

VIRGINIA: AT THE REGULAR MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 6TH DAY OF JULY, 2004, AT 6:00 P.M.

PRESENT: DONALD L. HARAWAY – CHAIRMAN ELECTION DISTRICT #2
HARRISON A. MOODY - VICE CHAIR ELECTION DISTRICT #1
(Arrived at 6:15 P.M.)
ROBERT L. BOWMAN IV ELECTION DISTRICT #3
DORETHA E. MOODY ELECTION DISTRICT #4
MICHAEL W. STONE ELECTION DISTRICT #5

OTHER: ANN NEAL COSBY COUNTY ATTORNEY
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IN RE: ADJOURNMENT

Mr. Donald L. Haraway, Chairman, called for an adjournment of the June 15, 2004 continuation meeting at 6:04 P.M. in the Board Meeting room of the Pamplin Administration Building. It was moved by Mr. Bowman to adjourn that meeting and seconded by Ms. Moody. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Haraway voting "Aye", the meeting adjourned at 6:04 P.M.

Mr. Donald L. Haraway, Chairman, called the regular meeting to order at 6:05 P.M. in the Board Meeting room of the Pamplin Administration Building.

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 of the Code of Virginia – Personnel Matters – Sheriff, County Administration, Environmental Technician; and Animal Control

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

§2.2-3711 A. 7 of the Code of Virginia – Consultation with Legal Counsel – Reassessment

Mr. Stone seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 6:07 P.M.

Mr. Moody joined the closed session at 6:15 P.M.

The meeting reconvened into Open Session in the Board Meeting Room at 7:36 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under:

§2.2-3711 A. 1 of the Code of Virginia – Personnel Matters – Sheriff, County Administration, Environmental Technician; and Animal Control

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

§2.2-3711 A. 7 of the Code of Virginia – Consultation with Legal Counsel – Reassessment

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. Stone, Seconded by Mr. Bowman, 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 7:40 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

The County Administrator requested that the agenda be amended to continue the Closed Session for Personnel Matters – County Administration, Environmental Technician, Animal Control and Appointments; and Acquisition of Property after the regular meeting.

Mr. Stone requested that Consultation with Legal Counsel concerning Legal fees be added to the Closed Session too.

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

IN RE: MINUTES

Mr. Stone requested that the June 15, 2004 Regular Meeting minutes reflect the Board member comments concerning A-04-5 Adoption of Utility Tax Ordinance before they are approved.

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 approval of the June 15, 2004 Regular Meeting is hereby postponed to add the Board comments concerning the adoption of the Utility Tax Ordinance.

IN RE: CLAIMS

Upon motion of Mr. Stone, Seconded by Mr. Bowman, 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 following claims are approved and funds appropriated for same using checks numbered 1040165 through 1040251, 1045252 through 1045342, and 1045344 through 1045355 (voided check number(s) 1040084 – 1040088, 1040164, 1040252 – 1045251).

FY – 03/04

Accounts Payable:

(101) General Fund	\$ 459,705.23
(103) Jail Commission	\$ 90.13
(209) Litter Control	\$
(222) E911 Fund	\$ 1,992.69
(225) Courthouse Maintenance	\$ 60.00
(226) Law Library	\$ 28.20
(228) Fire Programs & EMS	\$ 331,380.59

(229) Forfeited Asset Sharing	\$
(304) CDBG Grant Fund	\$ 233.59
(304) Capital Projects Fund	\$ 138,937.82
(401) County Debt Service	\$ 24,653.44
TOTAL	\$ 957,081.69

PAYROLL 06/30/04

(101) General Fund	\$ 461,702.19
(222) E911 Fund	\$ 3,592.36
(229) Forfeited Asset	\$
(304) CDBG Fund	\$ 7,658.89
TOTAL	\$ 472,953.44

FY – 04/05

Accounts Payable:	
(101) General Fund	\$ 116,063.49
TOTAL	\$ 116,063.49

**IN RE: AUTHORIZATION TO ADVERTISE INFORMATION
TECHNICIAN POSITION**

Upon motion of Mr. Stone, Seconded by Mr. Bowman, 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 Administration was authorized to advertise for the Information Technician Specialist Position.

