

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 15TH DAY OF JUNE, 2004, AT 12:30 P.M.

PRESENT:	DONALD L. HARAWAY – CHAIRMAN	ELECTION DISTRICT #2
	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5

OTHER: BENJAMIN EMERSON COUNTY ATTORNEY
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Mr. Donald L. Haraway, Chairman, called the regular meeting to order at 12:39 P.M. in the Board Meeting room of the Pamplin Administration Building.

IN RE: CLOSED SESSION

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

§2.2-3711 (A)(1) of the Code of Virginia - Personnel – Commonwealth Attorney; Zoning Administrator, Planning, and Recreation
§2.2-3711 (A)(30) of the Code of Virginia – Contract Negotiations
§2.2-3711 (A)(3) of the Code of Virginia – Acquisition of Property

Mr. Bowman seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 12:39 P.M.

A vote having been made and approved the meeting reconvened into Open Session in the Board Meeting Room at 2:03 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under §2.2-3711 A. 1 Personnel – Commonwealth Attorney; Zoning Administrator; Planning, and Recreation; §2.2-3711 (A)(30) of the Code of Virginia – Contract Negotiations; §2.2-3711 (A)(3) of the Code of Virginia – 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. Bowman, Seconded by Ms. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", this Certification Resolution was adopted.

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

Mr. Donald L. Haraway, Chairman, called the regular meeting to order at 2:04 P.M. followed by the Lord's Prayer and Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

The County Administrator requested that the agenda be amended to

continue the Closed Session for §2.2-3711 A. 1 – Personnel – Commonwealth Attorney and add the following item after the Consent Agenda – Update on the community wells situation in Chesdin Manor and River Road Farm Subdivisions.

Upon motion of Mr. Moody, Seconded by Ms. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye," the above amendment(s) were approved.

IN RE: MINUTES

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", Mr. Stone voting "Nay"

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the minutes of the May 26, 2004 Continuation Meeting, June 1, 2004 Continuation Meeting, and the June 1, 2004 Regular Meeting, are approved in their entirety.

IN RE: CLAIMS

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", Mr. Stone voting "Nay"

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 1039917 through 1040088 (void check(s) numbered 1039916, and 1039955 - 1039610)

FY – 03/04

Accounts Payable:

(101) General Fund	\$ 136,271.51
(103) Jail Commission	\$ 156.03
(209) Litter Control	\$
(222) E911 Fund	\$ 2,742.82
(223) Self Insurance Fund	\$
(225) Courthouse Maintenance	\$ 2,813.27
(226) Law Library	\$ 36.80
(228) Fire Programs	\$ 154,403.92
(229) Forfeited Asset Sharing	\$ 500.50
(304) CDBG Grant Fund	\$ 2,999.24
(305) Capital Projects Fund	\$ <u>267,129.54</u>
TOTAL	\$ 567,053.63

FY – 04/05

Accounts Payable:

(101) General Fund	\$ 1,900.50
(222) E911 Fund	\$ <u>3,083.28</u>
TOTAL	\$ 4,983.78

**IN RE: COMMUNICATIONS EQUIPMENT REQUISITION #5 –
DINWIDDIE COUNTY IDA PUBLIC FACILITIES LEASE
REVENUE NOTE SERIES 2003**

The following invoice from Motorola, for expenses from the Dinwiddie County IDA Public Facilities Lease Revenue Note Series 2003 was submitted for payment:

Milestone #5 install at Landfill Site	\$211,503.90
Milestone #6 install at Fire Station #1	211,503.90
Equipment that did not ship milestone #3	<u>22,424.00</u>

TOTAL DUE **\$445,431.80**

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", Mr. Stone voting "Nay"

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number #5 in the amount of \$445,431.80 be approved and funds appropriated for expenses from the Dinwiddie County IDA Public Facilities Lease Revenue Note Series 2003.

IN RE: WASTEWATER HAULER CONTRACT

The following bids were received for the wastewater hauling at the Landfill:

Company	Cost per gallon	Cost per load
Chamber Septic Service	\$.04	\$112
Edmunds Waste Removal	\$.05	\$200
EZ Septic Service	\$.10	\$200

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", Mr. Stone voting "Nay",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the County Administrator was authorized to enter into a contract for the wastewater hauling at the Landfill with Chamber Septic Service at a cost of \$.04 per gallon/\$112 per load.

