

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 20<sup>TH</sup> DAY OF NOVEMBER, 2002, AT 2:00 P.M.

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

OTHER: JACK CATLETT COUNTY ATTORNEY

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

Mr. Edward A. Bracey, Jr., Chairman, called the regular meeting to order at 2:04 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

**IN RE: AMENDMENTS TO THE AGENDA**

Mrs. Wendy Weber Ralph, County Administrator, stated there is a need to add under Closed Session: Personnel – Appointments and add Consultation with Legal Counsel - §2.2-3711 A. 7 of the Code of Virginia – Litigation – Zoning Issues.

Upon Motion of Mr. Haraway, Seconded by Mr. Clay, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, voting "Aye", the above amendment (s) was approved.

**IN RE: MINUTES**

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes of the November 6, 2002 Continuation Meeting and the November 6, 2002 Regular Meeting are hereby approved in their entirety.

**IN RE: CLAIMS**

Upon Motion of Mr. Clay, Seconded by Mr. Bowman, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, 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 1032906 through 1033045 (void check(s) numbered 1032905) for:

**Accounts Payable FY 2002- 2003:**

(101) General Fund	\$ 185,080.48
(103) Jail Commission	\$ 147.27
(104) Marketing Fund	\$ .00
(209) Litter Control	\$ .00
(222) E911 Fund	\$ 1,786.47
(223) Self Insurance Fund	\$ .00
(225) Courthouse Maintenance	\$ .00
(226) Law Library	\$ .00
(228) Fire Programs & EMS	\$ .00
(229) Forfeited Asset Sharing	\$ .00



(304) CDBG Grant Fund	\$ 87.75
(305) Capital Projects Fund	\$ 1,112.22
(401) County Debt Service	\$ 85,488.34
<b>TOTAL</b>	<b>\$ 273,702.53</b>

**IN RE: CITIZEN COMMENTS**

Mr. Bracey asked if there were any citizens signed up to speak or present who wished to address the Board during this portion of the meeting.

The following citizens came forward to address the Board:

1. Mr. Michael Bratschi – 23500 Cutbank Road, McKenney, Virginia – stated he felt the citizens who commented about the noise at the Virginia Motorsports Park were trying to impress on the Board if VMP are not complying with the requirements for drag racing; what would make you think they are going to comply to the motorcross conditions? He requested a written reason why Mr. Moody abstained from voting on the Virginia Motorcross conditional use permit on November 6, 2002.
2. Mrs. Anne Scarborough – Boydton Plank Road, Dinwiddie, Virginia – came forward with the following comments and requests:
  - a. Why have you refused to honor my request to vote on the room service issue?
  - b. Will you vote, yes or no, that tax dollars may be used for room service for Board of Supervisors and County employees? This same written question was presented to Mrs. Russell earlier in the year.
  - c. I would like all the documents mailed to Dinwiddie County concerning the Homestead meeting. Make sure, please, all possible room rates are included. I would also like all bills for meals, travel, registration, etc...

**IN RE: PRESENTATION OF AUDIT – ROBINSON, FARMER AND COX**

Mr. Paul Lee from Robinson, Farmer, Cox & Associates came forward to present the results of the FY2002 audit. A copy of the audit was enclosed in the Board's packet.

The County finished the year up in a good financial position. The general fund undesignated balance was around \$10 Million dollars so you are well funded there to do the day-to-day operations of the county. The tax rates still remain strong.

Mr. Lee pointed out to the Board that \$100,000 was budgeted for Mobile Home Titling Tax but nothing has been received. It is just a matter of the Commissioner of the Revenue applying for it and keeping up with it. Most localities receive it on a quarterly basis.

It was also noted that the first half of the 2002 tax levy due June 5, 2002 did not include an assessment for Public Service Corporations. Mr. Lee continued that the assessment book from the State Corporation Commission is generally not available when said bills are processed, but most localities estimate the amount due based on the prior year and make up any difference with the second half billing. The auditors recommended that Public Service Corporation taxes be billed in installments as the County does the Real Estate and Personal Property.

He commented that the County is currently working on compiling fixed assets for inclusion in the County's audit report. Since Governmental Accounting Standards Board's Statement Number 34, *Basic Financial Statements and Management's Discussion and Analysis for State and Local Governments* will be effective for Dinwiddie County as of June 30, 2003, and same will require fixed asset accounting. Therefore, the fixed asset compilation will need to be completed by the end of the current fiscal year. At the present time, information has been gathered for the General Fund, but not the School Fund. The auditors recommended that a target date be established early in calendar year 2003 for completion of the School Fund portion of this project. Before the end of this fiscal year we will take the balance sheet and recast it into a GASB 34 format so that next year everything will be on the same basis. There will be a lot of changes in the format of the audit next year.

Mr. Haraway commented this was a very detailed report and he particularly enjoyed the schedules at the end that showed the ten-year comparisons. Is it company policy when a management comment is made for one year and hasn't improved, do you continue it; or, do you just forget it? Mr. Lee stated we try to address them year to year if we can. These are accounting principles, which need to be followed up on. If it is not corrected you will see it the next year again.

Mr. Haraway asked, what the general rule of thumb is as to the percentage of variance when it comes to the total general property tax when you compare the actual amount with the budget amount? Mr. Lee asked as far as an overage or underage? Mr. Haraway stated the reason he is asking is because our amount is 21.6% difference. Mr. Lee stated most localities are conservative in their estimates of the general property tax; 10% is probably the area you would be looking at. Over 10% would be material. Continuing Mr. Lee commented you don't get as concerned with being over as much as you would be with being under. Mr. Haraway stated he was concerned that the County may approve a tax increase that is not necessary if this continued. Mr. Lee stated he addressed this a year ago in the management letter. You were over a larger extent maybe even double this amount. The County Administrator commented it was pointed out in the management letter last year.

**IN RE: VDOT – REPORT**

Mr. Richard Caywood, Resident Engineer, Virginia Department of Transportation, came forward and presented the following update:

1. The high-speed rail Tier I Environmental Impact Study has been approved by the Federal Railroad and the Federal Highway Administration. Virginia and North Carolina can now move forward with the Tier II Study. This is a more intensive study and funding is in the process of being approved for Tier II. The "S" line which is the old CSX Line is due to be studied in this area. The areas of highest priority are the lengths between Richmond – Petersburg and northern Virginia and the Dinwiddie area.
2. Six-year Plan public hearing scheduled for December 4, 2002 Board Meeting.

