

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 17th DAY OF JUNE, 2003, AT 2:00 P.M.

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

OTHER: DANIEL SIEGEL COUNTY ATTORNEY
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IN RE: CALL TO ORDER - INVOCATION - PLEDGE OF ALLEGIANCE

Mr. Robert Bowman, IV, Chairman, called the regular meeting to order at 2:07 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

Mrs. Wendy Ralph, County Administrator, requested under Consultation with Legal Counsel - Contract Negotiations for TXI be added to the Closed Session on the agenda.

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

IN RE: CONSENT AGENDA

Mr. Bracey requested that the School Board's request for Payment Requisition #13 -1998A Bond Issue (70-02-200-7019743), in the amount of \$3,513.18 to Reed Smith, which was submitted for payment be removed from the consent agenda for further discussion. Mr. Bowman agreed. The Board instructed the County Administrator to contact the School Board to find out exactly why bond funds are being requested for attorney fees when there are still items that need to be completed on the school project.

IN RE: MINUTES

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes of the May 20 Continuation Meeting and the June 3, 2003 Regular Meeting are hereby approved.

IN RE: CLAIMS

Upon motion of Mr. Bracey, Seconded by Mr. Clay, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman 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 1035411, through 1035544 (void check(s) numbered 10345410) for:

Accounts Payable FY 2002- 2003:

(101) General Fund	\$ 127,303.28
(103) Jail Commission	\$ 141.41

(104) Marketing Fund	\$.00
(209) Litter Control	\$.00
(222) E911 Fund	\$	5,525.23
(223) Self Insurance Fund	\$.00
(225) Courthouse Maintenance	\$.00
(226) Law Library	\$.00
(228) Fire Programs & EMS	\$	316.58
(229) Forfeited Asset Sharing	\$.00
(304) CDBG Grant Fund	\$	508.00
(305) Capital Projects Fund	\$.00
(401) County Debt Service	\$	<u>25,957.30</u>
 TOTAL	 \$	 159,478.80

IN RE: CITIZEN COMMENTS

Mr. Bowman 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 citizen(s) came forward to address the Board:

1. Michael Bratschi - 23500 Cutbank Road, McKenney, Virginia came before the Board with the following comments and questions:
 1. Requested that Mr. Clay vote no on the Tidewater Quarry permit on July 1st.
 2. Commented he was very upset about the injury his daughter sustained on April 20, 2003 at the Dinwiddie Elementary School on the playground equipment and the treatment he has received from the School Board. He also presented the following FOIA requests pertaining to the injury:
 - a. Accident report on Veronica Bratschi 4/20/03
 - b. Maintenance records, reports on playground equipment at Dinwiddie Elementary for the past 1 ½ years; all related documents to maintenance of the big slide.
 - c. Documentation between Administration Office and School Division and Insurance Company involving the accident.
 3. He stated he felt a lot of the jobs in the County are already filled before they are advertised to the public; they are only advertised to meet State requirements.

2. George Arnold - 2009 Hope Drive, Sutherland, Virginia – came before the Board regarding the drainage problem at his residence. Mr. Haraway interrupted and asked if Mr. Arnold would mind if this issue could be discussed under the Board Comments. Mr. Arnold commented that would be fine.

3. Geri Barefoot – 7411 Frontage Road, Petersburg, Virginia – informed the Board that the case for the injunction to stop the State from opening the SVP unit at SVTC would be heard in the Petersburg court at 1:30 P.M. this Friday and requested they sign a petition in support.

4. Anne Scarborough – Boydton Plank Road, Dinwiddie, Virginia –stated she would like the total amount the County has paid to the attorneys for the Wal-Mart litigation. She questioned why Administration does not list the reason why they are going into closed session for Consultation with Legal Counsel – 2.2-3711A.7 - Update on Litigation on the Agenda; all of the other localities do.

