

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 MARCH, 2002, AT 7:30 P.M.

PRESENT: EDWARD A. BRACEY, JR., CHAIRMAN ELECTION DISTRICT #4
ROBERT L. BOWMAN, IV, VICE-CHAIR ELECTION DISTRICT #3
HARRISON A. MOODY ELECTION DISTRICT #1
DONALD L. HARAWAY ELECTION DISTRICT #2
AUBREY S. CLAY, ELECTION DISTRICT #5

OTHER: PHYLLIS KATZ COUNTY ATTORNEY

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

Mr. Edward A. Bracey, Jr., called the regular meeting to order at 7:38 P.M. Rev. Robert L. Rowland opened the meeting in prayer which was followed by the Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

Mrs. Wendy Weber Ralph, Interim County Administrator, stated there was a need to add a Closed Session - Legal Counsel for Procurement.

Upon Motion of Mr. Haraway, Seconded by Mr. Moody; Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, voting "Aye", the above amendment (s) was approved.

IN RE: MINUTES

Upon Motion of Mr. Haraway, Seconded by Mr. Bowman, Mr. Moody; Mr. Haraway, Mr. Clay, Mr. Bowman, Mr. Bracey voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the minutes of the February 13, 2002 Continuation Meeting, and the February 20, 2002 Regular Meeting are approved in their entirety.

IN RE: CLAIMS

Upon Motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Moody, Mr. Haraway, Mr. Bowman, Mr. Clay, Mr. Bracey 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 1029499 through 1029725 (void check(s) numbered 1029498, 1029576 through 1029577, 1029579, 1029582 and 1029627) for:

Accounts Payable:

(101) General Fund	\$ 141,103.18
(103) Jail Commission	\$ 3,231.19
(104) Marketing Fund	\$.00
(222) E911 Fund	\$ 445.52
(223) Self Insurance Fund	\$.00
(225) Courthouse Maintenance	\$ 9,612.06
(226) Law Library	\$.00
(228) Fire Programs & EMS	\$.00
(229) Forfeited Asset Sharing	\$ 427.24
(304) CDBG Grant Fund	\$.00

(305) Capital Projects Fund	\$ 30,826.05
(401) County Debt Service	\$ <u>.00</u>
TOTAL	\$ 185,645.24

PAYROLL 02/28/02

(101) General Fund	\$ 377,594.18
(222) E911 Fund	\$ 384.85
(304) CDBG Fund	\$ <u>3,390.42</u>
TOTAL	\$ 381,369.45

PAYROLL SUPPLEMENT 02/28/02

(101) General Fund	\$ 1,550.05
TOTAL	\$ 382,919.50

IN RE: CITIZEN COMMENTS

Mr. Bracey asked if there were any citizens signed up to speak or present who wished to address the Board during this portion of the meeting.

The following citizens came forward to address the Board:

1. Michael W. Bratschi, 23500 Cutbank Road, McKenney, Virginia, came before the Board expressing his concern with the manner in which the Chairman brushed off his request at the last meeting regarding his concerns about the Sheriff's Department handling of the demotions and firing of the Deputies at the jail. He presented a copy of the State Code citing the Board's ability to usurp authority over elected officials in the County. Mr. Bratschi commented that he felt the County should have a Police Department then the Sheriff's Department could take care of the jail. He asked the Board to petition the court to have a referendum on the next election ballot. Mr. Bracey asked the County Attorney to respond to Mr. Bratschi.
2. Reverend Robert Rowland, 18404 Bonneville Lane, Dinwiddie Virginia, came forward thanking the Board for allowing him to open in pray and commenting that most Churches have mid-week services on Wednesday nights. He asked the Board to consider changing their meetings to another night so more citizens could attend the meetings.
3. Mrs. Anne Scarborough came forward requesting that the Board set a policy against paying for room service for employees and Board members. She reiterated that she felt the citizens should get a report from anyone who attends a conference stating what sessions they attended and how it benefited the County.
4. Mrs. Geri Barefoot came forward requesting that the Board contact Mayor Roslyn Dance to try to get her support to keep Southside Regional Hospital from moving. She reported that there is going to be a meeting in April to discuss whether or not to move the hospital. Mrs. Barefoot stated she felt it would be devastating to the county and Petersburg if SRH does move.
5. Mr. Haraway stated he does not normally respond to citizen comments but he felt there had been enough said about his room service charge. Three Board members rode up to the meeting in the van to save the County money. He stated he took 2 of his vacation

days so that he could go to the conference. We also bought our own breakfast and lunch and that certainly outweighed the \$6.35 the County paid for my room service. Personally I feel I was within my rights to have room service. Continuing he stated, surely you realize the same policies do not apply for employees and Board members. An individual on a Board would not be asked to provide a written report on a meeting they attended.

IN RE: PUBLIC HEARING – C-02-1 – LYNN L. BAUN

This being the time and place as advertised in the Dinwiddie Monitor on February 20, 2002 and February 27, 2002, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comment for a Conditional Use Permit from Lynn L. Baun to establish a “pet crematory” on a 3 acre portion of his 23.5 land parcel.

