

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 21ST DAY OF OCTOBER, 2003, AT 2:00 P.M.

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

OTHER: DAN SEIGEL COUNTY ATTORNEY

ABSENT: HARRISON A. MOODY ELECTION DISTRICT #1

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

Mr. Robert L. Bowman, Chair, called the regular meeting to order at 2:21 P.M. followed by the Lord's Prayer and the Pledge of Allegiance. The County Administrator read words relayed by Mr. Moody. He wanted to let everyone know he regretted he could not be present today. He was appointed by the Governor to the Tobacco Commission and he felt he needed to be at the meeting.

IN RE: AMENDMENTS TO THE AGENDA

Mrs. Wendy Weber Ralph, County Administrator, stated there is a need to add under Closed Session: 2.2-3711 A. 5 of the Code of Virginia, Business and Industry Development.

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

IN RE: CLAIMS

Upon motion of Mr. Haraway, Seconded by Mr. Clay, Mr. Bracey, Mr. Clay, Mr. Haraway, Mr. Bowman 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 1036893 through 1037038 for:

Accounts Payable

(101) General Fund	\$ 249,979.96
(103) Jail Commission	\$ 117.30
(209) Litter Control	\$
(222) E911 Fund	\$ 2,004.85
(223) Self Insurance Fund	\$
(225) Courthouse Maintenance	\$
(226) Law Library	\$ 257.25
(228) Fire Programs	\$ 227.00
(229) Forfeited Asset Sharing	\$
(304) CDBG Grant Fund	\$ 1,446.96
(305) Capital Projects Fund	\$ 794.60
(401) County Debt Service	\$ 29,519.06
TOTAL	\$ 284,346.98

IN RE: RESOLUTION FOR FISCAL AGENT - APPOMATTOX REGIONAL GOVERNOR'S SCHOOL

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

The County Administrator asked Dr. Lanham, Assistant Superintendent for Instructions, to briefly explain the Fiscal Agent for the Governor's School. He stated that the Governor's School is supported by several localities. Petersburg was the Fiscal Agent in the past but no longer has the personnel to maintain the responsibility. Chesterfield stated that they would not have a problem with the responsibility. We have until July 4, 2004 to agree to let Chesterfield be the Fiscal Agent for the Governor's School.

Whereas, at its 2003 session, the General Assembly amended Section 22.1-118 of the Code of Virginia to permit school boards operating an academic year Governor's School, with approval of the respective governing bodies of their localities, to select a fiscal agent from among the treasurers of the participating localities; and

Whereas, the school boards of Amelia County, Charles City County, Chesterfield County, City of Colonial Heights, Dinwiddie County, City of Franklin, City of Hopewell, Powhatan County, City of Petersburg, Prince George County, City of Richmond, Southampton County, Surry County, and Sussex County (hereafter the "Participating School Boards") operate the Appomattox Regional Governor's School, which is an academic year Governor's School; and

Whereas, the Participating School Boards wish to select the Treasurer of Chesterfield County to be the fiscal agent of the Appomattox Regional Governor's School, effective July 1, 2004.

Now, therefore, be it resolved that the **Board of Supervisors of Dinwiddie County** hereby approves of the selection of the Treasurer of Chesterfield County as the fiscal agent of Appomattox Regional Governor's School, effective July 1, 2004.

IN RE: APCO CONFERENCE – APPROVAL TO ATTEND

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

BE IT RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to Ms. Denise Absher, an employee of the Public Safety Department, to attend the three day APCO of Virginia Fall Conference which will be held on November 4, 2003 through November 7, 2003.

IN RE: EMS SYMPOSIUM – APPROVAL TO ATTEND

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

BE IT RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to Dawn Titmus and Rosa Peters employees of the EMS Section in the Public Safety Department, to attend the four day Virginia EMS Symposium which will be held on November 5, 2003 through November 9, 2003.

IN RE: DIRECTOR OF BLDGS. & GROUNDS – POSITION ANNOUNCEMENT

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for Administration to hire Mr. Charles E. Jones for the position of Director of Buildings & Grounds at Grade 16, Step A, at an annual salary of \$40,578 effective November 1, 2003.