Mr. Moody commented he had spoken with a supervisor from another County at the VACo Convention and there are a lot of guardrail projects going on in the state. He asked Mr. Caywood why VDOT was replacing guardrail when we are in such budget constraints. Mr. Moody asked if it was a safety issue? Mr. Caywood replied he had not noticed any guardrail replacements but he would check on it. Mr. Caywood stated sometimes when roads are repaved the guardrail has to be replaced to meet height requirements. Mr. Moody said a lot of the work he saw was on Route 460. Mr. Caywood stated there have been some recent changes in the Federal Government regulations for substandard

guardrail. VDOT has less flexibility on the replacement of guardrail now because of the regulations.

Mr. Bowman asked Mr. Caywood to bring the Board up to date on the Route 460 Corridor Study meeting held last Friday. Mr. Caywood commented he did not attend the meeting but he would get the information and report back to the Board. Mr. Bowman said Mr. Sam Hayes attended the meeting and Route 226 to Petersburg was dropped from the project and because of the budget constraints he felt would not be considered for the next 20 years.

Mr. Bracey requested that VDOT check the ditch on Hunnicut Road at the railroad crossing bed.

The County Administrator stated a citizen had reported that the culvert located on the left hand side at the beaver dam between the pond and the dam on Boydton Plank Road behind Robert Stout's house needs to be cleaned out. Mr. Robert Belcher reported the culvert on Squirrel Level Road behind Chaparral Steel needs to be cleaned also.

**IN RE: VDOT ACCEPTANCE OF ROADS LOCATED IN DUCK CREEK SUBDIVISION - SECTIONS 1, 2 AND 3 - GREEN HEAD COURT - GREENHEAD DRIVE - WOODY COURT INTO SECONDARY SYSTEM**

Mr. William C. Scheid, Director of Planning, came forward and stated Mr. Ronald Gordon has requested that the roads contained in Duck Creek Subdivision, Sections 1, 2 and 3 be accepted into the secondary system for state highways. The planning staff and VDOT staff held a joint inspection on October 9<sup>th</sup> and it was determined that all required improvements were made and the roads qualify for acceptance into the state system. The road is located off Vaughan Road.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following resolution for Duck Creek Subdivision (Green Head Court, Greenhead Drive and Woody Court) is hereby adopted:

**RESOLUTION**

WHEREAS, the streets described on the attached Additions form SR-5 (A), fully incorporated herein by reference, are shown on plats recorded June 26, 1999 in plat book 16 pages 367, 378, and 379 in the Clerks Office of the Circuit Court of DINWIDDIE, and

WHEREAS, the Resident Engineer for the Department of Transportation has advised the Dinwiddie County Board of Supervisors the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County, Virginia, requests the Virginia Department of Transportation to add the streets described on the Attached Addition Form SR-5 (A) to the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills, and drainage, and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**IN RE: ABANDONMENT OF A PORTION OF BROWNWALL ROAD**

Mr. William C. Scheid, Director of Planning, stated during the winter of 1996, East Coast was in the process of developing their property located at the intersection of Route 460 and Route 1. As part of the project, a portion of Brownwall Road was to be abandoned. Procedures were followed in order to vacate this portion of roadway to include a public hearing held by the Board of Supervisors on December 4, 1996. The Board deferred action until January 2, 1997 since additional information was requested of the applicant's agent. Action was not taken at the January meeting. According to State Code the Board had to vote within 4 months of the meeting. Recently, it was discovered that Board action was not taken and is now being requested that the Board pass a resolution abandoning 409' of Brownwall Road as measured from Route 460 to the existing Brownwall Road. VDOT is in support of this resolution. Mr. Scheid requested authorization to hold a public hearing to pass the resolution to abandon a portion of Brownwall Road.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the planning department is authorized to advertise a public hearing for the abandonment of a 409' section of Brownwall Road.

**IN RE: COMMISSIONER OF THE REVENUE – REQUEST TO PURCHASE PC AND PRINTER**

Mrs. Deborah M. Marston, Commissioner of the Revenue, was present to answer any questions the Board had regarding the purchase of the PC for her department.

The County Administrator stated at the November 6, 2002 Board meeting a letter was enclosed in your packets from the Commissioner of the Revenue requesting authorization to purchase a PC and printer for \$2,424.99 for her office. The carpet in the Commissioner's office was defective and is going to be replaced under warranty. The partitions around the workstations will not match the new carpet. Rather than replacing the partitions the Commissioner had requested authorization to use the credit to purchase the PC and printer. The Board members had some questions regarding the Commissioner's request and asked her to be present today to answer those questions. You also wanted the Information Technology person to take a look at the request and make a recommendation to you. Ms. Cathy Carwile is present to address those issues.

Ms. Carwile stated recently the state notified the county that a hardware change will be made for debt set off and the Commissioner has 3 PC's in her office that will not meet the requirements for the hardware change. The funds from the credit of the partitions will cover the cost of 1 of the PC's. She recommended allowing the Commissioner of the Revenue to use the credit for the purchase of this PC and it would alleviate having to include it in the budget for FY 2004.

Mr. Bowman asked if the change in the system would allow citizens to check real estate assessments on line? Ms. Carwile responded no.

Mr. Haraway stated he felt we should purchase the PC; but he read a lot of articles and partitions increase productivity in personnel. Continuing he

commented he did not want productivity to decrease in the Commissioner's Office.

The Commissioner of Revenue responded that the reason she had the partitions was due to privacy issues. That is no longer an issue because of the reconfiguration of the office space. Additionally, the partitions have been stored and should she need them again they could still be used even though the color scheme does not match the carpet.

Mr. Bracey commented he felt the partitions should be put back in the office because of the privacy issue.

The County Administrator stated the partitions could be used if needed in the future even though it would not be color coordinated. She recommended that the Commissioner of the Revenue be allowed to use the credit to purchase the PC.

Mr. Moody asked if the credit would cover the cost of the PC? Mrs. Ralph stated if the credit was not enough the remaining balance would have to come out of the Commissioners' budget. She requested authorization to allow the Commissioner to purchase the PC with the credit for the partitions.

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

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia authorizes the Commissioner of the Revenue to use the credit from the partitions to purchase one PC; if any additional funding is needed, the balance would come from the Commissioner's budget.

**IN RE:                   TREASURER**

Mr. William E. Jones, Treasurer, came forward and stated his report was in their packets for the month of September 2002.

**IN RE:                   ADOPTION – A-02-10 – TO IMPOSE A FEE TO COVER  
ADMINISTRATIVE COSTS FOR COLLECTION OF  
DELINQUENT TAXES**

The County Administrator stated the public hearing was held at the last Board meeting and this is an action item only.