5. Dave Pittman – Reporter for the Monitor – challenged the legality of the closed session for Consultation with Legal Counsel – 2.2-3711A.7 for Procedural Issues relating to Conditional Use Permit. The County Attorney replied that the provision for Closed Meetings relating to

consultation with legal counsel has two parts, one dealing with actual or probable litigation and the FOIA attempts to limit the provision for "probable litigation". The other provision allows a Board of Supervisors to meet with the county attorney for "consultation with legal counsel...regarding specific legal matters requiring the provision of legal advice by such counsel". Just like private citizens and corporations, Boards of Supervisors also have the right to discuss and receive legal advice from their counsel or privileged communications, to preserve the attorney-client privilege and obtain legal advice on questions, such as legal issues relating to the procedure for having the public hearing and determination on the rezoning and conditional use of the proposed quarry site.

IN RE: ADELPHIA REPORT ON FEE INCREASES – LUKE MATTHEWS

Mr. Luke Matthews, General Manager, Adelphia Cable came forward and distributed copies of the following rate comparison for cable service to the Board:

<u>Company</u>	<u>Location</u>	<u># Basic Channels</u>	<u>Basic Monthly Rate</u>
Adelphia	Dinwiddie County	58	37.41
Charter	Outer Banks, NC	60	42.00
Charter	Lawrenceville VA	59	41.51
Charter	Franklin, VA	74	44.99
Charter	Alberta VA	59	41.51
Charter	Roanoke Rapids NC	73	44.37
Time Warner	Henderson NC	78	45.00
Cox	Rocky Mount NC	62	40.00
AT&T	Richmond VA	62	40.00
Comcast	Chesterfield VA	73	42.21
Tele-Media	Petersburg VA	59	34.95

Mr. Matthews reported in the past three years there have been 3 increases for cable service in 2001 - \$2.00; 2002 - \$2.00; and in 2003 - \$2.46. Adelphia has spent in excess of \$5 million dollars in infrastructure in Dinwiddie County over the past three years. He commented one of the reasons for price increases is the cost of programming.

Mr. Haraway stated there has been a 7 percent increase in the past 3 years for service and the consumer price index is at 3%. He was concerned that the citizens could not continue to handle those increases. Why would someone continue to pay for cable when they can get satellite for much less and receive a lot more channels? Mr. Matthews stated satellites do not provide local channels and they do not bear the cost of equipment, and require a long-term contract. With cable a person is not locked in a contract and they don't have to purchase any equipment and they receive local stations. Adelphia returns a portion of the franchise fees to the County also.

Mr. Moody asked if Adelphia had installed all of the equipment that was promised? Mr. Matthews responded yes.

Mr. Bowman asked Mr. Mathews if he had cable rates for Hopewell and Chester? Mr. Matthews no but he would get them and send them to the Board.

IN RE: RESOLUTION OF SUPPORT FOR THE CIVIL WAR PRESERVATION TRUST'S TEA-21 - 1864 BATTLE OF REAM'S STATION APPLICATION

Mr. Scott Palumbo, Real Estate Coordinator, came forward stating the Civil War Preservation Trust and the Department of Conservation and Recreation

are in the process of submitting a Transportation Enhancement Proposal for the Richmond District to the Department of Transportation (VDOT). We intend to pursue preservation opportunities on two parcels of land associated with the battle of Ream's Station, which the Civil War Sites Advisory Commission has listed as a Priority II site and are asking the Dinwiddie County Board of Supervisors to pass a resolution of support for consideration of our application by VDOT. The following is a summary of our proposal and its rationale.

Mr. Palumbo pointed out that they intend to acquire +/- 84 acres of land on the site of the 1864 Battle of Ream's Station. Here, as summarized by the American Battlefield Protection Program of the National Park Service:

On August 24, Union II Corps moved south along the Weldon Railroad, tearing up track, preceded by Gregg's cavalry division. On August 25, Maj. Gen. Henry Heth attacked and overran the faulty Union position at Ream's Station, capturing 9 guns, 12 colors, and many prisoners. The old II Corps was shattered. Maj. Gen. Winfield Scott Hancock withdrew to the main Union line near the Jerusalem Plank Road, bemoaning the declining combat effectiveness of his troops.

