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 20TH DAY OF APRIL, 2004, AT 12:30 P.M.

PRESENT:	DONALD L. HARAWAY –CHAIRMAN	ELECTION DISTRICT #2
	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5
OTHER:	ANN NEIL-COSBY	COUNTY ATTORNEY

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Mr. Donald L. Haraway, Chairman, called the meeting to order at 12:46 P.M. in the Multi-Purpose room of the Pamplin Administration Building.

IN RE: CLOSED SESSION

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

§2.2-3711 (A)(1) - Personnel - Appointments; EMS; County Administrator; Chief Administrative Services; County Employees

§2.2-3711 (A) (30) – **Discussion of Award of Public Contract**

Ms. Moody seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 12:46 P.M.

A vote having been made and approved the meeting reconvened into Open Session in the Board Meeting Room at 2:04 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under §2.2-3711 A. 1 Personnel – Appointments; EMS; County Administrator; Chief of Administrative Services; and County Employees
§2.2-3711 (A) 30 – Contracts - Discussion of the award of a public contract involving the expenditure of public funds;

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

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

Mr. Donald L. Haraway, Chairman, called the regular meeting to order at 2:05 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

The County Administrator requested that the agenda be amended

to continue the Closed Session for §2.2-3711 A. 1 – Personnel County Administrator; and Chief of Administrative Services;.

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

IN RE: MINUTES

Mr. Stone commented he had pointed out, to the Deputy Clerk, three corrections that needed to be made to the minutes. On page 10 and 21, instead of 2 ½% who were opposed, to 1% that supported the conditional use permit; it should have been: However, he sent a one-page letter to the residents in his District and received 17 responses from that contact resulting in 2 ½ ratio who opposed – to 1 who supported the CUP; Mr. Moody made the motion to approve the conditional use permit not Mr. Haraway on page 11.

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the minutes of the April 6, 2004 Regular Meeting, were approved with the above stated corrections.

IN RE: CLAIMS

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway 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 1039197 through 1039391 (void check(s) numbered 1039034 through 1039050, and 1039198)

Accounts Payable:

(101) General Fund	$	246,103.73
(103) Jail Commission	$	73.94
(209) Litter Control	$	
(222) E911 Fund	$	2,757.51
(223) Self Insurance Fund	$	
(225) Courthouse Maintenance	$	
(226) Law Library	$	40.76
(228) Fire Programs	$	1,160.37
(229) Forfeited Asset Sharing	$	
(304) CDBG Grant Fund	$	450.64
(305) Capital Projects Fund	$	68,500.00
(401) County Debt Service	$	35,908.00
TOTAL	$	**354,994.95**

IN RE: SCHOOL BOARD SUPPLEMENTAL APPROPRIATIONS #3 & #4 FY 2004

"April 15, 2004

Mrs. Wendy Ralph
County Administrator
County of Dinwiddie
P. O. Drawer 70
Dinwiddie, VA 23841

Dear Mrs. Ralph:

At their meeting on Tuesday, April 13, 2004, the Dinwiddie County School Board authorized me to forward Supplemental Appropriations #3 and #4 to the Dinwiddie County Board of Supervisors for their approval.

We have calculated our FY2004 March 31 ADM count as 4,458. We will receive an additional $297,955 in state revenue. We are asking that you appropriate these funds as follows:

Instruction	$ 205,850.00
Transportation	$ 57,000.00
Administration	$ 25,000.00
Total School Fund	$ 287,850.00
Textbook Fund	$ 9,018.00
Debt Service Fund	$ 1,087.00

Also, we have received notification of our Program Year 11 funding for Head Start. We are asking that you appropriate $400,000 to the Head Start Fund to cover expenses from December 1, 2003 – June 30, 2004.

We will be present at the next Board of Supervisors meeting to answer any questions regarding this request. Thank you for your continued cooperation.

Sincerely,
Leland J. Wise, Jr., PhD."

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", the above School Board Supplemental Appropriations #3 and #4 as described above were approved.

IN RE: TRAVEL REQUEST AUTHORIZATION – COMMUNICATIONS MANAGER – VIRGINIA APCO SPRING CONFERENCE

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Communications Manager is authorized to attend the Virginia APCO Spring Conference in Virginia Beach, Virginia, on April 28 –30, 2004, at an estimated cost of $345.00.

IN RE: AUTHORIZATION TO AWARD BID TO REMOVE TREES BEHIND COURTHOUSE FACILITY

"To: Board of Supervisors

From: Gene Jones, Director of Buildings and Grounds

RE: Tree removal from Hurricane Isabel – September 18, 2003

We requested proposals for clean up work on the walking trail behind the new courthouse facility. After many negotiations the following the bids were received:

Company	Remove Trees	Remove Stumps	Grind Stumps	Chip Brush	Sell Trees Pay Co %	Insured	Price
A-1 Tree Service	Yes	No	10 stumps	No	No	Yes	45,000

Orleans Co Tree	Yes	No	No	Yes	No	Yes	4,900
Timberline Tree	Yes	No	No	Yes	No	Yes	12,000
B.W.'s Tree & Wood	Yes	No	No	Yes	No	Yes	4,585
Williams Logging	Yes	No	No	Yes	No	Yes	3,000
Williams Logging	Yes	No	No	No	Yes	Yes	50% Grade Logs 30% Common Logs 10 cent per 100 lbs on hardwd pulp wd will be paid to Co.

We would like to recommend Williams Logging to remove trees and pay the County at the percentage agreed. All other proposals would be a cost to the County."

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Buildings and Grounds Director is hereby authorized to enter into a contract with Williams Logging to remove the trees and pay the County the percentage agreed and listed above.

IN RE: AUTHORIZATION TO AWARD BID – BLINDS FOR WINDOWS AT EASTSIDE ENHANCEMENT CENTER

"To: Board of Supervisors

From: Gene Jones, Director of Buildings and Grounds

RE: Bid Proposals for Blinds for Eastside Enhancement Center

We requested proposals for Hunter Douglas window blinds or blinds of equal quality to Hunter Douglas for the windows at Eastside Enhancement Center. There is a definite need for blinds for privacy and heat control in this facility. The following are the bids that were received:

Company Name	Hunter Douglas Blinds	Equal Quality to Hunter Douglas
Pritchetts	$8,706.76	$4,965.76
Window N Walls	4,282.05	3,406.00
Over the Edge	4,176.63	No Bid
Palmore	3,727.58	No Bid

I would like to recommend the bid of $3,406.00 from Window N Walls. This company installed the blinds in the County Administration Building and their service and quality of the blinds has been very satisfactory."

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Buildings and Grounds Director is hereby authorized to enter into a contract with Window N Walls, for the blinds equal to the quality of Hunter Douglas blinds, at the Eastside Enhancement Center at a cost not to exceed $3,406.

IN RE: AUTHORIZATION FOR GIS DIRECTOR TO PURCHASE - LAPTOP COMPUTER & ARCEDITOR SOFTWARE LICENSE

"GIS Director, David Thompson

Requested Board of Supervisor's authorization to purchase a laptop Computer to be used for fieldwork, interdepartmental use and QA/QC work. I have obtained (2) quotes, DELL - $2,435.30 and zt3000 series $2,378.99, and the cost should not exceed $2,500. This expense was included in the previously approved CIP. The second request is for authorization to purchase a full ARCEDITOR license, which will allow me to have full editing capability. The cost for this license should not exceed $7,000 and is also part of the previously approved CIP. Any additional licenses will be substantially less because we will obtain a concurrent ArcView License without the full functionality of ARCEDITOR."

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the GIS Director is authorized to purchase the laptop computer at a cost not to exceed $2,500 and a full ARCEDITOR license to have full editing capability at a cost not to exceed $7,000.

IN RE: RESOLUTION - MARGUERITA RAGSDALE

Mrs. Wendy Weber Ralph, County Administrator presented the following resolution to Mr. Vernon Ragsdale, Father of Ms. Marguerita Dianne Ragsdale in recognition of her outstanding accomplishments.

Resolution

of the BOARD OF SUPERVISORS of DINWIDDIE COUNTY, VIRGINIA
APRIL 20, 2004

IN RECOGNITION OF

MARGUERITA DIANNE RAGSDALE

WHEREAS, Ms. Marguerita Dianne Ragsdale was born on a farm near McKenney, Virginia; and

WHEREAS, Ms. Ragsdale is a graduate of Dinwiddie County High School. She received a degree in journalism from American University in 1970. She then earned a Masters and PhD., in Foreign Affairs from the University of Virginia in 1978. Continuing her education she later obtained a Doctor of Law degree from Columbia University in New York; and

WHEREAS, Ms. Ragsdale is the recipient of the following honors and awards:

Meritorious Honor Awards for achievements as a Political Officer in the Foreign Service 1988, 1990, 1995
Superior Honor Award for contributions made during the Gulf War in 1990 – 1991
Group Superior Honor Award for work facilitating operations of the State Department's crisis hub called the Operations Center – 1989
MSI/QSI – for outstanding performance as a Foreign Service Officer – 1993, 2000, 2001

WHEREAS, Ms. Ragsdale served as Consular/GSO Officer in Kuwait City, Kuwait from 1984-1986; Political Officer, American Embassy Mogadishu,

Somalia – 1986-1988; Watch Officer, Operations Center, State Department, Washington – 1988-1989; Desk Officer, Oman and the United Arab Emirates, Office of Arabian Peninsula Affairs, State Department, Washington – 1989-1991; Deputy Chief of Mission, American Embassy Doha, Doha, Qatar - 1992-1995; Office of Management Analysis, State Department, Washington – 1995-1996; Member of the Senior Seminar, State Department, Washington – 1996-1997; Deputy Director, Office of Arabian Peninsula Affairs, State Department, Washington – 1997-1999; Chief of the Political Section, American Embassy Pretoria, South Africa – 1999-2002; Deputy of Mission, American Embassy Khartoum, Khartoum, Sudan – 2002-2003; and

WHEREAS, Ms. Ragsdale is currently serving as the Ambassador to the Republic of Djibouti; and

WHEREAS, Ms. Ragsdale has set an exemplary example for the citizens and youth in our County.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County, Virginia on this 20th day of April 2004 desires to express their congratulations to Ms. Marguerita Dianne Ragsdale for her outstanding accomplishments; and

BE IT FURTHER RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia, that this resolution be presented to Ms. Ragsdale, and a copy spread upon the minutes of this meeting.