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

AN ORDINANCE AMENDING THE CODE OF DINWIDDIE COUNTY TO IMPOSE A FEE TO COVER THE ADMINISTRATIVE COSTS AND REASONABLE ATTORNEY'S OR COLLECTION AGENCY'S FEES UPON EACH PERSON CHARGEABLE WITH DELINQUENT TAXES OR OTHER CHARGES.

**WHEREAS**, §58.1-3958 of the Code of Virginia authorizes the Board of Supervisors to impose a fee to cover administrative costs associated with the collection of delinquent taxes and other charges, including reasonable attorney's fees and collection agency fees;

**AND WHEREAS**, the Board of Supervisors believes that the recovery of the costs so incurred is in the best interests of all taxpayers of the County.

**BE IT ORDAINED**, by the Board of Supervisors under the authority granted to it under §58.1-3958 of the *Code of Virginia* as follows:

If a person fails to timely pay taxes due the county, such person shall be subject to and liable for administrative costs of \$20.00 for taxes collected by the county subsequent to the filing of a warrant or other appropriate legal document but prior to judgment, and such person shall be subject to and liable for administrative costs of \$25.00 for taxes collected by the county subsequent to judgment. The administrative costs imposed by this section shall be in addition to all applicable penalties and interest. Such person shall also be liable for reasonable attorney's or collection agency's fees equal to 20 percent of the taxes or other charges so collected.

If the collection activity is to collect on a nuisance abatement lien, the fee for administrative costs shall be \$150.00 or 25 percent of the costs, whichever is less; however, in no event shall the fee be less than \$25.00.

No tax assessment or tax bill shall be deemed delinquent and subject to the collection procedures prescribed herein during the pendency of any administrative appeal under § 58.1-3980 [Code of Virginia], so long as the appeal is filed within 90 days of the date of the assessment, and for thirty days after the date of the final determination of the appeal, provided that nothing in this paragraph shall be construed to preclude the assessment or refund, following the final determination of such appeal, of such interest as otherwise may be provided by general law as to that portion of a tax bill which has remained unpaid or was overpaid during the pendency of such appeal and is determined in such appeal to be properly due and owing.

This Ordinance becomes effective upon adoption thereof.

**IN RE: COMMONWEALTH ATTORNEY – REPORT**

Mr. T. O. Rainey, III, Commonwealth Attorney, was not present.

**IN RE: SHERIFF'S DEPARTMENT – REPORT**

There was no report for the Jail for the month of October 2002.

**IN RE: SHERIFF'S DEPARTMENT – AUTHORIZATION TO PURCHASE VAN**

Mr. Mitchell Harris came before the Board requesting authorization to purchase a used van for the jail. The engine in the 1993 Ford Aerostar blew up and a replacement van is needed to transport inmates.

The vehicle Deputy Martin was operating when he had his fatal accident was a total loss and the insurance company issued the county a check for that vehicle in the amount of \$10,400.

The Sheriff is requesting authorization to purchase a 1996 Dodge, 15 passenger, white van. The purchase price and transfer of equipment will not exceed the amount the county received from the insurance company. The cost of the used van is \$7,600 plus \$675 for the changeover of the equipment, which totals \$8,275.

The Board was concerned about the possibility of having to replace the car that was wrecked. The County Administrator stated the vehicle was probably scheduled to be replaced due to its mileage with one of the six vehicles on order now. Mr. Bracey, Mr. Moody and Mr. Clay voiced their concern regarding the mileage on the used van.

Upon motion of Mr. Moody, seconded by Mr. Clay, Mr. Clay, Mr. Haraway, Mr. Moody, Mr. Bowman, Mr. Bracey voting "Aye", authorization for the Sheriff's Department to purchase a 1996 Dodge, 15 passenger, white van, from Heritage Chevrolet, at a cost not to exceed \$10,400 was approved.

**IN RE: BUILDING INSPECTOR – REPORT**

Mr. Dwayne H. Abernathy, Building Inspector came forward presenting his report for the month of October 2002.

**IN RE: ANIMAL WARDEN – REPORT**

Mrs. Mary Ellison, Animal Control Officer, came forward and presented her monthly report for October 2002.

**IN RE: LIVESTOCK CLAIM – DAVID BRADFORD**

Ms. Mary Ellison stated she investigated the claim of Mr. David Bradford on October 18, 2002 at 18810 Turkey Egg Road, Dinwiddie, Virginia and found 3 brush goats had been killed. A dog dug under the fence and entered the goat lot and killed the goats. Mrs. Ellis recommended payment of \$90 for the claim for the goats for Mr. Bradford.

Upon motion of Mr. Clay, seconded by Mr. Bowman, Mr. Moody Mr. Clay, Mr. Haraway, Mr. Bracey voting "Aye", the payment of \$90 for the livestock claim for Mr. Bradford is approved.

**IN RE: ANIMAL CONTROL OFFICER – MRS. MARY ELLISON – NAMED GUARDIAN ANGEL AND INDUCTED INTO SAVE OUR SHELTERS' VIRGINIA ANIMAL WELFARE HALL OF FAME**

The County Administrator stated Mrs. Ellison was recently named a Guardian Angel and inducted into Save Our Shelters' Virginia Animal Welfare Hall of Fame at the fifth annual Ball du Paws, held at the Capital Club in Richmond. Mrs. Ralph commended Mrs. Ellison for this outstanding accomplishment. She stated that Guardian Angel Awards are presented by Save Our Shelters' for outstanding contributions to animal welfare in Virginia.

**IN RE: DIRECTOR OF PLANNING – REPORT**

Mr. William C. Scheid, Director of Planning, came forward and stated they had his monthly update for October 2002 for the planning department.

**IN RE: CORRIDOR STUDY – LANDMARK DESIGN GROUP**

Mr. Scheid stated Mr. Bill Turner and Ms. Vaughn Rinner with Landmark Design Group are present today to discuss the proposed corridor study issues with you. The Board contracted with Landmark Design Group on January 11, 2001 to review and update the County's Comprehensive Land Use Plan. As part of their proposal, a cost was submitted to conduct a separate study for the U. S. Route 1 Corridor. The Board indicated that they wished to expand the corridor study area and require additional detail to various sections of the study area. With this in mind, Landmark Design Group submitted a revised cost and work element for the various corridor study sections. Mr. Scheid stated that the Board was not bound to contract with Landmark for the corridor study but they could do so if they believe their proposal is sound and in the best interest of the County.

Mr. Bill Turner introduced Ms. Vaughn Rinner, Landscape Architect/Director of Planning, Landmark Design Group. He stated he and Ms. Rinner have worked together for many years and she handles the projects that deal with corridor studies. He informed the Board that he has started his own

business, but he will continue to work with Landmark Design Group as a Consultant on the Corridor Study project.