Mr. David Thompson, Senior Planner/Zoning Administrator, read the following excerpt:

Planning Staff Summary Report

CASE NUMBER C-02-1

The applicant, Lynn Baun, is seeking a conditional use permit to establish a “pet crematory” on a 3-acre portion of his 23.5 land parcel. The property is identified as Tax Map Parcel 81-42 by the Commissioner of the Revenue and is located at 12530 Sapony Church Road, McKenney, Virginia. The property is zoned Agricultural, General, A-2. The county recently amended the zoning ordinance such that a pet crematory (limited) is permitted in an Agricultural, General, A-2 District with a conditional use permit. The applicant intends to provide crematory services for veterinary offices and animal hospitals throughout the tri-city area along with crematory services for individual patrons.

The Planning Commission heard this case at their February 13th public meeting. After receiving the staff report, the meeting was opened for public comments. Mr. Philip Johnson of 12770 Sapony Church Road, McKenney, spoke regarding his concerns with the request. He is an adjacent property owner. Upon concluding his comments and a brief discussion with the Planning Commission, the Chairman asked if anyone else in attendance wished to speak. There being no one else wishing to speak, the public comment portion of the meeting was closed.

The Planning Commission discussed this matter amongst themselves to include those concerns raised by Mr. Johnson. Upon concluding their discussion, the Planning Commission voted (6-0), with Mr. McCray absent, to recommend approval of the conditional use permit C-02-1 with the following conditions.

1. The cremation unit shall be in a fully enclosed permanent structure.
2. Minimum setbacks for side yards shall be fifty (50) feet on each side and the minimum rear setback shall be one hundred (100) feet
3. The cremation unit (and operation of the unit) must conform to all state and federal regulations pertaining to environmental quality and any other health and public safety requirements.
4. A one-year review is placed on the conditional use permit to consider the hours of operation.
5. All animals must be kept frozen until cremation.

Mr. Bracey opened the Public Hearing for citizen comments. There being no one present to speak for or in opposition to the request, he closed the Public Hearing.

Mr. Thompson stated the EPA regulates the cremation unit.

The applicant, Lynn Baun, came forward and explained the size and effectiveness of the unit.

Mr. Clay stated be it resolved, that in order to assure compliance with Virginia Code Section 15.2-2286(A)(7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that conditional use permit C-02-1 be approved with the conditions recommended by the Planning Commission listed above.

The motion was seconded by Mr. Haraway, Mr. Moody, Mr. Haraway, Mr. Clay, Mr. Bowman, Mr. Bracey voting "Aye".

IN RE: COUNTY ADMINISTRATOR COMMENTS

1. Mrs. Ralph stated that she would like to set a date to meet with the Board for a couple of hours to discuss the budget. The Board agreed to meet Wednesday, March 13th at 7:00 P.M. after the Planning Commission and Board finished their work session at Eastside.
2. Mrs. Ralph asked for a Board member to sit on the audit review panel. We have two firms to meet with and she suggested coming in on March 13th at 11:00 A.M. before the workshop. Mr. Clay commented he would come for the review.
3. Mrs. Ralph said we would like to schedule the volunteer certificates be handed out at the regular meeting on April 3, 2002.
4. She commented she would like to have Mr. Luke Matthews from Adelphia attend the meeting on March 20th to provide an update on the progress they are making on the cable television upgrades.

**IN RE: DINWIDDIE COUNTY HISTORIC COURTHOUSE
RENOVATION – REVISED CHANGE ORDER #3**

Mr. Donald W. Faison, Superintendent of Buildings and Grounds came forward to request approval of the negotiated amount for the revised change order Number 3 on the Dinwiddie County Historic Courthouse Renovation. Change Order Number 3 is for the following items:

1. MDP Panel Breaker (2) 225 amp 3 breakers	\$1,000
2. HVAC – (2) 25 amp & (1) 45 amp breaker	720
3. "Faux" finish for courtroom & stairwell ceiling	7,178
4. Installation of back sidewalk	336
5. Change (4) Lavatories @ credit of 62.68 each	<250.72>
6. Install (2) fire rated access doors	519.95

TOTAL CHANGE IN CONTRACT PRICE \$8,743.23

Upon motion of Mr. Clay, seconded by Mr. Haraway, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the above described, Revised Change Order Number 3, is hereby approved and authorization is granted for the County Administrator to execute same.

IN RE: PROPOSED SIGNAGE FOR GOVERNMENT COMPLEX

Mr. Donald Faison, Buildings and Grounds Superintendent, presented the

following bids for directional signs for the rear entrance of the Social Services Building and the Administration Building. He commented that Mr. Moody requested the bid for the signage.

<u>COMPANY</u>	<u>BID FOR 10"</u>	<u>BID FOR 12"</u>
HOLLYWOOD	\$1,186.90	\$1,260.00
WYATT	1,759.70	
HERITAGE	1,281.72	

He requested authorization to proceed with the low bidder for the signage of the two buildings using Size 12" letters for the first letter, followed by 10" letters.

