

VIRGINIA: AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD
IN THE BOARD MEETING ROOM OF THE ADMINISTRATION BUILDING,
DINWIDDIE, VIRGINIA, ON THE 3RD DAY OF JUNE, 1981 AT
2:00 P.M.

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

L.G. ELDER COUNTY ATTORNEY

ABSENT: C.L. MITCHELL SHERIFF

IN RE: INTRODUCTION OF JILL POPE--REPRESENTING THE VIRGINIA
ASSOCIATION OF COUNTIES

The Chairman recognized Ms. Jill Pope representing the Virginia Association of Counties, who was present to view the meeting and receive any comments from the Board of Supervisors that they might have for the Association.

IN RE: CERTIFICATE OF APPRECIATION--JIMMY KARNES DAY

Mr. Donald Porter, member of the Board of Directors for the Jimmy Karnes Fund Committee, presented the Board with a Certificate of Appreciation in recognition of their outstanding aid and assistance rendered to the Jimmy Karnes Fund Raising Committee.

IN RE: MINUTES

Upon motion of Mr. Weber, seconded by Mr. Robertson, Mr. Weber, Mr. Robertson, Mr. Hargrave, Mr. Bennett, Mr. Clay voting "aye", the minutes of the May 20, 1981 meeting were approved as presented.

IN RE: CLAIMS

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

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

General Fund checks-numbering 81-965 through 81-1047 amounting to \$66,580.34; County Construction Fund-check #CCF-81-2 amounting to \$3165.50.

IN RE: APPROVAL OF PRIORITY LIST OF THE CONSTRUCTION PROJECTS
FOR 1981-82 SECONDARY ROADS IMPROVEMENT BUDGET

Mr. B.C. Medlock, Assistant Resident Engineer, VDH&T, appeared before the Board to review the proposed priority list for the Dinwiddie County 1981-82 Secondary Roads Improvement budget and ask for their input concerning the proposed construction items. He presented a list of sixteen items which could be funded.

Mr. Clay asked about roads that have been removed from the list. Mr. Medlock stated they would be returned to the list, once funds became available. Mr. Robertson asked about the status of Rt. 226 and Rt. 601. Mr. Weber asked about the status of Lee Boulevard.

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

WHEREAS, a public hearing was held jointly with the

Virginia Department of Highways and Transportation on May 6, 1981 to receive public input on the 1981-82 Secondary Roads Improvement budget; and

WHEREAS, the Board of Supervisors met with representatives of the VDH&T in a workshop session on June 3, 1981 to discuss the construction priorities for the 1981-82 Secondary Roads Improvement budget; and

WHEREAS, after giving consideration to the comments made at the public hearing and recommendations from the VDH&T representatives, the Board of Supervisors concurs with the priorities as listed in the 1981-82 Secondary Roads Improvement budget;

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the priority list of the construction projects for Dinwiddie County's 1981-82 Secondary Roads Improvement budget be adopted as presented by the VDH&T.

IN RE: "CHANGES IN SECONDARY SYSTEM DUE TO RELOCATION & CONSTRUCTION ON ROUTE 605"

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

WHEREAS, Secondary Route 605, from Route 604 to 1.917 Mi. S.W. Int. Rt. 604, a distance of 1.917 miles, has been altered, and a new road has been constructed and approved by the State Highway Commissioner, which new road serves the same citizens as the road so altered; and

WHEREAS, certain sections of this new road follow new locations, these being shown on the attached sketch titled, "Changes in Secondary System Due to Relocation and Construction on Route 605, Project 0605-026-163, C502 dated at Richmond, Virginia May 20, 1981."

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the portions of Secondary Route 605, i.e., Sections 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 shown in red on the sketch titled, "Changes in Secondary System Due to Relocation and Construction on Route 605, Project 0605-026-163, C502 dated at Richmond, Virginia May 20, 1981, a total distance of 1.31 miles be, and hereby is, added to the Secondary System of State Highways, pursuant to Section 33-141 of the Code of Virginia of 1950 as amended; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the sections of old location, i.e., Sections 1,3,4,5,6,7,8,9,10, shown in blue on the afore-mentioned sketch, a total distance of 0.97 miles, be, and the same hereby is, abandoned as a public road, pursuant to Section 33-76.12 of the Code of Virginia of 1950 as amended; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the State Highway Commission be requested to take the necessary action to discontinue the sections of old location, i.e., Sections 2 and 11, shown in yellow on the afore-mentioned sketch, a total distance of 0.25 miles, as a part of the Secondary System Highways as provided in Section 33.76.7 of the Code of Virginia of 1950 as amended.