The parcels are located along Halifax Road and are identified by the Commissioner of Revenue for Dinwiddie County on Tax Map 48, Parcel 41 (+/-12 acres) and Tax Map 49, Parcel 29 (+/- 72 acres).

This project is eligible for Transportation Enhancement funds under two categories of selection criteria including the "Acquisition of Scenic Easements and Scenic or Historic Sites" and "Historic Preservation."

He commented this land, once acquired, will be held in perpetuity as open space, highlighting Virginia's culture and historic landscape as seen from its roadways, thus helping to preserve Dinwiddie County's scenic view sheds. Our proposal will complement the work of both public and private entities such as the Conservation Fund, Petersburg National Battlefield, Pamplin Historical Park and the nationally recognized Virginia Civil War Trails program and will, likewise, contribute to other land preservation efforts currently afoot. In fact, CWPT has already preserved more than 80 acres at Ream's Station upon which a walking trail with a parking area are currently being constructed. The success of this project will lead to a heightened public awareness of the need to preserve the scenic beauty of Virginia's surface transportation system. By cultivating this awareness, we can appreciate this visual resource for generations to come and take confidence in the fact that such worthwhile goals can be accomplished.

He also stated the Civil War Preservation Trust is the largest battlefield preservation organization in the United States. We are a non-profit group with more than 45,000 members nationwide. To date, we have preserved more than 16,000 acres of endangered battlefield land at 81 sites in 19 states. Given our preservation accomplishments as well as the significance of the Hatcher's Run battlefield, where 2,700 men fell fighting for their vision of freedom as the Union Army moved ever closer to victory in Virginia just two months later, he urged the Board to pass a resolution in support of their application.

Mr. Bowman asked what the deadline date was for the resolution? Mr. Palumbo stated July 1, 2003. Mr. Bowman asked how much grant money Dinwiddie County qualifies for? Mr. Palumbo replied 10% of the \$15 million statewide are set aside for Transportation Enhancement funds. He commented he didn't know how much Dinwiddie County qualified for. Mr. Bowman stated he would like to see a committee formed of local representatives to have an input in where the money should be spent. Mr. Caywood stated the Transportation Enhancement funds are not broken down per county. He commented he did feel it would be appropriate for the County to have a committee to recommend where the funds are spent. He emphasized these funds were set aside 5 years ago for this grant and budget cuts in the State is a reality now.

Upon Motion of Mr. Clay, Seconded by Mr. Haraway, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman, voting "Aye", the following resolution of support is adopted.

WHEREAS, in accordance with the Commonwealth of Transportation Board procedures, letters of support from local governments or state agencies supplement Transportation enhancement applications; and

WHEREAS, the Civil War Preservation Trust has applied for Transportation Enhancement funding in Dinwiddie County to acquire a battlefield site on Halifax Road where the 1864 Battle of Ream's Station was fought; and

WHEREAS, the acquisition of historic Civil War battlefield property provides increased heritage tourism attractions that provide economic benefits to Dinwiddie County;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia supports the Civil War Preservation Trust's Transportation Enhancement application; and

BE IT FURTHER RESOLVED that the Board of Supervisors of the Dinwiddie County, Virginia, understands that it is not being asked to serve as fiscal agent for this project or provide matching funds and that any funds committed by the Board of Supervisors would be on a voluntary basis, as it deems appropriate.

IN RE: VDOT – REPORT

Mr. Richard Caywood, Resident Engineer, Virginia Department of Transportation, came forward and stated he would like to apologize to the Board but he had not been able to address any of the issues from the last meeting due to the flooding and road wash outs in the County. There were two-dozen roads closed and now there are only four remaining. He assured the Board that he would address those items from the last Board meeting as soon as he could. He provided the following update on the road closures and openings:

Closed

1. Rt. 613 (White Oak Road): pipes washed out – anticipated completion time, early next week.
2. Rt. 640 (Hobbs Mill Road): bridge over Namozine Creek – closed until further notice. Bridge out in Amelia County.
3. Rt. 627 (Courthouse Road): bridge over Hatchers Run – closed until further notice, hopefully before school opens in the fall. South off Highway 460 & North of Rt. 613 (White Oak Road – near Five Forks area).
4. Rt. 675 (Vaughan Road): in process of installing pipe – anticipated completion time weather permitting – early next week.