**IN RE: UPDATE ON GENERAL REASSESSMENT – WINGATE &
ASSOCIATES**

Mr. Harold Wingate of Wingate & Associates commented that they are very close to completing their fieldwork on the reassessments. He stated they are in the process of going back and rechecking buildings that were partially completed at the time of their visit or any new permits that need to be checked for the first time. This would be done before reassessment notices are sent out. He stated that they anticipate getting to the public hearing part of their job about October 1, 2004. He said the reason for the October 1, 2004 time frame was because there is a lot of clerical and computer checks and rechecks that remain to be completed. In October they will be sending out notices and holding meetings with any concerned citizens or property owners that wish to meet with them. He stated that they will also have print outs of all the property assessments in the county so anyone wishing to see them or check them may do so. He stated that they are not at the stage in their calculations to let the county or citizens know what the exact increases have been with the assessment, but they will have that information by the time they release the notices to the public.

IN RE: JAIL STUDY PRESENTATION – EDWARD POWELL

Mr. Edward Powell of Powell Consulting Services stated that he performed a Jail usage and consolidation study that involved Brunswick County, Dinwiddie County and Southside Regional Jail involving Emporia & Greenville. He stated that when they did the study each of the participants were experiencing some level of over crowding. He stated that he defined over crowding as "having more inmates than your rated capacity, which is assigned by the Department of Corrections". The purpose for this study was first to forecast each participant's capacity needs out to the year of 2017. The reason for going

out that far was because the Board requires a locality that is looking at expanding to forecast ten years from their expected date of occupancy. The second purpose for this study was to quantify (ballpark) the expansion cost. And two options were looked at. He said the first option would have each jurisdiction expanding local detention capacity to handle their needs; and the second option would have SSRJ expanding with Brunswick & Dinwiddie as members joining. He stated that the state participates in the reimbursement of approved project cost. He said the state would pay 25% of the local expansion cost if Dinwiddie decided to do it and not be a part of the authority. He said the project cost includes both construction and soft cost such as A&E fees, surveys, inspections and others. He said the state would pay 50% if the County were to do the expansion as a part of a regional jail.

He commented that he did a study of the Dinwiddie County Jail also. The jail was built in the early 70's and officially opened in 1972 with an operating capacity of 32. He concluded that the condition of the jail was clean, well run and secure. He found nothing wrong with the jail. He stated that if the county was going to do anything locally to expand their jail capacity, his recommendation is that they do not attempt to renovate the current jail. But it is all right to bring the jail up to current electrical and mechanical standards. If the County were to renovate the secure detention space they would run into some problems with standards. He said one example would be the cell size. Most of the cells in the jail are 35 square feet and current standards require 70 square feet. Another example is the programmed space, which requires 30 square feet per bed of operating/rating capacity and the County does meet that standard. The best solution would be to leave the current jail intact and connect or put something close to it. He stated that it would cost a minimum of \$3.2 million dollars to replace the current jail, as it exists now. He stated the County has three options. The first option would be not to expand the detention capacity and continue to pay to house inmates in other jurisdictions. The second option would be to build the needed detention capacity in Dinwiddie and request the 25% reimbursement of the approved construction cost. He stated that this option would cost the County as follows: All new capacity (County Cost) \$20.3 million: Retain existing jail (County Cost) \$17.9 million: Retain & Double bunk (County Cost) \$15.5 million. The third option would be to request membership in the Southside Regional Jail and then as a member of the authority, request 50% reimbursement for Dinwiddie's share of the approved construction cost for expansion of the Regional Jail. He stated that this option would cost the County as follows: Build total need at SSRJ and do not retain local detention capacity (County Cost) \$12.9 million: Retain Local Detention Capacity (County Cost) \$11.3 million: Retain & Double Bunk (County Cost) \$9.7 million. He stated that his recommendation to the County is for them to request membership in the Southside Regional Jail Authority and use that as an "overflow" jail. It should be used primarily for sentenced inmates, pretrial inmates after initial court appearances and weekenders. He stated that the County should continue to use the Dinwiddie County Jail capacity with some double bunking. He said the County should use it for initial pre-trial inmates, County workforce and County work release. He stated that the County should move forward to obtain an exception to the moratorium that currently exists on jail projects. He concluded his report by giving some key dates/actions that the County should give ear and eye too. The first date/action was for the County to obtain exception to the moratorium during the 2005 General Assembly Session. He stated an appropriations act budget amendment could be handled by a senator or a delegate. The second date/action only applies if the County enters into the process. He stated the state would then require them to do a community based corrections plan and a planning study submitted by March 1, 2007. For planning purposes the County should give themselves four months for the completion of the community based corrections plan and three months for the planning study. He also stated that there is a treasurer application that needs to be submitted by July 1, 2007 to get put in line for reimbursement. He pointed out that all the counties that have gone through this process have been funded by the general assembly.