IN RE: REVIEW OF 1981 ROADVIEWER'S REPORT

The County Administrator reviewed the Roadviewer's Report for 1981, outlining those roads which were carried over from past consideration. The list consisted of twelve roads of which five were subdivisions. He advised the Board that they now needed to prioritize these roads for consideration for funding.

Mr. Robertson asked if the usual procedure was to

first consider those that were carried over from the past year. He was advised that in the past, it has usually been handled that way.

Mr. Hargrave stated that he felt the members should look at all the roads in terms of length, cost, need, and people served to make a decision on priorities.

Mr. Bennett asked how much money was available for rural additions. Mr. Medlock stated that \$30,000 to \$40,000 would be available plus \$18,000 carried over from the present budget year.

Mr. Robertson stated that he agreed with Mr. Hargrave; however, he felt they should look at the roads where people have a real need now, i.e., the Walker Road. Mrs. Olethia Walker, a contributing landowner, appeared before the Board to review the condition of the Walker Road off Rt. 601 and what she had done personally to enable people to use the road. Mr. John Shands and Mr. O.L. Birdsall, contributing landowners, appeared on behalf of the Shands Road.

The Board instructed the County Administrator to obtain information on length, cost, people being served, and need on each road for the Board to consider at a later meeting. Mr. Clay suggested that the Board take a day to go out and actually view the roads for their own information.

Mr. Weber thanked the Highway Department and the Road-viewers for their work.

IN RE: TRANSFER OF 1980-81 UNEXPENDED SECONDARY ROADS RURAL ADDITION FUNDS

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Virginia Department of Highways and Transportation transfer any unexpended rural addition funds in the 1980-81 Secondary Roads budget for Dinwiddie County to the 1981-82 Secondary Roads budget.

IN RE: DISPOSAL OF DEAD ANIMALS BY VDH&T

A question arose at a previous meeting concerning the Highway Department's policy on disposing of dead animals. Mr. Medlock advised the Board that if the animal was wearing a collar with a name on it, they would try to notify the owner. However, they did not try to locate the owner if the dog only had a county tag. He also stated that they were cutting down on the dog patrol, and would only be running it Monday through Friday. Mr. Hargrave asked the Department if they picked up a dog with a county tag only if they would send the tag to the County Administrator's office for possible identification through the dog license records. Mr. Medlock agreed.

IN RE: BUILDING INSPECTOR

Mr. James L. Blaha presented his report for the month of May, 1981.

IN RE: TREASURER

Mrs. Margaret W. Lewis presented her report for the month of May, 1981.

IN RE: TRANSFER OF FUNDS TO GENERAL FUND

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Treasurer be authorized to transfer the present balance of \$291,582.34 in the 1% Local Sales Tax Fund and the payment to be received June 15, 1981 for Local Sales Tax to the General Fund; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Treasurer be authorized to transfer the balance of \$5,703.57 in the Retirement and Insurance Account to the General Fund.

IN RE: ANIMAL WARDEN

Mr. L.A. Brooks, Jr., presented his report for the month of May, 1981. Mr. Hargrave asked Mr. Brooks why the number of dogs picked up was low as compared to previous months. Mr. Brooks advised the Board that he had spent more time answering complaints than usual.

IN RE: ADOPTION OF GUIDELINES FOR LIVESTOCK AND POULTRY CLAIMS

The County Administrator and County Attorney presented to the Board a proposed set of guidelines for their consideration concerning processing livestock and poultry claims. These guidelines were taken directly from the State Code.

Mr. Robertson asked if the claimant took his case to court and was turned down, would the County still be liable to pay the claim. The County Attorney advised him that it would depend upon the reason the claim was turned down.

Mr. Bennett asked if the present claim form included a question as to whether the claimant carried insurance on the livestock or fowl killed. The County Administrator stated that if the guidelines were adopted, the present claim form would have to be changed and that question would be addressed.

Mr. Hargrave questioned the practicability of guideline #3 concerning the claimant exhausting all legal remedies against the owner of the dog. He stated that this might cause people to restrain from giving out information.

Upon motion of Mr. Robertson, seconded by Mr. Hargrave, Mr. Robertson, Mr. Hargrave, Mr. Weber, Mr. Bennett, Mr. Clay voting "aye", the following guidelines for processing Livestock and Poultry claims were adopted:

1. The claimant has furnished evidence within sixty days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog.
2. The Animal Warden or other officer shall have been notified of the incident within seventy-two hours of its discovery.
3. The Claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought. Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied.
4. If there are not sufficient moneys in the dog fund to pay these claims, they shall be paid in the order they are received when moneys become available.
5. Upon payment under this section, the local governing body shall be subrogated to the extent of compensation paid to the right of action to the owner of the livestock or poultry against the owner of the dog and may enforce the same in an appropriate action at law.

