

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 6th DAY OF JUNE, 2001, AT 7:30 P.M.

PRESENT: HARRISON A. MOODY, CHAIRMAN ELECTION DISTRICT #1
EDWARD A. BRACEY, JR. VICE-CHAIR ELECTION DISTRICT #4
DONALD L. HARAWAY ELECTION DISTRICT #2
ROBERT L. BOWMAN, IV ELECTION DISTRICT #3
AUBREY S. CLAY, ELECTION DISTRICT #5

OTHER: PHYLLIS KATZ COUNTY ATTORNEY

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

Mr. Harrison A. Moody, Chairman, called the regular meeting to order at 7:30 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

Mr. Moody asked if there were any amendments to the Agenda.

Mr. R. Martin Long, County Administrator, stated there were two additions needed on the agenda add Item 13 – Closed Session: Consultation with Legal Counsel § 2.1-344 A.7 of the Code of Virginia, for Telecommunications; § 2.1-344 A.3 of the Code of Virginia, for Acquisition of Property; and § 2.1-344 A.1 of the Code of Virginia, for Personnel, Appointments and Board of Supervisors.

Upon Motion of Mr. Bracey, Seconded by Mr. Clay, Mr. Haraway, Mr. Bracey, Mr. Bowman, Mr. Clay, Mr. Moody voting "Aye", the above amendments were approved.

IN RE: MINUTES

Upon Motion of Mr. Haraway, Seconded by Mr. Clay, Mr. Haraway, Mr. Bracey, Mr. Bowman, Mr. Clay, Mr. Moody voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes of the May 16, 2001 Regular Meeting are hereby approved.

IN RE: CLAIMS

Upon Motion of Mr. Clay, Seconded by Mr. Haraway, Mr. Bowman, Mr. Clay, Mr. Haraway, 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 numbered 1025717 through 1025843 (void check(s) numbered 1025716) for:

Accounts Payable:

(101) General Fund	\$ 123,994.27
(103) Jail Commission	\$ 15.43
(104) Marketing Fund	\$.00
(222) E911 Fund	\$ 368.00
(223) Self Insurance Fund	\$.00
(225) Courthouse Maintenance	\$.00
(226) Law Library	\$ 933.22

(228) Fire Programs & EMS	\$.00
(229) Forfeited Asset Sharing	\$.00
(304) CDBG Grant Fund	\$	7.68
(305) Capital Projects Fund	\$	4.84
(401) County Debt Service	\$	<u>.00</u>

TOTAL \$ 125,803.53

IN RE: CITIZEN COMMENTS

The following citizens signed up to comment.

1. Mr. Tim Doughty, Assistant Fire Chief, Namozine Fire and EMS, appeared before the Board requesting them to purchase a used aerial ladder truck in the amount of \$200,000; if not Namozine intends to purchase it themselves. It was his belief it would not interfere with the County's 5 year CIP schedule. He stated their organization will secure a loan for the truck if the County could not purchase it. However they would ask that in 2003, this one be paid off and used as a replacement for the County and Namozine be allowed to get a new one. The Fire and Rescue organization voted unanimously for this if it does not affect the 5 year plan. Mr. Moody stated he felt this is a legal question and he didn't know if the County could do it with the bank holding title to the truck if it is in the NVF name. Mr. Doughty stated the Board of Trustees will sign for the loan. Mr. Bowman asked Mr. Doughty to explain why the truck is so important for daily operation. Mr. Doughty stated not only is it built for horizontal reach it will do vertical reach as well. Chaparral Steel has a height need for a truck of 135'. Petersburg's truck is not capable to reach that height. Mr. Bracey stated he thought Chaparral had a department that dealt with fire and rescue. Mr. Doughty stated Chaparral does have a brigade but they do not have a fire truck. Chesterfield, Petersburg, Carson and Dinwiddie were called in on the last fire.

Mr. Bowman made a motion to have Chief Jones get with legal counsel to see what options are available for the volunteers to purchase the truck and then have the County insure it.

Mr. Haraway Seconded the motion; Mr. Bowman, Mr. Clay, Mr. Haraway, Mr. Bracey, Mr. Moody voted "Aye".

2. Ms. Lucille Phares, 7901 Boydton Plank Road, Petersburg, Virginia 23803, appeared before the Board stating her concerns about the playground area and junked cars at the Green Acres Mobile Home Park. Mr. Moody asked the Planning Department to address her concerns.