Mr. Haraway asked if there was anything done to show the annual operating cost for each option listed on page 7 of the hand out. Mr. Powell replied that the operating cost was only done for the Joint and Southside Regional Jail. Staff was asked to provide the operating cost for the jail.

**IN RE: PUBLIC HEARING – CONVEYANCE OF COUNTY
PARCELS IN WEST PETERSBURG TO HABIT FOR
HUMANITY**

This being the time and place as advertised in the Monitor on June 16, 2004, June 23, 2004, and June 30, 2004 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comment on the following matter:

**TRANSFER OF LAND TO HABITAT FOR HUMANITY WEST PETERSBURG
SUBDIVISION – GREENSVILLE AVENUE**

Mr. William Scheid, Director of Planning, stated the memo he was going to read was included in the Board packets. "The attached information is submitted for your review and action. Last fall the Board of Supervisors conveyed a building lot adjacent to this parcel to Habitat for Humanity. The Department of Housing and Community Development approved the conveyance. Habitat for Humanity built a home for a qualifying low to moderate-income family and has conveyed a deed to the family.

The County is obligated to convey the remaining land parcels on Greenville Avenue to qualifying organizations that will build housing for low to moderate-income families. This obligation was part of the Community Block Grant program that the County participated in the early 1990's.

The Board needs to authorize the County Administrator and the County Attorney to prepare all legal documents needed for the land conveyance and to sign such documents on behalf of the Board of Supervisors. The property under consideration is designated as Section 21A(1)- Parcels 343, 344, 345 and 346 by the Commissioner of the Revenue's tax maps and is more specifically detailed by the plat prepared by R. H. Gordon, survey, dated April 16, 2004, entitled 'plat showing a proposed house location on lots 343, 344, 345 & 346 in West Petersburg'."

Mr. Haraway asked Mr. David Roan from Habitat for Humanity if he had anything to add to what Mr. Scheid discussed.

Mr. Roan stated that he does not have anything to add, but he would answer any questions that anyone would have.

Mr. Bowman asked if it is normal procedure to build a house first on a lot and then transfer the land.

Mr. Scheid stated that it is not normal procedure. He went on to say that Habitat had a client and time was of the essence, so to expedite the matter they were allowed to begin construction on the lot. He also said he did not think the Board would disapprove of the project, because they had approved the previous project in October of last year. He said the County is responsible for marketing the lots and if they do not market them the County has to reimburse the state, as a part of the Community Development Block-Grant Program, approximately \$17,500 per lot. He stated that the state has been lenient in the past with the County not doing anything with the lots, but they are not without patience and time is becoming an issue with the lots.

Mr. Bowman asked if the Planning Department was going to follow the same procedure with other available lots in the future. Mr. Scheid responded that the Planning Department would not.

Mr. Haraway opened the public hearing for comments. The following persons spoke in opposition to the conveyance of the property to Habitat for Humanity.

1. Mr. Peter Jeffery – Pastor of First Baptist Church West Petersburg stated he was here to represent the community known as West Petersburg Vicinity & Awareness, Inc. Mr. Jeffrey commented on July 17, 1990, which will be 14 years shortly, he appeared before the Board of Supervisors and requested that a revolving fund be established for the revitalization of West Petersburg and Piney Beach. Your predecessors approved the funding for 20 properties. He reported because of the commitment of the County's administrative staff and citizens of West Petersburg there was a historical change made in that community. Sixteen substandard and blighted houses were eliminated, two roads were curbed and guttered and the drainage systems were completely overhauled. Eight to nine renters were converted to property owners. Tax values increased significantly and as a result of that 5 or 6 new houses were built in West Petersburg. He commented the reason he was frustrated and disappointed was because in recent years he felt their organization had not been received or assisted like it was in the beginning. They also had been told on many occasions that this could not be done or that could not be done because of the rules and regulations. However, he found out when it was convenient, rules can be bent and regulations can be changed, depending on who is asking. WPVA has been struggling for eight years to provide housing on that property. At one point they were prepared to build two houses, but because of unsubstantiated rumors, their housing opportunities were taken from them, which almost caused the organization some financial hardships. In 1996 he commented WPVA realized that they were going to have a problem building on the lots on Greenville Avenue and they went to Habitat for Humanity for assistance. They informed us that they did not build on government property. Apparently the policy changed but Habitat did not approach WPVA to let them know.