Ms. Rinner gave a brief overview of her qualifications and the work she performs for the Corridor Studies for Landmark. She commented if the Board wishes to move forward with the corridor study she felt it would be advantageous to meet with each of them individually to discuss their concerns and aspirations.

Landmark proposes the following for the Corridor Studies:

**PROJECT ELEMENT 1 ~**  
**U.S. Route 1 - Corridor Study - Phase I**  
**County of Dinwiddie, Virginia**

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Study area will encompass, (1) U.S. Route 1 from Corporate Limits of the City of Petersburg to Dinwiddie Courthouse

**PROJECT ELEMENT 2 ~**  
**U.S. Route 1 - Corridor Study - Phase 2**  
**County of Dinwiddie, Virginia**

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Study area will encompass U.S. Route 1 from Dinwiddie Courthouse to the Brunswick County Line

**PROJECT ELEMENT 3 ~**  
**U.S. Route 460 Corridor Planning Study**  
**County of Dinwiddie, Virginia**

Study area will encompass U.S. Route 460 from the U.S. Route 460 / U.S. Route 1 intersection to the U.S. Route 460 / State Route 755/756 (Tranquility Road) intersection

For all of the above listed projects our Team will:

- Review and evaluate current plans and studies with respect to the corridor (including but not limited to Service Authority initiatives, IDA initiatives, the County's Comprehensive Plan, the County's Capital Improvement Plan, Petersburg's Comprehensive Plan, and Virginia Department of Transportation plans).
- Prepare detailed mapping to include selected property lines, existing land use, zoning, future land use, floodplains, soils, and potential rezonings.
- Attend at least six Steering Committee meetings.
- Conduct three public charettes in the corridor planning area to solicit input from property owners and citizens concerning existing and possible future developments.
- Evaluate commercial, industrial, and residential use potentials within the corridor planning area.
- Recommend landscape architectural standards including concept exhibits for use in the corridor planning area.
- Recommend potential overlay district criteria.
- Recommend potential rezoning(s) of properties within the corridor planning area.

- Recommend strategies to protect against premature development.
- Prepare written study report and present same at a public meeting.
- Provide camera ready and electronic copy of study document and exhibits and twenty-five (25) copies of adopted study document.

The County Administrator stated if the Board wishes to move forward with the project she felt it would be wise for them to meet with representatives from Landmark to discuss their particular interest for the study. The Board indicated they would like to meet as a group.

Upon Motion of Mr. Bowman, Seconded by Mr. Haraway, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey voting "Aye", the Board instructed the County Administrator to set up a meeting with Landmark Design Group to go over the revised cost and work elements for the various corridor study sections.

**IN RE: ZONING ADMINISTRATOR/SENIOR PLANNER REPORT**

Mr. David S. Thompson, Zoning Administrator/Senior Planner came forward and presented his October 2002 monthly report. He also reported that the RFP for GIS was advertised in the Richmond Times Dispatch on November 17, 2002 and he has received a lot of requests for the proposal. He thanked the Board for allowing him to attend the VAGIS conference in Roanoke. Mr. Thompson commented J.K. Timmons used the School Boards study of Dinwiddie County as their model at the conference in a presentation.

**IN RE: CODE COMPLIANCE OFFICER**

Mr. David S. Thompson also presented the Code Compliance Officer's report for October 2002.

**IN RE: RECESS**

The Chairman declared a recess at 3:31 P.M. The Board reconvened at 3:36 P.M.

**IN RE: SOCIAL SERVICES – REPORT**

Ms. Peggy McElveen, Director, Social Services Department, came forward and presented her annual report for the Social Services Department. She reported that she was very proud of their following accomplishments:

1. Zero errors in Food Stamp Quality Control reviews for 3 consecutive years.
3. Received award for payment accuracy in Food Stamps in 2001 and 2002.
4. Implemented the Differential response Systems in Child Protective Services Program.
5. Installed high density filing system, converting all closed files to this system.
6. Implemented Electronic Benefit Transfer (EBT) of Food Stamp Program.

Mrs. McElveen pointed out there were some changes in the Organizational Chart due to the resignation of Mr. Linwood Fitzgerald, Sr. Mr. Aubrey Clay is now the Chairman and Mrs. Lynda Cunningham is the Vice Chair. She told Mr. Haraway he now has a vacancy on the Social Services Board.

Mrs. McElveen continued her report covering the Benefit Programs, which deals with Food Stamps, TANF and Medicaid. Services Programs, deal with Foster Care, Adult Services, Day Care, Child Welfare, and Emergency Needs

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Services. Mrs. McElveen stated there is a significant increase every year for Medicaid due to increases in adult care.

The County Administrator asked Mrs. McElveen if the state budget cuts have affected her department? Mrs. McElveen responded that the budget cuts thus far have been in administration. Due to the local budget she felt they would be able to manage depending on what the State cuts in December would be.

Mrs. McElveen thanked the Board for their local funding for the Social Services Budget.

The County Administrator thanked Mrs. McElveen for the help she provided in guiding her through the Greenhouse situation.

**IN RE: AUTHORIZATION TO PARTICIPATE IN DRY WELL REPLACEMENT PROGRAM**

The County Administrator stated there was an article in the paper about the Dry Well Replacement Program (DWRP), which was mandated by Governor Warner on November 7, 2002. Ms. Cheryl Stewart is here to explain the details of the program.

Ms. Stewart stated the DWRP is a new, temporary set-aside program in which \$2.5 million has been reserved to provide financial assistance to low-and moderate-income households who have experienced a complete loss of water at their private water source as a result of drought conditions in 2002. She commented Dinwiddie County can not implement the program but there is a roamer program available which will take responsibility for the administrative requirements of the program for the \$750 per well administrative fee.

DHCD will provide up to \$5,000 per participant for the drilling of each well that meet the requirements of the program. However, this is not a free program; this is a loan that is amortized over a 10-year period with a 0% interest rate. Pay back of the loan is predicated on the client's ability-to-pay. In order to participate in the program we must submit a letter of interest to the Virginia Department of Housing and Community Development.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for Staff to submit a letter of interest to the Virginia Department of Housing and Community Development to participate in the Dry Well Replacement Program.

**IN RE: SUPERINTENDENT OF SCHOOLS - REPORT**

Dr. Roger Morris, Assistant Superintendent of Schools, stated he had nothing other than to thank the Director of Public Safety, Ms. Denise Absher, and the County Administrator for their help during the sniper incident and the closing of the schools.

**IN RE: PARKS AND RECREATION - REPORT**

Mr. Timothy C. Smith, Director of Parks and Recreation, came forward and presented his October 2002 monthly report. He commented he was happy to inform the Board that the Honorable John H. Hager will be Grand Marshall for the Christmas Parade this year. Mr. Smith reported that the Senior Health Fair went well. He stated the mature adults will hold their luncheon on December 5<sup>th</sup> and he invited all the mature adults to attend.

