

VIRGINIA: AT THE CONTINUATION MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD AT THE NOTTOWAY RESTAURANT, MCKENNEY, VIRGINIA, ON THE 1<sup>ST</sup> DAY OF SEPTEMBER, 1999, AT 5:00 P.M.

PRESENT: LEENORA V. EVERETT, CHAIRMAN ELECTION DISTRICT #3  
AUBREY S. CLAY, VICE-CHAIRMAN ELECTION DISTRICT #5  
DONALD L. HARAWAY ELECTION DISTRICT #2  
HARRISON A. MOODY ELECTION DISTRICT #1

ABSENT: EDWARD A. BRACEY, JR. ELECTION DISTRICT #4

OTHER: BEN EMERSON COUNTY ATTORNEY

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**IN RE: CALL TO ORDER**

Ms. LeeNora V. Everett, Chairman, called the continuation meeting to order at 5:20 P.M.

**IN RE: CLOSED SESSION**

Mr. Moody moved that the Board now move into a closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act:

1. The purpose of the closed meeting is to discuss subject matters identified as Personnel and Consultation with Legal Counsel. Matters to include Public Safety; and discussion of contractual obligations.

- **Personnel Matters, Section 2.1- 344A.1 of the Code of Virginia,**  
(candidates for employment OR the assignment, appointment, promotion, performance, demotion, discipline, salaries, compensation, resignation of employees)
- **Consultation with legal counsel, § 2.1 – 344 A. 7 of the Code of Virginia,**  
(Consultation with legal counsel and briefings by staff members and consultants about actual or probable and public discussion would adversely affect the negotiating or litigating posture of the County – OR – consultation with legal counsel regarding specific legal matters that require legal advice.)

Mr. Haraway seconded the motion. Mr. Moody, Mr. Haraway, Mr. Clay, Mrs. Everett voting "aye" the Board moved into the Closed Meeting at 5:20 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 7:30 P.M.

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**IN RE: CERTIFICATION**

**Whereas,** this Board convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Personnel and Investment of Public Funds for the purpose of Administration; Public Safety; Fire Stations and Schools in accordance with Section 2.1-344 A.1 and Section 2.1-344 A.6 of the Virginia Freedom of Information Act;

**Whereas,** Section 2.1-344.1 of the Code of Virginia requires a certification by the board that such closed meeting was conducted in conformity with Virginia law;



Now, therefore be it resolved that the board hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies; and (2) on such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

Upon Motion of Mr. Moody, Seconded by Mr. Haraway, Mr. Moody, Mr. Haraway, Mr. Clay, Mrs. Everett Voting "Aye". This Certification Resolution was adopted.

**IN RE:                      ADJOURNMENT**

Upon motion of Mr. Moody, seconded by Mr. Clay, Mr. Moody, Mr. Clay, Mr. Haraway, Mrs. Everett voting "aye", the meeting adjourned at 7:31 P.M.

  
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Lee Nora V. Everett  
Chairman

  
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R. Martin Long  
County Administrator

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VIRGINIA: AT THE REGULAR MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 1<sup>ST</sup> DAY OF SEPTEMBER, 1999, AT 7:30 P.M.

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

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**IN RE: INVOCATION – PLEDGE OF ALLEGIANCE – AND CALL TO ORDER**

Mrs. LeeNora V. Everett, Chairman, called the regular meeting to order at 7:32 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

**IN RE: CHAIRMAN – OPENING REMARKS**

Mrs. Everett stated it was wonderful to see so many people in attendance. She also asked if there were any citizens present wishing to address the Board to please sign up in the rear of the room.

**IN RE: AMENDMENTS TO THE AGENDA**

Mrs. Everett asked if there were any amendments to the agenda.

Mr. R. Martin Long, County Administrator, stated the Board needed a Closed Session for the purpose of Personnel for Building Inspection. He requested this be added as Item 13 on the Agenda.

Upon Motion of Mr. Moody, Seconded by Mr. Haraway, Mr. Moody, Mr. Haraway, Mr. Clay, Mrs. Everett voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the above referenced Agenda change is hereby accepted.

