tax rate as everyone else in the County. He also wanted to know where could a citizen go to get a tax reduction if they

December 4, 1996

have a two acre lot and the County says that it is not enough acreage to build on.

Mrs. Marston came before the Board and stated that if a citizen is denied by the Health Department they are given documentation that states such and they can bring their concern to the Board of Equalization when they convene and they will get a reduction.

Mr. Bracey stated that he was concerned because how were citizens to know this. He feels that the communication lines should be more open.

Mr. Bracey stated that he is still waiting for a copy of the groundskeeper's application.

Mrs. Ralph stated that she was informed that they could have a copy but does not have one yet. She stated that she would follow up on it.

Mr. Bracey wanted to know if the contract has been signed yet for the School Construction.

Mrs. Ralph stated that she was not sure but she did not think so.

Mr. Bracey stated that since it was budget time he felt that the County should solicit bids for Legal Counsel services. The Board a few months ago went out a few months ago and solicited bids for vehicle maintenance and he proposed that they do the same for Legal Counsel services.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Bracey, seconded by Mrs. Everett, Mrs. Everett, Mr. Bracey, 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) 5-Discussion concerning a prospective business or industry; the Board moved into Executive Session at 9:40 P.M. A vote having been made and approved the meeting reconvened into Open Session at 10:15 P.M.

IN RE: CERTIFICATION

Upon motion Mr. Bracey, seconded by Mrs. Everett, Mrs. Everett, Mr. Bracey, 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 EXECUTE PERFORMANCE AGREEMENT & SUPPLEMENTAL AGREEMENT -- NIPPON WIPER BLADE "NWB"

Upon motion of Mr. Moody, seconded by Mr. Bracey, Mrs. Everett, Mr. Bracey, 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 sign the Performance Agreement and Supplemental Agreement between the County of Dinwiddie and NWB USA, Inc., subject to review by the County Attorney.

Extract

IN RE: AUTHORIZATION FOR CHAIRMAN TO NOTIFY IDA THAT THEY ARE  
NOT RESPONSIBLE FOR ANY LIABILITIES/EXPENSES INCURRED BY  
NIPPON WIPER BLADE, INC. "NWB" PROJECT

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County,  
Virginia, that the Chairman is authorized to send a letter to the Chairman  
of the Industrial Development Authority "IDA" stating that the Board of  
Supervisors does not hold the IDA responsible for any liabilities/expenses  
incurred with the Nippon Wiper Blade, Ltd. Project.

IN RE: ADJOURNMENT

Upon motion of Mr. Bracey, seconded by Mr. Moody, Mrs. Everett,  
Mr. Bracey, Mr. Moody, Mr. Clay voting "aye", the meeting adjourned at  
10:30 P.M.

*Aubrey S. Clay*  
Aubrey S. Clay  
Chair, Board of Supervisors

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

/rlm

