

VIRGINIA: AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD
IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION
BUILDING, DINWIDDIE, VIRGINIA ON THE 19TH DAY OF
AUGUST, 1987 AT 7:30 P.M.

PRESENT: H.L. CLAY, JR., CHAIRMAN ELECTION DISTRICT #2
M.I. HARGRAVE, JR., VICE-CHAIRMAN ELECTION DISTRICT #3
H.A. MOODY ELECTION DISTRICT #1
G.E. ROBERTSON, JR. ELECTION DISTRICT #2
A.S. CLAY ELECTION DISTRICT #4
B.M. HEATH SHERIFF
ABSENT: T.O. RAINEY COUNTY ATTORNEY

IN RE: MINUTES

Upon motion of Mr. Hargrave, seconded by Mr. A. Clay, Mr. Hargrave, Mr. Clay, Mr. Robertson, Mr. Moody, Mr. Clay voting "aye", the minutes of the July 15, 1987 regular meeting and the July 23, 1987 special meeting were approved as presented.

IN RE: CLAIMS

Upon motion of Mr. Robertson, seconded by Mr. Moody, Mr. Robertson, Mr. Moody, Mr. Clay, Mr. Hargrave, Mr. Clay 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 87-1608 through 87-1872 amounting to \$559,212.55; FICA Recovery Fund checks-numbering FICA-87-1 through FICA-87-11 amounting to \$281.23; E911 Fund check-number E9-87-7 in the amount of \$14,206.99; Johnsongrass Control Fund checks-numbering JGC-87-4 through JGC-87-7 amounting to \$2,097.63; County Construction Fund checks-numbering CCF-87-18 through CCF-87-21 amounting to \$84,867.53; Water & Sewer Fund Check #W&S-87-7 in the amount of \$1123.61.

IN RE: TREASURER

Mr. W.E. Jones presented his report for the month of July, 1987.

IN RE: BUILDING INSPECTOR

Mr. D.H. Abernathy was not present. The Chairman read his report for the month of July, 1987.

Mr. Robertson stated that he had been receiving alot of good comments on the Building Inspector.

IN RE: ANIMAL WARDEN

Mr. Robert Rainey, Deputy Animal Warden, presented his report for the month of August, 1987.

IN RE: LIVESTOCK CLAIM--LEONARD HARRISON

At the July 15, 1987 meeting, a livestock claim for Mr. Leonard Harrison was presented wherein he requested payment for nine (9) goats. The Animal Warden viewed five (5). The Board approved payment for five (5) goats and instructed the Animal Warden to investigate the remaining four to be considered at the next meeting.

Mr. Robert Rainey, Deputy Animal Warden, stated they had found no further evidence after making periodic checks and no evidence of damage by the same dogs.

No further action was taken.

IN RE: PUBLIC HEARING--A-87-5--MAINTENANCE OF A PUBLIC
NUISANCE

This being the time and date as advertised in the Progress-Index on Wednesday, August 5, 1987 and Wednesday, August 12, 1987 for the Board of Supervisors to conduct a public hearing to consider for adoption an ordinance to amend Chapter 15 of the Dinwiddie County Code to add Section 15-5, to abate public nuisances.

Mr. John Crawley stated they have been working on this for nine years and he was very glad to see this ordinance presented. He also stated there were a number of people present to speak for the ordinance.

Mr. Emery Veazey and Mr. John Gibbs asked questions concerning unlicensed vehicles.

Mrs. Gloria Jones spoke in support of the amendment.

No one spoke in opposition.

Mr. Hargrave moved that amendment A-87-5, maintenance of a public nuisance, be approved. Mr. Moody seconded the motion.

Mr. Robertson stated he was concerned about the time under paragraph b. He stated if they allowed 60 days, the summer would be gone before anything was done.

Mr. Robertson moved to amend the motion by changing sixty (60) days in paragraph b to thirty (30) days. Mr. Hargrave seconded the motion. Mr. Robertson, Mr. Hargrave, Mr. Clay, Mr. Moody, Mr. Clay voted "aye".