Continuing he commented WPVA had certain standards they wanted to have built in West Petersburg if they had been given the opportunity. Habitat for Humanities did not approach WPVA with a proven legitimate incorporated organization that represents the interest of West Petersburg. Habitat was given considerations that WPVA never received. They did not realize that the property could be conveyed before the house was built; but that was the consideration given to Habitat. WPVA was met with difficulty and given reason why they couldn't be assisted the way Habitat was. Habitat also disrespected the residents of Old West Petersburg by changing the name of the community without talking to the members of the community. Habitat for Humanities changed the name of the community to "Gracie Circle" without giving any considerations to the residents. There would be no property to build on if it were not for the efforts of WPVA. They were the ones that struggled to bring the community to where it is and it is not right for this Board, regardless of what the State tells them, to come in and trample on the sensibilities of this community without coming in and asking them what they thought and how they felt. WPVA is disappointed that they are not receiving the same considerations and support. When property is being built on it has to be insured and if you do not own the property you are not responsible for the insurance. Habitat has been given financial considerations that were never given to WPVA because they do own the properties and have to pay the premiums for it. WPVA has a plan to complete the projects they began; it belongs to them and they have struggled and they have not gotten any help from this government for the last few years and they expect to get the same considerations being given to Habitat for

Humanities. The Chairman requested that Mr. Jeffrey bring his comments to a closure.

Mr. Jeffery presented a resolution to the Board for their consideration to provide monetary support to guarantee the 25% matching funds for WPVA to secure the CHDO Operating Assistance Grant to assist them in completing the project in West Petersburg. He provided a letter from the Department of Housing and Community Development informing WPVA of the approval of a CHDO Grant in the amount of \$50,000 contingent upon the hiring of a project manager and submittal of a construction schedule within 60 days and a state organization certification.

2. Leonard Davis – 5004 Olgers Road, Sutherland, VA – commented he had been working with the organization for 10 years and had been to the Planning Department several times trying to get assistance and had been turned down. He said he had put in a lot of hours doing rehab and working on houses and he did not understand why the County didn't want to work with them.

3. Eva Ellis – Pastor, Macedonia Missionary Church, resident of West Petersburg – stated they had worked hard in West Petersburg and they felt they had been mistreated. She requested that the Board consider helping the residents.

4. David Roan - Habitat for Humanity – stated they had tried to get in touch with Mr. Jeffrey to get him involved with the project but he did not return their calls. Mr. Roan commented Habitat is willing to help WPVA and do what the County wants us to do but if they won't call us back we can't meet with them. Mr. Roan stated it was their understanding that Mr. Jeffrey was the person in charge and they were depending on him to lead them where they needed to go. He said he did not want to argue the point but Habitat was into building affordable houses and they were willing to do whatever the County wanted them to do..... Mr. Jeffrey stated Habitat for Humanities needed to meet with the representatives of WPVA and ask them what they could do for them.

Mr. Haraway closed the public hearing.

Mr. Bowman commented there are two organizations here trying to better the community. He said he felt it was a wonderful thing for these people to donate their time and efforts in the West Petersburg community. WPVA and Mr. Jeffrey have gone beyond the call of duty in cleaning up the community and they deserved a lot of credit for that. He stated he felt it was only fair to give WPVA a lot since the County had given a lot to Habitat for Humanity. He commented he just wanted to see everyone treated the same.

Mr. Scheid explained he had signed off on the building permit before Habitat for Humanity had the property, but he didn't realize it was going to take this long to get the paperwork to the Board. He said he let things get out of hand by signing off on the permit and he apologized for that. Mr. Scheid said he did not know the community would have a problem with Habitat nor did he realize they would move forward that quickly on the construction. However, there were certain things that they did do insurance wise, a low to moderate-income family was identified, the property was surveyed, but unfortunately the paperwork did not get to the Board.

Mr. Haraway asked how many houses has WPVA built since 1990? Mr. Jeffrey replied from 1990 – 1994 two houses were built and in 1996 WPVA planned to build two more houses but Mr. Scheid pulled the conveyances because someone was complaining.

Mr. Haraway called for a motion.