IN RE: RELEASE AGREEMENT--COUNTY ADMINISTRATION BUILDING

Upon motion of Mr. Hargrave, seconded by Mr. Weber, Mr. Hargrave, Mr. Weber, Mr. Bennett, Mr. Robertson, Mr. Clay voting "aye", the Chairman was authorized to sign the following agreement on behalf of the County:

RELEASE AGREEMENT

This Agreement made by and between Dinwiddie County Board of Supervisors (hereafter Dinwiddie) and United States Fidelity and Guaranty Company (hereafter USF&G).

WITNESSETH:

Whereas, Dinwiddie entered into a contract with W.F. Hamm Construction Company (hereafter Hamm), for the construction of a County Administration Building located at Dinwiddie, Virginia; and

WHEREAS, USF&G, as surety, furnished a certain Performance Bond and Payment Bond Number 66-0120-1041-76 on behalf of Hamm to Dinwiddie; and

WHEREAS, on or about January 30, 1980, Hamm was notified by Dinwiddie that they had failed to comply with the terms and conditions of the contract between Dinwiddie and Hamm and called upon USF&G, a surety for Hamm, to fulfill Hamm's obligation to Dinwiddie under USF&G's Surety Bond; and

WHEREAS, the parties hereto desire to settle all claims which now exist or may hereafter arise out of the foregoing matters;

NOW, THEREFORE, in consideration of the mutual covenants, promises and agreements herein contained, the parties mutually agree as follows:

1. USF&G will pay to Dinwiddie the sum of Six Thousand Dollars (\$6,000.00). Upon such payment USF&G will be released from all of its obligations under the aforesaid bond with regard to the performance of the work contracted for by Hamm with Dinwiddie.
2. USF&G will not be released from the provisions of said bond regarding payment to laborers and material men for any amounts due at the time of the cancellation of Hamm's contract by Dinwiddie. In the event any laborer or material supplier of Hamm files suit against Dinwiddie, USF&G agrees to undertake defense of Dinwiddie and to hold Dinwiddie harmless therefrom, provided all suit papers pertaining thereto are furnished USF&G within the time provided for filing responsive of pleadings.
3. USF&G agrees to hold Dinwiddie harmless from any loss or expense caused by any creditors of Hamm claiming an interest in the unpaid balance of the Hamm-Dinwiddie contract price, subject to the notice as in "2".
4. The aggregate liability of the USF&G to Dinwiddie laborers and material men under its bond and under this agreement remains the amount of USF&G's bond penalty. All sums heretofore paid by USF&G to laborers, material men, or others in the performance of this contract and all sums paid pursuant to this agreement shall not, in the aggregate, exceed the bond penalty. In the event the bond penalties are paid by the USF&G under the obligations imposed by the bonds and this agreement, the USF&G will have no further obligations nor liabilities to Dinwiddie under this agreement or the performance bond and to third party beneficiaries under the labor and material payment bond. The bond penalties are \$997,111.00 under the performance bond and \$997,111.00 under the labor and material payment bond.
5. It is the intention of the parties that this understanding shall not prejudice any of the rights or remedies of either Dinwiddie

or USF&G in defending any claims, or by asserting any claims, or counter claims against Hamm. The sole intention of the parties hereto being to settle the claims among themselves arising out of the Hamm-Dinwiddie contract and the bond issued by USF&G.

In Witness Whereof, the parties hereto have executed this agreement in their respective corporate names by duly authorized representatives.

Witness _____ Dinwiddie County Board of Supervisors
By _____

DATE

Witness _____ UNITED STATES FIDELITY & GUARANTY CO.
By _____

DATE

IN RE: AUTHORIZATION TO ADVERTISE INCREASE IN LAW LIBRARY FUND FEE

The County Administrator advised the Board that H.B. 1289 allows a governing body by ordinance to increase the costs charged for civil suits from \$1 to \$2. These fees are collected and used for the Law Library Fund.

Upon motion of Mr. Weber, seconded by Mr. Bennett, Mr. Weber, Mr. Bennett, Mr. Hargrave, Mr. Robertson, Mr. Clay voting "aye", the County Attorney was instructed to draft for advertisement an amendment to Sec. 2-2, Chapter 2, Article I of the County Code to increase the Law Library Fund fee in Civil Suits to Two Dollars (\$2.00).