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that the Dinwiddie County Code, as adopted March, 1986, and as heretofore amended, be further amended by the following addition:

SECTION 15-5 - Maintenance of a Public Nuisance

a. It shall be unlawful and a Class 4 Misdemeanor for any person to keep, maintain or permit the existence of a public or common nuisance, including, but not limited to refuse, litter, trash, garbage, excessive weeds or grass and other substances which might endanger the health or safety of the residents on any property zoned for residential, business, commercial or industrial use.

b. As used in this section, the term "excessive weeds or grass" shall mean "any weeds or grass which are not regularly mowed or which, for a period of thirty (30) days or longer, has been left unattended by the owner."

c. The owner of the property shall within thirty (30) days after receiving written notice from the county, remove therefrom or cease the operation and remove any public or common nuisance that is in violation of this section.

d. Written notice shall be deemed given if it is mailed certified or registered mail to the last known address of the landowner or personally served. The last known address shall be based upon the records of the Commissioner of Revenue.

e. The County Administrator or his agent shall be responsible for the administration of this ordinance. The County Administrator or his agent are hereby granted authority to enter upon property for the purpose of inspection to protect health and safety in accordance with this ordinance.

f. In the event the owner of the property fails to comply with a notice given pursuant to Subsection (c) above, the county, through its own agents or employees, may remove the public or common nuisance.

g. Any landowner who disagrees with the written notice of the County Administrator or his agent shall have thirty (30) days after written notice is mailed, either certified or registered mail, in which to note an appeal in writing to the Board of Supervisors. Said appeal shall briefly set forth the reasons for disagreeing with the notice. Failure to note such appeal shall be deemed a waiver of all right of appeal and the decision and notice shall be deemed final.

h. The cost of any removal and disposal by the County pursuant to this section shall be chargeable to the owner of this property and may be collected by the county as taxes and levies are collected. Every such cost with which the owner of the property shall have been assessed shall constitute a lien against the property from which the nuisance was removed; the lien to continue until actual payment of such cost is made in full to the county.

IN RE: PUBLIC HEARING--A-87-6--DOG CONFINEMENT--VIRGINIA HILLS
SUBDIVISION

This being the time and place as advertised in the Progress-Index on Wednesday, August 5, and Wednesday, August 12, 1987 for the Board of Supervisors to conduct a public hearing to consider for adoption an ordinance to amend Chapter 4 of the Dinwiddie County Code to add to Article II, Section 22, restricting the running at large of dogs in residential areas.

Mr. Robertson asked if it was necessary to hold a public hearing each time a request is made to add an area. He was advised it was because the ordinance is being amended. Mr. H. Clay asked if the Board could pass an amendment to add areas as requested without holding a public hearing.

Mr. Hargrave stated he would not be in favor of that. He felt the subdivisions should be added by request of the majority of the citizens within that subdivision on an individual request basis.

Mr. Robertson stated he only wanted to shorten the process.

Mr. Charles Crowder stated the leash law was in effect on one side of Rt. 601 only. He stated the Northern end should not be penalized.

Mr. Clarence Algood and his son spoke against the leash law, stating he was afraid it would become countywide.

Mr. Hargrave stated he was totally opposed to a countywide leash law. He indicated he would like to see the people in the subdivision say what they want and would vote for a request when a petition is presented with over 50% of the residents in support of it.

Mr. Emery Veazey stated he supported the people requesting animal control in their areas.

Mr. H. Clay pointed out that the urban area animal control needs are different from the other end of the County.

Mr. David Maywalt and Mr. Robert Powell spoke in support of the ordinance. Mr. Charles Harrison stated he supported the ordinance in subdivisions.

Mr. Laxton Wilson asked if dogs that cross into the leash law area come under the ordinance. Mr. Robert Rainey, Deputy Animal Warden, stated he would have to check with the County Attorney.