Mr. Bowman stated the Board needed to move forward on the conveyance but he was concerned that one group was given a vocal agreement to go ahead and build on it, which he felt was collateral in the bank for construction. So when it is done for one group it should have been done for the other group. If it had been done for WPVA they probably could have built all of the houses in West Petersburg. Continuing he said some mistakes have been made but they needed to move forward with this. He commented neither of these organizations are doing it for their personal gain; they were doing it for the betterment of the community.

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

Mr. Moody suggested that Habitat meet with WPVA to go over what they plan to build on the next lot.

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the County Administrator and the County Attorney are authorized to prepare all legal documents needed for the land conveyance, for Section 21A(1)-Parcels 343, 344, 345 and 346 in West Petersburg, and to sign such documents on behalf of the Board of Supervisors.

IN RE: PUBLIC HEARING -- A-04-9 - FIRE LANE ORDINANCE

This being the time and place as advertised in the Monitor on June 23, 2004 and June 30, 2004, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comment on the following matter:

AN ORDINANCE TO ENACT SECTION 14-7 OF THE CODE OF THE COUNTY OF DINWIDDIE, VIRGINIA TO REGULATE PARKING, STOPPING, AND STANDING IN FIRE LANES OR NEAR FIRE HYDRANTS IN THE COUNTY

Mr. Haraway opened the public hearing for citizen comments. No one spoke in support or opposition to the ordinance.

Mr. Haraway closed the public hearing.

Mr. Bowman commented this was needed in his district at the Food Lion and he had received many calls from residents about the situation; but the County does not have a fire lane ordinance in place so there was nothing the Sheriff's Department could do. He stated he felt the ordinance was greatly needed.

Upon motion of Mr. Bowman, Seconded by Ms. Moody, Ms. Moody, Mr. Stone, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", Section 14-7 of the Code of the County of Dinwiddie, Virginia was herein enacted to read as follows:

WHEREAS, in certain public and private parking areas in the County vehicles parked, stopped, or standing in areas designated as fire lanes or in close proximity to fire hydrants whether located on public or private property could impede access to such areas by public safety and/or fire department personnel and endanger the lives and property of citizens; and

WHEREAS, the Code of Virginia permits localities to enact an ordinance making owners of vehicles observed parked, stopped, or standing in a fire lane or in close proximity to a fire hydrant on public or private property subject to a penalty;

NOW THEREFORE BE IT ORDAINED, that in the interest of public health, safety, and welfare and pursuant to the authority granted to it under §§ 46.2-1229 et seq. and 46.2-1306 of the Code of Virginia that Section 14-7 of the Code of the County of Dinwiddie, Virginia be enacted to read as follows:

Sec. 14-7 Parking, stopping, and standing.

(a) *Issuance of citation.* No person, except law enforcement or fire and rescue personnel in performance of their official duties, shall park a vehicle (including, but not limited to, automobiles, trailers, and semi trailers) or permit it to stand, whether attended or unattended, in any of the following places:

- (1) Within any designated fire lane on public or private property.
- (2) Within fifteen (15) feet of any fire hydrant on public or private property.
- (3) Within fifteen (15) feet of the entrance to a fire station or a plainly designated building housing rescue squad equipment or ambulances.

Whenever any vehicle is found parked or stopped in violation of the provisions of this section, the sworn officer having police powers finding such vehicle shall conspicuously affix to such vehicle a parking citation provided by the County Sheriff.

(b) *Uncontested payment of citation; delinquency.* When a citation is attached to a vehicle found parked or standing in violation of any provision of this section, the owner of the vehicle may, within five (5) business days thereafter, pay to the County Treasurer in satisfaction of the violation a penalty of fifty dollars (\$50.00). If such payment is not postmarked or received by the County Treasurer within five (5) business days of receipt of the citation, the citation shall be considered delinquent.

(c) *Payment of delinquent citation; penalty.* Every person charged with a violation of this section shall, at any time after the citation is considered delinquent pursuant to subsection (b) but before a summons is issued pursuant to subsection (d), pay to the County Treasurer the applicable fine listed in subsection (b) plus a twenty-five dollar (\$25.00) delinquent penalty.