IN RE: CITIZEN COMMENTS

Mr. Bowman 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 citizen(s) came forward to address the Board:

1. Michael W. Bratschi – 23500 Cutbank Road, – McKenney, Virginia – He stated that if Mr. Moody had so many obligations, he should step aside. He was referencing Mr. Moody's recent appointment by the Governor to the Tobacco Commission. He stated that at the last board meeting the County admitted making mistakes, but there are still 56 homes in the county that do not have indoor plumbing. He stated that it was wrong for Mr. Jolly to go on record at a hearing in Richmond and point fingers at FEMA and the Red Cross for the problems. He stated that he received a letter from the county attorney and he said that he would not be intimidated. He would continue to come to the meetings exercising his first amendment rights. He stated that the firehouses had generators and they (the firehouses) could have been used to benefit the citizens in some way. He stated that the county was not prepared and hoped next time they would be.

Mr. Bracey stated that there was a program in the county to benefit the citizens who are without indoor plumbing. They would need to contact the planning Department.

Mr. Bowman stated that the County was not blaming FEMA so much as the County was trying to determine that it was a break down in communication all the way from the state level to the local level. He said that if we had known we were not going to get certain services, we would have gone a different route. He stated we all learned a lesson from this matter and he hoped that we could move on.

2. Geri Barefoot – 7411 Frontage Road, - Petersburg, Virginia – She said she hoped that the county would go forward with the adoption of the VA Bio Solids Ordinance.
3. Anne Scarborough – Boydton Plank Road, - Dinwiddie Virginia – In reference to the E-911 Communication Towers and not being able to get a signal, she stated that she had told the county about needing the system a year ago. She said the School board stated that they would be happy with \$50 million dollars. Why is it that they now need \$63 million dollars? She said the School Board stated that if they could get thirty more buses they would be ok, why then is there a need for more school bus money? She mentioned that in the 11:30 continuation meeting some board members did not know how long the E-911 equipment would last. She said that Motorola told those members exactly how long the equipment would last. She stated that the citizens contributed \$10 million dollars towards the county's revenue and going to the Homestead for any kind of meetings should be brought before the public. The Homestead is too expensive. If you are cutting everyone else's budget, why don't you cut down on your budget? Show us you are being frugal with citizen's money! She stated that

- the county should stop rezoning in places. She asked when will the county move forward with the proffers?
4. Margie Flowers – She stated that she hopes the county will adopt a Bio Solids ordinance.
 5. Junior Parker – 12241 Trinity church Road – He read statements that talked about the adverse effects of Bio Solids in various states where there were no ordinances. He also stated that his last two tax bills were sent to him with incorrect amounts. He brought it to the attention of the Commissioner of Revenue and when he received his last bill it had not been corrected. He stated, “I will not pay it”.
 6. Pearl Bland – She wanted to know what is the policy for a person that was treated unfairly by a school board member while attending a school board meeting. She stated she was questioning the school boards approach at handling some issues and she was told to keep quiet or she would be removed from the meeting. She questioned that statement, invoking her first amendment rights, and she was again asked to keep quiet. The sheriff’s department showed up to escort her out, but she was allowed to stay.

Mr. Bowman – He stated that there was nothing that the Board of Supervisors could do. The School Board Members are elected as we are and the polls are the only way he sees as a means of remedying the situation.

Mr. Bracey – He agreed with Mr. Bowman. He added that someone should say something to the School Board Members.

IN RE: REPORTS – VDOT

Mr. Richard Caywood, Resident Engineer, Virginia Department of Transportation – He offered to give the county the name of an individual that lives in Chesterfield who is an expert on proffers. He mentioned that the removal of trees from the roadsides is happening, but at a slow pace. The removing of the root balls is causing things to slow a bit. The work on route 630 & 651 is done. Route 665, Walkers Mill, will open next week. The Rainey Road construction will begin soon. The opening on route 627 has been pushed back to November 14th.

IN RE: BIO – SOLIDS ORDINANCE – REVIEW OF DRAFT PLAN

Mr. Guy Scheid, Director of the Planning Department went over the model ordinance. He stated that he had some contacts with Farm Bureau and they would like to meet with the Board to discuss the ordinance issues with you. He stated that Farm Bureau is willing to meet with the board in a work session in November and then in January they would be willing to meet with the public to discuss or answer any questions. Mr. Scheid also stated that the county needs to hire a part time or full time person to handle the issues that come up concerning Bio Solids.

Mr. Bracey, Mr. Clay and Mr. Haraway wanted to know if there was anyway to move this Ordinance process forward without waiting until January?

Mr. Scheid responded that it is possible. With the advertising requirements, December 2, 2003 would be the earliest night meeting the ordinance could be heard.