Upon motion of Mr. Robertson, seconded by Mr. Hargrave,

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia that the Dinwiddie County Code, as adopted, March 1986, and as heretofore amended, be further amended by the following addition:

CHAPTER 4 - Animals and Fowl

Section 22 - Running at Large - Prohibited in Certain Residential Areas

a. It shall be unlawful to permit any dog to run at large at any time during the year within any portion of the following areas of the County:

1) All that certain lot, parcel or piece of land with the improvements thereon located in Rohoic District, Dinwiddie County, Virginia, and bounded generally as follows: on the north by Lake Chesdin and the Appomattox River; on the East by the City of Petersburg and U.S. Highway #1; on the South by U.S. Highway #1, State Route 460 and State Route 601 and 708; on the West by Route 623 and Whippernock Creek.

2) All that certain lot, parcel or piece of land with the improvements thereon located in Rohoic District, Dinwiddie County, Virginia, commonly known as Virginia Hills Subdivision as shown in Plat Book 9, page 75, 94, 95 and Plat Book 10, page 129, 130 and 131 of the Dinwiddie County Circuit Clerk's Office, located on the northwestern side of Squirrel Level Road, State Route 613.

b. All dogs shall be kept under restraint in the above described areas. A dog under restraint shall mean any dog secured by a leash or lead or penned up or under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner, provided, that restraint of hunting dogs shall be as provided in the Code of Virginia, as amended.

c. It shall be the duty of the Animal Warden to cause all dogs found running at large in violation of this Section to be caught and penned up at the owner's expense in the County Dog Pound.

IN RE: TARGET RANGE PERMIT--DINWIDDIE VFD

Mr. Joe Emerson, Director of Planning, presented an application for a target range permit from the Dinwiddie VFD to hold turkey shoots for ten weeks on property owned by Mr. W.W. Howard on State route 605. Permits for this location have been approved in the past and Mr. Emerson recommended approval of this request.

Upon motion of Mr. Hargrave, seconded by Mr. A. Clay, Mr. Hargrave, Mr. Clay, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", a target range permit was approved for the Dinwiddie VFD to hold turkey shoots for a period of ten weeks, beginning in September, on property owned by Mr. W.W. Howard on Route 605.

IN RE: SPECIAL ENTERTAINMENT PERMIT--WHIPPERNOCK HUNT CLUB

Mr. Joe Emerson, Director of Planning, presented an application from Mr. & Mrs. George E. Williams, representing Whippernock Hunt Club, for a special entertainment permit to hold an outdoor concert on Saturday, October 3, 1987 from 5:00 P.M. to 11:00 P.M. at Whippernock Marina with an estimated attendance of 150 to 200 people. The Sheriff submitted a letter approving the parking facilities. Mr. & Mrs. Williams were presented in support of their request.

Upon motion of Mr. Robertson, seconded by Mr. Hargrave, Mr. Robertson, Mr. Hargrave, Mr. Moody, Mr. Clay, Mr. Clay voting "aye", a special entertainment permit was approved for Mr. & Mrs. George E. Williams to hold an outdoor concert on Saturday, October 3, 1987 from 5:00 P.M. to 11:00 P.M. at Whippernock Marina, with the conditions stated therein.

IN RE: SPECIAL ENTERTAINMENT PERMIT--RICHARD A BEASLEY

Mr. Joe Emerson, Director of Planning, presented an application from Mr. Richard A. Beasley for a special entertainment permit to hold a music festival on September 6, 1987 from 7:00 P.M. to 1:00 A.M. at the Orioles Ball Park on Route 605.

The Sheriff was not aware of any complaints at that location in the past.

Upon motion of Mr. Hargrave, seconded by Mr. A. Clay, Mr. Hargrave, Mr. Clay, Mr. Robertson, Mr. Moody, Mr. Clay voting "aye", Mr. Richard Beasley was awarded a special entertainment permit to hold a music festival on September 6, 1987 from 7:00 P.M. to 1:00 A.M. at the Orioles Ball Park on Rt. 605 with the conditions stated therein.

IN RE: COURTHOUSE IMPROVEMENTS--REPLACEMENT OF SIDEWALKS & STONES IN GUTTERS

The County Administrator presented two bids on replacing the sidewalks and the stones in the gutters at the Courthouse.

Walthall Construction
\$13,066 - sidewalks

\$1,200 - stones in gutters

Virginia Concrete Construction Co.
\$22,554 - sidewalks

Cost-plus basis - stones in gutters.

