

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
JUNE, 1997, AT 7:30 P.M.

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

BEN EMERSON COUNTY ATTORNEY

IN RE: AMENDMENTS TO AGENDA

Mr. Harrison Moody, Chairman, asked if there were any amendments to the agenda from the Board or Staff. There were no amendments requested.

IN RE: MINUTES

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

BE IT RESOLVED by the Board Of Supervisors of Dinwiddie County, Virginia, that the minutes of the May 21, 1997 Regular Meeting and the May 22, 1997 Continuation Meeting are hereby approved in their entirety.

IN RE: CLAIMS

Mrs. Wendy Weber Ralph, Interim County Administrator, reported that the Airport Authority had a request against the May 22, 1996, promissory note included in the claims.

Mrs. Pamela A. Mann, Administrative Secretary, reported that there was a typographic error on the cover page, under Payroll E911 Fund should read Block (CDBG) Grant Fund.

Upon motion of Mr. Clay, seconded by Mr. Tickle, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody 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 #1005990 - #1006176 (void checks 1005990 - 1006086); for Accounts Payable in the amount of \$435,697.93; General Fund \$142,114.12, Jail Commission \$658.80, E911 Fund \$145.32, Payroll General Fund \$292370.11 and CDBG Grant Fund \$408.58.

IN RE: APPROVAL OF REQUISITION #24 -- COURTHOUSE CONSTRUCTION

Mrs. Wendy Weber Ralph, Interim County Administrator, stated that Requisition #24 for the Courthouse consists of payments to:

Gulf Seaboard General Contractors Inc	\$299,120.80
ECS, Inc.	\$ 2,242.15
Richmond Times Dispatch	\$ 405.72
Total	\$301,768.67

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that Requisition #24 in the amount of \$301,768.67 be approved and funds appropriated for CIP expenses for the Courthouse Project Fund.

IN RE: CITIZEN COMMENTS

The following persons addressed the Board:

1. Ms. Kitty Vaughan, 5106 Sterling Road, came before the Board to address the issue of senior citizens in Dinwiddie County. She stated

that the picnic which was sponsored by the Dinwiddie Parks and Recreation was very much enjoyed by the sixty (60) some seniors that attended, however there needs to be more activities for the seniors. She also requested a building or room for the seniors to meet and store their equipment in.

Mr. Bracey stated that at the last retreat the Board had discussed trying to obtain a grant in order to provide the space needed for the seniors.

2. Ms. Rose Stevens, 4519 Brickwood Meadow Court, Petersburg, Virginia, came before the Board to speak against a group home being placed in the Brickwood subdivision. She felt that a group home should not be placed in a residential area.

Mr. Moody, Chairman, requested that Mr. Guy Scheid, Director of Planning, come forth and give us a background as to why this is being allowed in a residential section.

Mr. Scheid stated that this matter had been in front of the Planning Commission for the past couple of months. What has occurred is that a zoning application was filed by an individual, Mrs. Marshall, where she was proposing to have a group home, for certain individuals locate in a residential R-1 area. R-1 is our most sensitive zoning district. In this particular case it was Brickwood Subdivision. It was our understanding that a group home was not permitted in this district because we do not have a group home defined per zoning code. In exploring this matter it was brought to our attention that there is a section of the State Code that deals with group homes. There is a specific statement that says certain groups of people are covered under this definition of state law and that state law supersedes any local ordinance. Any place where a single family home is permitted you must allow this group home. A group home is defined as follows - For the purpose of locally adopted zoning ordinance a residential facility in which no more than eight (8) mentally ill, mentally retarded or developmentally disabled persons reside with one or more resident counselors or other staff persons shall be considered for all purposes residential occupancy by a single family. We have discussed this matter with our attorney and had reviewed this matter when Mrs. Marshall came and applied for her zoning permit. She used the phrase group care or group home for mentally handicapped adolescents which appears to come under the umbrella of the state definition of a group home. Since the State Code supersedes our zoning ordinance we had to issue the zoning permit. She has since applied for a building permit. I have told her we will comply with State Code but if it is determined that her proposed use is not covered under state definition we would most definitely be opposed to the facility being located in an R-1 area. I am going to follow up with a letter to the State Social Services Division of Licenses to that effect. Where we stand right now is that the zoning permit was issued. The County Attorney and I feel that it was issued in compliance with the State Code and we feel that the Board really has no recourse. But if citizens believe they are an aggrieved party, they do have the right to challenge the decision made by the zoning administrator. They can appeal to the Board of Zoning Appeals. The State Code also states that there is appeal time in which this appeal must be filed. It must be done within thirty (30) days of the official notification that such zoning permit has been issued. After talking with legal counsel we are setting this evening, June 4, 1997, as the official notification date. The reason that we are publicly setting this date stems from the fact that we can not identify any and/or all aggrieved parties. Normally a person appeals from the position of the zoning administrator, if they are the ones that have applied for the zoning permit. Therefore you can target a specific individual, give them written notice, and say that you have thirty (30) days to appeal. We discussed this earlier in the day and have decided that that thirty (30) day appeal period will start from today. Anybody who feels that they are aggrieved can pick up an application in the office, file, and go to the Board of Zoning Appeals who will then set a date, time, and place for a public hearing.