Mr. Ragsdale thanked the Board for honoring his daughter by presenting this resolution to her.

Upon motion of Mr. Bowman, Seconded by Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", the above resolution was adopted.

IN RE: CITIZEN COMMENTS

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

1) David Dudley – 25907 Smith Grove Road, Petersburg, VA 23805 – stated he was at another meeting for the High Speed Rail and he did not see any of the Board members or any representation from the County there. He said it is going to greatly affect the whole County and it is the Board's responsibility to protect the citizens. He also commented several months ago he had requested that the Board adopt an ordinance to require a leash law for the whole county not just for subdivisions and nothing has been done about the situation. He requested that they move forward with adopting the ordinance or give him some kind of an answer as to whether they intended to proceed with it. Mr. Dudley stated the County is still using the law firm of Sands, Anderson, Marks and Miller and the citizens have expressed that they do not want them. They do not represent the citizens in the County and the Board should let them go.

2) Geri Barefoot – 7411 Frontage Road, Petersburg, Virginia – commented for some time there has been available to the County an adequate public facility ordinance that the County can adopt under State Code. This is available when schools, roads, and utilities are overcrowded. She said she did not think that anyone had checked into this and she felt the County is in dire need of it. Mr. Haraway asked Mrs. Barefoot if she had the State Code for this. She replied she could get it for him.

3) Anne Scarborough – Boydton Plank Road, - Dinwiddie, Virginia – stated several months ago the Board changed Sands, Anderson, Marks and Miller from a monthly retainer to an hourly charge. However, they did not

disclose what the hourly charge was and the taxpayers want to know. The citizens want a County attorney in an office in the County 5 days a week. She also commented that the County did not need to get a bond rating to finance the Schools CIP. She reminded the Board that the County did not have a rating when it got the bonds for the BioFuels project, which went bankrupt, and those people lost all their money. Mrs. Scarborough stated the GIS Director had been in his new position since May of 2003. She said a Biosolids Technician position had been approved since February and no has been hired for that position.

Mr. Haraway stated it was the consensus of the Board at this time that it would be in the best interest of the County to keep the law firm. It would be a certain learning curve and very costly at this time to bring another attorney up to speed due to the issues in the County. The Board members have spent many hours discussing this issue. He also commented he had compared the hourly rates with firms he dealt with and they were very favorable to the County in comparison. He said this is not a permanent solution but it was the consensus of the Board at this time. Mrs. Anne Scarborough asked what the hourly rate was for the law firm. The County Administrator responded that the rates vary depending on the services needed. Mr. Haraway instructed the County Administrator to have the rates available at the next meeting. Mr. David Dudley stated the citizens don't get the impression that the law firm is representing them. Mr. Haraway replied it was his understanding that the Board hired the law firm to represent them and the County cannot pay them to represent the citizens of the County.

4) Bill Haney, School Board Member, stated he would like to thank the Board for the excellent dialogue over the past few months. He said he was convinced that the Boards would work together to find a solution to alleviate the overcrowding situations in the schools.

IN RE: REPORTS – VDOT

Mr. Timothy Overton, Assistant Resident Engineer, Virginia Department of Transportation provided the following project update:

1) Replacing the surface sealing in subdivisions.
2) Shady Lane (Route 670) – Rural Rustic work has begun.
3) Work has begun on leveling plant mix on many of the secondary roads for surface treatment.
4) Route 600 Bridge re-decking project bid was advertised in May; work will start in August – projected to last 18 months. The County Administrator stated one lane would be closed and asked if there would be any public campaigns for the project. Mr. Overton replied VDOT had traditionally been passing out some flyers in advance to the commencement of the work. But he would solicit some help from the district to see if they would provide some assistance. She stated this was going to be a major problem especially for people traveling into the County from that area. She said maybe the newspapers would help with some articles to get the word out to the people. She commented she felt it would be wise to let people know what to expect. He stated VDOT had received a lot of calls due to the project ongoing now on Route 600 at the underpass. Mr. Haraway asked if there would be a signal light installed for the project. Mr. Overton stated yes. He said there was also a substantial completion clause in the contract.
5) Route 142 in Petersburg is scheduled to start this week with a completion date of August 1, 2004.

Board Member Request/comments

Mr. Moody – asked what the process would be to get a road changed from a secondary to a primary road. Mr. Overton replied he didn't know but would find out. He commented it would have to have some qualifying features; but it was his understanding that more funding came in to the County for a

secondary road. Mr. Moody said there is a lot of traffic on the road and it stays torn up most of the time. Mr. Overton said he would look into it and let him know.

IN RE: REVENUE MAXIMIZATION REPORT

Mrs. Marie Grant, Director, Revenue Maximization, provided the following overview of the Office of Revenue Maximization:

"Dinwiddie Office of Revenue Maximization

- Established in August 2003
- Two full-time and one part-time employees
- Encompasses:
  - Comprehensive Services Act (CSA)
  - Virginia Juvenile Community Crime Control Act (VJCCCA)
  - Juvenile Community Service Program
  - Revenue Maximization Project
  - Grant Writing Assistance to County agencies
- Without duplicating the information you received in your packets, I'd like to give you a brief description of each program.
- The Comprehensive Services Act (CSA) program has been in existence in Dinwiddie County since 1997. The CSA provides services to "at-risk" youth and families. These youth are considered "at-risk" for delinquency or removal from their homes due to emotional or behavioral problems or have come into the custody of the Department of Social Services for a variety of reasons.
- CSA funding is provided by the State with a 33.58% local match. In cases where a child is eligible to receive Medicaid, the services are funded through DMAS at a 16.61% local match.
- There are also grants available through the various agencies represented on FAPT and CPMT that have no local match. This funding is utilized whenever possible.
- Thus far in FY '2004, the CSA Program in Dinwiddie County has served 69 children and families. Of this number, 38 received CSA funded services.
- A few of the services provided were: mentoring, in-home counseling, behavioral aides to support a child's special education placement in public school, day school and residential placements.
- CSA strives to meet the needs of youth and families in the "least restrictive environment". For example, a child would not be placed in a residential facility (which is extremely expensive) if their issues could be appropriately addressed through in-home counseling.
- I mentioned that of 69 total youth, 38 received CSA funded services. This doesn't mean that 31 children went without services. On the contrary, this means that for 31 children and families, the FAPT was able to locate and utilize local service resources.
- Another program under the umbrella of the "Office of Revenue Maximization" is the VJCCCA Program. This is money allocated to localities by the state to provide programming designed to reduce recidivism and serve as alternatives to secure detention. There is a

"Maintenance of Effort" required of each participating locality. VJCCCA was a casualty of the 2002 state budget crisis. Funding from the state was cut 51%. Many localities lost programs however, Dinwiddie County matched what was lost so that our valuable programs could continue.

- Dinwiddie has participated in the VJCCCA since 1996 and our programs have evolved quite a bit since the beginning.

- Currently we offer Truancy/Diversion, First-Time Offender, Effective Parenting and Teen Substance Abuse Program.

- In your packets, there should be a pamphlet, which provides an overview of three of our VJCCCA Programs.

- Our full-time, VJCCCA Coordinator, Lori Henley facilitates both the Truancy/Diversion and First-Time Offender Programs. We contract with a private provider for the Effective Parenting Program.

- In FY '02 the Truancy/Diversion Program which serves youth with minor complaints who have no prior court contact, served 23 youth, in FY '03, the same program served 34 youth. This increase corresponds with the 55% increase in the overall number of juvenile complaints diverted at intake between FY '02 and FY '03.

- The First-Time Offender Program served 26 youth in FY '02 and 38 in FY '03. Again, this is correlative to the 12% increase in petitions filed with the Juvenile and Domestic Relations Court.

- The Effective Parenting Program served a total of 54 parents in FY '03.

- The Dinwiddie VJCCCA, in conjunction with the Department of Parks and Recreation, operates a Substance Abuse Program for Teens. We currently contract with a licensed provider for this service. The program serves as a graduated sanction for those youth testing positive for alcohol or drugs as part of their participation in a VJCCCA Program, Probation or Parole. The J&DR Court also orders youth into this program at disposition.

- Since August 2003, 16 youth have participated in this program.

- The Office of Revenue Maximization also encompasses the County's Juvenile Community Service Program. The program is coordinated by, part-time Community Service Coordinator, James R. Picardat (Randy).

- An informational pamphlet on this program was also included in your packets.

- This is by far our most visible program as you have more than likely noticed youth wearing bright orange t-shirts working around the County.

- The Community Service Program serves as an alternative to secure detention. Rather than order youth into detention, the Court has the option of converting that time into hours or community service work. Over the past several years, we've had juveniles ordered to perform anywhere from 10 to 300 hours.

- In certain situations, the Court may even suspend fines and/or court costs contingent on the completion of an established number of hours.

- Probation Officers utilize the Community Service Program as a graduated sanction rather than filing formal violations (which normally result in detention time).

- Intake Officers also utilize the program as a diversionary option.

- In FY '04, Dinwiddie County was awarded a Juvenile Accountability Block Grant through the Department of Criminal Justice Services for the purchase of a 12-passenger van to enhance its existing Community Service Program.

- The van was implemented in October 2003 and has greatly increased opportunities for youth to perform community service. Up to 11 youth at a time can be assigned to a "Work Crew" whereby the Community Service Coordinator transports and directly supervises the completion of a project. This allows the work crew to travel to sites throughout the County. Work can begin more quickly following Court and hours can be completed in a shorter amount of time, ultimately holding youth more accountable for their behavior.

- In the third quarter alone, Community Service workers performed a total of 952 hours. At minimum wage, this equates to $4,998.00. Keep in mind that the weather during the third quarter precludes us from completing many outdoor projects. With warmer weather now upon us, we fully anticipate the hours completed during the fourth quarter to be significantly higher.

- We have addressed an area of Glebe Rd. after concerns were raised by a citizen and have since received a "Thank You" card from that citizen for a job well done.

- We have also addressed an area brought to our attention by Mr. Stone and are currently working to address a concern raised by Ms. Moody regarding cleanup at the Animal Shelter.

- Finally we come to the office's namesake. Revenue Maximization is the Federal Program that grew out of the Social Security Act, specifically Title IV-E.

- This is the program by which the Federal Government will reimburse localities up to 50% of the administrative expenses incurred through providing case management services to eligible cases. In order for a case to be eligible, the child must be at risk for removal from his/her home within the next 6 months. This would include youth at risk of being placed into Foster Care or who are at risk for placement in detention.

