

VIRGINIA: AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD
IN THE BOARD MEETING ROOM OF THE ADMINISTRATION BUILDING
DINWIDDIE, VIRGINIA ON THE 2ND DAY OF OCTOBER, 1985 AT
2:00 P.M.

PRESENT: M.I. HARGRAVE, JR., CHAIRMAN ELECTION DISTRICT #3
A.S. CLAY, VICE-CHAIRMAN ELECTION DISTRICT #4
G.S. BENNETT, JR. ELECTION DISTRICT #1
G.E. ROBERTSON, JR. ELECTION DISTRICT #2

L.G. ELDER COUNTY ATTORNEY

ABSENT: H.L. CLAY, JR. ELECTION DISTRICT #2
B.M. HEATH SHERIFF

IN RE: MINUTES

Upon motion of Mr. Robertson, seconded by Mr. A. Clay, Mr. Robertson, Mr. Clay, Mr. Bennett, Mr. Hargrave voting "aye", the minutes of the September 17, 1985 continued meeting and the September 18, 1985 regular meeting were approved as presented.

IN RE: CLAIMS

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following claims be approved and funds appropriated for same:

General Fund checks-numbering 85-1948 through 85-2045 amounting to: \$149,181.24.

IN RE: TREASURER

Mr. W.E. Jones presented his report for the month of September, 1985. He also reported the delinquent tax list was published in the paper on September 25, 1985 and the results had been favorable.

IN RE: RENEWAL OF SET-OFF DEBT COLLECTION PROGRAM

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

WHEREAS, the 1983 General Assembly of Virginia amended and approved Sec. 58-19.8 of the Code of Virginia, relating to the Set-Off Debt Collection Act to include County, City and Town governments; and

WHEREAS, under the provisions of the Act, as amended, a Virginia individual income tax refund can be subject to County, City and Town government claims; and

WHEREAS, the Treasurer reports a collection of \$2,294 for participation in the 1984-85 program and recommends that the program be renewed for 1985-86;

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Department of Taxation be advised that the County of Dinwiddie wishes to participate in the Set-Off Debt Collection program for 1985-86; and

BE IT FURTHER RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia designates Mr. W.E. Jones, Treasurer, as the Set-Off Debt Coordinator.

IN RE: BUILDING INSPECTOR

Mr. James L. Blaha presented his report for September, 1985.

IN RE: DISAPPROVAL OF REQUEST FOR SHOOTING RANGE PERMIT--DONALD GREENWAY

The Director of Planning presented an application for a shooting range permit from Mr. Donald Greenway. He stated letters had been sent out to the adjacent property owners and he had received one phone call and a letter. He presented the letter from Mr. Albert Lee Moore in opposition to the request. He was concerned about the noise and the location of his house and that of his elderly mother.

Mr. Greenway was present in support of his request. He pointed out the location of the house in question. He stated his plans were to hold turkey shoots on Saturdays from 1:00 P.M. until dark.

Mr. Robertson stated he received a call from Mr. Moore, so he rode out to look at the area. He stated he was concerned about the distance from the homes as well as the noise and, therefore, did not feel this was an appropriate location for a shooting range.

Upon motion of Mr. Robertson, there being no second, Mr. Robertson, Mr. Clay, Mr. Hargrave voting "aye", Mr. Bennett abstaining, the request of Mr. Donald Greenway for a shooting range permit was denied.

IN RE: VA. DEPARTMENT OF HIGHWAYS & TRANSPORTATION

Mr. Harold Dyson, Ass't. Resident Engineer, Va. Dept. of Highways and Transportation, appeared before the Board to answer any questions they might have. He reported that Rt. 604 should be reopened in two weeks.

Mrs. Pearl Bland stated that she had talked with the Resident Engineer, Mr. MacFarland Neblett about the site distance problem in front of her house on Rt. 644 and he had not heard any more from him. Mr. Dyson stated he did not know the details of Mr. Neblett's review, but he felt the project would have to be included in the six year plan.

Mr. Hargrave asked about relocating the driveway. Mr. Dyson stated the driveway was already in the best location.

Mr. Bennett asked Mr. Dyson to discuss the details with Mr. Neblett and let Mrs. Bland know what their findings were.

Mr. Robertson asked if any signs could be put up in the meantime. Mr. Dyson stated he had not found any in his investigations.

Mr. Hargrave asked that during the discussion of the six year plan the Highway Department determine if the exposure of this problem was any worse than other projects listed in the six year plan to help the Board understand if any new priorities need to be established.

IN RE: REZONING APPLICATION--P-85-6--EVELYN GUPTON

Upon motion of Mr. Robertson, seconded by Mr. A. Clay, Mr. Robertson, Mr. Clay, Mr. Bennett, Mr. Hargrave voting "aye", rezoning application P-85-6 was removed from the table.

A decision on this application was tabled at the last meeting to allow those individuals who opposed the rezoning time to better understand the request and time to be heard by the Board of Supervisors. They did not present a petition in time to be heard by the Planning Commission.

Mrs. Lelia Westmoreland stated she was not opposed to Mrs. Gupton selling her land, but the roads are very narrow and have a lot of curves.

Mr. Hargrave asked Mrs. Westmoreland if she understood that under the present zoning, without any action by the Board, Mrs. Gupton could sell four lots with homes that would be even closer together. Mrs. Westmoreland said she understood.

Mr. Robertson stated that he had not heard from any citizens during the two week delay and moved that P-85-6 be approved. Mr. A. Clay seconded the motion.