**IN RE: MINUTES**

Mrs. Everett stated that on page 2 of the August 17, 1999 continuation meeting there needed to be a clarification regarding the location of the maintenance building. She asked that the location of the School Bus Garage property be stipulated.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes of the August 17, 1999 Continuation meeting and the August 18, 1999 Regular meeting are hereby approved with corrections noted.

**IN RE: CLAIMS**

Upon Motion of Mr. Clay, Seconded by Mr. Haraway, Mr. Moody, Mr. Haraway, Mr. Clay, Mrs. Everett 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 numbered 1016575 through 1016774 (void check(s) numbered 1016575 and 1016666); for

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**Accounts Payable:**

(101) General Fund	\$ 121,847.06
(103) Jail Commission	\$ .00
(104) Marketing Fund	\$ .00
(222) E911 Fund	\$ 31,312.20
(223) Self Insurance Fund	\$ 895.10
(225) Courthouse Maintenance	\$ .00
(226) Law Library	\$ .00
(228) Fire Programs & EMS	\$ .00
(229) Forfeited Asset Sharing	\$ 497.75
(304) CDBG Grant Fund	\$ 349.19
(305) Capital Projects Fund	\$ 38,915.54
(401) County Debt Service	\$ .00
<b>TOTAL</b>	<b>\$193,816.84</b>

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**PAYROLL (August 31, 1999)**

General Fund	\$ 337,993.67
E911 Fund	\$ .00
CDBG Fund	\$ 2,840.48
<b>TOTAL</b>	<b>\$ 340,834.15</b>

**IN RE: CITIZEN COMMENTS**

Mrs. Everett asked if there were any citizens signed up to speak.

Mrs. Pamla A. Mann, Administrative Secretary, stated no citizens had signed up to speak.

**IN RE: RECOGNITION OF MAJOR LEAGUE ALL STAR TERM**

Mr. Long stated that we had some special invited guests present this evening. The Major League All Star Team and Babe Ruth All-Star Team both were invited to be recognized this evening for their achievements this year in the State competition. The Major League placing 2<sup>ND</sup> in the State and the Babe Ruth team placing 4<sup>TH</sup> in the State. He then turned the meeting over to Mrs. Everett, Chairman of the Board and Mr. Clay, Vice-Chairman of the Board.

Mrs. Everett stated she would be announcing and Mr. Clay would be presenting the certificates. The team rosters are as follows:

**DINWIDDIE MAJOR NATIONAL ALL STARS 1999**

AARON MORGAN  
C.C. WINFIELD

CALVIN ROSE  
CARDARYL ROSE  
CHRIS GUPTON  
CLINT BUYALOS  
DAVID BROWN  
JASON JENNINGS  
JWUAN THOMAS  
KEVIN ROBERTS  
MICHAEL WILLIAMSON  
PATRICK MAYHEW  
WILLIAM PHIPPS

**COACHES**

KEVIN WOODLIEF  
BILL MORGAN  
CARL THOMAS  
JERRY JENNINGS

**DINWIDDIE BABE RUTH LEAGUE ALL STARS**

GRANT BARNES  
JACSON BURTON  
DAVID CHAPPELL  
RYAN CRABTREE  
CHRIS EDMUNDS  
JEREMY EDMUNDS  
ERIC FORBES  
NATHAN KISSNER  
FORREST OLGERS  
STEVE PERKINSON  
MATT ROSSON  
ERIC SCHMIDT  
DUSTIN SLOAN  
JIMMY STIDHAM

**COACHES AND MANAGER**

TOMMY EDMUNDS, COACH  
CURTIS BARNES, COACH  
JOHN CHAPPELL, MANAGER

Mrs. Everett stated the Board was very proud of all the players and coaches. She further stated she knew they had put in a lot of time and dedication and they had done the County proud and themselves also. She stated it was good coaching and good playing and thanked them for coming.