- Dinwiddie currently has two programs that are claimed under Revenue Maximization – CSA and VJCCCA. On a semi-annual basis, case files are "audited" to determine eligibility based on established criteria. Once eligibility is determined, claims are filed quarterly with the Virginia Department of Social Services (which serves as fiscal agent for the program). Administrative expenses include salaries, benefits, office supplies, operating expenses etc... VDSS reviews the claim and reimburses the locality 50% minus a 3% processing fee.

- In FY '04, Dinwiddie has filed two Revenue Maximization claims. The first quarter claim resulted in a reimbursement of $5,867.42 and the second quarter claim resulted in a reimbursement of $10,819.67.

- This money is intended to enhance or expand existing programs for the eligible population of youth. The program has already made it

possible for Dinwiddie County to hire a full-time Director of Revenue Maximization who also serves as CSA Coordinator and oversees the VJCCCA and Community Service Programs. It is expected that the position will "support itself" through IV-E reimbursements.

- As our program grows, the goal is to expand the Revenue Maximization Contract to include additional partners (existing programs that are already serving the eligible population) and claim their administrative expenses, which will allow for increased reimbursements to the County. (School Social Workers??)

- There are approximately 120 localities participating in Revenue Maximization throughout the Commonwealth. I have joined a statewide Revenue Maximization User's Group as well as a smaller Regional group that meets bi-monthly. The purpose of these groups is to network and share information and ideas on how to make the most of our Revenue Maximization Projects.

- There is one more facet to the Office of Revenue Maximization and that is Grant Writing. The VJCCCA is a grant and the CSA often utilizes supplemental funding through grants so it made sense that the Director of Revenue Maximization would be trained in grant writing to be better able to write and bring youth service grants into the County. With this training, I will also be available to assist local offices and agencies in their grant writing endeavors. I have already completed a course in Grants Management and am scheduled to take an actual Grant Writing course next month.

- Thank you for the opportunity to speak to you about the Office of Revenue Maximization and for the support you have given our programs over the years. While we are multi-facetted, the goal remains the same. We are here to serve the youth of Dinwiddie County in various capacities and assist them on their journey to becoming productive citizens of our beloved County.

- If you have any questions or suggestions for Community Service projects, please feel free to call or even stop by the office. We're located in the Historic Courthouse."

Mr. Stone thanked Mrs. Grant for the 3 days the community workers spent picking up litter on the roads in his district. Mr. Moody also complimented them for the work they did on Butterwood Road. He asked if she would have them take care of Claiborne Road also. Mrs. Grant said she would pass this information on to Mr. Picardat who handles these services.

IN RE: AUTHORIZATION TO ENTER INTO A CONTRACT WITH INTERACT PUBLIC SAFETY SYSTEMS FOR CAD/MAPPING SYSTEM

"To: Board of Supervisors

From: Denise P. Absher

Date: April 20, 2004

Ref: CAD/Mapping contract

Attached you will find information related to pricing for the CAD/Mapping system from Open Software Solutions Inc.

The original cost of base CAD/Mapping and records management system was **$269,100.00.**

The negotiated cost is **$204,100.00**

Addition of Jail management Software and services **$33,600.**

The total purchase price is **$237,700**.

The state wireless board will reimburse a minimum of **$77,425**. The total after reimbursement will be **$160,275.**

Hardware will be purchased separately off of the state contract. The approximate cost for hardware is **$112,000**.

The total cost with Hardware and options is $**272,275"**

Dinwiddie County, VA
Final Pricing Proposal

	Total	Estimated Funding by Wireless Brd*	Balance to be Paid by Agency	Annual Maintenance Beginning Year Two
GeoBased CAD+ Software	$122,600.00	$ 50,150.00	72,450.00	$10,409.03
Less 15%			(14,512.50)	
GeoBased Cad+ Hardware	87,415.83	71,643.50	15,772.33	7,727.28
				Hardware Optional
Law Enforcement RMS Software	46,850.00	n/a	46,850.00	2,925.00
Jail RMS Software	**29,399.00**	**n/a**	**29,399.00**	**1,930.00**
Total	$286,264.83	$121,793.50	$149,958.83	$22,991.31

Upon motion of Mr. Bowman, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the County Administrator is authorized to enter into a contract with Interact Public Safety Systems for a CAD/Mapping System at a net estimated cost of $149,958.83 with wireless reimbursement.

IN RE: AUTHORIZATION TO HIRE PART-TIME ENVIRONMENTAL TECHNICIAN – CURTIS F. STEVENS

Mr. Moody commented that after just receiving a copy of Mr. Marable's opinion and having briefly looked over it he would like to comment before a vote was taken on this issue. "I, in good faith believed that any affect on me from the action taken by the board would be the same as to the general public or others in the industry. I believed after reviewing various Opinions of the Attorney General on this issue, that there was no direct conflict in my voting on an ordinance that applied to the general public. However, I did want to eliminate any further questions that might arise. Over two months ago I requested a written opinion of the Commonwealth's Attorney on the issue. To avoid any perception of conflict, I had personally determined that I would not participate in the Board taking up any issue dealing with biosolids until I received clarification from the Commonwealth's Attorney. Now that I have received the Opinion of the Commonwealth Attorney, I will follow the advice of that opinion, which is to disclose my interests. On the vote today though, I will abstain from voting until I have a formal disclosure prepared."

"Date: 4/1/2004
To: Wendy Weber Ralph, *County Administrator*
Cc: Board of Supervisors/William C. Scheid, *Director of Planning*

From: W. Kevin Massengill, *Assistant County Administrator*
RE: Environmental Land Technician

On March 12, 2004, a panel interview comprised of Guy Scheid, Phillip Harris and I interviewed (4) four applicants for the Environmental Land Technician position.

The interview panel unanimously decided to recommend Curtis F. Stevens to the Board of Supervisors and respectfully ask their permission to offer him the part-time position of Environmental Land Technician at $15.00 per hour. Mr. Stevens is currently employed by the City of Colonial Heights as the Deputy Chief of Police. He has been employed by the City since 1974 and will be retiring effective July 1, 2004 with 30 years of service.

As a police administrator, Mr. Stevens is very proficient in interpreting state and local rules, regulations, and local ordinances. Moreover, he proved to be extremely knowledgeable of biosolids and understands the intent and objectives of the local ordinance. In addition, Mr. Stevens also has a comprehensive understanding of state laws regarding erosion and sedimentation control, storm water management and expressed a strong desire to become state certified as an inspector.

It was also the consensus of the interview panel that we offer this position to an applicant that possesses strong communication skills. This is mainly due to the fact that the successful candidate will be working very closely with the general public. Mr. Stevens is a strong communicator and throughout his career as a policeman, and as a police administrator, he has gained immeasurable experience working with the general public.

With the above attributes noted, it is the recommendation of the interview panel that Mr. Curtis F. Stevens be given top consideration for the position of Environmental Land Technician. His present knowledge of biosolids, erosion and sedimentation control, and storm water management combined with his experience working with the general public and his desire to continue his education in the above arenas clearly makes him a skilled and qualified candidate for this position."

The County Administrator pointed out that there was a possibility that Mr. Stevens might be able to come to work earlier than July 1, 2004 because of his leave time. Mr. Massengill stated that was correct he might be able to start sometime in May. But during the interim Mr. Scheid and Mr. Harris have been filling in for this position.

Upon motion of Ms. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Haraway voting "Aye", Mr. Moody "Abstaining", authorization is granted to hire Mr. Curtis F. Stevens for the part-time position of Environmental Technician at $15.00 per hour with an effective date as soon as Mr. Stevens can come to work.

IN RE: APPOINTMENT - DELEGATE FOR ADVISORY COMMITTEE TIER II ENVIRONMENTAL IMPACT STATEMENT FOR SOUTHEAST HIGH SPEED RAIL CORRIDOR

The County Administrator commented she received a letter from Mr. David Foster, Rail Environmental Programs Manager, requesting someone from the County to serve as a delegate on the advisory committee for the Tier II Environmental Impact Statement being prepared for the Petersburg, Virginia to Raleigh, North Carolina portion of the Southeast High Speed Rail Corridor (SEHSR). The study will take two to three years to complete. She stated Mr. Scheid and Mr. Smith were invited to serve as a delegate on the advisory committee also. The first meeting in Virginia is scheduled for: Wednesday, May

5th, from 10:00 – 12 Noon at the James Monroe Building, 101 N. 14th Street, Richmond, Virginia. Mr. Stone volunteered to serve on the committee.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", Mr. Stone, "Abstaining", Mr. Michael W. Stone was appointed to serve as a delegate for Dinwiddie County on the advisory committee for the Tier II Environmental Impact Statement for the Southeast High Speed Rail Corridor (SEHSR).

IN RE: AUTHORIZATION TO ADVERTISE FOR A CONSUMER UTILITY TAX ON WIRELESS SERVICE

The County Administrator stated a memo was provided in their packets from Mrs. Ann Neil Cosby on imposing the Consumer Utility Tax on wireless service that the Board authorized the law firm to prepare. Mrs. Neil Cosby is here today to answer any questions. Mrs. Ralph commented if the Board wanted to proceed Staff would need authorization to advertise for a public hearing.

Mr. Moody stated no one wanted to pay another "tax" but the County needed new schools and this would help pay for those facilities.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", Staff was authorized to advertise for a public hearing to impose the Consumer Utility Tax on wireless service users in the County.

IN RE: BOARD MEMBER COMMENTS

Mr. Bowman commented he was glad to have Mr. Ragsdale here today to accept his daughter's resolution and stated it was an honor.

Mr. Stone thanked Mr. Bill Haney for being present today for the Board meeting. He also thanked Mr. Scheid for organizing the bus tour of the County last week, which was very informative. He asked Staff if the reimbursement check been had been returned to Ms. Deborah Marston for the conference, mileage, and curtain cleaning? He commented that the Board had directed that Ms. Marston could not be reimbursed until the invoices were paid for the current Commissioner of the Revenue's itemized invoices incurred by the prior Commissioner. Mrs. Glenice Townsend, Chief, Administrative Services, stated no; it had been off-set and there was no reimbursement due to Ms. Marston. Mr. Haraway requested that a letter be sent to Ms. Marston to explain the situation. Mrs. Townsend stated she would take care of it.

Mr. Moody said he received a letter from VACo that he didn't have with him but every year they give out awards for different divisions to the Counties and he felt it would be worthwhile to the County to investigate and apply for one of the awards.