**IN RE: WASTE MANAGEMENT – REPORT**

Mr. Dennis King, Director of Waste Management came forward and presented his report for October 2002.

**IN RE: PUBLIC SAFETY OFFICER – REPORT**

Mr. David M. Jolly, Public Safety Officer, came forward and presented his report for October 2002.

Mr. Jolly distributed copies of the proposed subscription enrollment form brochure for the revenue recovery program. He stated he wanted the Board to have a copy of the brochure in case they wanted to make any changes. We need to get the brochures to the printer in order to meet the timeline.

In order to get the brochures out by December 15, 2002 the Commissioner of the Revenue will have to provide a list of the property owners and businesses in the County. Mr. Bracey asked if the list would be updated on a regular basis. Mr. Jolly replied he would be getting the most accurate list available as of December 2, 2002. This will include personal property, real estate and businesses in the County. As new addresses are assigned we will be updating our files. The County Administrator stated a newspaper advertisement would be done also. The brochures will be left in as many places as we can. Mr. Jolly stated there is no one list with every physical address in the County. Even the 911 databases, which we have, do not list every physical structure; because if you don't have a phone it is not there. If we don't receive the list by December 2, 2002 we will not meet the December 15<sup>th</sup> deadline. The Commissioner of the Revenue is aware of the deadline.

The County Administrator stated staff would like to have the timeline as it stands today approved by the Board. This includes the hiring of the people for the ambulance as well.

Mr. Haraway stated on the front of the brochure the line "*Ambulance Aid is a subscription plan that helps pay for the rising cost of pre-hospital care and transportation.*" Inside of the brochure it is not mentioned again. He questioned why the term *pre-hospital care* was used? Mr. Haraway requested that legal counsel take a look at this term and advise the Board. Mr. Bracey suggested that *pre-hospital care* be removed from the brochure also. The County Administrator commented it might indicate that we are susceptible to a certain standard. Mr. Jolly replied he would remove it from the brochure.

Upon Motion of Mr. Haraway, Seconded by Mr. Moody, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey voting "Aye", the following timeline was approved:

<b>Date</b>	<b>Action/Task</b>
November 20, 2002	Brochure presented to Board for approval
November 22, 2002	Package sent to printers for printing
November 29, 2002	Printing complete
December 1, 2002	Advertise for Full-time providers for the second crew
December 2, 2002	Address list ready for printing of labels
December 5, 2002	Stuffing of envelopes to begin
December 15, 2002	Package mailed from Post Office
December 15 – January 31, 2003	Subscription Program open enrollment
January 7, 2003	Interview for providers
February 1, 2003	Program Implemented

February 5, 2003	Make recommendation to Board about providers
March 1, 2003	New providers start work, start precepting
April 1, 2003	Second 24 hour crew in service

**IN RE: PUBLIC SAFETY OFFICER – REPORT CONT'**

Mr. Jolly informed the Board that we have been advised that effective January 1, 2003, the Petersburg Fire Department will stop staffing their ambulance. This will have significant impacts on Dinwiddie as it relates to mutual aid assistance within the County. Petersburg Fire was the biggest provider of mutual aid services. This will revert the mutual aid responsibility to the Southside Emergency Crew who is already experiencing difficulty in answering the calls within the city. He stated there is a meeting scheduled for tomorrow afternoon and he would keep the Board informed of the situation.

**IN RE: AUTHORIZATION TO TITLE AND INSURE SUPPORT VEHICLE FOR OLD HICKORY VOLUNTER FIRE DEPARTMENT**

Mr. Jolly stated Old Hickory VFC has been looking into replacing their support vehicle, which is a 1979 van. That vehicle has become a maintenance nightmare and it is not dependable. Old Hickory VFD looked at it internally and also looked at the Capital Improvement Plan and through that discussion have gone through a bidding process internally to replace the 1979 van at the departments expense with an F-250 Ford pickup truck. This vehicle is a crew cab, which will better serve their needs. They have the option to add emergency equipment in the back of the truck. Old Hickory is requesting that the County title and insure the vehicle. They did work through the Apparatus Committee and the Fire/Rescue Association and have agreed to stripe and letter the vehicle per the County's standard requirements.

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

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia accepts title and agrees to insure the 2003, F-250 Ford pickup truck to be used as a support vehicle by the Old Hickory VFD.

**IN RE: AUTHORIZATION TO NEGOTIATE PURCHASE OF FORD RESPONDER UNIT WITH SINGER & ASSOCIATES**

Mr. Jolly stated he received 4 bids for the replacement of the First Responder Unit for Ford. He went over the details of the bids received from the vendors. He commented the apparatus committee reviewed the bids and based on those bids he requested authorization to negotiate a contract with Singer Associates for the purchase of the vehicle not to exceed the bid amount of \$136,130.

Vendor	Bid Bond	Certificate of Insurance	Bid Price	Clarifications or Exceptions

Emergency Vehicles, Inc,	Yes	Yes	\$122,177.00	Bidder took 20 exceptions or clarifications to the bid. Some of the clarifications would improve the vehicle however; they proposed a 10-foot body instead of the 11-foot as specified. This reduces the vehicle by 1/10 or 48 cubic feet, which will not allow for the amount of storage necessary. This vendor also will only allow a 1-year warranty instead of the 10-year as advertised.
4 Guys Inc.	Yes	Yes	\$144,990.00	Bidder took 29 exceptions or clarifications. 13 of them exceed the bided specifications.
M & W Fire Apparatus	No	Yes	\$129,996.00	Did not return original bid documents as required. Bidder supplied a letter stating they did not supply the Counties specifications because there would be "literally hundreds of exceptions and clarifications taken."
Pierce Manufacturing, Inc.	Yes	Yes	\$136,130.00	None taken

Mr. Haraway asked when was the last time that the County purchased a fire engine from a company other than Singer? Mr. Jolly replied it was the tanker purchased for Old Hickory in 1997. Mr. Haraway commented that has been 5 years and it always comes down to specifications. Something is wrong with the specifications when you go 5 years and you can only purchase from one company. Under normal circumstances when you bid over a 5-year period there would at least be once or twice when some other company would have the lowest bid. Mr. Jolly replied the only answer he could give is that Pierce and Singer specifically has a sales team that is willing to work with agencies and jurisdictions to design a vehicle around the specifications, not necessarily what they want to bid on. Every vendor you see on that list was contacted early on in the game and asked to submit their thoughts and concerns and recommendations to us to look at and the only one that stepped up to bat on a regular basis was a Pierce representative. Mr. Jolly stated he asked surrounding localities that have purchased vehicles in the past 3 to 4 years who they dealt with; and they purchased from Pierce based on them working with their team. Mr. Jolly commented he would do anything the Board asked him to do to get another vendor in here.