**IN RE: PUBLIC HEARING – A-99-12 – AMENDMENTS TO  
SECTIONS 14-3 AND 14-4 OF THE CODE OF THE  
COUNTY OF DINWIDDIE**

This being the time and place as advertised in the Dinwiddie Monitor on August 18, 1999, and August 25, 1999 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing for A-99-12 on the proposed amendments to Section 14-3 and 14-4 of the Code of the County of Dinwiddie (To Incorporate Provisions of State Law Related to the Control of Traffic and to Driving under the Influence of Alcohol or Other Intoxicants) to effectively incorporate by reference Code of Virginia, Article 2 (Section 18.2-266 *et seq.*) of

Chapter 7, Title 18.2, and certain provisions and requirements of the laws of the Commonwealth contained in Title 46.2.

Mr. Long stated this is the amendment to the County Code to adopt changes in State Law that Mr. T. O. Rainey, III, Commonwealth Attorney, had spoken to the Board about at a prior meeting. He stated it is a formality at this point to adopt it to bring into the County's Law related to control of traffic and to driving under the influence of alcohol or other intoxicants. Section 18.2-266 and those that follow.

Mrs. Everett stated this is a Public Hearing and opened the Public Hearing on A-99-12. There being no citizens present wishing to speak she closed the Public Hearing.

Mr. Moody asked if doing this would mean that the County would get the fines?

Mr. Ben Emerson, County Attorney, stated the County takes this action every year to incorporate any changes that may have incurred in basically the criminal sections of the Code into the County ordinances so that all fines come to the County opposed to the State.

Upon Motion of Mr. Moody, Seconded by Mr. Clay, Mr. Moody, Mr. Haraway, Mr. Clay, Mrs. Everett voting "Aye",

**WHEREAS**, Section 46.2-1313 of the Code of Virginia 1950, as amended, authorizes the incorporation of provisions of state law into local ordinances; and

**WHEREAS**, the Board of Supervisors of the County of Dinwiddie deems it in the best interest of the County to effectively incorporate such provisions of state law into Dinwiddie County Code Sections 14-3 and 14-4 to reflect the County's adoption of such statutes;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Supervisors of the County of Dinwiddie, Virginia, that Sections 14-3 and 14-4 of the Dinwiddie County Code should be amended as follows:

**Section 14-3 Adoption of state law as to motor vehicles and traffic and driving under the influence of alcohol or drugs.**

- (a) Pursuant to the authority of Section 46.2-1313 of the Code of Virginia, all of the provisions and requirements of the laws of the Commonwealth contained in Title 46.2 and in Article 2 (Section 18.2-266 *et seq.*) of Chapter 7, Title 18.2 of the Code of Virginia, as amended, except those provisions and requirements which, by their nature, can have no application to or incorporated, are hereby adopted and incorporated mutatis mutandis in this Ordinance by reference and made a part of this Chapter as fully as though set out herein and are herein and hereby applicable within Dinwiddie County.
- (b) Reference to "highways of the state" contained in such provisions and requirements adopted by this Section shall be deemed to refer to the streets, highways, and other public ways within the County.
- (c) The provisions and requirements referred to in subsection (a) of this Section are hereby adopted, mutatis mutandis, and made a part of this Section as fully as though set forth at length herein, and it shall be unlawful for any person within the County to violate, or fail, neglect, or refuse to comply with, any such provision or requirement; provided,

however, that, in no event penalty imposed for a similar offense under the state law hereby adopted.

**Section 14-4. Adoption of state law as to the operation of motor vehicles.**

Pursuant to the authority of Section 46.2-1313 of the Code of Virginia, the following provision and requirement of Title 46.2 of the Code of Virginia, as amended, are hereby adopted and made a part of this chapter as fully as though set out therein and are hereby applicable within Dinwiddie County: Sections 46.2-110, 46.2-341.1 to 341.34, 46.2-330 to 46.2-302 and 46.2-800 through 46.2-946.

**This Ordinance shall become effective immediately.**

**IN RE: PUBLIC HEARING – BUDGET AMENDMENT FY 99-2000**

This being the time and place as advertised in the Dinwiddie Monitor on August 25, 1999, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing regarding the Board of Supervisors' intent to amend the County's fiscal year 1999-2000 budget to appropriate \$2,000,000 in Capital Reserve Fund monies to finance construction of the Dinwiddie Volunteer Fire Department and McKenney Volunteer Fire Department buildings. These funds will be transferred to the Capital Projects Fund (Fund 305) as requisitions are approved by the Board of Supervisors.