IN RE: AUTHORIZATION TO ADVERTISE – BUILDING & ZONING FEE AMENDMENTS

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", Mr. Stone voting "Nay",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Staff is authorized to advertise for a public hearing for the building and zoning fee amendments as presented.

IN RE: NAMOZINE VFD – REPLACEMENT OF MOTOR FOR BREATHABLE AIR COMPRESSOR

"June 4, 2003

David Jolly
Director
Dinwiddie Public Safety

Dear Mr. Jolly,

This letter is in regards to our conversation on June 2, 2004 regarding replacement of the motor on our breathable air compressor. The motor is defective and no longer serviceable. We have received a quote of \$768.00 for replacement of the motor. The quote is from Grainer. The model number of the motor is 10hp – 2k498. The air compressor is used to fill our air cascade system. The cascade system is used to fill air bottles for air packs used in firefighting and hazardous environments. We are requesting Dinwiddie County

Dinwiddie shall be those prescribed by state law and the ordinance, resolutions, and approved plans of the County of Dinwiddie in order to mitigate the effects of said emergency.

**IN RE: AUTHORIZATION TO NEGOTIATE WITH LOW BIDDER –
PARKING LOT EASTSIDE PROJECT**

The following bids were received for the parking lot located at the Eastside Community Enhancement Center project:

Company	Bid
Pro-Construction Services	\$47,879
Rocky Hill Construction	\$57,416

The Director of Buildings and Grounds requested authorization to negotiate with the low bidder at a cost not to exceed \$47,879.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", Mr. Stone voting "Nay",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Buildings and Grounds Director was authorized to negotiate the contract with Pro-Construction Services the low bidder, at a cost not to exceed \$47,879, for the parking lot at the Eastside Community Enhancement Center.

**IN RE: UPDATE – COMMUNITY WELLS IN CHESDIN MANOR
AND RIVER ROAD FARMS SUBDIVISIONS WITH
ELEVATED LEVELS OF URANIUM**

The County Administrator stated there would be an update on the present situation of the community wells in Chesdin Manor and River Road Farms Subdivisions. But she would like to make a statement to go on record before the presentation. The County received a letter from the Crater Health District on June 3, 2004 notifying us that one of the community wells in the subdivisions, owned and operated by Fox Run Water Company, had elevated levels of uranium. On Wednesday, June 9th a town meeting set up by the Crater Health District was held at Rohoic Elementary School and a representative from Fox Run Water Company stated they faxed a letter to the County regarding the situation. At the meeting she said she had not received any correspondence from them. However, Thursday morning she discovered that a fax had come into the office addressed to the Chairman and her but she had no knowledge of it at the meeting. She commented she wanted to clarify that she was not aware that the fax had come in and she was not aware of it at the meeting. She also stated that a representative did come in the morning after the community meeting to talk with Administration about the issue. The County Administrator stated after the update if the residents have any questions the officials from the Health Department, Fox Run Water Company, Public Safety Director and Water Authority would be meeting in the room down the hall. If anyone had any comments for the Board at the conclusion of that meeting, to please come back to the Board meeting room and the Board would entertain a second public comment period.

Mr. David Jolly, Public Safety Director, Mr. Bernard Nash, Owner, Fox Run Water Company, Mr. Bernard McNamee, Attorney for Fox Run Water Company, Dr. Michael Royster, Director Crater Health Department, Mr. Jerry Peaks, Virginia Office of Drinking Water, gave updates regarding the well situations and what had transpired with each department from the onset of the problem.

The County worked with the Water Authority to supply drinking water to the community immediately. Mr. Nash supplied the community with a tanker of drinking water, which is located on site to remain there until a permanent solution

is in place. The Health Department is focusing on health related problems, disseminating information and offering water sampling to the community and contacting the local physicians in case the residents contact them. The Health Department is also working with the Social Services Department to help residents that don't have health benefits.

Dr. Royster explained that exposure to high levels of uranium can cause kidney damage and increases the risk of contracting bone sarcoma (a specific type of bone cancer) after many years of exposure. He reported 99% of the uranium would leave a person's body in the feces. And only 1% enters the blood stream. Most of this uranium that enters the blood leaves the body through the kidneys and a small amount remains in the bones for many years.

The Office of Drinking Water under the Virginia Department of Health has jurisdiction in ensuring that community well water is safe. Individuals with private wells are responsible for testing the quality of their water. The Health Department has a list of laboratories and qualified laboratories can also be found in the yellow pages of the phone book. The phone number for the Crater Health Department is (804) 863-1652 if anyone has questions.