Open

1. Rt. 627 (Courthouse Road): between Rt. 661 (Boisseau Road) and Rt. 613 (White Oak Road) – work to be completed weather permitting Friday. Pipes installed/stone down; in process of putting in Rip Rap around end of pipe. Plant mix scheduled for tomorrow.
2. Rt. 627 (Courthouse Road): between Rt. 751 and Rt. 611.
3. Rt. 628 (Tranquility Lane): between Rt. 613 and Rt. 689.

When asked, Mr. Caywood informed the Board the cost of repairs would run around \$1,500,000 million dollars for the County.

Update

1. Citizen workshop for the High Speed Rail is scheduled for Thursday, July 10, 2003 from 4:00 – 7:30 P.M. at the Dinwiddie Elementary School. “The Virginia Department of Rail and Public Transportation and North Carolina Department of Transportation are beginning detailed studies for the Petersburg to Raleigh section of the Southeast High-Speed Rail corridor. Citizen input on this project concept is vital.”
2. Ridley Road construction will start when weather permits; we need 3 to 4 days of warmer weather to apply the surface treatment

Board Member Comments/Questions

1. Mr. Moody explained to Mr. Caywood that Courthouse Road is a very important thoroughfare for everyone in his district. Mr. Moody asked if there was any way he could expedite the process. Mr. Caywood replied he realized the significant impact this closure had on the County; but he stated a bridge is the only solution to prohibit future wash outs for this section of the road and that will take approximately 3 months.
2. Mr. Bowman – When will the County find out which roads will be closed as a result of the HSR? Mr. Caywood stated he did not know for sure but it would behoove the County to go on record at the public hearings of their opposition to the HSR. He said he would be happy to work with the County Administrator and Assistant County Administrator to make sure the verbiage is correct for the resolution.
3. Mr. Bracey – commented he received calls from residents regarding the high volume of truck traffic on Halifax Road. It appears that they may be trying to avoid the scales on I-95. He questioned if there was something VDOT could do to restrict the truck from using the road. Mr. Caywood stated he would check that for him.
4. Mr. Bracey – mentioned at the intersection of Courthouse Road and Boydton Plank Road there is a problem in the mornings and afternoons with traffic making a left turn off Courthouse onto Boydton Plank. He asked if a stoplight could be installed there to help with the flow of traffic? Mr. Caywood stated 2 years ago that issue was visited and the Board might want to re-visit it again this year. He mentioned they discussed aligning Courthouse Road with Carson Road beside Dinwiddie Elementary School and that was a good option.

IN RE: REVENUE MAXIMIZATION

The County Administrator stated she would like to commend Mr. H. L. Parrish and Mrs. Peggy McElveen for their diligence for working on a program to provide reimbursement to the County on certain expenditures the County now makes in the areas of serving at-risk children. These areas deal with the Comprehensive Services Act and the VJCCCA program mainly. This program has been very successful in other localities. A position will be needed to run the program and make sure the County is receiving the funds it is entitled to.

Mr. H. L. Parrish, Probation Officer, stated the Revenue Maximization or Rev-Max is a federally funded program designed to reimburse localities for local funds spent on the administration of programs for at risk youth.

The program is administered by the Virginia Dept. of Social Services thru the local Department of Social Services. The program refunds 50 percent of all qualifying administrative expenses occurred by the locality in pre-placement programs. In addition, Rev-Max allows the locality to go back for two years to recoup past expenses.

Dinwiddie County has several programs that qualify for reimbursement. They are: (1) The CSA Coordinators position and all related expenses; (2) the VJCCCA Coordinator and related expenses; (3) the Community Service Work

Coordinator; (4) certain school guidance positions; (5) certain mental health counselor positions; and, (6) certain social services functions.