IN RE: DISCUSSION OF PUBLIC LIBRARY IN SCHOOLS

The County Administrator advised the Board that in a previous meeting, a question arose about housing a public library in the county high school. He stated that in 1973, the Board considered locating the public library in the high school vs. joining the Appomattox Regional Library. He cited three main reasons why the County chose to join the Appomattox Regional Library:

1. Federal Aid Title II and State Aid Funds cannot be comingled with other funds.
2. A public library may be located in a school; however, it must be a completely separate entity.
3. The State Code indicates that any county may enter into a contract with a state supported institute of higher learning which did not include a high school.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Hargrave, seconded by Mr. Robertson, Mr. Hargrave, Mr. Robertson, Mr. Weber, Mr. Bennett, Mr. Clay voting "aye", pursuant to Sec. 2.1-344(6) of the Virginia Freedom of Information Act, the Board moved into Executive Session at 3:25 P.M. to discuss "legal matters". The Board reconvened into Open Session at 4:30 P.M.

IN RE: RECESS

Upon motion of Mr. Hargrave, seconded by Mr. Weber, Mr. Hargrave, Mr. Weber, Mr. Bennett, Mr. Robertson, Mr. Clay voting "aye", the Board recessed at 4:30 P.M. to reconvene at 7:00 P.M. at the Dinwiddie Senior High School.

IN RE: PUBLIC HEARING--1981 TAX RATE

This being the time and place as advertised in the Progress-Index on Sunday, May 17, 1981; Monday, May 18, 1981; and Tuesday, May 26, 1981 for the Board of Supervisors to conduct a public hearing on the 1981 tax rate.

A tax rate of \$.82 on real estate and \$5.50 on personal property is proposed.

Public comment was received in conjunction with the 1981-82 budget and are recorded under that section.

IN RE: PUBLIC HEARING--1981-82 BUDGET

This being the time and place as advertised in the Progress-Index on Sunday, May 17, 1981; Monday, May 18, 1981; and Tuesday, May 26, 1981 for the Board of Supervisors to conduct a public hearing on the 1981-82 Dinwiddie County budget.

The Chairman announced that action on the budget and tax rate would not be taken following the public hearing. This action is scheduled for June 24, 1981 at 8:00 P.M.

The County Administrator outlined the income and highlighted significant changes over last year's budget.

The following people made comments or asked questions concerning the budget and proposed tax levies:

Mrs. Vivian Zaruba; Mrs. Cornelia Roberts; Mr. Donald Andrews; Mr. Henry G. Walker, Sr.; Mr. J.W. Crumpler; Mr. Richard Earl, Sr.; Mr. Leo Wright; Mr. Karl Crowder; Mr. Ivan Beville, Mr. John Sowers; Mr. Andie Perdue; Mr. John Scarborough; Mr. Joe P. Lewis; Mrs. June Crumpler; Mr. James Winbush; Mrs. Faye Spiers; Mr. John Carr; Mr. Edgar P. Jones; Mr. Beasley Jones.

Mr. Weber stated that last year, the School budget was cut \$400,000 and teachers received a 10 to 11% salary increase. This year, the budget is only being cut \$266,000 and the Superintendent has stated that salary increases will be affected. Mr. Weber stated that he hoped the School Board can find other things to cut and allow the teachers their 9% increase.

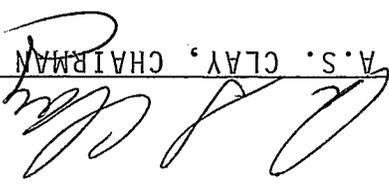
Mr. Robertson thanked the citizens for coming. He said the County has not actually lost \$274,000 in revenue; it has been transferred to the homeowner. He stated that the Board was going to work further on the budget and he had learned two things from the citizens. One was that they wanted less government and the other is they don't want Land Use.

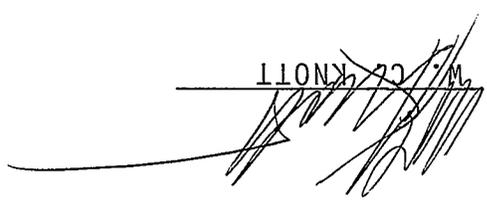
Mr. Bennett stated that he appreciated the public comments and would look hard to find other areas to reduce expenditures. He said that as a Board member, he was in a difficult position. He indicated the Board had worked hard on the budget and he felt some comments were unjustified by seeing the budget only one time. He further stated that he felt Land Use was good for the citizens. He pointed out that the Board was honestly trying to cut the budget and that while other areas may have lower tax rates, they were also being reassessed every year. He felt the proposed salary increase was about equal to other areas. He also stated that he wished the citizens would come to more of the meetings and make the Supervisors aware of what they wanted.

Mr. Clay stated that he wished the citizens would call him to discuss their concerns.

IN RE: ADJOURNMENT

Upon motion of Mr. Hargrave, seconded by Mr. Weber, Mr. Hargrave, Mr. Weber, Mr. Robertson, Mr. Bennett, Mr. Clay voting "aye", the meeting adjourned at 9:42 P.M.


A.S. CLAY, CHAIRMAN


ATTEST: W. C. KNOTT