Mr. Moody asked after a person stopped drinking the water would the kidneys go back to normal. Dr. Royster stated after approximately 4-months the kidneys should return to normal.

Mr. Jerry Peaks, Virginia Office of Drinking Water, informed the Board that their main concern was to protect the consumer. He stated he was very impressed with how well all the departments came together and worked on a solution for the community. The ODW ensures the safety of community wells by overseeing the construction of wells, the use of water treatment devices, and the quality of drinking water, and by enforcing water regulations of the Virginia Public Supply Law and the Federal Safe Drinking Water Act. He stated they could also help financially by providing a \$50,000 grant to help with the construction costs and \$25,000 to pay for engineering services.

The County Administrator thanked everyone for coming together to find a solution for the residents. The main concern of everyone was to get safe water to the community for everyone to use. She reminded the citizens if they had any concerns at the end of the meeting, to be sure to come back to the Board meeting.

IN RE: CITIZEN COMMENTS

1. Michael W. Bratschi – 23500 Cutbank Road, – McKenney, Virginia – told the Board they were the elected officials for those people with the well problems and it was their responsibility to help them find a solution. However, he did not feel the Board nor the rest of the citizens should have to pay for the solution. He also expressed his concerns regarding the police coverage for the County when there are racing events at the Virginia Motorsports Park. He stated the County should not be paying their salaries to cover the racing events either.
2. Anne Scarborough – Boynton Plank Road, Dinwiddie, VA. – voiced her concerns regarding the ad in the newspaper which ran for the Environmental Technician position. She stated she did not feel the County should have to pay for training them either; they should already have the qualifications for the position. She told the Board they needed to hire an engineer for the planning department to help Mr. Scheid out too.
3. David Dudley – Smith Grove Road, Petersburg, Virginia, 23803 – stated he was not in favor of the utility tax the Board was taking action on today. He stated it was an unfair tax because all the residents would not be paying because of the prepaid cards that are purchased with suppliers.

IN RE: VDOT REPORT

Mr. Ray Varney, Resident Engineer, Virginia Department of Transportation introduced himself to the Board and commented it was a pleasure for him to be in the County. He extended a personal invitation to each of the members to ride through their districts with them to discuss the problems they might be concerned about. He commented he sees working with the County as a partnership

Mr. Varney commented he was the bearer of some bad news today. VDOT has gotten some direction on the Six Year Road Plan for the County. Usually at this time of the year the budget is looked at and sometimes there are some funds that can be applied somewhere else but this year it is going the other way; there is going to be a deficit. He commented the good news is that for the first two years in the plan the County would not see a change in the projects. VDOT would be able to continue with the two big road projects in the plan and the unpaved roads as well. However, after the 2nd year there is going to be about a \$180,000 deficit. So out in the sixth year, in the current plan, there will be about a 40% decrease in County funding. He stated no county was being singled out; all the secondary budgets were taking a hit over the next six years. He commented he should have some more information for the Board by next month. He stated he would work with the Board on the situation. The unpaved roads allocation has to be spent for the project it was designated for and cannot be used for any other purpose. The regular construction funds can be spent for either unpaved roads or existing hard surfaced roads.

He provided the following update:

1. Route 600 Bridge project over the Appomattox River – a citizen information meeting has been scheduled for June 21, 2004 from 5:00 – 7:00 P.M. at the Matoaca Elementary School.
2. Route 40 & Route 619 – there has been only one accident there; the sight distance was measured and it is not quite what VDOT really wants it to be. A "Hill Blocks View " sign will be installed there and an advisory 45 MPH speed limit sign will be posted.
3. Route 646 striping – the traffic count on the road does not warrant the striping there but VDOT will double-stripe Route 646 (Glebe Road) from US Route 1 to Rt. 645 (Scotts Road).
4. Wrenn Forest Subdivision water drainage problem – will work with the County, developer, and engineer to see if something can be done about the situation. VDOT talked about doing a couple of things: 1) get the rip rap out of there and pour some concrete and they may need some help doing that. He stated he would meet with the developers to see if they could help them and the neighbors.