Mr. Bracey asked do we have anything else on order at this time? Mr. Jolly responded no. Before anything else is bid the County needs to deal with the specs, commented Mr. Bracey.

Mr. Moody asked did we order any bells and whistles this time that Pierce has exclusively? Mr. Jolly stated we took the battery names out, window names out; the only brand names left in was the Ford chassis and any vendor can supply one and the roll up door for the compartments. The County Administrator pointed out \$140,000 was included in the CIP for the purchase of the vehicle.

Mr. Bowman asked if all of the companies that bid use the Ford chassis? Mr. Jolly replied yes.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for Staff to negotiate with Singer & Associates for the purchase of the First Responder Unit for the Ford Volunteer Department.

Mr. Haraway stated he was not opposed to the purchase of the First Responder Unit but he was opposed to the way the specifications were written because he felt something is wrong when you go five years and the same vendor is chosen each time.

Mr. Bowman suggested that the next time a pre-bid meeting is held maybe a couple of Supervisors could attend. Mr. Jolly responded he felt that was a good idea.

**IN RE: COUNTY ATTORNEY – REPORT**

Mr. Jack Catlett, County Attorney, stated he had nothing to report.

**IN RE: BUILDINGS AND GROUNDS - REPORT**

Mr. Donald Faison, Buildings and Grounds Superintendent, came forward and stated he provided his monthly update for October 2002 in their packages. Mr. Faison provided the Board with a picture of the sign that is in front of the DVFD Station. He stated he felt it is an attractive sign that would fit in nicely. It could be used for location purposes and to display announcements for the County. The cost would be around \$4,000. Mr. Bowman stated we just approved Landmark Design for the corridor studies tonight and he felt they could provide the County with some good ideas for the signage. The Board members agreed to ask Landmark Design for a proposal.

**IN RE: AUTHORIZATION TO ENTER INTO NEGOTIATION WITH CARTER MACHINERY CO., INC. FOR THREE EMERGENCY GENERATORS**

Mr. Donald Faison stated a mandatory pre-bid was held on October 22, 2002 for the three emergency generators to six contractors. Three bidders were present for the meeting. We received the following bids for the generators:

**Carter Machinery Co., Inc.**

50 KW (Sheriff's Office)	\$13,314.00 - Propane
100 KW (Old Hickory)	\$19,483.00 – Diesel
125 KW (Jail)	\$22,864.00 – Diesel
Combined bid	\$55,661.00
Delivery Time 10 – 14 Weeks or 50 – 70 days after submittal approval.	

**Fidelity Engineering Corporation**

50 KW (Sheriff's Office)	\$13,048.00 - Propane
100 KW (Old Hickory)	\$22,342.00 – Propane
125 KW (Jail)	\$22,944.00 – Diesel
Combined bid	\$58,334.00
Delivery Time Not Given	

**Cummins Atlantic, Inc.**

50 KW (Sheriff's Office)	\$15,960.00 - Propane
100 KW (Old Hickory)	\$20,703.00 – Propane
125 KW (Jail)	\$33,950.00 – Diesel
Combined bid	\$70,640.00
Delivery Time 40 – 45 days after submittal approval.	

Mr. Faison requested authorization to enter into negotiation with Carter Machinery to see if the County can purchase all three generators from them and obtain a propane generator for Old Hickory. He stated he would come back for the Board's approval after he met with Carter Machinery.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the Buildings and Grounds Director was authorized to enter into negotiations with Carter Machinery Co., Inc, for the purchase of the three generators as presented.

**IN RE: AUTHORIZATION TO REPAIR NORTHSIDE ROOF**

The County Administrator stated she didn't want to cause a lot of discussion but we have a lot of concern about the Northside roof again. It appears now that you will not be getting the report from the School Board until December 4<sup>th</sup> and even if you decided that you wanted to put an "A" roof on the building; it would take up to 120 days to move forward with the project. For \$14,000 you might be able to preserve the building. Do you want to wait or would you want to reconsider and winterize the building?

Mr. Faison stated he checked with the roofing contractor about putting the ½" recover board and we would be picking up additional insulation in those two areas. That would help with the thermal conductivity between the attic space and the living space in those 2 areas.

Mr. Bracey commented he was the hold up on the project and because of information he has gathered he was at this point willing to agree to spend the \$14,000 for the roof repairs. The County Administrator stated this way the Board would not be pushed into making a decision on what the building would be used for, whether it would be for a school or anything else. Mr. Faison stated it was still his recommendation to spend the \$14,000 to save the building.

Mr. Bracey called for a motion.

Mr. Haraway asked how long the roof would last? Mr. Faison replied the roof has a 10-year guarantee on that area only. There was a lengthy discussion regarding the condition of the rest of the roof, the square footage involved and the need to preserve the walls and floors of the building. Mr. Moody commented with all of the water we have had lately there is going to be a lot of damage done if we don't put a roof on the building. He said he felt it would be money well spent.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the Buildings and Grounds Director is hereby authorized to proceed with the repairs to the roof at Northside not to exceed \$14,000.

**IN RE: REGISTRAR – REPORT**

Mrs. Linda Brandon, Registrar, came forward and presented a report on the recent election. She commented things went pretty smoothly for the election. There was a 24.9% turnout for the County, which was not bad. The last election for the Governor the turnout was 48.9%. Three precincts had a 32% turnout; District 3 – Reams, District 4 - Cherry Hill, District 5 – Old Hickory Hunt Club topped 32%. Mr. Bracey thanked the Registrar for her report. Mr. Moody asked if there was any confusion on moving to the new districts? Mrs. Brandon responded certainly. We didn't experience as many as we thought we would; but there definitely were some confused voters. Here at the Pamplin Building the Chief Officer redirected about 160 voters. Many of the voters did not send in address changes or they threw out their new cards. If you will recall we had the Congressional redistricting followed by the redistricting and the voters got 2 cards in less than 6 months and it was a little confusing.

Mr. Bowman stated he got a couple of calls and suggested at the next election maybe signs could be posted on U.S. Route 1 to direct voters over to St. John's. The Registrar commented she had spoken with the State Office about the signs. It would be up to the County; the State has no problem with posting the signs. Just keep in mind, it would have to be done for all of the precincts in both directions.