Thirty-five (35) localities have already entered agreements with the Virginia Department of Social Services and are currently receiving Rev-Max funds.

Interviewing several of these localities has reaffirmed that the programs Dinwiddie has will qualify for the 50 percent reimbursement. Dinwiddie could expect to receive approximately \$45,000 a year for 2001 and beyond.

With the hiring of a Rev-Max Coordinator, 50 percent of the salary, benefits and expenses will be refundable. The benefit to the County will be the ability for a Rev-Max Coordinator to increase the amount of programs that qualify for reimbursement.

The combining of this position with other grant-based responsibilities will allow the County to take advantage of other state and federal funds available in various areas without significant increase in cost to the county.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for Administration to advertise and fill the position of a Rev-Max Coordinator as outlined in the proposed job description.

IN RE: RECESS

The Chairman called a recess at 3:23 P.M. The meeting reconvened at 3:37 P.M.

**IN RE: DISCUSSION OF ESTIMATES FOR EASTSIDE
ENHANCEMENT COMMUNITY CENTER PAVILION &
PARKING FACILITIES**

The County Administrator commented that Staff had not been able to complete the remaining estimates on the pavilion discussed at the last meeting. With the prices obtained at this point, it appears the project will be over the amount approved. Also since that time staff has met with a couple of the volunteer athletic managers and we have been contacted by corporate leaders offering to get involved in community activities. She requested that the Board allow staff time to have further discussions with these individuals. We feel that we may be able to accomplish everything within the budgeted amount. Staff is not trying to put the project off, however, a little more time is needed to pull it together. The Board agreed.

Mr. Bracey asked if there were any other major projects that would prohibit moving forward with this project? He said the parking issue has been there for a long time and it is just being addressed now. Mrs. Ralph commented the lighting, and the storm water drainage are two other items that will be addressed, if that is agreeable with the Board.

**IN RE: NAMOZINE VFD - AUTHORIZATION TO CONTRACT
WITH DESTEFANO DESIGN GROUP**

Mr. Donald Faison, Director of Buildings and Grounds, requested authorization to enter into a contract with DeStefano Design Group to prepare plans and specifications to renovate the existing building and annex building for the Namozine VFD. The renovation of the existing fire station will meet the needs of the volunteers as well as the paid personnel. Included in the price will be two bunk rooms, which will sleep 12, handicap baths and showers, utility room, upgraded kitchen, day room, 3 office spaces, radio room, fire separated

floors and walls, masonry repairs to the existing walls, and repainting the existing building. Renovation of the annex building will give them good storage space, a meeting/training room, upgraded toilets and kitchen and it will be made handicap accessible. The estimated construction cost is \$182,597 for both buildings.

Mr. Faison commented the architect took out the three meetings that he had included in his fee, which was to come before the Board to bring the plans. Mr. Faison stated he would bring the plans to the Board instead. The architectural fees for the plans and specifications for the renovation of the existing building and the annex building will be a fixed fee of \$25,697, which is approximately 14.1% of the estimated construction cost (plus reimbursables).

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

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia authorized the Buildings and Ground Director to enter into a contract with DeStefano Design Group to prepare plans and specifications for the Namozine Building and the annex building as shown in his report and described above; at a fixed fee of \$25,697, (plus reimbursables).

IN RE: COUNTY ADMINISTRATOR COMMENTS

1. Meeting with the School Board – At the end of May, Staff sent a letter outlining the school improvements the Board felt were critical at this time. Dr. Wise will be meeting on Wednesday the 25th with their architect and will be sending a written response to our letter; following that, we should be able to come up with some dates to meet.

2. Appomattox Park – she commented she spoke with David Canada, City Manager of Petersburg, and he was very receptive to meeting with us on a cooperative effort to make the Park a viable operation. If any of the Board would like to come to the meeting, please let Staff know.