Mr. Robertson, Mr. Clay, Mr. Bennett, Mr. Hargrave voting "aye",

BE IT ORDAINED by the Board of Supervisors, Dinwiddie, Virginia, that the zoning classification of an 11 acre portion of Section 20, Parcel 72, be changed from agricultural, general, A-2 to agricultural, rural residential, A-R. Said parcel being bounded as follows: starting at the northern most point where the property joins Route 632; then heading in a southwesterly direction along Route 632 approximately 1340' to a point; then heading in a southeasterly direction along an existing 16½' right of way approximately 410' to a point; then heading in a northeasterly direction along a line parallel to Route 632 approximately 1040' to a point on the property with Mrs. Lelia B. Westmoreland; then heading in a northerly direction along the property line of Mrs. Lelia B. Westmoreland to the point of beginning.

IN ALL OTHER RESPECTS, said zoning ordinance is hereby reordained.

IN RE: DISTRICT 19 MENTAL HEALTH & MENTAL RETARDATION SUBSTANCE ABUSE SERVICES--UPDATE ON ACTIVITIES

Dr. Eldon Taylor, Director, appeared before the Board to give a brief update on the activities of the Mental Health & Mental Retardation Substance Abuse Services Agency and to introduce Dr. Jim Correll, Director of the Dinwiddie Counseling Service.

He briefly commented on the new Crisis Line that provides 24-hour professional service to the public.

IN RE: CRISIS ASSISTANCE RESPONSE EMERGENCY SHELTER, INC.--REQUEST FOR CONTRIBUTION

The Board received a request from CARES, INC. for a \$1,000 contribution for the shelter. The Director of Social Services stated her department has used the shelter and recommended the contribution be approved. Mr. Hargrave stated he felt the contribution should be approved and time be given to see how the service runs for a year or two.

Upon motion of Mr. Robertson, seconded by Mr. Bennett, Mr. Robertson, Mr. Bennett, Mr. Clay, Mr. Hargrave voting "aye", a contribution in the amount of \$1,000 to CARES, INC. was approved.

IN RE: DINWIDDIE COUNTY HISTORY BOOK--REQUEST TO COPY FOR FAMILY RESEARCH

The Board received a request from Mr. Robert Rogers to use certain pages of the Dinwiddie County History in his family manuscript.

Mr. Bennett stated he felt it would be appropriate as long as the source was properly footnoted when used by Mr. Rogers.

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

BE IT RESOLVED by the Board of Supervisors that Mr. Robert Rogers is authorized to copy pages 149-159 and 308-311 of the Dinwiddie County History Book for use in his family manuscript; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that permission is given to use these pages provided the use of the Dinwiddie County History Book is properly referenced in the final manuscript.

IN RE: APPOINTMENT--APPOMATTOX REGIONAL LIBRARY BOARD

Upon motion of Mr. Robertson, seconded by Mr. Bennett, Mr. Robertson, Mr. Bennett, Mr. Clay, Mr. Hargrave voting "aye", Mrs. Vivian Zaruba was appointed to the Appomattox Regional Library Board, term expiring June 30, 1989.

IN RE: OLD HICKORY VFD--AUTHORIZATION TO ADD MEETING ROOM

Mr. A. Clay stated the Old Hickory VFD has requested permission to build a meeting room addition to their building. They have the necessary funds and want to enclose it before the winter.

Mr. Bennett stated he would suggest the addition be kept as near as possible to the design of the existing building.

Upon motion of Mr. A. Clay, seconded by Mr. Robertson, Mr. Clay, Mr. Robertson, Mr. Bennett, Mr. Hargrave voting "aye", the Old Hickory VFD was authorized to construct a meeting room onto their present fire house using fire department funds.

IN RE: FAIR LABOR STANDARDS ACT--REQUEST FOR EXEMPTION FOR STATE & LOCAL GOVERNMENTS

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

WHEREAS, the recent Supreme Court decision in the Garcia case, applying the Fair Labor Standards Act to state and local government employees, has created a great deal of unnecessary hardship and expense for Dinwiddie County and other localities in Virginia; and

WHEREAS, during the short time the law has been in effect, it has already begun to deplete the small allocation provided by the State to our local law enforcement agency for "emergency" overtime; and

WHEREAS, all County employees who must work overtime accepted employment knowing that overtime would sometimes be required to get the job done, and most employees would rather have compensatory time to use whenever they choose; and

WHEREAS, the requirements make it difficult to schedule many of our employees, especially in the public safety area, because they do not fit the standard "9 to 5" job; and

WHEREAS, County employees can no longer "volunteer" to work in other County operations, i.e. recreation, because the FLSA requires the payment of overtime; and

WHEREAS, the recordkeeping generated by this Act is confusing as well as an extra burden on localities that are already stifled by paperwork; and

WHEREAS, Senators Nickles and Wilson have introduced S.B. 1570, which exempts states and localities from certain provisions of the FLSA;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, urges its two Senators, John Warner and Paul Tribble and its Congressman, Norman Sisisky, to introduce and/or support legislation to exempt state and local governments from the Fair Labor Standards Act.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. A. Clay, seconded by Mr. Bennett, Mr. Clay, Mr. Bennett, Mr. Robertson, Mr. Hargrave voting "aye", pursuant to Sec. 2.1-344 (1) and (6) of the Virginia Freedom of Information Act, the Board moved into Executive Session at 3:10 P.M. to discuss a legal and a personnel matter. The meeting reconvened into Open Session at 4:45 P.M.

IN RE: ADJOURNMENT

Upon motion of Mr. Robertson, seconded by Mr. A. Clay, Mr. Robertson, Mr. Clay, Mr. Bennett, Mr. Hargrave voting "aye", the meeting was adjourned at 4:46 P.M.

ATTEST:


W.C. KNOTT


M.I. HARGRAVE, JR., CHAIRMAN