Board Member Request/comments

Mr. Stone asked Mr. Varney if it would be possible to install rumble strips at the intersections of Route 40 and Route 619? Mr. Varney stated he did not disagree with the rumble strips but due to the accident rate it did not appear to be warranted at this time. He suggested that they try the sign and the lowered speed limit and see what happens. Mr. Stone stated he was unclear about the striping on Glebe Road. Is the striping going to go to the ballpark or to Scotts Road? Mr. Overton commented he thought the lines ran down to Route 647. Mr. Stone commented no; it has been paved and repaved over and the lines aren't visible. Mr. Overton stated they were hard to see but they were there. Mr. Stone stated the traffic count needed to be done in the spring of the year through now, because of the traffic to the ball field. Mr. Overton stated 600 was the qualifying number for the striping but another study could be done.

Mr. Moody stated he appreciated VDOT filling the potholes on Routes 643 and 642 and they might need striping because of the high volume of traffic also.

Mr. Haraway stated with the 40% reduction in the Six Year Road Plan he would be interested in VDOT assisting the County by supplying the criteria used by the State for placing roads on the plan. He asked the Board members if they would be interested in using the same standards used by the State. Mr. Bowman agreed the County needed the expertise of VDOT to help determine what roads should be put on the Six Year Plan instead of it being a political issue. Mr. Moody interjected it has always been a political issue. There are a lot of rural roads in the southern and western sections of the County, which are in very bad condition, that need to be fixed. In the northern end of the County there are a lot of people with crowded roads. If it were decided on an engineering basis the county roads would fall even further behind. Mr. Varney stated VDOT would do it purely by the engineering aspect. What is being seen in other jurisdictions to help with the funding issues is an overlay and widening of shoulders, which is a lot cheaper. He commented he intended to work on maintaining the roads to help increase the life expectancy. He stated if the ditches are kept clean and the water drains off the roads that would help a great deal too.

Mr. Stone requested that VDOT mow on Route 40 from 460 up to Fort Pickett and the areas around Elder Field in McKenney before the week of July 2 – 7, 2004 because the Dixie Youth Minor League tournaments are going to be held that week and there would be visitors coming into the County.

IN RE: RISKIDS.ORG – LETTER OF SUPPORT - ANTHONY JONES

Mr. Anthony D. Jones, Executive Director of the Resource Initiative for Safe Kids gave a brief overview of the purpose of Riskids.org. The RISKids.org “YOU”Th ARE Worthy Focus Forums is a strategy offering economically disenfranchised communities an opportunity to initiate discussions concerning out of school options for youth and then work with the community to identify services, support and funding that will increase the potential for making a difference in the lives of all youth. He requested a letter of support for a grant to utilize the Jepson School students, staff and funding to assist the Resource Initiative for Safe Kinds in a Rural Youth and Caregiver Profile analysis to access the needs of the target area population, which includes portions of Dinwiddie, Amelia, Nottoway, Lunenburg, Brunswick, and Petersburg and then determine the feasibility of establishing a network of community based mentor centers.

Ms. Moody made the motion to extend a letter of support for the grant for the RISKids.org. Mr. Moody seconded the motion and stated he approved of the concept but he wanted to make sure that the letter was only to support the application for the grant. Mr. Jones replied he was not asking for any funding.

Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting “Aye”, the County Administrator was authorized to write a letter of support for the concept presented by RISKids.org and further to support their application to the Jepson School of Leadership Studies at the University of Richmond to provide the resources outlined in the recent request for proposals.

IN RE: A-04-5 – ADOPTION OF UTILITY TAX ORDINANCE

The County Administrator stated the public hearing for the utility tax was held at the last meeting but due to the fact that fees are involved action could not be taken until today. It would be a lag time of approximately 120 days for the vendors to set up accounts for the tax.

Mr. Bowman remarked the County has been mandated by the State to receive the mobile 911 calls and it is not that the Board wants to pass another

tax on to the citizens, but the County had to put in a communication center and man it to handle these calls. The State mandates these responsibilities and the County has to pay for them.

Mr. Moody pointed out the reassessments is being done and it seems that with all the school construction coming up there is definitely a need for funding. Hopefully this tax will give our real estate rates some relief.

Mr. Haraway stated he supported that and commented even if only \$100,000 was collected it would be \$.01 less the real estate tax would have to be increased.