3. Proffers – Staff received the first draft on instituting cash proffers from Robinson, Farmer, Cox Associates and Staff will be working on a document to present to the Board, hopefully within the next 30 days.

4. Radio System – Proposals were due yesterday on our communications system. One proposal was received from Motorola, and Staff will be working with our radio consultant to review the bid to see that it is responsive.

5. IPR Program – Mrs. Ralph stated she had some good news about the IPR program. The County has not been able to participate for several months due to the lack of staff. Enclosed in the Board packet was a letter from the Cumberland Housing Community Development Program and the County will be allowing them to roam in the County and administer the program for County residents. Cumberland Housing has been approved by the State.

6. Compensation Board – The State continues to drop its responsibility to localities by dropping or under funding programs they are responsible for by law. The County Administrator distributed an example from the Compensation Board wherein they will no longer provide reimbursement for accumulated vacation for employees of Constitution Officers. "This does not mean they will not be paid; only that the localities will not be reimbursed." She commented this leads me to the second part of the handout – Mr. Moody is familiar with this. The VACo membership last fall voted to conduct a public awareness campaign to improve the public's understanding of how under funding by the State adversely affects citizens at the local level. A tool kit has been provided with sample news releases, letters to legislators and TV and radio spots calling on Virginia's state officials to fully fund public services delivered at the local level. She asked the Board to consider if they would like to pursue this campaign.

7. Sexually Violent Predators Advisory Committee – Staff has been invited to an advisory committee meeting that will be held on the Sexually Violent Predators Program at the Southside Virginia Training Center on June 25th at 1:00 – 3:00 P.M. Mrs. Ralph stated she, Mr. Massengill, and Mr. Bowman will be going and if any other Board members would like to go just let her know.

Mr. Haraway stated he would like a report, which indicates what the County employees can accumulate as far as annual leave/sick leave and in the next column indicate what the law requires the County to do. The County Administrator stated the reimbursement is for Constitutional Officers only. The Fiscal Officer, Mrs. Glenice Townsend, commented she would be receiving that information at the end of June for auditing purposes. Mr. Haraway asked if the State leave time is the same as the County's? The County Administrator stated County employees are only allowed to carry over ten days per year, but the State allows 30 days maximum carry over per year. There is no limit to the amount of sick leave because there is no reimbursement for it. Mr. Haraway commented this is not good. The State allows the Constitutional Officers to accrue 30 days of leave and then requires the County taxpayers to pay for it. He commented the Board needs to take a serious look at this and bring them in line with the County employees, if the County is going to have to foot this bill. He stated by providing this report to the Board it will give us the information needed to base a decision. This could be a large liability for the County.

IN RE: DRAINAGE PROBLEM & REQUEST TO ABANDON
"PAPER STREET" - GEORGE ARNOLD - 20009 HOPE
DRIVE, SUTHERLAND, VIRGINIA

Mr. William Scheid, County Planner, read the following memo:

The attached information is submitted as the result of my conversations with Mr. Haraway regarding a drainage problem of Mr. Arnold. Mr. Haraway requested that I have the matter placed on the June 17th Board of Supervisors' agenda. In reviewing the material it will be noted that there are a few courses of action that can be taken but agreement among the Board members is needed.

During the past several months, Mr. Arnold has corresponded with this office regarding his drainage situation. As concluded by Mr. Arnold, there is an underground spring located to the east of his property. The topography in this area is sloped such that the surface water and, apparently subsurface water, flow toward his home. This has created a footing and foundation problem. The footing has settled several inches and the foundation has cracked. The floors inside the house are not level and the drywall is splitting at the seams.