Mrs. Wendy Weber Ralph, Assistant County Administrator, came forward stating in April of 1996, when the County received the one-time windfall for twice a year billing, the Board established a Debt Service Fund (referred to as a Capital Reserve Fund) into which we placed approximately \$4.2 Million designed to earn interest to make debt service payments on the new courthouse.

She continued that with the additional increase in the undesignated fund balance for that year the Board transferred an additional \$2 Million to this fund with the adoption of the 97-98 budget. When the audit was received for FY97, an additional \$1 Million was added from undesignated funds making a total of \$7.2 Million. With the fund earning interest, the present balance is approximately \$8 Million.

Mrs. Ralph explained that after reviewing the options of borrowing money to finance the two (2) new fire departments vs. paying cash, it was their recommendation that the Board designate up to \$2 Million from the Debt Service Fund (referred to as a Capital Reserve Fund) to pay for the Dinwiddie Volunteer Fire Department and McKenney Volunteer Fire Department buildings. This would eliminate the additional financing and interest costs associated with borrowing the money and will not substantially decrease the earnings from the fund.

Mrs. Ralph concluded that this is a Public Hearing to receive input on amending the 1999-2000 budget accordingly.

Mrs. Everett opened the Public Hearing. There being no citizens present wishing to speak she closed the Public Hearing.

Mrs. Everett asked the Board for comments.

Mr. Clay stated he felt this was a good idea since the County has the money to go ahead and pay for it rather than floating another bond issue or whatever.

Mrs. Everett asked Mr. Clay if that was a Motion.

Upon Motion of Mr. Clay, Seconded by Mr. Moody, Mr. Moody, Mr. Haraway, Mr. Clay, Mrs. Everett voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Fiscal Budget for the Year 1999-2000 is hereby amended and funds appropriated in the amount of \$2,000,000 from the Capital Reserve Fund to finance construction of the Dinwiddie Volunteer Fire Department and McKenney Volunteer Fire Department buildings. These funds will be transferred to the Capital Projects Fund (Fund 305) as requisitions are approved by the Board of Supervisors.

**IN RE: SCHOOL BOARD MEMBER INTRODUCTION**

Mrs. Everett stated Ms. Maggie Greene was present tonight. Ms. Greene is the District 3 representative on the Dinwiddie County School Board and filling out the term of Mr. Greg Davis who resigned earlier this year. Ms. Everett asked Ms. Greene if she would like to make any comments to the Board?

Ms. Greene stated she did not but thanked the Board for recognizing her presence.

**IN RE: COUNTY ADMINISTRATOR COMMENTS -- PROPOSED LEGISLATION -- MEALS TAX**

Mr. Long stated he had placed a memorandum in the Boards' packets from the Crater Planning District Commission regarding meals tax changes that will cause definite loss of revenue to the localities. He wanted the Board to be aware of this proposed legislation. The two-(2) bills being addressed are SB 968 and HB 1601. This was placed in the packet in order that you as an individual or we as a Board may have time to voice our concerns regarding this issue.

**IN RE: COUNTY ADMINISTRATION COMMENTS -- TRAVEL AUTHORIZATION REQUEST FORM**

Mr. Long continued that he had also enclosed a draft of a travel authorization request form that had been discussed several meetings ago.

There was discussion regarding the advancement of funds to employees in the event they were unable to withstand the cost of the event. It was stated this was not something the County does on a regular basis; however, this is not set in stone and policy can be written as the Board directs.

There was also discussion regarding narrative comments, which should accompany the form.

It was decided to work on drafting the narrative comments and then bring the entire package back to the Board for approval.

**IN RE: DISTRICT 19 COMMUNITY SERVICES BOARD -- PERFORMANCE CONTRACT**

Mr. Long stated as the Board might recall, last year, he believed it was the first time, the Board was asked to approve the annual performance contract for District 19. This was when it became a State Policy. At that time legal counsel reviewed and approved the document. He had the FY 2000 performance contract and Mr. Joseph E. Hubbard, Executive Director, has requested the Board approve the document. It is the same as last year and to his knowledge it is a formality since nothing has changed in it. He did not enclose the document due to its length.