Mr. Stone commented in the past six months since he has been on the board there have been workshops on zoning, planning, proffers, impact fees and Mr. Chandler from Virginia Tech did a session on growth management. And everyone on the Board was concerned about growth in the County. It was not until the Chairman just mentioned it but one of the biggest magnets for the County is the real estate tax; and that is the reason we are having all these problems. That is why the County has to put out more money for services for schools, EMS, and fire. He commented he didn't understand why the previous Board and this Board was not discussing the tax rates more. This is a supplement, yes; but it is a backdoor way to ignore the problem and he could not support this tax.

AN ORDINANCE TO AMEND ARTICLE VII (TAX ON PURCHASERS OF
UTILITY SERVICE) TO PROVIDE FOR THE TAXATION OF MOBILE
TELEPHONE SERVICE.

Upon motion of Mr. Bowman, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", Mr. Stone voting "Nay",

BE IT ORDAINED BY THE BOARD OF SUPERVISORS of the County of Dinwiddie, that Sections 19-94 through 19-102 of the Code of the County of Dinwiddie, Virginia be amended and reenacted to read as follows:

ARTICLE VII. TAX ON PURCHASERS OF UTILITY SERVICES

Sec. 19-94. Definitions.

For the purposes of this article, except where the context clearly indicates a different meaning, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Commercial or industrial user. The owner or tenant of property used for commercial, industrial or any other purposes, except private residential property, who pays for utility service for such property.

Local exchange telephone service: Any service subject to federal taxation as local telephone service as that term is defined in § 4252 of the Internal Revenue Code, 1986, as amended.

Local mobile telecommunications service: Any two-way mobile or portable local telecommunication service, include cellular mobile radio telecommunication service and specialized mobile radio.

Local telecommunications service: Includes without limitation, the two-way local transmission of message through use of switched local telephone services; telegraph services; teletypewriter; or local mobile telecommunications service.

Purchaser. Every person who purchases a utility service.

Residential user. The owner or tenant of private residential property who pays for utility service in or for such property.

Seller. Every person who sells or furnishes a utility service.

Utility services: Local exchange telephone service, local telecommunications service, electrical service and gas service furnished within the county.

Sec. 1995. Imposed; amount; exclusions.

(a) Except as provided in subsections (1) and (2), there is hereby imposed and levied by the county upon every purchaser of a utility service, a tax in the amount of twenty (20) percent of the charge, exclusive of any federal tax thereon, made by the seller against the purchaser with respect to each utility service.

- (1) Effective with the first bill for electric energy service rendered for meter readings on or after January 1, 2001, the rate of tax on the electric energy delivered to the ultimate consumer shall be as follows:

Residential customers—Such tax shall be twenty (20) percent times the minimum monthly service charge imposed by the service provider plus the rate of \$0.016225 on each kWh delivered monthly to residential consumers by the service provider not to exceed three dollars (\$3.00) per month.

Commercial/ industrial customers—Such tax shall be twenty (20) percent times the minimum monthly service charge imposed by the service provider plus the rate of \$0.016600 on each kWh delivered monthly up to one hundred (100) kWh plus the rate of \$0.014863 on each kWh delivered monthly in excess of one hundred (100) kWh, not to exceed thirty dollars (\$30.00) per month.

- (2) Effective with the first bill for natural gas service rendered for meter readings on or after January 1, 2001, the rate of tax on the natural gas delivered to the ultimate consumer shall be as follows:

Residential customers—Such tax shall be twenty (20) percent times the minimum monthly service charge imposed by the service provider plus the rate of \$0.1867 on each CCF delivered monthly to residential consumers, not to exceed three dollars (\$3.00) per month.

Commercial/industrial customers—Such tax shall be twenty (20) percent times the minimum monthly service charge imposed by the service provider plus the rate of \$0.15566 on each CCF delivered monthly to commercial/industrial consumers, not to exceed thirty dollars (\$30.00) per month.

(b) In case any monthly bill submitted by any seller for residential utility service shall exceed fifteen dollars (\$15.00) for a residential user, there shall be no tax computed on so much of such bill as shall exceed fifteen dollars (\$15.00). There shall be no tax computed on bills submitted for electric service for heating water and space heating where a separate meter is used solely for water heating and space heating service or on bills submitted for unmetered electric service.

(c) In the case of any apartment house or other multiple-family dwelling using gas service through one or more master meters, the sum of fifteen dollars (\$15.00) shall be multiplied by the number of dwelling units served and, for electric service, the sum of fifteen dollars (\$15.00) shall be multiplied by the number of dwelling units served.

