

VIRGINIA: AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM, OF THE ADMINISTRATION BUILDING, DINWIDDIE, VIRGINIA ON THE 17TH DAY OF AUGUST, 1983 AT 8:00 P.M.

PRESENT: STEVE WEBER, CHAIRMAN ELECTION DISTRICT #2  
G.S. BENNETT, JR., VICE-CHAIRMAN ELECTION DISTRICT #1  
G.E. ROBERTSON, JR. ELECTION DISTRICT #2  
M.I. HARGRAVE, JR. ELECTION DISTRICT #3  
A.S. CLAY ELECTION DISTRICT #4  
  
L.G. ELDER COUNTY ATTORNEY  
  
ABSENT: C.L. MITCHELL SHERIFF  
  
IN RE: MINUTES

Upon motion of Mr. Hargrave, seconded by Mr. Robertson, Mr. Hargrave, Mr. Robertson, Mr. Clay, Mr. Bennett, Mr. Weber voting "aye", the minutes of the July 20, 1983 meeting were approved as presented.

IN RE: PUBLIC HEARING--AMENDMENT TO ORDINANCE TO PROVIDE FOR PAYMENT OF CERTAIN LIVESTOCK AND POULTRY CLAIMS

This being the time and place as advertised in the Progress-Index on Wednesday, August 3, 1983 and August 10, 1983 to conduct a public hearing on an ordinance to amend Article II of Chapter 4 to add Section 4-7(a) to provide for payment of certain livestock and poultry claims.

Mr. Emery Veazey was the only citizen to address this ordinance. He stated that he questioned the wisdom of enacting the ordinance because he believed the citizens would stand a better chance of collecting from the owner of the dog than the county.

Mr. Bennett asked Mr. Elder if the County could go to court after it paid the claim. Mr. Elder responded yes, the Board could evaluate the merits of the case and determine if it should pursue the matter in court.

Mr. Clay stated the adoption of this amendment would be treating everybody equally. He indicated in some cases, the ordinance would force the owner of the livestock or poultry to spend a considerable amount in legal fees and lawyer's fees to take the matter to court before the County could pay the claim, sometimes spending more than he would receive from the claim.

Upon motion of Mr. Clay, seconded by Mr. Hargrave, Mr. Clay, Mr. Hargrave, Mr. Bennett, Mr. Robertson, Mr. Weber voting "aye",

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that the Dinwiddie County Code, as adopted April 1, 1970, and as heretofore amended be further amended by adding the following Section 4-7(a) to Article II of Chapter 4:

Article II. Dogs Generally.

Sec. 4-7(a). Livestock and Poultry Claims.

Pursuant to Section 29-213.25, Code of Virginia, 1979 Repl. Vol., as amended, the requirement is hereby waived that the claimant under the cited section first exhaust his legal remedies against the owner, if known, of the dog doing the damage; provided the animal warden has conducted an investigation and his investigation supports the claim.

IN RE: LIVESTOCK CLAIMS PAID

Upon motion of Mr. Clay, seconded by Mr. Bennett, Mr. Clay, Mr. Bennett, Mr. Hargrave, Mr. Robertson, Mr. Weber voting "aye", the following resolution was adopted:

WHEREAS, Jimmy Beville presented a claim to the Board for \$220 for one calf; and

WHEREAS, the Dog Warden and Deputy Dog Warden have verified this claim;

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the claim of Jimmy Beville for \$220.00 for one calf is hereby approved.

The County Administrator presented to the Board the claim of E.M. Winn for one sheep and one and one-half lambs unborn. After discussion, the Board requested the County Administrator to obtain additional information and present the claim at a later meeting.

IN RE: CLAIMS

Upon motion of Mr. Hargrave, seconded by Mr. Robertson, Mr. Hargrave, Mr. Robertson, Mr. Bennett, Mr. Clay, Mr. Weber voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following claims be approved:

General Fund checks-numbering 83-1522 through 83-1742 amounting to \$204,259.73 with the exception of Check #83-1622 payable to Comm-Tronics of Virginia.