2. Mrs. Anne Scarborough came before the Board with the following concerns:

- a. The repaving of US Route 1 in her opinion made the road worse not better. She said the road felt like an old washboard when you drive over it.
- b. Mrs. Scarborough asked why the Board and Administration Staff had to go to Wakefield for a Retreat when it would more suitable to have it here closer to home to cut down on costs and driving time for the staff.

1. The terms of Chapter 7 of the Dinwiddie County Code governing cable television systems in the County shall remain in effect sixty days from the date of adoption of this emergency ordinance.

This ordinance is effective immediately, is adopted on an emergency basis, and the terms of this ordinance shall not be enforced for more than sixty days from the date of adoption without re-adoption in conformity with the provisions of the Code of Virginia.

Upon Motion of Mr. Bracey, Seconded by Mr. Haraway, Mr. Bracey, Mr. Bowman, Mr. Haraway, Mr. Clay, Mr. Moody voting "Aye", the emergency ordinance resolution is adopted.

IN RE: RADIO FREQUENCY ENGINEERING SERVICES – TELECOMMUNICATIONS

Mr. Guy Scheid, Director of Planning stated the following individuals interviewed consultant firms for Radio Frequency Engineering Services for telecommunication projects in the County.

R. Martin Long, County Administrator;
David Jolly, Public Safety Director;
W. C. Scheid, Director of Planning; and
David Thompson, Senior Planner

The companies interviewed were:
Resource International – Ashland, Virginia
CTA Communications, Inc. – Lynchburg, Virginia
Atlantic Technology Consultants - Ashland, Virginia

As a result of the interviews, Atlantic Technology Consultants was deemed the most qualified company to serve the needs of Dinwiddie County. Therefore, the review committee recommends to the Board of Supervisors that the County Administrator be authorized to pursue contract discussions with Atlantic Technology. The attached cost summary was submitted with their proposal.

Application Technical Review	\$ 850.00 each
Co-location application	\$ 2,950.00 each
Tower Application	
Application Form Development and Ordinance and Enhancement	\$ 4,500.00
Field Survey and Tower Site Analysis	\$22,750.00
Spectrum Analysis (Optional)	\$ 7,000.00
Wireless Telecommunications Master Plan Development	\$12,250.00

Upon Motion of Mr. Bracey, Seconded by Mr. Clay, Mr. Bracey, Mr. Haraway, Mr. Clay, Mr. Moody voting "Aye", Mr. Bowman "Abstaining",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to the County Administrator to enter into a contract with Atlantic Technology for the Application Technical Review at \$850.00 each and the Co-location application for \$2,950.00 each.

IN RE: AUTHORIZATION TO AWARD CONTRACT– HISTORICAL COURTHOUSE PHASE II - ARIZONA

Mr. Donald Faison stated he had met with the contractor Mr. Raymond Schmidt to negotiate his bid for the Historic Courthouse Phase II, interior work. Mr. Faison said the original base bid from Arizona LTD was \$704,000. After the negotiations with Arizona we can deduct \$70,167 from the base bid. Continuing he stated he had received very favorable references on the company. He requested authorization to enter into a contract with the low bidder Arizona LTD for \$633,833, and to sign change order # 1 deleting \$70,167 from the project.

Upon Motion of Mr. Haraway, Seconded by Mr. Bracey, Mr. Bowman, Mr. Clay, Mr. Haraway, Mr. Bracey, Mr. Moody voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to award the contract for the interior work at the Historic Courthouse Phase II to Arizona, LTD in the amount of \$633, and to sign change order #1 in the amount of \$70,167.

IN RE: COUNTY ADMINISTRATOR COMMENTS

1. Mr. Long stated Mr. William Jones was here with a request for a rain check for two special entertainment permits and he has also provided you with a list of proposed artists.

Mr. Moody stated when an event is cancelled for any reason he would have to reapply and each event needs to be separate or applied for separately. Due to the confusion on the entertainers on the last permit he would need to be more specific....

Breaking in, Mr. Jones stated the confusion did not come about because of him. Continuing he said he didn't know that in this Country that you had to have approval for an artist to perform in the County. He stated that when he spoke with the ACLU today they told him the very same thing. The County took it upon themselves that they thought what he was bringing in was something that the County did not want to see. The Artist that he was bringing into town is a noted artist and once he picked up that it was something that some people may have found offensive then he took it upon himself to cancel the show. The 22 days required to wait for the County to give him approval for a permit and then for him to contact the artist that he deals with on a national scale, just does not give him sufficient time to get a contract; tender it, get sound, lights, and all the things to do a show such as that.