Ms. Moody thanked Judge Powell and Mr. Ragsdale for filling in for Ms. Marguerita Ragsdale their sister and daughter today. She commented that at one time the Monitor put pictures of dogs up for adoption in the paper and that gave the citizens insight as to what was available, and she would like to see that done again. Also, it was noted in the paper where the animal was picked up in case someone had lost one. She stated she liked the slogan on the water tower near the Wal-Mart on Route 460, "Dinwiddie County A Step Ahead" it's impressive. She said she wondered why it was not on the other water towers in the County.

IN RE: CLOSED SESSION

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

§2.2-3711 (A)(1) - Personnel - County Administrator and Chief, Administrative Services;

Ms. Moody seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 3:11 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 4:06 P.M.

IN RE: RECESS

The Chairman called a recess at 4:07 P.M. The meeting reconvened at 7:00 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under §2.2-3711 (A) 1 – Personnel – County Administrator and Chief, Administrative Services;

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.

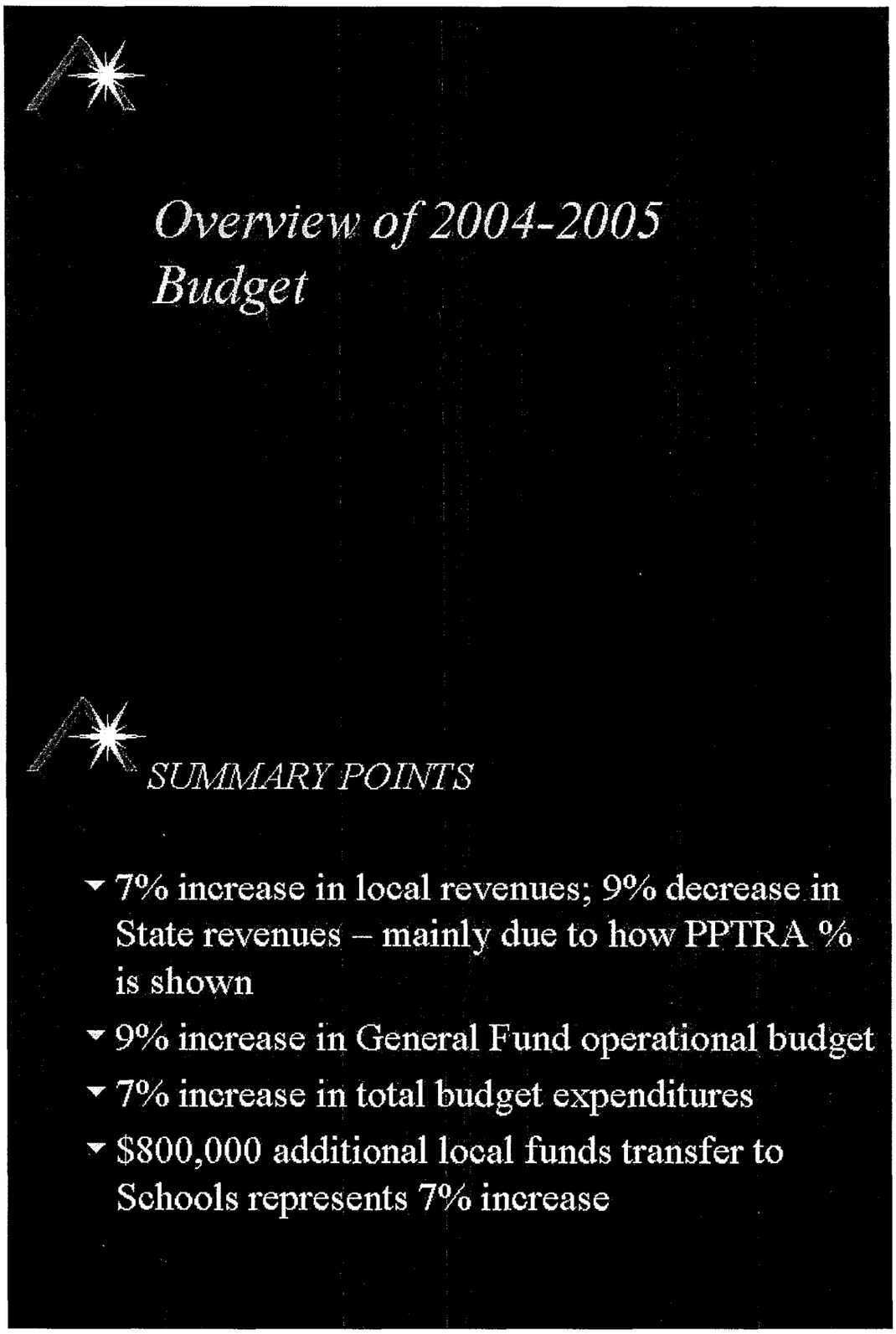
Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

Upon motion of Mr. Bowman, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", this Certification Resolution was adopted.

IN RE: PUBLIC HEARING – FY 04-05 BUDGET

This being the time and place as advertised in the Monitor on April 6, 2004 and the Progress-Index on April 13, 2004, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comment on the proposed Budget for the Fiscal Year Commencing July 1, 2004.

Mrs. Wendy Ralph, County Administrator, presented the following overview of the Proposed FY 2004 – 2005 Budget.


Overview of 2004-2005 Budget
SUMMARY POINTS
7% increase in local revenues; 9% decrease in State revenues – mainly due to how PPTRA % is shown
9% increase in General Fund operational budget
7% increase in total budget expenditures
$800,000 additional local funds transfer to Schools represents 7% increase



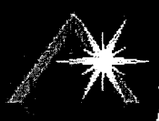
PERSONNEL COSTS

- 1 % COLA increase for County employees -2.50 Merit after performance evaluation. We have asked the School Board to use same percentage increase for their employees
- Health insurance increase is 16.6% - $99,720; however, the County is only covering the minimum 80%/20% required by the insurance program for an individual – Employees responsible for the balance.
- Retirement Increase – 5.75% to 6.50%



Personnel Con't.

- Accepting employees of Sheriff, Treasurer and Commissioner under County Pay Plan - $155,958 with 3 ½% increase – applied under the same conditions as other personnel – 1% COLA & 2 ½% after performance evaluation
- Commissioner & Treasurer – have absorbed State cuts in Extra Help and Office Expenses



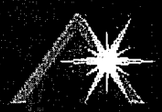
Personnel Con't.

- Commonwealth Attorney – fully funding Secretary to allow State funds to be used for Assistant Com. Attorney
- Continuing two School Resource Officers



New Positions (includes ben.)

- Procurement Officer - $41,411
- Information Technology – Tech - $35,682
- Sheriff – (3) Desk Security - $96,985
- Counter Clerk – Plan/Bldg - $25,713
- Secretary – Com. Atty - $28,830
- Environmental Tech – Pttime - $16,794
- Dispatchers (7) – E911 Fund - $235,488



Personnel Con't.

- Commissioner – Extra Help - $21,950
- Commissioner–Assessment Assistance - $17000
- Animal Control – Increase Pt-time - $9,662
- Public Safety Div. Chief – funding left in until decision is made on EMS supervision
- Firefighting assistance – pttime day crew
- Extension Service – continue 4-H & supplement Secretary



General Reasssessment

- Funds are provided to finish the General Reassessment which will be effective January, 2005 - $150,000



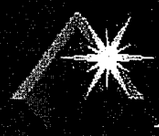
OTHER DEPARTMENTS

- Funds have increased for purchase of outside space under new contract - $95,000
- Disposal charges for waste - $100,000 increase – we are looking into additional manned sites and privatization to reduce costs



Capital Items

- Building Inspections – Replacement vehicle - $18,000
- Sheriff – 4 WD vehicle - $24,000
- Bldgs & Gnds – 4 WD with snow plow - $24,000
- Animal Control – Replacement vehicle - $20,000
- Circuit Court Clerk - $7,000 – cabinet for deed books (pursuing technology for different storage media)