A bill for \$48.13 from Comm-Tronics of Virginia was submitted by the Namozine VFD, signed by E.B. Hawkins for payment. When questioned at the meeting, Mr. Hawkins stated the bill should not be paid and he would take care of the matter with Comm-Tronics, Inc.

Library Fund checks-numbering L-83-15 through L-83-17 amounting to \$188.92.

IN RE: COMMISSIONER OF REVENUE

Mr. W.E. Bolte had no report for the Board.

IN RE: TREASURER

Mrs. Margaret W. Lewis presented her monthly report to the Board. She stated that she had prepared the Delinquent Tax List as of June 30, 1982 and asked if the Board desired to have it published. It was the consensus of the Board that the list not be published.

IN RE: COMMONWEALTH ATTORNEY

Mr. L.G. Elder had no report for the Board.

IN RE: ORDER OF ABANDONMENT--KARL CROWDER

On July 6, 1983, the following Notice of Intent to Abandon a Portion of Boydton Plank Road was posted at three locations on the property in question, posted in front of the Courthouse and was advertised in the Progress-Index on July 6, 1983 and July 13, 1983.

"Pursuant to Section 33.1-158, Code of Virginia, 1976 Repl. Vol., as amended, the Board of Supervisors hereby gives notice of its proposed abandonment of that section of old Boydton Plank Road passing through the Karl P. Crowder property and described in a deed and plat recorded in Deed Book 81, page 224 in the Circuit Court Clerk's Office of Dinwiddie County. Said roadway has not been in public use since 1926 when the

existing U.S. Route 1 was opened. Official action will be taken concerning the abandonment of said road at the regular meeting of the Board of Supervisors on August 17, 1983, at 8:00 P.M. at the Dinwiddie Government Center.

The Chairman called for public input. There was none.

Upon motion of Mr. Hargrave, seconded by Mr. Clay, Mr. Hargrave, Mr. Clay, Mr. Bennett, Mr. Robertson, Mr. Weber voting "aye", the following Order of Abandonment was adopted:

ORDER OF ABANDONMENT

Portion of Boydton Plank Road

It appearing that proper notice having been given pursuant to Section 33.1-158, Code of Virginia, 1976 Repl. Vol., as amended, and no one having appeared in opposition to it and no public necessity exists for the continuance of that section, it is hereby ORDERED that the section of Old Boydton Plank Road passing through the Karl P. Crowder property and described in a deed and plat recorded in Deed Book 81, at page 224, in the Circuit Court Clerk's Office of Dinwiddie County, is hereby abandoned as a public road.

IN RE: SHERIFF

There was no one from the Sheriff's Department to make a report.

IN RE: BUILDING INSPECTOR

The County Administrator, on behalf of the Building Inspector, presented his report for the month of July, 1983.

Mr. Robertson asked that in future months, the report for the corresponding month a year ago be included in the Building Inspector's report.

IN RE: ANIMAL WARDEN

The County Administrator advised the Board no report was available at this time. The Animal Warden, L.A. Brooks, Jr., was injured the latter part of July and has not worked since that time. Deputy Animal Warden, Ed Swimeler, was filling in and things were going smoothly.

IN RE: DIRECTOR OF PLANNING.

W.C. Scheid had no report for the Board.

IN RE: DIRECTOR OF SOCIAL SERVICES

Mrs. King B. Talley had no report for the Board.

IN RE: ROAD TO RECREATIONAL FIELD

Richard L. Vaughn presented the following letter to the Board of Supervisors:

"The School Board is interested in resolving the problem with the roadway across from Dinwiddie County High School. Mr. Scheid has indicated that a grant might be available for this. It is our understanding that the County must be the agency to apply for funds and must have a deed to the property or a long-term lease.

In order to achieve this, the School Board, at its regular meeting on August 9, 1983, authorized Mr. Scheid to approach the Board of Supervisors on resolving the problem with the existing road and to request consideration for further

development of the recreation facilities across from the high school. He is to advise them that the School Board will do whatever is necessary, deedwise, for them to apply for grants for both projects provided they will agree to construct a baseball field in that area, suitable for night games, within a reasonable time."