Mr. Moody replied that if he was going to have some of the bands listed on the proposed list; he felt would have contracts backed up to 18 months. He told Mr. Jones he would need a lot longer time than 22 days to get these people.

Ms. Phyllis Katz, County Attorney, stated she would like to ask Mr. Jones two questions just for the record.

"Your application was approved, wasn't it?" Yes, replied Mr. William Jones.

"So then why are you representing now that you had been denied because you were interfered with?" Mr. Jones stated; I was denied because of the artist that I had for the 2nd of June.

Ms. Katz asked again, but you had an approved application did you not? Correct, stated Mr. Jones.

Ms. Katz said the other thing she wanted to ask you; and maybe I misunderstood, is, you stated you were going to open the beach. Do you realize that is a business that needs zoning approval? Mr. Jones stated

that in his conversation both with Mr. Long and Mr. Scheid, under the zoning designation the property is zoned R-1; it is beaches, parks and recreations are allowed in R-1 zoning. Ms. Katz stated; to get the business license you need to have the proper zoning. Continuing she said she wasn't saying it is permitted or not just that he would have to make sure of the zoning requirements. Mr. Jones asked Mr. Long was he correct in saying that. Mr. Long stated he believed as far as the beach he was correct. That it was his understanding of it today, as far as, the zoning; that is right. But that he would need a license to go with the correct zoning.

Mr. Jones stated based on the 22 days what is the earliest he could do an event of this size? Mr. Moody stated it doesn't necessarily have to come before the Board. Mr. Long stated yes; it does have to come to the Board and the 22 days are filed so that the request can come before the Board. Ms. Ralph stated the ordinance provides for 22 days prior to the event, so that any request could come before the Board for approval. Mr. Long stated that if the request is turned into the office before the end of the week he could have a permit in time for the June 30th event. This time frame is also for the departments outside of Administration, which have to be contacted first. That is the purpose of the 22 days.

Mr. Jones informed the board that he had purchased a stage and the building department was covered. The Commissioner of the Revenue once approved, told him all he had to do was get a permit; fire and rescue if he wasn't speaking out of turn, required only that he have ambulance service provided on duty as a rest tent if someone was to get overheated or something and he had all that provided for. The only thing left is to secure through the Sheriff's Office he hasn't changed anything. Therefore he would only need to update that information. Nothing physical had changed.

Ms. Katz stated he would still have to submit a new application for each event requested.

Mrs. Ralph read the ordinance from the Dinwiddie County Ordinance Book. The requirement is 22 days filed with the County Administrator prior to the proposed event.

Mr. Jones stated he had been contacted by the principal of the Peabody Middle School in Petersburg. We are trying to take some students who have done some exemplary work in school to Disney Land and the trip is costing in excess of \$50,000 with matching funds. They had contacted him because he has helped the school system in the past and what he wanted to do was to put on a school closing beach party at Lake Jordan. School students would attend this event and there would not be any alcohol; it would be chaperoned by teachers. He asked the Board for their approval for this event, before he went any further with the planning. But they would have to have it before the end of June and he wouldn't have the time to get a permit. He stated he had spoken with Mr. Henry and Ms. Alexander and they are talking with Mr. Fred Wilson today about having this party, but he had told them he was appearing before the Board tonight to ask for approval.

Mr. Long asked if that would be handled under the business license?

Ms. Katz stated she didn't have enough information; but if it is an event or festival, he would have to submit an application. If he is merely opening a beach for swimming, then he will need a business license for that.