Mr. Moody stated that the Board of Supervisors is not crazy about allowing this in an R-1 district but State Law mandates that we have no choice. Unless the Law is changed by talking to the State

Representatives, there is not a lot that we can do by the interpretation that our lawyers have given us. This is where the Board of Supervisors stands at this point.

IN RE: COUNTY ADMINISTRATOR COMMENTS - TELEPHONE EASEMENT

Mrs. Wendy Weber Ralph, Interim County Administrator, stated that she had a request for an easement to bury a telephone cable to provide telecommunications service to the new Courthouse. Cable would be installed by boring under Edsel Lane from Utility Pole number three (3) to County property. From that point, the cable would be buried along Edsel Lane until it meets the conduit run that the County has provided from the new Courthouse.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the Chairman be authorized to sign the easement agreement with Bell Atlantic - Virginia, Inc. to supply new underground service to the Courthouse Project.

IN RE: COUNTY ADMINISTRATOR COMMENTS - WIND BENEATH MY WINGS PROGRAM

Mrs. Ralph stated that the Board had before them a request from an organization, called Wind Beneath My Wings Program, that is planning a JAZZ FEST June 14 - 15, 1997 for a proclamation from the Board.

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

Designating June 14 and 15, 1997
Wind Beneath My Wings Youth & Family Services Celebration
in Dinwiddie County, Virginia

WHEREAS, the Wind Beneath My Wings Productions Youth & Family Services Program's vision is to be a leader in prevention and development programs for children and adults; and

WHEREAS, the Wind Beneath My Wings Productions Youth & Family Services Program nurtures the healthy development of children, strengthens families, builds character, and helps communities become healthier and safer; and

WHEREAS, the Wind Beneath My Wings Productions Youth & Family Services Program helps people of all ages, incomes, races, religions, and abilities lead healthier lives; and

WHEREAS, at the Wind Beneath My Wings Productions Youth & Family Services Program, there is a sense of belonging and everyone can succeed.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, proclaim June 14 & 15, 1997 as Wind Beneath My Wings Youth & Family Services Programs' Celebration and urge all citizens of our community to acknowledge that our efforts can be a positive contribution in encouraging our youth and parents to develop their inner potentials and move toward excellence within their individual; family and community lives.

Mr. Edward Bracey stated that he would attend the opening ceremonies to represent the County of Dinwiddie.

IN RE: COUNTY ADMINISTRATOR COMMENTS - VIRGINIA MOTORSPORTS PARK -
THANK YOU LETTER REQUEST

Mrs. Wendy Ralph stated that the Board had received a letter from Virginia Motorsports Park recognizing the importance of the Virginia State Police and Virginia Department of Transportation in making their National event, held in April, a success. They are asking that the Board agree to write a letter of appreciation to Colonel Wayne Huggins who is head of the

State Police and First Sergeant James Onley, as well as Mrs. Connie Sorrell and Mr. Ronald Reekes with the Virginia Department of Transportation.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that letters of appreciation be sent to Colonel Wayne Huggins, First Sergeant James Onley, of the Virginia State Police and Mrs. Connie Sorrell and Mr. Ronald Reekes of the Virginia Department of Transportation for their Department's contributions to making Virginia Motorsports Park National event in April 1997 a success.

IN RE: COUNTY ADMINISTRATOR COMMENTS - FURNITURE PROPOSAL -
JUVENILE DOMESTIC RELATIONS COURT

Mrs. Wendy Ralph stated that there was an item left off the original furniture proposal that went in for the desk units in the new Courthouse. It is for a Herman Miller Workstation for the Juvenile Domestic Relations Court Clerk and the Judge has requested that it be added into that furniture purchase. The Workstation will be \$3,875.52. This includes all the electrical connections and everything that goes with it. They ask that this be added to the bid at this time.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that an additional Herman Miller Workstation for the Juvenile Domestic Relations Court Clerk be added to the furniture bid at a cost of \$3,875.52.

IN RE: COUNTY ADMINISTRATOR COMMENTS - LANDFILL - STEAM CLEANER

Mrs. Wendy Ralph stated one additional item that she had was that the Board had before them a request from the Landfill - Department of Waste Management. As they were all aware, they use a steam cleaner to clean the trucks. They try to clean them on a daily basis. The steam cleaner that they have been using - they have been trying to repair and keep running, and the cost now to get it back running will be somewhere around \$750.00. They have checked on the price of a new piece of equipment. You have those bids in front of you, \$2,743.00 is the low bid. This is a machine like they now have. They feel that they have had very good service from that machine. The bids received are as follows:

Cleaning Equipment & Repair	\$2,743.00
Cleaning Systems Inc.	3,310.75
Power Clean Inc.	3,350.00

Mrs. Ralph stated that if they use the old machine for a trade-in, that the cost of \$2,743.00 may come down. I am bringing this to you tonight because now they are using only cold water and it is not doing a very good job.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that funds be appropriated to purchase a new steam cleaner for the Landfill - Department of Waste Management - using the low bid of \$2,743.00 from Cleaning Equipment and Repair.