(d) In case any monthly bill submitted by any seller for commercial or industrial utility service shall exceed one hundred fifty dollars (\$150.00); there shall be no tax computed on so much of such bill as shall exceed one hundred fifty dollars (\$150.00).

(e) There shall be no tax computed on bills submitted on sales of utility service for resale.

(f) For the purposes of this section, bills shall be considered monthly bills, if submitted twelve (12) times per year for periods of approximately one month each.

(g) Notwithstanding the foregoing subsections, the tax imposed on local mobile telecommunications services shall equal ten percent (10%) of the monthly gross charge and shall not be applicable to any amount in excess of \$30 per month for each mobile telecommunications service number billed to a mobile service consumer.

Sec. 19-96. Computation when service charges collected on other than monthly basis.

In all cases where the seller collects the price for utility services other than on a monthly basis, the tax imposed and levied by this article may be computed on the aggregate amount of purchases during the period billed for; provided, that the amount of tax to be collected shall be the nearest whole cent to the amount computed and such tax shall not exceed the sum of three dollars (\$3.00) for residential users of electricity, gas or telephone service, or thirty dollars (\$30.00) for commercial or industrial users, multiplied by the number of months, or portion thereof, covered by the bill.

Sec. 19-97. Applicability to telephone service.

The tax imposed and levied by this article with respect to local exchange telephone service shall apply to all charges made for local exchange telephone service, except local messages, which are paid for by inserting coins in coin-operated telephones.

Sec. 19-98. Exemptions.

(a) The tax imposed and levied by this article shall not apply to the purchase of bottled gas.

(b) The United States of America, the state and the political subdivisions, boards, commissions and authorities thereof are hereby exempted from the payment of the tax imposed and levied by this article with respect to the purchase of utility services used by such governmental agencies.

Sec. 19.99. Duty of purchaser to pay.

The tax imposed by this article shall be paid by the purchaser unto the seller, for the use of the county, at the time the purchase price or charge for the utility service becomes due and payable under the agreement between the purchaser and the seller.

Sec. 19.100. Duty of seller to collect, report and remit.

(a) It shall be the duty of every seller, in acting as the tax collecting medium or agency for the county, to collect from the purchaser, for the use of the county, the tax imposed and levied by this article at the time of collecting the purchase price charged for the utility service. Taxes so collected during each calendar month shall be reported by each seller to the county treasurer and each seller shall remit the amount of tax shown by such report to have been collected to the county treasurer on or before the last day of the first calendar month thereafter, together with the name and address of any purchaser who has refused to pay his tax. The required reports shall be in the form prescribed by the county treasurer.

(b) The county treasurer may extend, for good cause shown, the time of filing any report required by the provisions of this section; provided, however, that no such extension shall exceed a period of ninety (90) days.

Sec. 19-101. Seller's records.

Each seller shall keep complete records showing all purchases of utility services in the county, which records shall show the price charged against each purchaser with respect to each purchase, the date thereof, the date of payment thereof and the amount of tax imposed under this article. Such records shall be kept open for inspection by the duly authorized agents of the county at reasonable times, and the duly authorized agents of the county shall have the right, power and authority to make transcripts thereof.

Sec. 19-102. Failure of purchaser to pay; violations of article by seller.

Any purchaser failing, refusing or neglecting to pay the tax imposed or levied by this article and any seller violating the provisions of this article, and any officer, agent or employee of any seller violating the provisions of this article shall be guilty of a Class 4 misdemeanor. Each failure, refusal, neglect or violation, and each days continuance thereof, shall constitute a separate offense.

Secs. 19-103—19-110. Reserved.

This ordinance shall become effective upon the date of adoption by the Board of Supervisors.

**IN RE: APPOINTMENT – PROGRAM SUPPORT SPECIALIST –
PLANNING DEPARTMENT – ALVIN GURLEY**

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for the Planning Department to hire Mr. Alvin Gurley for the Program Support Specialist position, at Grade 8, Step 2, at an annual salary of \$22,471, effective June 1, 2004.

**IN RE: AUTHORIZATION FOR COUNTY ADMINISTRATOR TO
SIGN TOBACCO INDEMNIFICATION & COMMUNITY
REVITALIZATION COMMISSION – PHASE III GRANT**

The County Administrator stated the Tobacco Commission met in Danville, Virginia in May and approved awards of the FY04 Economic Development funds. The grant was awarded to the Dinwiddie County Industrial Park – Phase III in the amount of \$624,691.