Mr. Bracey stated for the last 15 minutes there has been a lot of discussion other than this business license. Is this gentleman going to be

Mr. Bracey stated for the last 15 minutes there has been a lot of discussion other than this business license. Is this gentleman going to be allowed to operate a business without a license? Mr. Moody stated he thought he had told Mr. Jones he had to have a business license. Mr. Bracey stated he just wanted to be clear on that issue. Mr. Jones reiterated the first thing he said was that he was going to get a business license tomorrow. He had just been approved by the Health Department to get a waiver until he could get permanent bathrooms. In the meantime, he could use portable toilets for opening 2 days a week and have it serviced every week. He would also have to have hand washing stations and sanitation. Once this has been signed-off on he was going to come and get his business license. Mr. Long stated the issue is, getting, obtaining and holding a business license; the entertainment permits have to be filed for any special event, outdoor music that type of thing according to the County Code even with the business license. This has to be done for every major event no matter. Mr. Bracey stated maybe he was just accustomed to dealing with the race track they come every year and give their dates, places, hours and time and that takes care of it, because they do have their business license. Mr. Bowman stated the racetrack gets a permit for their events? Yes, replied Mr. Long. Once a year they come up and submit an application for each day and what event they are having. Mr. Bracey stated if he is going to have 25 events he request that on an entertainment permit. Mr. Moody asked if that was a part of his conditional use permit. Mr. Scheid stated that is correct.

Mr. Long stated Mr. Jones would have to have an application for each event and have approval before any event.

Mr. Jones asked if there was any way that he could do the fund raising for the school system? Mr. Moody asked the County Attorney to address that issue and get back to him. Ms. Katz stated that it would be helpful to spell out exactly what his intentions were. Mr. Jones stated he would have a DJ and high school kids. So it is the same as any other event, is that right, asked Ms. Katz, except for the age group. No. Not any other event he said. It will be the same as when we open up the beach for a regular weekend, we will have regular entertainment; it just won't be a big artist. Like beach karaoke and things like that. It will not be anything we would advertise that would bring thousands of people at a time. The school-closing event will be advertised throughout all the different school systems and kids will come in and it will be chaperoned. It will be closed before dark. What is the cost asked Mr. Bracey. \$5 to \$10 per person stated Mr. Jones. Mr. Moody requested that Mr. Jones get all the information together and get with Ms. Katz and Mr. Long. Mr. Jones stated they were going to ask for dates and he couldn't get that to them right now; but he would find out by Friday and get back to them. Mr. Jones stated the board could ask Ms. Alexander and every dollar that is generated goes to the school. Every dollar. Other than security cost he is donating the facility, stage, and everything else; but every dollar they generate that day goes to the schools. It is not a moneymaking event for Lake Jordan; it all goes to the schools.

Mr. Moody stated we needed to move on to some other items but just get the information to Mr. Long and Ms. Katz.

IN RE: LONG TERM CARE

Mr. Long stated Ms. McElveen asked sometime back for long-term care insurance. Mrs. Glenice Townsend has checked into that issue and her letter was provided to them in the Board packets with information for Long Term Care. He stated it would be up to the individual to choose to take on the program at no cost to the county. He asked the Board to approve the resolution to provide the

opportunity to the employees. Mrs. Ralph stated it was strictly on a voluntary basis without an excessive amount of administration burden.

"This is the information concerning the offer from The Local Choice Health Benefits Program through the State of Virginia for Long Term Care Insurance. Local Choice has bid the program and awarded the bid to Aetna U.S. Healthcare. If the County chooses to participate this year, the Board must take action to participate in the program by July 1, 2001.

We (the County) have received a request from the Social Services Department for the County to participate. I had the following concerns, which have been answered by the Local Choice and Aetna:

1. Will there be a cost to the County? ***There is no cost to the County.***
2. Will it put more administrative burden on our personnel? ***The only request will be to supply Aetna a list of full time employees and periodic new hires. The insurance company will send packets directly to the employees home. As a convenience to the employee, the County may consider payroll deduction for active employees.***
2. Why does the Board of Supervisors have to take action to allow the participation of the employees if there is no cost or responsibility to the County? This was my biggest concern. I was told that before names and addresses of its employees could be sent to Aetna U.S. Healthcare, the Board needed to give its approval to allow this information to be given out as well as to take advantage of the states procurement in bidding this program.

I do not know how many employees are interested in this program, but I see no problem with recommending that the Board allow you to sign the contract so that it can be offered effective July 1, 2001."

Mr. Moody stated he saw no problem with the program and called for a motion.

Upon Motion of Mr. Clay, Seconded by Mr. Haraway, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, Mr. Moody voting "Aye".

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is hereby granted for the County employees to participate in the Local Choice Health Benefits Program through the State of Virginia for Long Term Care Insurance at no cost to the County.