Upon motion of Mr. Moody, seconded by Mr. Haraway, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Buildings and Grounds Superintendent is hereby authorized to proceed with the signage of the Government Buildings described above and enter into a contract with Hollywood Signs in the amount of \$1,186.90.

IN RE: COUNTY ADMINISTRATOR COMMENTS – CON'T

5. The Planning Commission invited the Board of Supervisors to attend a workshop to discuss major projects affecting future land use in the County. It is to be held on March 13, 2002 at 2:30 P.M. at the Eastside Community Enhancement Center; dinner will be served. The following topics will be discussed:
 - Update on projects at airport – David Ploeger
 - High Speed Rail – information by several groups and departments
 - Route 460 Corridors – Sam Hayes
4. Virginia Motorsports Park – Brian Pierce/Paul Coleman
Mr. Moody, Mr. Clay, and Mr. Bowman stated they would be attending.
4. The Civil Rights Education Heritage Trail is making progress, and Tim Smith will be working on securing the necessary easements for the signage. This trail received Tea-21 funding similar to the Wilson Kautz Trail.

IN RE: BOARD OF SUPERVISOR - REQUEST TO ATTEND 2002 ANNUAL VIRGINIA AMERICAN PLANNING ASSOCIATION CONFERENCE

Mrs. Ralph stated Mr. Bowman has expressed an interest in attending the VAPA Workshop on Land Use Planning. Mr. Bowman commented that Mr. Scheid prepared a travel request for him to attend the conference. It is the 2002 Annual Virginia American Planning Association Conference that is in Roanoke on March 25-27, 2002 at a cost of \$496.40. Continuing he commented he would like to attend if the other Board members did not object.

Upon Motion of Mr. Haraway, Seconded by Mr. Moody, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bracey, voting "Aye", Mr. Bowman "Abstaining",

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia approved the travel request of Mr. Bowman to attend the 2002 Annual Virginia American Planning Association Conference in Roanoke on March 25-27, 2002, at a cost not to exceed \$496.40.

IN RE: BOARD MEMBER COMMENTS

Mr. Bowman He stated about one year ago the Board had asked the Commissioner of Revenue to put every effort into checking the County Code to see if we could tax mining companies. He felt the Board did not get a sufficient answer and he would like to have an answer within the next week, from the Commissioner of Revenue, at the work session on whether or not we are taxing these mining companies. Mrs. Ralph suggested inviting the Commissioner to be the first item on the budget session on the 13th to give us a report.

Mr. Moody He stated on that issue, if he recalled, the County Attorney worked on it and he thought things were in place. The County Attorney commented she would supply that information to the Board.

Mr. Haraway No comments.

Mr. Clay He commented a citizen called and complained about the litter on Courthouse Road near the Ruritan Building. Mr. Clay stated it should be cleaned up. If the Sheriff's Department wrote a few tickets it wouldn't take long for the word to get around and it would stop.

Mr. Bracey He asked the Board to look in the information tab and read the letter from the State Auditor regarding the Circuit Court Clerk.

IN RE: ITEMS UNDER INFORMATION TAB

1. Virginia Motorsports Park – Hours of Operation
2. Virginia Motorsports Park's 2002 schedule of events
3. Budget Overview prepared by a consultant who formerly worked for the Senate Finance Committee – sent by Martha Burton
4. Old Hickory VFD Open House Invitation
5. VDOT response from Richard Caywood – to add Buck Lane (private road) to secondary system
6. Memo from Director of Planning – response to add Buck Lane to secondary system
7. State Auditor Report – Clerk of the Circuit Court – for period of July 1, 2000 – September 30, 2001

IN RE: CLOSED SESSION

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

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

Mr. Bowman seconded the motion. Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, voting "Aye", the Board moved into the Closed Meeting at 8:29 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 8:55 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under § 2.2-3711 A.7, Legal - Procurement

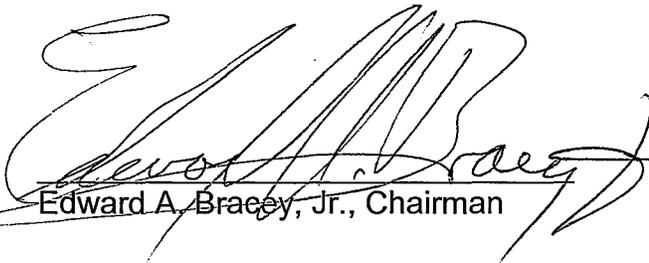
And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

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

IN RE: ADJOURNMENT

Upon Motion of Mr. Clay, Seconded by Mr. Haraway, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey voting "Aye", the meeting adjourned at 9:01 P.M. to be continued until 2:30 P.M. on Wednesday, March 13, 2002 at the Eastside Community Enhancement Center for a workshop with the Planning Commission.


Edward A. Bracey, Jr., Chairman

ATTEST: Wendy Weber Ralph
Wendy Weber Ralph
Interim County Administrator

/abr