While the surface water was diverted around the house to the rear, the subsurface water must be dealt with in a different manner. Mr. Arnold explored various means of intercepting the subsurface water and has concluded that a trench with drain tile would be the most effective course of action. Preliminary cost estimates obtained by Mr. Arnold indicate the trench with drain tile would be costly but would protect his home from further damage. With this in mind, Mr. Arnold purchased the property east of his lot from Jean S. Henshaw. At this point, Mr. Arnold was advised by the Title Company that the County had an interest in the property and could utilize the property in the future as a secondary access road to River Road if the property shown as the L. C. Glover Tract could be utilized. The parcel under consideration was platted in 1977 as a 'paper street' serving the Clay Estates subdivision. (NOTE: Reference the attached plat. Mr. Arnold's lot is shown in yellow and the paper street in blue.) It was his intention to place the trench with drain tile in this 'paper street' and divert the water to the rear of his property.

Essentially, Mr. Arnold desires that the County abandon its interest in any future use of this property. Currently, the main entrance road adequately serves the subdivision. Independence Drive was extended to the north and is a private road serving approximately five (5) home sites. If Eugene Drive is extended to the west (into the Fenderson Tract now owned by the Dinwiddie School Board), it could be connected directly to River Road. It is his belief that there will not be a need for a second entrance road into this subdivision.

In reviewing this matter with Mr. Haraway and Mr. Arnold, I raised a few concerns regarding the County abandoning its interest in the possible extension of the 'paper street' to River Road. It was suggested to Mr. Arnold that he place his trench and drain tile within the 'paper street'. Since he is the current owner of the property, he may do so. If the County extended the 'paper street' at some future date and disturbed or destroyed the drain tile, then the issue of intercepting the subsurface water would need to be addressed, again.

The Board is requested to advise staff if it desires to abandon its interest in this land parcel. While I stated there were some concerns in abandoning future public use of this property, it is my opinion that this property will not be needed as a secondary access to this subdivision or access for development of lands to the north of the subdivision.

There followed a lengthy discussion between the Board members, Mr. Arnold, Mr. Scheid, the County Administrator and the County Attorney, regarding the issue of possibly causing drainage problems to neighboring houses; whether there might be a need for the "paper street" sometime in the future; setting precedence for future drainage problems; and the legal costs to the County.

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

WHEREAS, the Board of Supervisors of Dinwiddie County, Virginia has determined that a portion of Independence Drive shown on the County Tax Maps as a "paper street" located to the south of Hope Drive in Clay Estates Subdivision, is a street which the citizens in the area have not used and the County does not foresee any need for future use; and

WHEREAS, Mr. Arnold is the current landowner of the "paper street" and is seeking the County and State Department of Transportation to abandon any interest in the property for "public use";

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia that the County Planner is authorized to work with Mr. George Arnold to take the necessary steps to abandon the County and States' interest in the "public use" thereof with the understanding that any expenses associated with this process shall be borne by Mr. Arnold.

IN RE: BOARD MEMBER COMMENTS

Mr. Moody	He commented Mrs. Ralph mentioned the part about the VACo's public awareness campaign and she has gotten the tool kit to help improve the public's understanding of how under funding by the State adversely affects citizens at the local level. He stated he felt the Board should ask her to take a look at it and spend a few dollars to inform the public that it is not the Board who is undercutting them. They need to know what the real problem is. Mr. Moody said he would like for her to check into it to see how much it would cost to do a little bit of advertising for public relations and to get the word out. The Board members agreed.
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IN RE: DEFERRED COMPENSATION

The County Administrator stated she previously provided information on the plan the County now has with Nationwide and two additional plans that have been reviewed. The ICMA plan is very similar to the VACo plan the County has now. VALIC is similar but really is not considered a public affiliated agency and is the one chosen by Prince George after a bid process. Mrs. Barbara McKittrick spoke with Prince George and has provided a memo regarding her discussion. Mrs. Ralph commented Mr. Haraway had a follow up question regarding the rate

of return and Mrs. McKittrick will address that. The rate of return is 4.2% and it is guaranteed not to go below 4.0%. Mrs. Ralph commented the reason Staff has not gone out beyond the VACo plan was because of the bidding process. However, with the change in State law and since Prince George has gone through the bid process, legal counsel advised Staff that the County could use their bid and negotiate a contract with VALIC if the Board would like to. With the ICMA plan there is no need for a bidding process because it is a public affiliated firm. If a second plan is selected, Staff would request that the stipulation be that no additional administrative duties would be required other than processing payroll as it now does with the present plan.