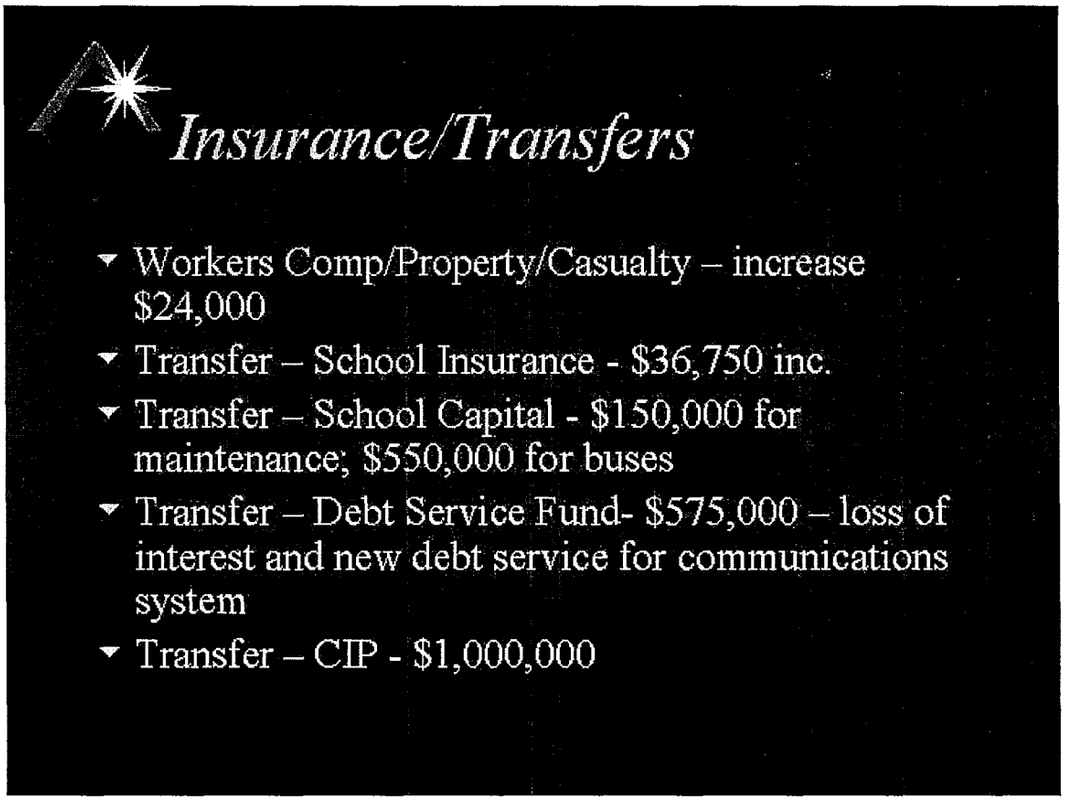
Dinwiddie EMS

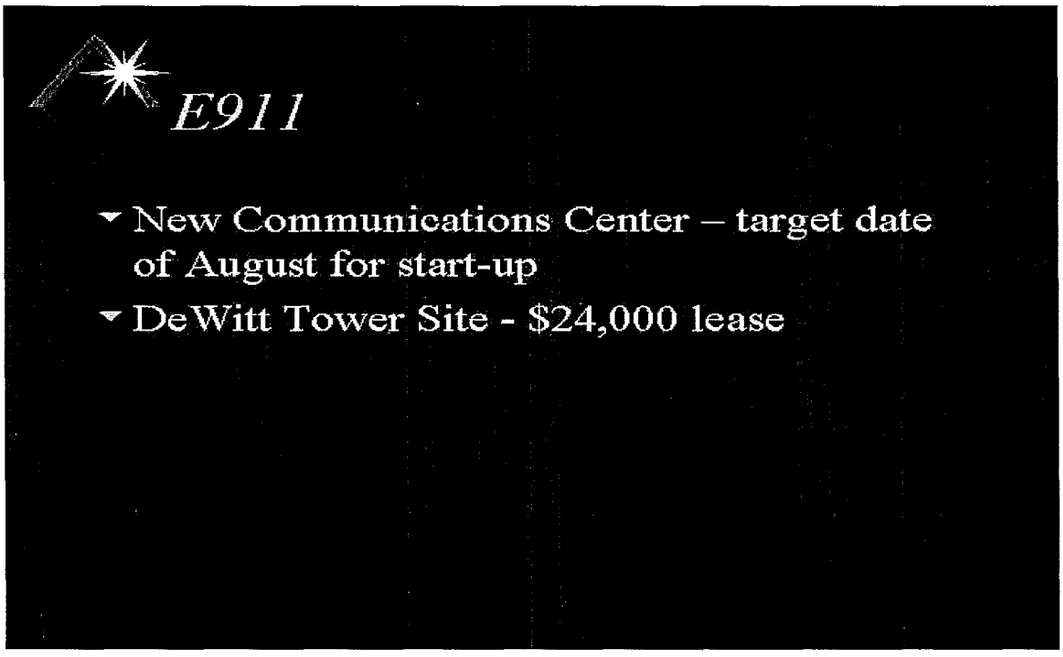
- Continue funding for two full time paid crews
- Funding for pttime crew to respond to fire and/or ems calls as needed to supplement volunteers during the day

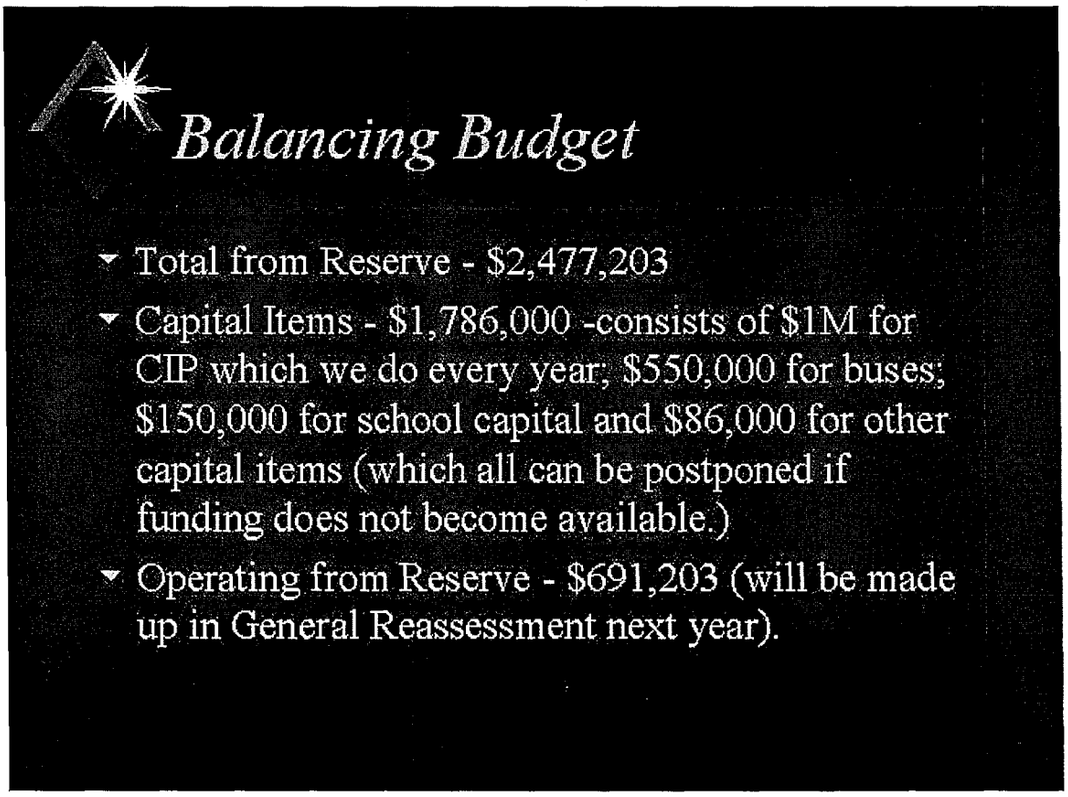


Outside Agencies

- 4% limit on increase for outside agencies
- Continued funding for County's share of BRAC expenses


Insurance/Transfers
Workers Comp/Property/Casualty – increase $24,000
Transfer – School Insurance - $36,750 inc.
Transfer – School Capital - $150,000 for maintenance; $550,000 for buses
Transfer – Debt Service Fund- $575,000 – loss of interest and new debt service for communications system
Transfer – CIP - $1,000,000


E911
New Communications Center – target date of August for start-up
DeWitt Tower Site - $24,000 lease



AMENDMENTS

1. Data Processing – Supplies – reduced from $8,000 to $3000 - this category provides funding for ink cartridges, diskettes, CD's etc. for all departments — funds in the amount of $8,500 should be restored for software enhancements, i.e. Microsoft Office or report formatting (see attachment); Web Site Hosting – reduced from $2500 to $600 – Web site is free; however, these funds were going to used for website enhancement
2. Sheriff – Investigative supplies – reduced from $6,000 to $4,000 – funds should be restored due to need for ongoing investigations; Uniforms – reduced $5,000 – with the turnover in personnel, the Sheriff may need to ask for these funds to be restored during the year.
3. GIS – Supplies – reduced from $4,000 to $900 – funds should be restored for project to continue (see attachment)
4. Health Insurance – We were asked to determine the amount of funding needed to increase the contribution by the County on family and subscriber/dependent from 20% to 40% - $14,000
5. Dry Hydrant Program – Mr. Stone requested $15,000 for this program be added

IN RE: PUBLIC HEARING – 2004 TAX RATES

This being the time and place as advertised in the Monitor on April 6, 2004 and the Progress-Index on April 13, 2004, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comment on the proposed Tax Rates for 2004.

Continuing the County Administrator stated there were no changes in the proposed tax rates for 2004. She presented the following:

PROPOSED TAX RATES - FY 2004

◆Real Estate	.77
◆Mobile Homes	.77
◆Mineral Lands	.77
◆Public Services	.77
◆Personal Property	4.90
◆Personal Property - Volunteers	.25
◆Machinery & Tools -	3.30
◆Heavy Const. Equip. -	3.30
◆Certified Pollution Control	3.30
◆Airplanes -	.50

Mr. Haraway stated the Department Heads were present and during the public hearing if there were any questions they would try to answer them. He then opened the public hearing for the proposed FY 04-05 Budget and 2004 Tax Rates. Mr. Haraway asked if there was any citizen present who wished to speak regarding the proposed 2004-2005 budget and Tax Rates for 2004.

1) Charlene M. V. Hofler – 25610 Greensville Ave., Petersburg, VA 23803 – Dinwiddie Education Association – thanked the Board for the increases in salaries for the school system. This increase will help insure that the County can hire more qualified teachers and keep the existing ones; the maintenance department can hire more custodians to keep the schools clean; and more bus drivers can be hired to help reduce the amount of time spent on the bus routes. She commented the Education Association appreciated everything the Board of Supervisors has done.

2) Chuck Koutnik – 245 E. Cawson Street, Hopewell, VA 23860 – Director, Appomattox Regional Library System commented the three libraries in the County are thriving and doing very well. He said they have been receiving complaints about how slow the computers were and they need to be upgraded. A citizen donated a Caboose to the Carson Library, which the children are really enjoying. Overall there has been an increase in the number of materials and books being checked out of the Libraries. He thanked the Board for their support and asked that they provide full funding for their budget.

3) Kelly Tyo – representing Central Virginia Health Planning Agency – stated the CVHPA is a nonprofit organization designated by the State of Virginia to represent the 27 cities and counties of Central Virginia by providing input on health resource decisions, as well as regional health planning information and expertise. She stated the Agency is a participant in Virginia's Certificate of Public Need review process, and holds public hearings for all applications in its region. She commented today a public hearing was held for an application for a nursing home in Dinwiddie County. Ms. Tyo stated she was here tonight requesting that the County help support the Agency by contributing $.12 per capita to the organization. She told the Board that if there was anyway CVHPA could assist the County to please give them a call.

4) Barbara Pittman – Principal – Dinwiddie County High School – thanked the Board for their mature approach in helping to solve the problems for the educational facilities in the County. In education she commented they try hard to teach the students and people in the County to define a problem, brainstorm for solutions, expect roadblocks along the way, and then work with others to find a reasonable solution. She thanked the Board for setting a good example for that process and the citizens that when there is an issue we can work together with all the Boards. She commented that she knew that the process was not complete but she thanked them for all their efforts both as an educator and taxpayer of the County. Mr. Haraway expressed the Boards appreciation for the good job she was doing at the High School and for the improvements made there.

5) Anne Scarborough commented she noticed in the budget a position for a Procurement Officer and she hoped they would hire someone with the right

qualifications and experience. She also made the following comments about the budget:

a) County Attorney increases in the budget from $50,000 to $70,000 and a new line item, legal, under Building Inspections $5,000, Planning $15,000 in the budget, why?

b) Planning Commission – Tower Consultant $4,000 was $5,000 that is still too much, how many more towers are going to be built in the County.