Upon Motion of Mr. Haraway, Seconded by Mr. Clay, Mr. Moody, Mr. Haraway, Mr. Clay, Mrs. Everett voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that pursuant to the requirements of Virginia Code Section 37.1-198 the FY 2000 Community Services Board Performance Contract, in the form attached to the letter from Joseph E. Hubbard, Executive Director of the District 19 Community Services Board be approved.

**IN RE: APPOINTMENTS**

Mrs. Mann asked the Board to note the upcoming appointments. There are two (2) appointments to ABIDCO which are due by September 30, 1999. One position is at large and one position is a Board appointment.

Mrs. Mann also stated there had been a resignation from the Appomattox Regional Library Board, which will need to be advertised and filled.

Mrs. Ralph stated she would like the Board to think about a new way of advertising these appointments. She stated some localities advertise once a year listing all appointments that will be due during that year.

The Board stated they would like to have this concept brought back to them later in the year.

**IN RE: BOARD MEMBER COMMENTS**

Mr. Clay He stated he had no comments.

Mr. Moody He stated he would like to know the status of the Ford Volunteer Fire Department drainage problem.

**IN RE: FORD VOLUNTEER FIRE DEPARTMENT DRAINAGE PROBLEM**

After discussion it was decided staff should move forward with obtaining bids to remedy the situation.

Upon Motion of Mr. Moody, Seconded by Mr. Haraway, Mr. Moody, Mr. Haraway, Mr. Clay, Mrs. Everett voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that staff is authorized to move forward with obtaining bids on the drainage problem at Ford Volunteer Fire Department.

**IN RE: BOARD MEMBER COMMENTS**

Mr. Haraway He stated he did not have any comments.

Mrs. Everett

She stated a speed study would be conducted on Route 460 between Route 1 and Route 226.

She reported there would be a change in command at Fort Lee on September 15<sup>th</sup> at 9:00 A.M. Major General David Brown will be leaving and Major General Billy Soloman will be the new commander.

She reported on her visit to the Madeline House located at Fort Pickett. She stated it was a much-needed facility and she is pleased to have it located in our area. This safe house is a part of the Center for Violence Prevention and Ms. Linda Lewis is the Director of the new facility.

**IN RE: CLOSED SESSION**

Mr. Clay moved that the Board now move into a closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act:

**1. The purpose of the closed meeting is to discuss subject matters identified as Personnel. Matters to include: Building Inspection.**

- Personnel Matters, Section 2.1 - 344A.1 of the Code of Virginia, (candidates for employment OR the assignment, appointment, promotion, performance, demotion, discipline, salaries, compensation, resignation of employees)

Mr. Haraway seconded the motion. Mr. Moody, Mr. Haraway, Mr. Clay, Mrs. Everett voting "aye" the Board moved into the Closed Meeting at 8:13 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 8:30 P.M.

**IN RE: CERTIFICATION**

**Whereas**, this Board convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Personnel and Investment of Public Funds for the purpose of Administration; Public Safety; Fire Stations and Schools in accordance with Section 2.1-344 A.1 and Section 2.1-344 A.6 of the Virginia Freedom of Information Act;

**Whereas**, Section 2.1-344.1 of the Code of Virginia requires a certification by the board that such closed meeting was conducted in conformity with Virginia law;

**Now, therefore be it resolved** that the board hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies; and (2) on such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

Upon Motion of Mr. Moody, Seconded by Mr. Clay, Mr. Moody, Mr. Haraway, Mr. Clay, Mrs. Everett Voting "Aye". This Certification Resolution was adopted.

**RE: ADJOURNMENT**

Upon Motion of Mr. Clay, Seconded by Mr. Moody, Mrs. Everett asked if there was a consensus for adjournment. The Board responded with "Aye". The meeting adjourned at 8:32 P.M.

  
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LeeNora V. Everett  
Chairman, Board of Supervisors

ATTEST:   
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R. Martin Long  
County Administrator

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