Upon motion of Mr. Bowman, Seconded by Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the County Administrator is authorized to sign the Letter of Agreement for the Dinwiddie County Industrial Park, Phase III economic development grant with the Tobacco Indemnification and Community Revitalization Commission.

IN RE: RC & D APPOINTMENT- MR. DANIEL LEE

Upon motion of Mr. Stone, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Daniel Lee is hereby reappointed to serve on the RC& D Council, for a three-year term expiring June 30, 2007.

IN RE: APPOINTMENT - DINWIDDIE COUNTY SOCIAL SERVICES BOARD

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody voting "Aye", Mr. Haraway "Abstaining",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Donald L. Haraway and Mrs. Patsy Cansler are hereby reappointed to serve on the Dinwiddie County Social Services Board, for a four-year term ending June 30, 2008.

IN RE: APPOINTMENT ROBERT BOWMAN, IV- CRATER PLANNING DISTRICT COMMITTEE AND METROPOLITIAN PLANNING ORGANIZATION

Upon motion of Ms. Moody, Seconded by Mr. Stone, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", Mr. Bowman "Abstaining",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Robert Bowman, IV, is hereby appointed to the Crater Planning District Committee and Metropolitan Planning Organization, for a one-year term, expiring June 30, 2005.

IN RE: APPOINTMENT - APPOMATTOX REGIONAL LIBRARY BOARD

Upon motion of Mr. Bowman, Seconded by Ms. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Claude R. Mayfield be reappointed to serve on the Appomattox Regional Library Board for a period ending June 30, 2008.

IN RE: RECESS

The Chairman called for a recess at 3:34 P.M. The meeting reconvened at 3:41 P.M.

IN RE: NATIONAL PARK SERVICE - GENERAL MANAGEMENT PLAN

Mr. Bob Kirby, Superintendent, Petersburg National Park Service, stated "the National Park Service (NPS) has been working with Dinwiddie County, the Civil War Preservation Trust and others to find ways to preserve historic Civil War battlefields and to establish trail and greenway linkages to them. Many of the local battlefields remain relatively unprotected, despite their recognition as

nationally significant places in our nation's history. The NPS is interested in the preservation and interpretation of these battlefields for future generations.

Over the past three years, with the help of community members and leaders, Petersburg National Battlefield has been developing a General Management Plan (GMP). Thanks to important feedback gleaned from our GMP workshops and public comments, our Draft General Management Plan/Environmental Impact Statement is now ready for public review. This document presents alternatives that explore ways to protect and preserve these unique cultural resources, interpret them to the public, and provide for appropriate development. It will provide management direction for the park for the next 15 plus years."

Mr. Kirby presented a PowerPoint presentation of the Draft General Management Plan/Environmental Impact Statement. After the presentation, Mr. Kirby stated public participation was very important in the successful development of the General Management Plan. He stated public comments would be accepted until August 6, 2004. He also stated he would stay after the meeting to answer any questions the citizens may have.

IN RE: COUNTY ADMINISTRATOR COMMENTS

1. The County Administrator commented at the joint meeting for the Routes 1 and 460 Enhancement Corridor Project with the Planning Commission the possibility of having the public hearing on June 21st was discussed. However, Mr. Scheid thinks that it might be rushing too much to have it then. He would also like to meet with the Planning Commissioners before the public hearing is held. She stated the Board members would receive a draft document with all the suggested changes from the consultant and the public hearing will be rescheduled if that would be agreeable with the Board. The Board agreed.

IN RE: RESOLUTION TO EXERCISE OPTION TO PURCHASE 81 ACRES OF LAND FOR ECONOMIC DEVELOPMENT

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the following resolution was adopted.

RESOLUTION

WHEREAS, the Board of Supervisors of the County of Dinwiddie, Virginia (**the "Board"**) believes it to be in the best interest of Dinwiddie County (**"the County"**) to purchase a tract of land in the Rohoic district of the County for economic development purposes, such tract having tax map number 21-151 and consisting of approximately eighty-one (81) acres located at 5516 Cherokee Drive (**the "Property"**); and

WHEREAS, the Board has previously authorized and entered into an option agreement dated April 9, 2004 for the purchase of the Property (**the "Option Agreement"**) at the price of \$900,000 (**the "Purchase Price"**);

NOW, THEREFORE, BE IT RESOLVED that the purchase of the Property by the County is hereby deemed to be in the best interests of the County and is approved by the Board in accordance with the terms and provisions of the Option Agreement, and the execution of and performance of the obligations contained in the Option Agreement are hereby ratified and approved; and

FURTHER RESOLVED, that the Chairman of the Board, the County Administrator and the Assistant County Administrator are each authorized and directed to exercise the option for the purchase of the Property that is the subject of the Option Agreement and to take all such actions as they deem necessary or

expedient to fulfill the Board's obligations under the Option Agreement and to carry out the purposes and intents of this resolution, including without limitation, the purchase of the Property and the execution of all such documents as may be deemed necessary in their sole discretion to effectuate such purchase (the approval of which shall be conclusively evidenced by their execution thereof).