- Zoning Administrator – no one in the position since May 2003, $37,939 is in the budget for 2005; job was advertised in the Monitor with a salary of $37,573 the advertised salary should be the same as the budgeted amount. The GIS Director was the Zoning Administrator and between the two positions there should be a surplus of funds that could be used to hire an Engineer for the Planning Department.

The County Administrator replied that the applicant pays the tower consultants and any unused funds revert back to the undesignated fund balance including the Zoning Administrator's salary.

Mr. Haraway stated that the Board has agreed that if the additional State ADM for the School Board is not $325,000 more than what they have in their budget; the Board will provide up to that amount for the FY05 School budget which would mean the County's contribution would be about 10%.

Mr. Haraway closed the public hearing.

Mrs. Ralph again reminded those in attendance that no action would be taken tonight but would be taken at the April 27th meeting.

Mr. Haraway thanked Mrs. Ralph and Staff for preparing a realistic budget. He also thanked the Department Heads for all their hard work.

IN RE: INFORMATION IN BOARD PACKET OR DISTRIBUTED

1) Zoning Administrator position description.
2) Letter from VDOT regarding proposed improvements to I-64 from Richmond to Hampton Roads - anticipating tourists for 400th anniversary of the founding of Jamestown, VA in 2007.
3) Letter of sympathy to Barbara Eubank from Mr. Haraway.
4) Invitation to the Iluka Mine Field Day.
5) Letter from Carol Chambers Vincent regarding locating Vocational Technical Center at Eastside Enhancement Community Center.
6) Report – Appomattox Regional Library.

RE: ADJOURNMENT

Upon Motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", the meeting adjourned at 8:04 P.M. to be continued until 6:00 P.M. on Tuesday, April 27, 2004 for a joint meeting with the IDA to discuss the Refunding of Series 1997 A&B Lease Revenue Bonds in the Multi-Purpose Room of the Pamplin Administration Building.

Donald L. Haraway, Chairman

ATTEST: Wendy Weber Ralph
Wendy Weber Ralph
County Administrator

/abr

VIRGINIA: AT THE CONTINUATION MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE MULTI-PURPOSE ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 27TH DAY OF APRIL, 2004, AT 6:00 P.M.

PRESENT:	DONALD L. HARAWAY –CHAIRMAN	ELECTION DISTRICT #2
	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5

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Mr. Donald L. Haraway, Chairman, called the continuation meeting to order at 6:21 P.M.

IN RE: REFUNDING SERIES 1997-A & 1997-B LEASE REVENUE BONDS – RESOLUTION

The County Administrator commented the IDA members and Board were here to discuss and adopt the Resolution for the refunding of the Lease Revenue Bonds Series 1997-A (School Facilities) and 1997- B (Courts Facilities).

Mr. Dan Siegel, County Attorney, presented the IDA members with a copy of the Resolution their Attorney, Mr. Sam Johnson, had reviewed and modified. Mr. Charles Johnson, Chairman IDA, stated the Authority members would not be in favor of adopting the Resolution until their attorney approved it.

Mr. Haraway requested that the County Attorney discuss the high points of the Resolution for the Board members. Mr. Siegel briefly discussed the Resolution and pointed out to the Board that the closing for the loan with SunTrust Bank was set for May 5, 2004.

Mr. Johnson commented the IDA would not object to adopting the Resolution with the stipulation that their Attorney approved of the Resolution.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the following Resolution was adopted.

RESOLUTION OF THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA

WHEREAS, the Board of Supervisors of Dinwiddie County, Virginia **(the "Board of Supervisors")** has been advised by Davenport & Company, LLC **(the "Financial Advisor")** that due to current market conditions in the municipal bond financial marketplace, significant cash savings could be realized by Dinwiddie County, Virginia **(the "County")** by advance refunding all of the outstanding revenue bonds in an amount of $4,710,000 for the Series A Bonds **(the "Series A Bonds")** and $3,195,000 for the Series B Bonds **(the "Series B Bonds", together with the Series A Bonds, the "1997 Refunded Bonds")** issued by the Industrial Development Authority of Dinwiddie County, Virginia **(the "Authority")** which Series A Bonds were used to finance a portion of the completion of the acquisition, construction and equipping of certain of the County's School facilities (Midway Elementary School, Dinwiddie County Middle School and Dinwiddie County High School) **(collectively, the "School Project")** located on real property **("School Real Estate")** owned by the Dinwiddie County School Board **(the "School Board")** and which Series B Bonds were used to finance the completion of the costs of the acquisition, construction and equipping of the County's courts complex and related facilities located on real property owned by the County **(the "County Real Estate"). (The "Courts Complex Project", together with the School Project, the "Projects")**; and

WHEREAS, the Board of Supervisors had previously directed the Financial Advisor to prepare a Request for Proposals **(the "RFP")** to obtain financing plans to refund the Authority's 1997 Refunded Bonds and after reviewing the responses to the RFP that reflect significant debt service savings to the County, the Financial Advisor along with the County's Bond Counsel, Sands Anderson Marks & Miller **("Bond Counsel")** recommended that the County select the proposal from SunTrust Bank **(the "Bank")** for a 10 year fixed rate financing with a rate reset for the remaining life of such bonds and proceed with the financing therein to refund a portion of the Authority's 1997 Refunded Bonds with a new issue of the Authority's lease revenue refunding bonds in an amount not to exceed $8,200,000 **(the "Series 2004 Bonds")** composed of two series: Series A (School Refunding) in an amount estimated at $4,855,000 **(the "Series A School Refunding Bond")** and Series B (Courts Complex Refunding) in an amount estimated at $3,279,000 **(the "Series B Courts Complex Refunding Bond")**; and

WHEREAS, in order for the Authority to issue and sell the Series 2004 Bonds, the Board of Supervisors must adopt a resolution providing its moral obligation in support of such Series 2004 Bonds as may be necessary to issue the same; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA:

1. The following plan for refunding the 1997 Refunded Bonds as described in the preambles above is hereby approved. The Authority will be requested to issue the Series 2004 Bonds in the maximum amount of up to $8,200,000 and to use the proceeds therefrom to fully defease and refund the 1997 Refunded Bonds. The Projects will be re-leased to the Authority under a Third Amended Ground Lease, dated as of May 1, 2004 **(the "Third Amended Ground Lease")** and the Authority will re-lease the Projects to the County pursuant to a Third Amended Financing Lease, dated as of May 1, 2004 **(the "Third Amended Financing Lease")**. The Authority will also enter into a Third Supplemental Indenture of Trust, dated as of May 1, 2004 **(the "Third Supplemental Indenture")** with SunTrust Bank **(the "Trustee")**, pursuant to which the Series 2004 Bonds will be issued, which Third Supplemental Indenture is to be acknowledged and consented to by the County. The Authority will also enter into a Third Amended Assignment of Rents and Leases, dated as of May 1, 2004 **(the "Third Amended Assignment Agreement")** whereby the Authority's rights under the Third Amended Financing Lease will be assigned to the Trustee, which Third Amended Assignment Agreement is to be acknowledged and consented to by the County. The Authority will be requested to re-lease the Projects to the County for the term of the Series 2004 Bonds at rents sufficient to pay interest on, premium, if any, and principal of the Series 2004 Bonds, all pursuant to the Third Amended Financing Lease. The Authority and the County will also enter into a Third Amended Option Agreement, dated as of May 1, 2004 **(the "Third Amended Option Agreement")** providing the County with the option to purchase the School Project and the Courts Complex Project. The obligation of the Authority to pay principal and interest on the Series 2004 Bonds will be limited to rent payments received from the County. The obligation of the County to pay rent will be subject to the Board of Supervisors making annual appropriations for such purpose. The Series 2004 Bonds will be secured by an assignment of the Third Amended Financing Lease to the Trustee for the benefit of the Bank or its designee as Bondholder **(the "Bondholder")**. If the County exercises its right not to appropriate money for rent payments, the Trustee for the benefit of the Bondholder may terminate the Third Amended Financing Lease or otherwise take possession of the Projects, subject to the terms of the Third Amended Financing Lease, the Third Amended Assignment Agreement, the Third Amended Ground Lease, and the Third Supplemental Indenture. The Authority, the County and the Bondholder will enter into a Bond Purchase Agreement **(the "Bond**

Purchase Agreement"), dated as of May 1, 2004, for the purchase of the Series 2004 Bonds. The Authority and the County will also enter into an Escrow Agreement **(the "Escrow Agreement")**, dated as of May 1, 2004, with SunTrust Bank, the Trustee as an escrow agent **(the "Escrow Agent")**, wherein the proceeds from the Series 2004 Bonds will be used to purchase U.S. Treasury Securities, State and Local Government Series **("SLGs")** to advance refund the 1997 Refunded Bonds.

2. The Series A School Refunding Bond is hereby approved with an interest rate of 4.29% per annum, fixed for 10 years, amortizing over 14 years, with a rate reset in year 10 and the Series B Courts Complex Refunding Bond is hereby approved with an interest rate of 4.26% per annum, fixed for 10 years, amortizing over 13 years with a rate reset in year 10, both as set forth in the forms of such Series 2004 Bonds presented at this meeting, each with an Optional Put right of the Bondholder in year 10 **(the "Optional Put")**.

3. The Chairman or Vice Chairman of the Board of Supervisors, either of whom may act, is hereby authorized and directed to execute and deliver the Third Amended Ground Lease, the Third Amended Financing Lease, the Third Supplemental Indenture, the Third Amended Assignment Agreement, the Third Amended Option Agreement, the Escrow Agreement and the Bond Purchase Agreement for the purchase of the Series 2004 Bonds by the Bank **(collectively, such documents to be hereinafter referred to as the "Documents")** and related instruments thereto.

4. The Chairman or Vice-Chairman of the Board of Supervisors, either of whom may act, is hereby authorized and directed to acknowledge and consent to the provisions of the Documents and any other instruments executed by the Authority in connection with an assignment of the Third Amended Financing Lease for the purpose of securing the Series 2004 Bonds, including but not limited to designating and confirming the terms of the Series 2004 Bonds and the purchase of SLGs sufficient to fund the Escrow Agreement in an amount necessary to fully defease and refund the 1997 Refunded Bonds, and to pay principal and interest when due thereon, and premium thereon, through and including on February 1, 2007 **(the "Redemption Date")**.