He recommended that the low bid of Walthall Construction Company be accepted.

Mr. A. Clay stated he felt the bid was high and asked if it could be done on an hourly basis like the job at the Administration Building. The County Administrator stated that job cost around \$16,000. Mr. Hargrave stated the sidewalks were in bad shape. He was concerned about someone turning an ankle.

Upon motion of Mr. Hargrave, seconded by Mr. Moody, Mr. Hargrave, Mr. Moody, Mr. Clay, Mr. Robertson voting "aye", Mr. A. Clay voting "nay", the bid from Walthall Construction Company to replace the sidewalks and the stones in the gutters at the Courthouse was accepted.

IN RE: COURTHOUSE--REMOVAL OF TREES

The County Administrator stated the Board had a chance to look at the trees at the Courthouse that are damaged and need to be taken down. There are two oaks and two maples. He has obtained prices on cutting the two maples. He added that if the Board desires to remove the trees, now is the time to do it while the wall is open.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the County Administrator be authorized to obtain prices on removing the two oaks at the Courthouse and the maple at the corner of the Clerk's Office; have a tree expert look at the other maple to see if it can be saved; and relocate the flag pole; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the County Administrator be authorized upon receipt of the bids to select a contractor and proceed with

the work.

IN RE: APPOINTMENT--APPOMATTOX REGIONAL LIBRARY BOARD--HATTIE M. WALKER

Upon motion of Mr. Robertson, seconded by Mr. Hargrave, Mr. Robertson, Mr. Hargrave, Mr. Clay, Mr. Moody, Mr. Clay voting "aye", Mrs. Hattie M. Walker was appointed to the Appomattox Regional Library Board, term expiring June 30, 1990.

IN RE: DINWIDDIE COUNTY HISTORY BOOK--REQUEST TO QUOTE PAGES

The Board received a request from Miss Betsy M. Fleet to quote pp. 13-16 of the Dinwiddie County History Book in a manuscript she is preparing on Henry Fleete.

Upon motion of Mr. Hargrave, seconded by Mr. Moody, Mr. Hargrave, Mr. Moody, Mr. Clay, Mr. Robertson, Mr. Clay voting "aye", Miss Betsy Fleete was authorized to quote pp. 13-16 from the Dinwiddie County History Book to be used in a manuscript on Henry Fleete.

IN RE: CONCERNED CITIZENS

Mr. Charles Harrison, Mr. Emery Veazey, and Mr. Fred Sahl, representing the Concerned Citizens, expressed their concern about an article that appeared in the paper written by Mr. Harrison Moody.

IN RE: DROUGHT DISASTER RELIEF

Mr. H. Clay asked the County Administrator to speak with the Extension Agent concerning a request for drought disaster relief assistance for the County.

Mr. A. Clay stated he had spoken with the Extension Agent and he is working on getting together the information for the request.

IN RE: COURTHOUSE & JAIL PARKING LOT

Sheriff B.M. Heath asked when the parking lot was going to be paved. He was advised that the Courthouse and Clerk's Office had to be finished and the old jail torn down.

Mr. A. Clay asked if the Food Bank had been contacted about moving out. The County Administrator stated they were aware of it.

IN RE: BOARD OF SUPERVISORS SALARY INCREASE

Mr. Hargrave stated that the Board can change its salary only once every four years for the upcoming Board. He stated he made the motion to increase salaries. It will not affect him. He felt they should have something for their time and expenses. It probably ought to be higher.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. A. Clay, seconded by Mr. Hargrave, Mr. Clay, Mr. Hargrave, Mr. Robertson, Mr. Moody, Mr. Clay 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 9:42 P.M. to discuss legal and personnel matters. The meeting reconvened into open session at 11:10 P.M.

IN RE: ADJOURNMENT

Upon motion of Mr. Hargrave, seconded by Mr. Robertson, Mr. Hargrave, Mr. Robertson, Mr. Clay, Mr. Moody, Mr. Clay voting "aye", the meeting was adjourned until Wednesday, September 2, 1987 at 7:30 P.M.