(d) *Summons issued.* When a citation becomes delinquent as defined in subsection (b), the County Treasurer shall notify the County Sheriff and any authorized Sheriff personnel shall cause a summons to be issued charging a violation of this article. Notwithstanding the above, before any summons shall be issued for the prosecution of a violation of this Code or other ordinance of the County regulating parking, the violator shall have been first notified, by first-class mail at his last known address or at the address shown for such violator on the records of the state Department of Motor Vehicles, that he may pay the fine plus the penalty provided by law for such violation, within five (5) days of receipt of such notice, and the officer issuing such summons shall be notified that the violator has failed to pay such fine and penalty within such time. The notice to the violator required by the provisions of this section shall be contained in an envelope bearing the words "Law-Enforcement Notice" stamped or printed on the face thereof in all capital letters, bold face type, no smaller than the print type size used for the primary address on the envelope. If a "window" envelope is used, the words "Law-Enforcement Notice" shall be clearly visible through the window of the envelope.

(e) *Contest of citation.* Every person charged with a violation of this section may, before the citation is considered delinquent as defined in subsection (b), elect to contest the charge by filing a written protest with the County Treasurer. Such protest shall identify the charge and shall request that the citation be certified to the general district court. The County Treasurer shall certify to the general district court in writing, on an appropriate form, the fact that the citation is

contested. In both contested and uncontested cases, the defendant, if found guilty, shall pay court costs in addition to any fine imposed upon him.

(f) *Presumption.* In any prosecution charging a violation of the ordinance or regulation, proof that the vehicle described in the complaint, summons, parking ticket citation, or warrant was parked in violation of the ordinance or regulation, together with proof that the defendant was at the time the registered owner of the vehicle, as required by section 46.2-600 et seq. of the Code of Virginia, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who committed the violation.

(g) *Penalty.* Upon conviction in general district court, the owner shall be guilty of a Class 4 misdemeanor.

* * *

If any section, sentence, paragraph, term, or provision of this Ordinance is determined to be illegal, invalid, or unconstitutional by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such determination shall have no effect on the validity of any other section, sentence, paragraph, term, or provision of this Ordinance, all of which will remain in full force and effect.

**IN RE: PUBLIC HEARING – A-04-6 – BUILDING PERMIT FEE
AMENDMENTS**

This being the time and place as advertised in the Monitor on June 23, 2004 and June 30, 2004, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comment on the following matter:

Amendments to section 6-18 (Building Permit fees – generally) and Section 6-22 (Charge for re-inspection visit) of the Dinwiddie County Code to increase fees for building code administrative services, building permits, electrical permits, plumbing permits, mechanical permits, and re-inspection visits.

The County Administrator commented this ordinance would amend the building permit fees that the Board discussed previously in the review of the county's overall fee situations to cover the costs of services provided by Staff. She pointed out that no action could be taken tonight because fees are involved and there is a requirement to wait until the next meeting to take action. The effective date should not be initiated until August 1, 2004 to allow staff time to set the system up for the new fees.

Mr. Haraway opened the public hearing for citizen comments. There were no public comments.

Mr. Haraway closed the public hearing and commented action would be taken at the next Board meeting.

IN RE: CITIZEN COMMENTS

1) David Dudley – 25907 Smith Grove Road, Petersburg, VA commented he attended a Growth Management Committee meeting on June 29, 2004. He and Mrs. Barefoot were invited to stay for the meeting and during the meeting they were asked for input comments as citizens. As the meeting progressed Mr. McCray commented the future meetings should be closed to the public so they could freely discuss the needs of the County. Mr. Dudley requested that the meetings remain open to the public and that minutes be taken to keep track of what transpires. He said he also attended the GMP presentation by the National Park Service and he had some concerns with the plan. He

requested that the Board take action to protect the battlefields in the northern end of the County. He also requested the Board's assistance for an elderly resident of the County to keep Commonwealth Gas from going through her property. Mr. Bowman asked the County Administrator if the Growth Management future meetings would be closed meetings? She replied the committee decided at the last meeting that they would be closed work sessions. Mr. Bowman commented he thought Mr. McCray had made it clear at the Growth Management meeting that the reason it was necessary to have the closed sessions was to be able to freely discuss the future development in the County.

Mr. Bowman reported that Mrs. Jones had contacted him and asked him to act on her behalf regarding the proposed gas lines crossing her property. He met with Commonwealth Gas representatives on 3 occasions and the out come was that the landowner is going to have to deal with the legal issues. He stated he would stand behind and support her but this Board cannot legally do anything because the County does not own the property; it is privately owned. He asked legal counsel for her opinion. The County Attorney commented she would agree that in condemnation proceedings the gas company, as a public service authority, is on the same footing as a County or political subdivision of the State and the County doesn't have any standing legally. Mr. Bowman stated he would continue to work with Mrs. Jones and support her any way he could.