Adopted this 15th day of June 2004.

IN RE: BOARD MEMBER COMMENTS

Mr. Stone commented on July 2 – 7, 2004 the Dixie Youth Minor League tournaments would be held in McKenney. He said he, Mr. Moody, and Mr. Haraway received an email from Bruce Lazwell regarding a stake that was damaged on his property line. He reported he already met with him and assured him the stake would be corrected. Mr. Stone stated he should have requested that the claims be withdrawn from the consent agenda because that was the only thing he had an issue with and he wanted the records to reflect he did not have a problem with anything other than that.

Mr. Bowman stated he wanted to recognize staff for working with the local officials regarding the serious water problem in the two subdivisions in the County. He commented there was a very quick solution to a very serious problem.

Ms. Moody commented she was concerned that there is no longer an alternative school in the County. Mr. Haraway suggested that she take that up with the School Board.

Mr. Moody stated the Dinwiddie Babe Ruth (14 year old) League would be having their tournaments on July 2 – 6, 2004 at the Dinwiddie County High School. He stated he would be holding a Community Meeting on Thursday, June 24th at Midway Elementary School from 7:00 – 9:00 P.M. Staff members will be present to help answer questions from the residents.

Mr. Haraway commented he thought it was a good idea to have Mrs. Wendy Morgan present the consumer utility tax information to the Board. He said she did a good job and he would like to have other staff members do the same because it gives the Board an opportunity to see what they do. He stated starting July 1st a new fiscal year would be starting and the budget for the legal fees had been decreased by \$50,000. He commented the report showed the legal fees would go over \$200,000 last year. He stated in order to meet the legal fees budget, staff needed to be careful starting July 1, and not wait to the end of the year. He asked if the rule was still in place that the County Administrator or Assistant County Administrator had to approve all calls to the attorney. He requested that they remind the department heads at the next staff meeting.

The County Administrator stated the Chairman might want to see if there were any citizens that had any more questions after the meeting with the officials regarding the water situation. There were none.

IN RE: CLOSED SESSION

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

§2.2-3711 (A)(1) - Personnel – Commonwealth Attorney

Mr. Moody seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 4:16 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 5:58 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under §2.2-3711 (A) 1 – Personnel – Commonwealth Attorney;

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. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", this Certification Resolution was adopted.

IN RE: ONE TIME SUPPLEMENTAL PAYMENT – COMMONWEALTH ATTORNEY

Upon Motion of Mr. Bowman, Seconded by Ms. Moody, Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye",

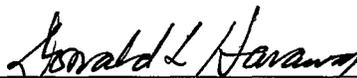
BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that due to the inability of the Commonwealth Attorney to go full-time and therefore he has been filling the role of the commonwealth Attorney and Assistant Commonwealth Attorney a one-time supplemental payment of \$6,000 was approved to be paid to the Commonwealth Attorney in this fiscal year.

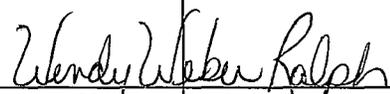
IN RE: INFORMATION IN BOARD PACKET OR DISTRIBUTED

1. Letter from VDOT regarding Appomattox Bridge (Rt. 600) lane closure - informational meeting scheduled for June 21, 2004 at Matoaca Elementary School
2. Virginia Gateway Region report
3. Report – Appomattox Regional Library
4. Report – GIS & Code Enforcement

RE: ADJOURNMENT

Upon Motion of Ms. Moody, Seconded by Mr. Moody, Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the meeting adjourned at 6:03 P.M. to be continued until 5:00 P.M. on Tuesday, July 6, 2004 for a Closed Session for Personnel in the Board Conference Room.


Donald L. Haraway, Chairman

ATTEST: 
Wendy Weber Ralph
County Administrator

/abr