5. The Projects are hereby declared to be essential to the efficient operation of the County, and the Board of Supervisors anticipates that the Projects will continue to be essential to the operation of the County during the term of the Third Amended Financing Lease. The Board of Supervisors, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to make all payments under the Third Amended Financing Lease and hereby recommends that future Boards of Supervisors do likewise during the term of the Third Amended Financing Lease. The Series B Courts Complex Refunding Bond will be on parity in lien and dignity with the Authority's outstanding $5,500,000 Lease Revenue Bonds (Dinwiddie County Courts Facilities Project), Series 1995B and its $4,500,000 Lease Revenue Refunding Bonds (Dinwiddie County Courthouse Project), Series 1998C **(together, the "Courts Complex Parity Bonds")**. The Series A School Refunding Bond will be on parity in lien and dignity with the Authority's outstanding $6,590,000 Lease Revenue Bonds (Dinwiddie County School Completion Project) Series 1998A **(the "School Parity Bonds")**. The Series 2004 Bonds will not be on parity with any debt service reserve fund or bond insurance securing the School Parity Bonds or the Courts Complex Parity Bonds.

6. The Chairman or Vice-Chairman of the Board of Supervisors, the County Administrator, County Attorney, the County Treasurer and all other officers of the County are hereby authorized and directed to work with representatives of the Authority, the County Attorney, the Special Authority Counsel, Bond Counsel, and the Financial Advisor to perform all services and prepare all documentation necessary to issue the Series 2004 Bonds and to refund the 1997 Refunded Bonds.

7. The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the Series 2004 Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, including regulations issued pursuant thereto **(the "Code")**, or otherwise cause interest on the Series 2004 Bonds to be includable in the gross income for Federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Series 2004 Bonds.

8. The County covenants that it shall not permit the proceeds of the Series 2004 Bonds to be used in any manner that would result in (a) 10% or more of the proceeds of the Series 2004 Bonds being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, provided that no more than 5% of such proceeds may be used in a trade or business unrelated to the County's use of the School Project and the Courts Complex Project, (b) 5% or more of such proceeds being used with respect to any "output facility" (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than as governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the County receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Series 2004 Bonds from being includable in the gross income for Federal income tax purposes of the registered owners thereof under existing law, the County need not comply with such covenants.

9. The Board of Supervisors hereby consents to Sands, Anderson, Marks & Miller serving as Bond Counsel, Special Counsel to the Authority and as County Attorney and recommends that such firm be appointed by the Authority as such.

10. All other acts of the Chairman or Vice-Chairman of the Board of Supervisors and other officers of the County that are in conformity with the purposes and intent of this resolution and in furtherance of the issuance and sale of the Series 2004 Bonds and refunding of the 1997 Refunded Bonds, are hereby approved and ratified.

11. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.

12. The County hereby agrees, to the extent permitted by law, to indemnify, defend and save harmless the Authority, its officers, directors, employees and agents from and against all liabilities, obligations, claims, damages, penalties, fines, losses, costs and expenses in any way connected with the issuance of the Series 2004 Bonds or the refunding of the 1997 Refunded Bonds.

13. The County represents and affirms to the Authority that no representations of any kind as to the School Project, the Courts Complex Project, the 1997 Refunded Bonds or the ability to repay the Series 2004 Bonds has been made by the Authority.

14. This resolution shall take effect immediately.

PASSED AND ADOPTED this 27th day of April, 2004.

_____
Donald L. Haraway, Chairman

ATTEST:

_____
Clerk

The Resolution set forth above was adopted by a majority of the Board of Supervisors in an Open Meeting, during a regular meeting of the Board of Supervisors of the County of Dinwiddie, Virginia held on April 27, 2004 in which a quorum was present at all times, by the following votes:

AYES:

Donald L. Haraway
Harrison A. Moody
Robert L. Bowman, IV
Doretha E. Moody
Michael W. Stone

NAYS:

None

ABSTENTIONS:

None

_____
Clerk

IN RE: RECESS

The Board recessed at 6:59 P.M. and moved to the Board Meeting Room. for the adoption of the budget and tax rates.

IN RE: ADOPTION OF FY2004-2005 BUDGET

The County Administrator requested that the Board allow her to review the amendments to the budget.

AMENDMENTS

1. Data Processing – Supplies – reduced from $8,000 to $3000 - this category provides funding for ink cartridges, diskettes, CD's etc. for all departments - – funds in the amount of $8,500 should be restored for software enhancements, i.e. Microsoft Office or report formatting (see attachment); Web Site Hosting – reduced from $2500 to $600 – Web site is free; however, these funds were going to used for website enhancement

2. Sheriff – Investigative supplies – reduced from $6,000 to $4,000 – funds should be restored due to need for ongoing investigations; Uniforms – reduced $5,000 – with the turnover in personnel, the Sheriff may need to ask for these funds to be restored during the year.
3. GIS – Supplies – reduced from $4,000 to $900 – funds should be restored for project to continue (*see attachment)
4. Health Insurance – We were asked to determine the amount of funding needed to increase the contribution by the County on family and subscriber/dependent from 20% to 40% - $14,000
5. Dry Hydrant Program – Mr. Stone requested $15,000 for this program be added

After the review Mrs. Ralph requested that the amendments be restored to the budget.

The County Administrator then asked if there were any questions on the budget for FY2004-2005.

DINWIDDIE COUNTY, VIRGINIA
BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2004

INCOME ESTIMATES	Fiscal Year Commencing **July 1, 2004**
GENERAL FUND:	
Revenue from Local Sources:	
General Property Taxes	$14,904,020
Other Local Taxes	2,997,000
Permits, Privilege & Regulatory Licenses	232,900
Fines and Forfeitures	200,000
Revenue from Use of Money & Property	289,000
Charges for Services	575,386
Miscellaneous Revenue	588,750
TOTAL	$19,787,056
Revenue from the Commonwealth	6,548,570
Revenue from the Federal Government	
Non-Revenue Receipts	400
TOTAL GENERAL FUND	$26,336,026
LAW LIBRARY FUND	6,500
SCHOOL TEXTBOOK FUND	279,306
SCHOOL CAFETERIA FUND	1,433,080
SCHOOL FUND:	
Revenue from Local Sources	$ 35,500
Revenue from the Commonwealth	19,766,642
Revenue from the Federal Government	1,605,557
Transfers from Other Funds	11,672,647
TOTAL SCHOOL FUND	$33,080,346
VA PUBLIC ASSISTANCE FUND	2,689,194
E911 FUND	277,000
SELF-INSURANCE FUND	-0-

GENERAL CAPITAL PROJECTS FUND	1,000,000
GRANT FUND	3,222,900
FIRE PROGRAMS FUND	43,000
FORFEITED ASSET SHARING	-0-
MEALS TAX	330,000
SCHOOL CAPITAL PROJECTS	700,000
CSA FUND	785,812
JAIL COMMISSION FUND	5,000
COURTHOUSE MAINTENANCE FUND	18,000
COUNTY DEBT SERVICE	1,451,792
HEAD START FUND	199,789
SCHOOL DEBT SERVICE	2,707,244
GRAND TOTAL – ALL FUNDS	74,564,989
LESS INTERFUND TRANSFERS	18,034,033
TOTAL INCOME	56,530,956
FUND BALANCES, JULY 1	17,856,537
CASH RESOURCES	$74,387,493

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CONTEMPLATED EXPENDITURES

GENERAL FUND:	
Board of Supervisors	$ 76,035
County Administrator	415,937
County Attorney	71,700
Independent Auditor	32,550
Commissioner of the Revenue	290,563
Business License	19,424
General Reassessment	250,000
Land Use	20,860
Treasurer	276,503
Data Processing	133,466
Electoral Board and Officials	95,747
Circuit Court	21,300
County Court	11,180
Special Magistrates	300
Clerk of the Circuit Court	74,614
Commonwealth's Attorney	146,847
Sheriff-Law Enforcement	2,623,012
Victim Witness	50,308
Volunteer Fire Departments	308,975
Ambulance & Rescue Service	50,900
Forestry Service	11,715
Dinwiddie EMS	943,155
Sheriff—Correction & Detention	714,597
Probation Office	4,300
Other Correction & Detention	262,463
Building Inspection	250,124
Animal Control	155,965
Medical Examiner	500
Public Safety/Civil Defense	167,352
Street Lights	35,000
Refuse Disposal	1,329,804
Public Nuisance	5,000
Public Utilities	124,800
Maintenance of Buildings & Grounds	520,532

Water Service	475,000
Health	195,985
Mental Health	60,487
Area Agency on Aging	4,225
Other Social Services	19,604
Community College	5,478
Recreation	263,775
Lake Chesdin	1,500
Regional Library	222,998
Zoning Board	9,950
Planning	280,162
Economic Development	13,600
Other Planning & Community Develop.	72,964
Regional Planning Commission	38,213
GIS Department	46,402
Soil and Water Conservation	15,500
Advancement of Agric & Home Economics	68,664
Internal Services	93,025
Insurance	154,200
Subtotal	11,537,260
Transfers to Other Funds	17,275,969
TOTAL GENERAL FUND	$28,813,229
HEAD START	$199,789
LAW LIBRARY FUND	6,500
SCHOOL TEXTBOOK FUND	279,306
SCHOOL FUND	33,080,345
SCHOOL CAFETERIA FUND	1,436,860
VA PUBLIC ASSISTANCE FUND	2,689,194
E911 FUND	657,667
GENERAL CAPITAL PROJECTS	1,000,000
SCHOOL CAPITAL PROJECTS	700,000
GRANT FUND	3,221,725
FIRE PROGRAMS FUND	43,000
FORFEITED ASSET SHARING	-0-
MEALS TAX FUND	400,000
CSA FUND	785,812
JAIL PHONE COMMISSION FUND	5,000
COURTHOUSE MAINTENANCE	18,000
DEBT SERVICE	2,027,068
SCHOOL DEBT SERVICE	2,707,244
GRAND TOTALS – ALL FUNDS	78,070,739
LESS INTERFUND TRANSFERS	18,034,033
TOTAL EXPENDITURES	60,036,706
FUND BALANCES – JUNE 30	14,350,786
TOTAL REQUIREMENTS	$74,387,492

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the FY2004-2005 Budget with the amendments as presented was adopted.

IN RE: ADOPTION OF TAX RATES 2004

The County Administrator read the proposed tax rates for 2004, as follows, and commented there were no changes this year to the tax rates.