IN RE: COUNTY ADMINISTRATOR COMMENTS - FINGERPRINTING APPLICANTS
FOR CONCEALED HANDGUN PERMITS

Mrs. Ralph stated that a piece of information had been mailed to them letting them know about the proposal of fingerprinting applicants for concealed handgun permits. I have passed this information along to the Commonwealth Attorney for his comments. Basically what this does is requires fingerprinting for applicants that want handgun permits. The Commonwealth Attorney stated that it would appear that we need an adoption

to get FBI checks after July 1, 1997. My question is would you like to have an ordinance drafted to have it in place by the deadline. This is not an acceptance of the ordinance; it is just a draft in order that you can hold a public hearing to have it ready to put in place if you so desire.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for the County Attorney to draft an ordinance to allow fingerprinting of applicants for concealed handgun permits.

IN RE: COUNTY ADMINISTRATOR COMMENTS - SELECTIVE COMPARATIVE INFORMATION REPORT FROM THE PREVIOUS AUDITOR

Mrs. Ralph stated that her last item was a selective comparative information report from the previous auditor. This is audited financial statements from various local governments for the year that ended June 30, 1996. What he did was take various categories and compare some localities around the state and I think that you will find this very helpful.

IN RE: BOARD COMMENTS - REIMBURSEMENT IRA FUNDS

Mr. Moody stated the County Board of Supervisors of Nottoway County has asked all the members of the other jurisdictions that were on the IRA (Local Reuse Authority) if they would like to be reimbursed for the funds that we donated during the past couple of years. He stated he has been on that committee and served on it; the Plan is about to be approved. The Planning IRA is about to be done away with and a new Implementing IRA will be formed from the Nottoway Board of Supervisors. He felt that it would be prudent to ask for the money back. He thought it was approximately \$2,750.00 for the IRA contribution and \$5,000.00 for the first contribution. He recommended that the Board ask for all contributions to be refunded.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that a request be made to the Local Reuse Authority for the \$2,750.00 IRA contribution and the \$5,000.00 initial investment for the reimbursement of all money.

IN RE: BOARD MEMBER COMMENTS

Mr. Moody then asked for Board member comments:

Mrs. LeeNora Everett, District # 3, stated that one month ago Mr. Mike Hill, Superintendent of Petersburg National Battlefield, came before the Board and asked us to explore a partnership agreement on use of the old Courthouse. She gave an informative preliminary report on the investigating and progress she is making on this project. The three main issues were preservation - education - economic benefits.

Mrs. Betty Bowen, President of the Dinwiddie County Historical Society came before the Board stating that there was no partnership between the County, Petersburg National Battlefield and the Historical Society. She was very upset about the implication that one existed. She stated that preservation and education are goals of the Historical Society and that they would very much like to be a part of the committee; however, she was not authorized to give any concrete comments at this time.

Mr. Michael Tickle, District # 2, was upset with the information in the Selective Audit Report - page 6 - 7 & 8. He noticed that the comparisons on School Contributions seemed out of line. He asked Mrs. Ralph to clarify those figures.

Mr. Edward Bracey, District # 4, asked that information request forms be given to Mrs. Dorothy Roney. These were passed out to her at that time.

Mr. Aubrey Clay, District # 5, stated he had no comments at this time.

Mr. Harrison Moody, District #1, also had no comments.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye", pursuant to the Virginia Freedom of Information Act, Section 2.1-344 (a) 5 - Discussion concerning a prospective business or industry where no previous announcement has been made. The Board moved into Executive Session at 8:40 P.M. A vote having been made and approved, the meeting reconvened into Open session at 10:07 P.M.

IN RE: CERTIFICATION

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

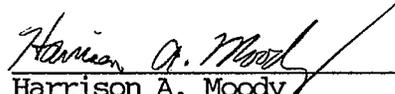
WHEREAS, the Board of Supervisors of Dinwiddie County convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

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 requirements by Virginia law were discussed in the executive session to which this certification resolution applies; and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board of Supervisors of Dinwiddie County, Virginia.

IN RE: ADJOURNMENT

Upon motion of Mr. Clay, seconded by Mrs. Everett, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye", the meeting adjourned at 10:09 P.M. to be continued until Friday, June 6, 1997 at 5:30 P.M. for an Executive Session to discuss Personnel matters at Kings Barbecue Restaurant #1.



Harrison A. Moody
Chair, Board of Supervisors

ATTEST: 
Wendy Weber Ralph
Interim County Administrator

/pam