IN RE: COUNTY ADMINISTRATOR COMMENTS - CONTINUED

1. Mr. Long stated, as you are aware, the Retreat was postponed and we need to set another date for that. He suggested June 11th for the retreat. The Board agreed with that date.
2. There are two upcoming workshops - Wireless Tower Summit on Tuesday, July 10, 2001 at the Doubletree Hotel in Charlottesville, Virginia beginning at 9:00 A.M. and ending at 2:30 P.M. The Wireless Tower was initiated at the request of the Joint Commission on technology and Science to bring together leaders of the industry and local governments to address the concerns of cellular tower deployment. Issues to be considered and discussed by the industry are the increased service demands in each area, public safety concerns, and the Virginia Department of Transportation's Intelligent Transportation System Policy. Local government concerns will include maintaining the viability of local

land use plans, safety concerns and visual impact of towers on surrounding areas.

On Wednesday, July 11th a series of workshops on the Freedom of Information Act will be held at the General Assembly Building, 2nd Floor at 9th and Broad Streets in Richmond, Virginia, starting at 8:00 A.M. ending 2:00 P.M. Mr. Long stated he would be attending the two workshops at a minimal cost to the County and invited the Board to attend them also.

3. Mr. Long stated he had received a letter of commendation from the Richmond County Board of Supervisors and Mr. William Duncanson, County Administrator, conveying their appreciation for the gracious welcome and information given by Ms. Alma Russell, Mrs. Glenice Townsend and Mr. Byron Walker when they came to tour the Administration Building, new Courthouse and the old Courthouse. Mr. Duncanson wrote. - "The four Board members and I all learned much about modern court facilities and how these new spaces function. As we move forward in our planning, our trip to Dinwiddie will continually provide us with insight and understanding on the operations of a court facility. I ask that you convey our deepest thanks to your staff for their knowledge of Dinwiddie County and it's governmental facilities. Their pride of place and workplace was evident in all their comments. Please extend a special thank you to Alma, Glenice, and Byron for their splendid assistance. These three are true ambassadors for your beautiful county. The citizens of Dinwiddie County have every reason to be proud of their new courthouse and the excellent staff that makes it all work! Please relay a copy of my letter to the Dinwiddie Board of Supervisors members and congratulate them for making the sound decisions that enable Dinwiddie County to move forward with excellent facilities and staffing."

IN RE: BOARD MEMBER COMMENTS

Mr. Bowman	He stated the letter he received from Mr. Long on scheduling appointments and interviews in the future he would like to be notified earlier in case he would like to be present.
Mr. Haraway	No comments
Mr. Clay	No comments
Mr. Bracey	No comments
Mr. Moody	He stated there is a VDOT Regional pre-allocation hearing on July 12 th at John Tyler for the Primary System. Usually the larger counties seem to lobby that effort and get most of the funding but it would be good if we could find a project that we could work toward lobbying and some of us plan to attend that meeting.

IN RE: CLOSED SESSION

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

The purpose of the closed meeting is to discuss subject matters identified as Personnel and Consultation with Legal Counsel. Matters to include: Building Inspections; Telecommunication Towers; Procurement – Telephone System.

- **Personnel Matters, § 2.1-344 A - 1 of the Code of Virginia,**
(candidates for employment OR the assignment, appointment, promotion, performance, demotion, discipline, salaries, compensation, resignation of employees) Personnel, Appointments and Board of Supervisors.
- **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 Town – OR – consultation with legal counsel regarding specific legal matters that require legal advice) Procedures, and Telecommunications.

Mr. Haraway seconded the motion. Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, Mr. Moody voting "Aye" the Board moved into the Closed Meeting at 8:42 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 10:05 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the Virginia Freedom of Information Act;

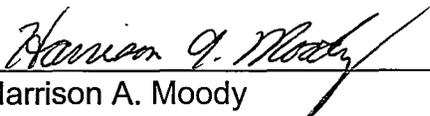
Whereas, Section 2.1-344.1 of the Code of Virginia requires a certification by the board that such closed meeting was conducted in conformity with Virginia law;

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) only 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. Bracey, Seconded by Mr. Haraway, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, Mr. Moody voting "Aye". This Certification Resolution was adopted.

IN RE: ADJORNMENT

Upon Motion of Mr. Clay, Seconded by Mr. Haraway, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, Mr. Moody, voting "Aye", the meeting adjourned at 10:09 P.M. to be continued until 9:00 A.M., June 11, 2001 for the FY 2002 budget retreat.



 Harrison A. Moody
 Chairman



 R. Martin Long
 County Administrator

/abr