**IN RE: RESOLUTION – OPPOSING CLOSURE OF RICHARD  
BLAND COLLEGE**

The County Administrator stated there was an article in the paper that Richard Bland College was removed from the closure list. However, she felt it would be wise to go on record opposing the closure of the College. She recommended adopting the following resolution and sending it to our legislators.

Upon Motion of Mr. Haraway, Seconded by Mr. Bowman, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, voting "Aye", the following resolution was adopted:

**RESOLUTION OPPOSING THE CLOSURE OF RICHARD BLAND COLLEGE**

WHEREAS, the Governor appointed members to a commission, chaired by the Honorable L. Douglas Wilder ("Wilder Commission") to examine and offer ways to save the Commonwealth much needed money; and

WHEREAS, it has been reported that the Wilder Commission has proposed the closure of Richard Bland College as one of its proposals to save millions of dollars in FY 2004; and

WHEREAS, since 1960 Richard Bland College of the College of William and Mary ("RBC") has been an integral part of many families in Dinwiddie County and the Tri-Cities area, by offering at a low cost traditional curriculum in the liberal arts and sciences leading to the associate degree; and

WHEREAS, each year over fifty percent of RBC students transfer into the four-year college system, of which RBC has guaranteed admissions agreements with 11 colleges and universities, and the College of William and Mary guarantees acceptance to RBC students graduating with a 3.0 G.P.A.; and

WHEREAS, through alliances with nursing and education, RBC (i) offers programs in nursing and radiation services at a time when similar programs are being cut in other higher institutions; (ii) collaborates with Longwood University on an education program to meet the needs of students desiring to become educators; and (iii) rents space to Averett College offering adult evening education courses leading to the bachelor's degree in business and the MBA; and

WHEREAS, high school students likewise benefit through the dual enrollment program offered by RBC, allowing students the opportunity to earn college credits before beginning undergraduate studies; and

WHEREAS, not only does RBC offer educational benefits but also it provides a positive economic impact by generating additional revenue and jobs, and according to a 1999 study done by the Virginia Employment Commission, there was a total economic impact of approximately \$16 Million and 196 jobs on the local economy;

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia:

1. That, while it recognizes that the Commonwealth has a deficit and cuts must be made, the Board strongly opposes any plans to close Richard Bland College.
2. That attested copies of this resolution shall be forwarded to the Governor of the Commonwealth, to the representatives of the residents of the Dinwiddie County in the Virginia General Assembly, and to the Streamlining Team Chair of the Wilder Commission.
3. This resolution shall be in full force and effect upon its passage.

**IN RE: AUTHORIZATION TO ALLOW EMERGENCY WATER RESTRICTION ORDINANCE TO LAPSE**

The County Administrator stated surrounding localities have been under ordinances and Dinwiddie County has been under an emergency water restriction ordinance which lapses in 60 days. Since the Governor has relaxed some of the restrictions, other localities have followed suit. Therefore, rather than having to go through adopting a standard ordinance, which you would have to go through an amendment to change, she recommended allowing the emergency ordinance to lapse on December 2, 2002. If it becomes necessary in the future the County can adopt a permanent ordinance at a later time. The Water Authority is allowing their restrictions to lapse at the same time.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, authorization to allow the emergency water restriction ordinance to lapse on December 2, 2002 was granted.

**IN RE: COUNTY ADMINISTRATOR COMMENTS**

1. Mrs. Ralph distributed copies of the 2003 Legislative Issues draft for Dinwiddie County. She requested that the Board let her know if they would like to add or change any of the items. She stated we could officially adopt them on December 4, 2004. She pointed out to Mr. Bowman that we are still working on the Rt. 226 issue and it can still be included. There was a movement by the VACO Association that the localities would not be stepping forward to pick up the State budget cuts. It was a unanimous decision by the Association of Counties at their meeting. Attached is an individual ordinance that had already been adopted by Isle of Wight County. If that is something that you would like to adopt as well it could be included in the legislative package. The County Administrator distributed a copy of the letter she sent to the Constitutional Officers requesting that they provide her with their recommendations as to how they will handle the reductions the Governor made to their individual FY03 budgets. She requested that the Board advise her if they have any different views. Mr. Bracey requested that the manufactured home issue number 15 be highlighted on the list.

**IN RE: BOARD MEMBER COMMENTS**

Mr. Haraway	He commented with the second semester of college starting in January it would be nice to have the educational program in place so the employees could begin in January. The County Administrator asked if it was the desire of the Board to proceed with the program Mr. Haraway was kind enough to provide or did the Board want to look at some other programs. Mr. Bracey interjected it was an oversight on his part. There are other programs available that are not by the
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semester, which will send professors to the locality. Employees who have a lot of experience will be given credit for that experience and it won't take them long to get a degree. It is not as costly to the County either. Mr. Haraway stated he does not object to that but there are employees who are pursuing a degree say from VCU and Virginia State University and he would like to see them continue that program. The County Administrator commented she would like to know if the Board would like her to check with other localities to see what programs they offered. Mr. Haraway stated any program is good as long as we move forward so the employees can take advantage of it starting in January.

**IN RE: REQUEST TO REMOVE "MINING" FROM THE COUNTY'S A-2 ZONING ORDINANCE**

Mr. Bowman stated he would like to see the Board move forward with the recommendations the Planning Commission made with the Comprehensive Land Use Plan. He commented he would certainly like to see the agriculture zoning looked at, particularly to have mining in the A-2 zoning taken out of the County zoning. Then the Board could start working on the issues one at a time. Mr. Bracey commented the Planning Department is going to be meeting tomorrow to discuss all of the issues. Mr. Scheid stated what the Planning Commission is going to do is to prioritize the 9 pages that have bullets on them. We will be going over the pages one by one and the Planning Commission will hopefully come up with the top 3 – 5 they want to work on. Mr. Bowman restated he would particularly like mining taken out of the A-2 classification to give the citizens more say so in the development of this County; where these mining companies would have to go through a re-zoning hearing and the Board will have some control rather than just having to put conditions on them. He asked the Board how they felt about his request. Mr. Clay stated he didn't see any difference between a re-zoning than putting conditions on them. A public hearing has to be held either way. Mr. Bowman stated actually the citizens could say no; we don't want this in our neighborhood. Where right now the conditional use permit is a permitted use and the only thing the Board can do is put some restrictions on the permit. Mr. Bracey commented conditions are the key. Mr. Haraway asked are we going to take this to the Planning Commission to ask for their recommendations? Mr. Bracey stated they are going to be looking at all of the issues. Mr. Haraway commented then we would be getting a recommendation from the Planning Commission about Mr. Bowman's request. Mr. Scheid responded I don't know if the Planning Commission will be dealing with just agricultural. If you will recall, there are 9 pages of suggestions. This is going to take a great deal of time due to the depth of the issues. However, it will be done systematically according to the subsection chosen. Mr. Moody stated the Planning Commission got the bullets and they are supposed to be getting them back to Mr. Scheid. It was his understanding though that the Board was supposed to look at the bullets also and prioritize them. Then get together with the Planning Commission to try to agree on these issues. Mr. Bowman commented his biggest concern was in the 1996 CLUP there was a bullet to limit the uses in the A-2 zoning but nothing has been done about it in the last 5 years. Now we are in a desperate situation where we need something done on this one specific issue "mining". It is creating a lot of problems in the County because we allow mining with a conditional use permit. He stated he felt it should only be allowed in heavy industrial zoning. That way it will give the citizens a chance to have more input and some say in how the County is going to develop.