Dr. Vaughn asked Mr. Scheid to come forth and discuss with the Board the prospects of a grant to construct a road and build a ball field. Mr. Scheid indicated that he was accumulating information for the filing of the grant and would await the Board's instructions and/or approval prior to submitting the grant.

There was no action taken and it was the consensus of the Board that the matter needed study and they would respond at a future meeting.

IN RE: JUNIOR HIGH SCHOOL CHLORINATOR

Upon motion of Mr. Robertson, seconded by Mr. Hargrave, Mr. Robertson, Mr. Hargrave, Mr. Clay, Mr. Bennett, Mr. Weber voting "aye", the following resolution was adopted:

WHEREAS, the State Water Control Board and the State Health Department are requiring that a chlorinator be installed on the sewage treatment system at the Junior High School; and

WHEREAS, this chlorinator has been designed and is presently out for bids; and

WHEREAS, the estimated cost of the project is \$40,000 and can be funded from funds remaining from the McKenney School Bond issue;

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the School Board is hereby authorized to finance the installation of the chlorinator on the sewage system at the Junior High School from funds in the McKenney School bond issue; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that if the cost of this project exceeds \$40,000, the Superintendent of Schools is to return to the Board of Supervisors for further authorization.

IN RE: CABLE TV

Mr. Robertson read the following letter from Mr. Bland:

"Gentlemen:

This is a followup to my early August meeting with Mr. Griffin and a report on the progress of the Dinwiddie Cable System.

We have revised the financial projections in accordance with the meeting with Mr. Griffin. Our contractor RJS Cable Construction has inspected the area and we are now in the process of preparing a map of the actual initial franchise area. From that we will prepare a strand map, for the design of the system. I am anticipating that the mapping will be complete in September. Actual design should be complete in October.

Working capital financing has been arranged. We are currently working on the best deal on take out financing after construction. It is anticipated that all of this should be complete at the end of September. Construction should begin as soon as our right of way and pole permits have been obtained. Allowing time for normal delays, the initial parts of the system should be in place in October or November."

Mr. Robertson asked the County Administrator to proceed with whatever is necessary to expedite the issuing of a franchise to Mr. Paul Bland to install cable t.v. in the County.

IN RE: LEE BOULEVARD EXTENDED

Upon motion of Mr. Robertson, seconded by Mr. Clay, Mr. Robertson, Mr. Clay, Mr. Hargrave, Mr. Bennett, Mr. Weber voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Virginia Department of Highways and Transportation is hereby requested to add a section of road known as Lee Boulevard Extension beginning at a point 205 feet North of Pelham Avenue, running in a northerly direction 0.14 mile to North Drive, to the secondary system of Dinwiddie County pursuant to Section 33.1-229 of the Code of Virginia of 1950 as amended; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that it guarantees the Commonwealth of Virginia a minimum unrestricted right of way of 100 feet with necessary easements for cuts, fills, and drainage; 80 feet recorded in Plat Book 1, Page 485 dated July 12, 1922 and 20 feet recorded in Deed Book 215, Page 39 dated February 18, 1982.

IN RE: REZONING APPLICATION -- P-83-3 -- NELSON MORTON

This being the time and place as advertised in the Progress-Index on August 3, 1983 and August 10, 1983 for the Board of Supervisors to conduct a public hearing on rezoning application P-83-3 submitted by Nelson D. Morton to rezone approximately 3.47 acres from Residential Limited R-1 to Residential General R-2.

Mr. Morton spoke in his behalf and told the Board that all the land around him, except for one very small parcel, was zoned R-2 and he would like his land the same classification. In response to a question from Mr. Bennett, Mr. Morton indicated that if all the land around him was zoned Residential R-1, he then would desire his land to be zoned Residential R-1.