Mr. Bracey questioned how many employees participate in the plan presently? The County Administrator responded 18. Mr. Bracey asked how many employees does the County have on payroll? She replied 178. Mr. Haraway commented that is one reason why he was concerned. Normally when you go into places of employment with 178 people on payroll there would be more than 18 employees participating and he felt if the County had a company with a local representative for them to talk with there would be more employee participation. He stated he would like for the County to have VALIC added as an alternative company, not to replace what it has now.

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

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia authorized Staff to add VALIC as an additional company for deferred compensation for the employees of the County, with the stipulation that there will be no additional administrative duties required other than processing payroll as it now does with the present plan.

IN RE: CODE OF ETHICS

Staff provided a memo outlining how many localities have adopted a Code of Ethics for its governing body.

There was a short discussion between the Board members regarding the adoption of the Code of Ethics but the Board elected not to adopt them at this time.

IN RE: BOARD MEMBER COMMENTS

Mr. Haraway

He commented he is the Board's representative on the Crater Planning District Commission. A couple of weeks ago the subject came up of the different highway projects in the area and there was \$3,199,000 dollars available to spend on these projects. The technical committee voted on the ranking for projects to receive funding this year. Mr. Scheid is on the committee that does the rating on the projects and Temple Avenue in Colonial Heights rated number one for funding this year and it will probably cost \$4 million. The State will fund \$3.2 million and the City of Colonial Heights will provide the remaining funds. He stated the County was fortunate and commended Mr. Scheid for his assistance in getting a County project ranked third on the list. The project is to construct a traffic lane from the city limits of Petersburg to the East Coast Station on Route 1. Mr. Scheid explained the process the committee used to rank the projects on the list. Mr. Haraway pointed out that we have another project which is the I-85 and Route 460 project ranked 5th on the list also; but sometimes the projects get bumped or it may come to the point that the project is too expensive. Mr. Scheid interjected there are only certain roads that qualify for these

funds such as the interstate and main arterial roads. Mr. Bracey stated he would hate for people to get the wrong idea that this project is going to happen next year. Mr. Haraway stated there is always a chance of funding not being available or of the project being bumped.

IN RE: CLOSED SESSION

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

Personnel - §2.2-3711 A. 1 of the Code of Virginia – County Administrator; VJCCCA

Litigation - §2.2-3711 A. 7 of the Code of Virginia – Update on Litigation Virginia Bio Fuels; Procedural Issues relating to Conditional Use Permit;

Mr. Moody seconded the motion. Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, voting “Aye”, the Board moved into the Closed Meeting at 4:54 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 6:08 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under §2.2-3711 A.7 of the Code of Virginia – Update on Litigation Virginia Bio Fuels; Procedural Issues relating to Conditional Use Permit; §2.2-3711 A.1 Personnel – County Administrator; VJCCCA;

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


IN RE: INFORMATION IN BOARD PACKET OR DISTRIBUTED

1. Animal Control Officer – Adoption Application form and regulations for adoption.
2. Letter from RC&D Council informing County that it has entered into a partnership with VSU and the Department of Agriculture to conduct a Water Quality Assessment for underserved farmers in the RC&D area.
3. Madeline’s House – shelter expenditures for 2002 budget and proposed 2003 budget.
4. Memorandum from William Scheid, County Planner, to Donald Haraway, County Administrator and Assistant County Administrator regarding the drainage problem at 20009 Hope Drive, Sutherland, VA, George R. Arnold property.
5. Email from citizen regarding speeding on Vaughan Road – forwarded to Sheriff.
6. Appomattox Regional Library – report.

IN RE: ADJOURNMENT

Upon Motion of Mr. Moody, Seconded by Mr. Clay, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman, voting "Aye", the meeting adjourned at 6:11 P.M.


Robert Bowman, IV, Chairman


Wendy Weber Ralph
County Administrator

/abr