Mr. Bracey asked Mr. Scheid if there is a grass-cutting ordinance? He stated that he lives next to someone whose grass is up to his waist. He also asked about lots where a house is up for sale. Those persons in the county who are selling their home should take care of the property.

Ms. Anne Scarborough asked how many acres have been spread with Bio Solids?

Mr. Scheid responded that he did not have those numbers but the applicators have to keep records and he could get the numbers from them.

Mr. Bowman stated that the State Health Department should be able to give numbers also.

IN RE: COMMUNICATIONS SYSTEM – EXTENSION OF CONTRACT

Ms. Denise Absher, on the request of the contractor, asked the Board for additional money to cover the additional hours involved in finishing the work that Kimball & Associates contracted for.

Mr. Clay stated that the price was the price and he was not in favor of additional monies.

Mr. Haraway stated that we picked this company for their expertise in this field. We are paying them to do the job regardless of the hours. Mr. Haraway felt we should allow the County Administrator to meet with Kimbal to negotiate at cost a figure with no mark up, not to exceed \$5,000.

Upon motion of Mr. Haraway, Seconded by Mr. Bracey, Mr. Haraway, Mr. Bracey, Mr. Bowman voting "Aye," Mr. Clay voting "No," the Board is authorized the County Administrator to meet with Kimbal to negotiate at cost a figure with no mark up, not to exceed \$5,000.

IN RE: COUNTY ADMINISTRATOR COMMENTS

1. Holiday Parade – It will be scheduled for December 14, 2003 from three to five O'clock in Dinwiddie County at Virginia Motorsports Park.
2. Planning Committee to be formed – Lillian Stewart, Floyd Perkinson and Dean McCray have agreed to become members of a Planning Commission Subcommittee to work on their annual work program. It was asked if any Board Members would like to be on the committee. They will meet on October 28, 2003 at 4:00 P.M.
3. Voting Credentials for the VACO Annual Business Meeting – Mr. Clay, Mr. Bowman and Mr. Moody are members that are going to attend the VACO Conference. A motion was made by Mr. Haraway to make Mr. Bowman the authorized voting member at the Annual Business Meeting. Mr. Clay, Mr. Haraway, Mr. Bracey voting "Aye", Mr. Bowman abstained.
4. Date to meet with the School Board – Two dates were suggested by the County Administrator to meet with the School Board to continue discussions on School Improvements.

Mr. Bracey suggested that the County Administrator and the Assistant County Administrator meet with the Superintendent and tell him what the Board can do concerning the Capital Projects Plan of Finance.

Mr. Haraway stated that we have met with the School Board before and there has not been any effort on their part to do anything that we have suggested. He stated that the meeting should be postponed until after the elections when two new School Board members will be participating. They should have some input.

Mr. Clay suggested to let the citizens make the decision by putting it on the ballot for a referendum. There should be different options for reference.

Mr. Bracey agreed with Mr. Clay, but added that County Administration should check to see what needs to take place to put this on the ballot for a referendum.

IN RE: BOARD MEMBER COMMENTS

1. Mr. Bracey stated he hoped the Board would vote on a sum of money for the School budget that the employees would receive. It did not happen last year and he does not want the same to happen again.

2. Mr. Bowman asked about the fund balance. He wanted to know if that includes the back taxes from minerals owed by mining companies. He wants to see what the fund balance would be without those taxes.

IN RE: CLOSED SESSION

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

**2.1-3711 A .7 of the code of Virginia, Consultation with Legal Counsel
Chaparral Agreement**

2.1-3711 A .5 of the code of Virginia, Business and Industry Development

Upon Motion of Mr. Haraway, Seconded by Mr. Clay, Mr. Bracey, Mr. Clay, Mr. Haraway, Mr. Bowman, voting "Aye", the Board move into the Closed Session at 4:14 P.M.

IN RE: CERTIFICATION

A Vote having been made and approved the meeting reconvened into Open Session at 4:53 P.M.

Whereas, this Board convened in a closed meeting under 2.1-3711 A .7 Consultation with Legal Counsel – Chaparral Agreement and 2.1-3711 A .5 Business and Industry Development.

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

IN RE: ADJOURNMENT

Upon Motion of Mr. Haraway, Seconded by Mr. Clay, Mr. Bracey, Mr. Clay, Mr. Haraway, Mr. Bowman, voting "Aye", the meeting adjourned at 5:01 P.M. on Tuesday, October 21, 2003.


Robert Bowman, IV, Chairman


Wendy Weber Ralph
County Administrator

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