2) Anne Scarborough – Boydton Plank Road, Dinwiddie, VA - Addressed the following issues: 1) Poor job descriptions advertised in the newspaper for the procurement and finance positions – should have included qualifications needed for positions. 2) Environmental technician position requested that the Board omit the storm water, soil and erosion responsibilities from duties. 3) Commented she wondered why Mr. Stone voted no to the items on the Consent Agenda at the last Board meeting. Why should she have to find out in the newspaper? She requested that the Board be more "open" with the citizens. 4) She also stated the County needs an engineer.

3) Gloria Jones – 25905 Weakley Road, Petersburg, VA – requested that the Board use their prudent authority and wise judgments towards the protection, preservation and prevention of any intrusion on the historical sites in the County for future generations. Mr. Bowman stated at the Planning Commission meeting there was some discussion regarding enacting a zoning ordinance to protect battlefields. He commented he thought it was going to be on the agenda tonight. The County Administrator stated it was going to be discussed.

4) Michael Bratschi - 23500 Cutbank Road, McKenney, VA – commented on the following issues:

a. He commented he didn't understand why the Board wrote a check to the Commonwealth Attorney for \$6,000 to do a job he was already paid to do. When constitutional officers are elected for a position they know what their salary was and they should not expect to receive any additional wages.

b. He requested that the Board fund the DARE Program for the 3rd grade level and give it to the Sheriff's Department.

5) Geri Barefoot – 7411 Frontage Road, Petersburg, VA – requested that the Board intervene for Mrs. Jones to make sure Commonwealth Gas follows all the state laws, rules and regulations. She cited several places on the application form where they answered with false information and they trespassed on her property to do the survey. Mrs. Barefoot commented no representative from the County has been to the Crater Area Planning Meetings for the past 3 meetings. She asked the Board why they didn't have an alternate to attend the meetings because they are important. She asked why the Board has not hired an environmental technician to monitor the bio-solids ordinance, which was passed in February. Her other concern was the closed sessions and closed work sessions held to exclude citizens in the County. She stated the County belongs to the residents and they are interested in what happens in it. Growth is coming into the County and a civil engineer is needed.

6) George Marable, III – 18501 Lakewood Drive, Dinwiddie, VA – Update on the Commonwealth Attorney's Office - George Edwards has been appointed as the Assistant Commonwealth Attorney for Dinwiddie County. He is a 20-year practitioner with a Juris Doctor degree from the University of Richmond. He stated he had an impeccable resume and would add greatly to his office and serve the County well. He expressed his appreciation to the Board for their financial assistance that was provided to his office. He commented the Board knew he requested the funds specifically for his assistant because he was about to lose her to another jurisdiction. He pointed out that his position was not full time and he did not want to lose her. He thanked the Board for providing the \$6,000 supplement which he shared in part with his assistant. He stated he received the documents from the compensation board to make a request to go full time and he assured the Board that it would be sent in this year. He commented it is good that the County has a \$12 million dollar surplus, but if held with a tight fist it does not do any good; the funds are there for a purpose, which is to make the County better and to provide the citizens with better services; and that is the common goal of us all.

IN RE: APPOINTMENT – TIMOTHY SMITH - VIRGINIA RETREAT BOARD

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Timothy Smith is hereby appointed to serve as the County representative on the Virginia's Retreat Board effective immediately.

IN RE: APPOINTMENT – JAMESTOWN 2007 COMMITTEE

Upon motion of Mr. Moody, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the following persons are appointed to serve on the Jamestown 2007 Committee:

Mrs. Gerry Jackson-Wyatt
Mrs. Betty Bowen, Dinwiddie Historical Society
Mrs. Michelle Olgers
Mr. Billy Bain – Farmer / Extension Service
Mrs. Odessa Winfield
Mr. Robert Bowman, Board of Supervisor
Mr. Tim Smith, Recreation Department
Mrs. Barbara McKittrick, Human Resources

IN RE: AUTHORIZATION TO ISSUE RFP FOR CONSULTANT TO ASSIST GROWTH MANAGEMENT COMMITTEE

The County Administrator reported as a result of the Growth Management Committee organizational meeting, the members felt outside assistance was going to be necessary to get the job done in a timely manner, especially with the limited staff in the Planning Department. She requested authorization to issue an RFP under the small purchase procedures to hire a contractual person/firm to assist the Growth Management Committee.