Mr. Emery Veazey and Mr. Raymond McCants spoke in favor of the rezoning request. Mr. Ed Veazey spoke in opposition to the rezoning request.

The Planning Commission had rejected this request for rezoning based upon the fact that they planned sometime in the future to rezone this land surrounding Mr. Morton's property back to Residential R-1. The County Attorney indicated to the Board that he did not feel this was a sound reason to reject a rezoning request.

Upon motion of Mr. Bennett, seconded by Mr. Hargrave, Mr. Bennett, Mr. Hargrave, Mr. Clay, Mr. Robertson, Mr. Weber voting "aye", the Board moved into Executive Session at 9:45 P.M. and returned to Open Session at 9:59 P.M.

Upon motion of Mr. Bennett, seconded by Mr. Clay, Mr. Bennett, Mr. Clay, Mr. Hargrave, Mr. Robertson, voting "aye", Mr. Weber "nay",

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia that the zoning ordinance be amended by changing the district classification of Section 16, Block 2, Lot 1 from Residential Limited R-1 to Residential General R-2. Said parcel contains approximately 3.47 acres and is bounded as follows: to the north, east and west by the lands of Gilbert Martin; to the south by the lands of Terry A. Wolfrex, Sr.

In all other respects, said ordinance is hereby reordained.

IN RE: REZONING APPLICATION -- P-83-4 -- ROGER LEGGETT

This being the time and place as advertised in the Progress-Index on August 3, 1983 and August 10, 1983 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a public hearing on rezoning application P-83-4 submitted by Mr. Roger Leggett to rezone approximately 1.15 acres from Residential Limited R-1 to Business General B-2.

Mr. Leggett told the Board that the land around him was zoned business. He wished to construct a business on his property and felt that this was the best use of his land.

No one spoke in favor or against this rezoning application.

Upon motion of Mr. Hargrave, seconded by Mr. Robertson, Mr. Hargrave, Mr. Robertson, Mr. Clay, Mr. Bennett, Mr. Weber voting "aye",

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia that the zoning ordinance be amended by changing the district classification of Section 45, Parcel 27D from Residential, Limited R-1 to Business General B-2. Said parcel contains approximately 1.5 acres and is bounded as follows: to the east by U.S. Route 1; to the south by the lands of Sterling F. Gholson; and to the west and north by the lands of T. O. Cairns.

In all other respects said zoning ordinance is hereby reordained.

IN RE: CONDITIONAL USE PERMIT -- C-83-5 -- JAMES D. BARRON

This being the time and place as advertised in the Progress-Index on August 3, 1983 and August 10, 1983, for the Board of Supervisors to conduct a public hearing on the conditional use permit application of Mr. James D. Barron to operate an amusement center.

Mr. Barron was present. No one appeared in favor or in opposition to this conditional use permit.

Upon motion of Mr. Hargrave, seconded by Mr. Robertson, Mr. Hargrave, Mr. Robertson, Mr. Clay, Mr. Bennett, Mr. Weber voting "aye", the Conditional Use Permit C-83-5, requested by James David Barron was approved with the following conditions:

1. Grant the permit for a five (5) month trial period with written re-application to the Board to review their experience and add/delete conditions as needed.
2. The Center open at 9:00 A.M. on school days and close at 11:00 P.M. on nights preceding school days.
3. The center open at 9:00 A.M. on non-school days and close at 12:00 midnight on nights preceding non-school days.
4. County building official inspect building for compliance with BOCA code.
5. An occupancy limit be determined and posted.

IN RE: REPAIRS TO FIRE VEHICLE--NAMOZINE VFD

Upon motion of Mr. Robertson, seconded by Mr. Hargrave, Mr. Robertson, Mr. Hargrave, Mr. Clay, Mr. Bennett, Mr. Weber voting "aye", the following resolution was adopted:

WHEREAS, the fire chief for the Namozine VFD, Bill Queen, outlined to the Board repiping and tank work needed on one of their fire vehicles, cost \$1,000;

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Namozine VFD is hereby authorized to do the repiping and tank work needed on the fire vehicle, cost not to exceed \$1,000.