Mr. Bowman made the motion to have this one item sent to the Planning Commission to have "mining" removed from A-2. Mr. Clay stated he didn't think the Board could do that now because the County could be facing a lawsuit. Mr. Bowman stated he disagreed; he felt the Board had a right and an obligation to protect the County and represent its citizens. Continuing there was a lengthy discussion between the Board members regarding the issue.

Mr. Haraway seconded Mr. Bowman's motion. He requested that the County Attorney give his legal opinion about whether or not he thinks the County would have a legal problem if this motion is passed tonight. The County Attorney stated the motion you have on the table, as he understands it, is to refer the issue to the Planning Commission to study the issue and make a recommendation. Which is what you have to do before you could actually amend the zoning ordinance in any event. The matter of passing this motion and sending it to the Planning Commission for approval; no, that is a perfectly appropriate way to deal with the issue. Now when it comes back up and the Commission makes their recommendation and you look at your recommendation; he stated he had no opinion based upon the issues that are out there right now, whether or not you are subjecting yourselves to a law suit ultimately. This motion particularly, the way to do it is for the Board to vote as to whether or not it will be sent to the Planning Commission for a study. You can't amend the zoning ordinance without it going to the Planning Commission first. Once they make their recommendations and then it comes back to the Board for its vote. At that point in time depending on whatever legal issues are pending at that time or vested interest there might be, the County Attorney stated he did not have an opinion right now but he would like to have time for the firm review those issues.

The Board members expressed their opinions regarding the legal issues and the time involved in resolving them. Mr. Bowman stated he would like to see the same dedication and importance put on this request that was put on Mr. Bracey's request when the code was changed for the lay-down-yard. Mr. Bracey stated this is entirely different. It will take time. Mr. Clay stated he was not opposed to sending the request to the Planning Commission, but he did have a problem trying to change it now that the request from the Quarry has been submitted. Mr. Bracey stated we are asking for a problem if we ask the Planning Commission to change it now to ward off an issue. He stated he would not be a part of trying to change anything in the middle of the stream; you can't do business like that.

Mr. Moody stated the only way he could vote on the motion was to amend it to look at all the agriculture uses as one of our priorities and put mining in there to make sure it is looked at. He stated he didn't think it would be wise to single issues out at this time.

Mr. Bowman stated he was not willing to amend his motion; it stands for itself as it did a year and a half ago, to protect the citizens and give them a say so in how the County is going to be developed.

Mr. Bracey called for the roll.

Mr. Clay, Mr. Moody, Mr. Bracey, voting "Nay", Mr. Haraway, Mr. Bowman, voting "Aye", the motion did not carry.

**IN RE: CLOSED SESSION**

Mr. Clay stated I move to close this meeting in order to discuss matters exempt under section:

**Personnel Matters - §2.2-3711 A. 1 of the Code of Virginia**  
- Building Inspections; Appointments

**Consultation with Legal Counsel - §2.2-3711 A. 7 of the Code of Virginia** – Litigation – Zoning Issues

**Real Property - §2.2-3711 A. 3 of the Code of Virginia** – Acquisition of Property

Mr. Haraway seconded the motion. Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, voting "Aye", the Board moved into the Closed Meeting at 5:17 P.M.

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

**IN RE: CERTIFICATION**

**Whereas**, this Board convened in a closed meeting under § 2.2-3711 A.1 Personnel – Building Inspections; Appointments; Consultation with Legal Counsel - §2.2-3711 A. 7 of the Code of Virginia – Litigation – Zoning Issues § 2.2-3711 A.3 Real Property - Acquisition of Property

**And whereas**, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

**Now be it certified**, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

Upon Motion of Mr. Haraway, Seconded by Mr. Clay, Mr. Clay, Mr. Haraway, Mr. Moody, Mr. Bowman, Mr. Bracey, voting "Aye", this Certification Resolution was adopted.

**IN RE: AUTHORIZATION TO NEGOTIATE CONTRACT WITH CHARLES TOWNES & ASSOCIATES – SELECTION OF AN INDUSTRIAL SITE**

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

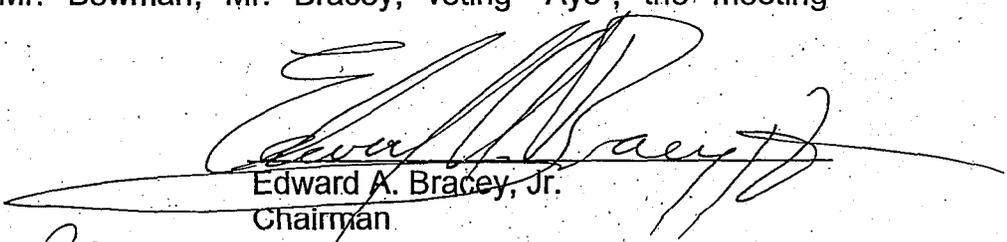
BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the County Administrator is authorized to negotiate and execute a contract within the funds provided under the Tobacco Commission grant program with Charles Townes & Associates to provide engineering services to prioritize and make a recommendation on a site(s) to develop an industrial park.

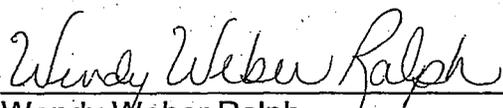
**IN RE: INFORMATION IN BOARD PACKET OR DISTRIBUTED**

1. Letter from Virginia Department of Health – Informing the County of a temporary permit request from Synagro – WWT, Inc., to store stabilized sewage sludge in the County.
2. Holiday schedule from Governor Warner's Office.
3. Appomattox Regional Library System – Monthly report

**IN RE: ADJOURNMENT**

Upon Motion of Mr. Moody, Seconded by Mr. Haraway, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, voting "Aye", the meeting adjourned at 7:31 P.M.

  
Edward A. Bracey, Jr.  
Chairman

  
Wendy Weber Ralph  
County Administrator

/abr