Upon motion of Ms. Moody, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", Administration was authorized to issue an RFP under the small purchase procedures to hire a contractual person/firm to assist the Growth Management Committee.

IN RE: COUNTY ADMINISTRATOR COMMENTS

- 1) Three reservations have been made at the Homestead for the Virginia Association of Counties' Annual Conference in November. Mrs. Ralph asked how many of the Board members wanted to attend the conference this year so additional reservations could be made. The Board responded they would all like to attend.
- 2) The working draft for the GIS fees for services was enclosed in the Board packets. The County Administrator said it was provided to them for comment but Mr. Thompson would be presenting the information at the July 20th meeting and if they had any comments, ideas or suggestions to let staff know.

IN RE: REQUEST TO USE FUNDS FROM REMOVAL OF TREES FOR PURCHASE OF ROCK DUST – COUNTY WALKING TRAIL

The County Administrator commented there is a request from Mr. Gene Jones, Director of Buildings and Grounds to purchase some rock dust for the walking trail behind the Courthouse. Williams Logging removed the trees blown down by Hurricane Isabel behind the courthouse and refunded the County \$1,830.33 for the logs sold. She commended Mr. Jones for the good job he has done and requested authorization to use a portion of the money to purchase the rock dust for the trail.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Director of Buildings and Grounds was authorized to use a portion of the \$1,830.33 to purchase rock dust for the walking trail behind the Courthouse.

IN RE: BOARD MEMBER COMMENTS

Mr. Bowman commented when the High Speed Rail representatives were here they told the Board they would get back to us regarding the road closures, number of crossings, the impact on the battlefields in the County, and an alternative route from Alberta to Stony Creek. He requested that Administration write a letter to let them know we are expecting them to get back to us and if they don't we will be contacting our representatives in Congress.

Mr. Moody stated he had a community meeting Thursday June 24th but he was unable to attend it because his son had a dirt bike accident and had a concussion. He said he appreciated all the staff and citizens' thoughts and prayers during that time. He said Staff covered the meeting and everything went well.

Mr. Haraway requested that one representative from staff attend the VACo meeting at the Homestead, and instructed staff to add a reservation to the list.

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 Matters –
County Administration, Environmental Technician; and Animal Control

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

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

Ms. Moody seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 9:40 P.M.

The meeting reconvened into Open Session in the Board Meeting Room at 11:20 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under:

**§2.2-3711 A. 1 of the Code of Virginia – Personnel Matters –
County Administration, Environmental Technician; and Animal
Control**

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

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

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

**IN RE: AUTHORIZATION TO INCREASE SHERIFF'S
DEPARTMENT BEGINNING SALARY - LAW
ENFORCEMENT & COURTROOM SECURITY**

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

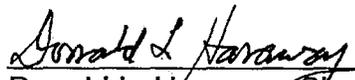
BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Board will provide a one-time supplement to increase the beginning salaries for Law Enforcement, Corrections and Courthouse Security Officers to \$26,000, effective December 1, 2004 until these officers are regraded and funded by the Compensation Board.

IN RE: INFORMATION IN BOARD PACKET OR DISTRIBUTED

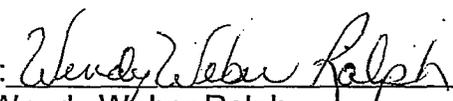
1. News Release – Dinwiddie County Receives Strong 'A' Rating From All Three National Rating Agencies.
2. Letter of Appreciation from Marguerita Ragsdale for Resolution.
3. Letter from Planning Commission regarding its position on the proposed High Speed Rail for Dinwiddie County.
4. Memo from Planner regarding the feasibility of connecting to and extending water line from Alberta to McKenney.
5. Virginia's Retreat 2003 annual report.
6. Board of Forestry letter regarding protection of Virginia's forestland.
7. Appomattox Regional Library report.
8. Memo from Commissioner of the Revenue regarding answers to assessment and licensing questions.
9. FOIA request from Anne Scarborough.

IN RE: ADJOURNMENT

Upon Motion of Mr. Moody, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the meeting adjourned at 11:25 P.M. to be continued until 5:00 P.M. on Thursday, July 8, 2004 for a Closed Session for Personnel matters.



Donald L. Haraway Chairman

ATTEST: 
Wendy Weber Ralph
County Administrator

/abr