IN RE: DOG POUND DRAINFIELD

Upon motion of Mr. Clay, seconded by Mr. Bennett, Mr. Clay, Mr. Bennett, Mr. Hargrave, Mr. Robertson, Mr. Weber voting "aye", the following resolution was adopted:

WHEREAS, the County Administrator had previously advised the Board of Supervisors that a problem existed with the Dog Pound drainfield; and

WHEREAS, after a thorough investigation, the cost to make the necessary repairs would total \$1,500; and

WHEREAS, there was no other alternative than to make the necessary repairs to satisfy Health Department requirements;

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the County Administrator is hereby authorized to make the necessary repairs to the dog pound drainfield.

IN RE: COST ALLOCATION PLAN FOR FY 83

Upon motion of Mr. Hargrave, seconded by Mr. Clay, Mr. Hargrave, Mr. Clay, Mr. Bennett, Mr. Robertson, Mr. Weber voting "aye", the following resolution was adopted:

WHEREAS, David M. Griffith and Associates have prepared the Indirect Cost Allocation Plan for the County for the last five years; and

WHEREAS, this relationship has been beneficial to the County;

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Dinwiddie County Virginia that the firm of David M. Griffith and Associates is hereby retained to provide a cost allocation plan for fiscal year 1983.

IN RE: ABIDCO APPOINTMENTS

It was the consensus of the Board that the appointments to the ABIDCO Board be postponed.

IN RE: DROUGHT RELIEF FOR DINWIDDIE COUNTY'S FARMERS

Upon motion of Mr. Bennett, seconded by Mr. Clay, Mr. Bennett, Mr. Clay, Mr. Hargrave, Mr. Robertson, Mr. Weber voting "aye", the following resolution was adopted:

WHEREAS, the drought conditions in Dinwiddie County have severely affected the farmers; and

WHEREAS, total losses from drought conditions in Dinwiddie County are approaching the \$5,700,000 level; and

WHEREAS, it is incumbent upon the Board of Supervisors to request the Governor to declare the County a drought disaster area.

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors

of Dinwiddie County, Virginia that the County Administrator is hereby instructed to file with the Governor of Virginia a request that the County of Dinwiddie be designated a drought disaster area.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Clay, seconded by Mr. Hargrave, Mr. Clay, Mr. Hargrave, Mr. Bennett, Mr. Robertson, Mr. Weber voting "aye", pursuant to Sec. 2.1-344 (6) of the Virginia Freedom of Information Act, the Board moved into Executive Session to discuss legal matters at 10:25 P.M. The Board returned to Open Session at 11:15 P.M.

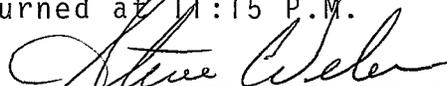
IN RE: INFORMATION

The following information was included in the Board material for this meeting:

1. A letter from the Dept. of Social Services concerning the Employment Services Program.
2. A letter from the Solid Waste Commission on the public participation program on low-level radioactive waste disposal.
3. A resolution from Gloucester concerning the funding levels for Constitutional Officers.
4. A meeting record from Frederick G. Griffin regarding a meeting set up by Mr. Paul Bland on July 27, 1983.
5. A letter from Senator Paul Tribble concerning legislation on cigarette packaging.
6. Information on the status of the revenue sharing program.
7. Letter from George Long and VACO concerning telephone and electric power rate negotiations.
8. Letter from VML concerning telephone negotiations.
9. Population and Labor Force Data - March, 1981.

IN RE: ADJOURNMENT

Upon motion of Mr. Hargrave, seconded by Mr. Bennett, Mr. Hargrave, Mr. Bennett, Mr. Clay, Mr. Robertson, Mr. Weber voting "aye", the meeting was adjourned at 11:15 P.M.

  
\_\_\_\_\_  
STEVE WEBER, CHAIRMAN

ATTEST:

  
\_\_\_\_\_  
W.C. KNOTT