TAX RATES - FY 2004

Unit Levy – All Districts --$100 Assessed Valuations

◆Real Estate	.77
◆Mobile Homes	.77
◆Mineral Lands	.77
◆Public Services	.77
◆Personal Property	4.90
◆Personal Property - Volunteers	.25
◆Machinery & Tools -	3.30
◆Heavy Const. Equip. -	3.30
◆Certified Pollution Control	3.30
◆Airplanes -	.50

Upon motion of Mr. Bowman, Seconded by Ms. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the above tax rates for FY2004 were adopted.

IN RE: CLOSED SESSION

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

§2.2-3711 (A)(1) - Personnel - Appointments;

Mr. Moody seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 7:13 P.M.

A vote having been made and approved the meeting reconvened into Open Session in the Board Meeting Room at 8:27 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under §2.2-3711 A. 1 Personnel – Appointments;

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

IN RE: RECOMMENDATION OF DONALD L. HARAWAY TO THE NOMINATING COMMITTEE FOR THE CENTRAL VIRGINIA PLANNING AGENCY BOARD OF DIRECTORS TO REPRESENT PLANNING DISTRICT 19

Upon motion of Mr. Bowman, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, voting "Aye", Mr. Haraway "Abstaining",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Donald L. Haraway, is hereby recommended to the Nominating Committee of the Central Virginia Health Planning Agency Board of Directors for a Consumer nomination to represent Planning District 19.

IN RE: ADJOURNMENT

Upon Motion of Mr. Moody, Seconded by Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", the meeting adjourned at 8:29 P.M.

Donald L. Haraway

Donald L. Haraway, Chairman

ATTEST: Wendy Weber Ralph

Wendy Weber Ralph
County Administrator

/abr

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 4TH DAY OF MAY, 2004, AT 6:00 P.M.

PRESENT:	DONALD L. HARAWAY –CHAIRMAN	ELECTION DISTRICT #2
	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5
OTHER:	JACK CATLETT	COUNTY ATTORNEY

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IN RE: CLOSED SESSION

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

§2.2-3711 A. 1* of the Code of Virginia – *Personnel Matters
§2.2-3711 A. 5* of the Code of Virginia – *Industry
§2.2-3711 A. 7* of the Code of Virginia – *Consultation with Legal Counsel – Freedom of Information Act

Mr. Stone seconded the motion. Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 6:14 P.M.

The meeting reconvened into Open Session in the Board Meeting Room at 7:36 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under
§2.2-3711 A. 1* of the Code of Virginia – *Personnel Matters
§2.2-3711 A. 5* of the Code of Virginia – *Industry
§2.2-3711 A. 7* of the Code of Virginia – *Consultation with Legal Counsel – Freedom of Information Act

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

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

Mr. Donald L. Haraway, Chairman, called the regular meeting to order at 7:37 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

The County Administrator stated there is a need to continue the Closed Session after the meeting for Personnel under §2.2-3711 A 1

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the above amendment(s) was approved.

IN RE: MINUTES

Mr. Moody stated he would like his statement which he had discussed with Ms. Russell, Deputy Clerk, be inserted on page 16 in the Minutes for the April 20, 2004 meeting. Mr. Moody commented that after just receiving a copy of Mr. Marable's opinion and having briefly looked over it he would like to comment before a vote was taken on this issue. "I, in good faith believed that any affect on me from the action taken by the board would be the same as to the general public or others in the industry. I believed after reviewing various Opinions of the Attorney General on this issue, that there was no direct conflict in my voting on an ordinance that applied to the general public. However, I did want to eliminate any further questions that might arise. Over two months ago I requested a written opinion of the Commonwealth's Attorney on the issue. To avoid any perception of conflict, I had personally determined that I would not participate in the Board taking up any issue dealing with biosolids until I received clarification from the Commonwealth's Attorney. Now that I have received the Opinion of the Commonwealth Attorney, I will follow the advice of that opinion, which is to disclose my interests. On the vote today though, I will abstain from voting until I have a formal disclosure prepared."

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the minutes of the April 14, 2004 Continuation Meeting, April 20, 2004 Continuation Meeting, and the April 20, 2004 Regular Meeting are approved in their entirety, with the above amendment.

IN RE: CLAIMS

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway 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 10389392 through 1039576 (void check(s) numbered 1038173, 1039463 through 1039395)

Accounts Payable:

(101) General Fund	$ 118,376.54
(103) Jail Commission	$ 89.68
(209) Litter Control	$
(222) E911 Fund	$ 2,588.83
(225) Courthouse Maintenance	$ 459.45
(226) Law Library	$
(228) Fire Programs & EMS	$ 232.10
(304) CDBG Grant Fund	$ 845.31
(304) Capital Projects Fund	$ 83,449.60
(401) County Debt Service	$ 20,335.21
TOTAL	**$ 226,376.72**

PAYROLL 04/31/04

(101) General Fund	$ 431,570.90
(222) E911 Fund	$ 3,539.66
(229) Forfeited Asset	$

(304) CDBG Fund	$ 7,735.02
TOTAL	**$ 444,845.58**

IN RE: COMMUNICATIONS EQUIPMENT REQUISITION #4 – DINWIDDIE COUNTY IDA PUBLIC FACILITIES LEASE REVENUE NOTE SERIES 2003

The following invoice from Motorola, for expenses from the Dinwiddie County IDA Public Facilities Lease Revenue Note Series 2003 was submitted for Payment:

Motorola	Design Review	Radio System	$2,092,615.00
Total			**$2,092,615.00**

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number #4 in the amount of $2,092,615.00 be approved and funds appropriated for expenses from the Dinwiddie County IDA Public Facilities Lease Revenue Note Series 2003.

IN RE: RESOLUTION – CHERYL L. STEWART

The County Administrator presented Ms. Cheryl Stewart with the following resolution.

Resolution

of the BOARD OF SUPERVISORS of DINWIDDIE COUNTY, VIRGINIA

MAY 4, 2004

IN RECOGNITION OF

CHERYL L. STEWART

WHEREAS, Ms. Cheryl L. Stewart has been employed by the County of Dinwiddie and served in the Planning Department from August of 1991 to April of 2004; and

WHEREAS, Ms. Stewart has been a dedicated employee who represented the County of Dinwiddie in a professional and helpful manner; and

WHEREAS, She served Dinwiddie County's citizens with respect and provided excellent assistance to those needing her help;

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors on this 4th day of May 2004 desires to express their appreciation to Ms. Stewart for

her many years of loyal service to Dinwiddie County and wishes her much happiness and fulfillment as she enters her new professional endeavor; and

BE IT FURTHER RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia, that this resolution be presented to Ms. Cheryl L. Stewart, and a copy spread upon the minutes of this meeting.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the above resolution was adopted.

IN RE: PUBLIC HEARING – ORDINANCE TO AMEND AND READOPT SECTIONS 19-40 AND 19-161 OF THE CODE OF DINWIDDIE COUNTY TO EXTEND THE FILING DATE FOR ELDERLY AND DISABLED TAX EXEMPTION AFFIDAVITS FOR CALENDAR YEAR 2004

This being the time and place as advertised in the Monitor on April 21, 2004 and April 28, 2004, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comment on the following matter:

AN ORDINANCE TO AMEND AND READOPT SECTIONS 19-40 AND 19-161 OF THE CODE OF DINWIDDIE COUNTY TO EXTEND THE FILING DATE FOR ELDERLY AND DISABLED TAX EXEMPTION AFFIDAVITS FOR CALENDAR YEAR 2004

WHEREAS, taxpayers seeking to avail themselves of the tax exemptions granted the elderly and disabled in the Code of Dinwiddie County must file certain affidavits with the commissioner of the revenue on or before March 1; and

WHEREAS, the commissioner of the revenue has requested that the affidavit filing date be extended to April 1 for the calendar year 2004 only; and

WHEREAS, the Board of Supervisors determined that an emergency existed because it was anticipated that affidavits for exemptions would be submitted before the newly-elected commissioner of the revenue had an opportunity to prepare for their submission; and

WHEREAS, on February 10, 2004, the Board of Supervisors approved an emergency ordinance permitting the affidavit filing date be extended to April 1 for the calendar year 2004 only.

THEREFORE, BE IT ORDAINED, by the Board of Supervisors of Dinwiddie County, Virginia under the authority granted to it under § 15.2-1427 of the *Code of Virginia* and in order to promote the public health, safety, and public welfare, the following amendments to Chapter 19 of the Code of Dinwiddie County.

A. **§ 19-40**

The first sentence of subsection (a) shall be amended and replaced as follows:

Annually and not later than March 1, except calendar year 2004, which shall be not later than April 1, and not before January 1 of the taxable year, person or persons claiming an exemption under this article must file an affidavit with the commissioner of the revenue.

B. **§ 19-161.**

The first sentence of subsection (a) shall be amended and replaced as follows:

Annually, not later than March 1, except calendar year 2004, which shall be not later than April 1, and not before January 1 of the taxable year, the person or persons claiming an exemption under this article must file an affidavit with the commissioner of the revenue.

This Ordinance shall become effective upon adoption.

Mr. Haraway opened the public hearing for citizen comments. There were no public comments.

Mr. Haraway closed the public hearing.

Upon motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the above ordinance was adopted as presented.

IN RE: PUBLIC HEARING A-04-4 ORDINANCE TO AMEND SECTION 15-3 OF THE CODE OF THE COUNTY OF DINWIDDIE, VIRGINIA TO REGULATE HUNTING AND THE DISCHARGE OF FIREARMS IN THE COUNTY

This being the time and place as advertised in the Monitor on April 21, 2004 and April 28, 2004, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comment on the following matter:

AN ORDINANCE TO AMEND SECTION 15-3 OF THE CODE OF THE COUNTY OF DINWIDDIE, VIRGINIA TO REGULATE HUNTING AND THE DISCHARGING OF FIREARMS IN THE COUNTY.

The County Administrator stated the amendment to Section 15-3 of the County Code was brought to the attention of the Board by Mr. Paul Booth, Game Warden, several months ago.

Mr. Booth stated the request for the amendment was brought about after he received many complaints from citizens in the County. He said the State does not endorse changes in the County Code; it is left to the discretion of the Board.

The ordinance is as follows:

BE IT ORDAINED BY THE BOARD OF SUPERVISORS of the County of Dinwiddie, that Section 15-3 of the Code of the County of Dinwiddie, Virginia be amended and reenacted to read as follows:

Sec. 15-3. **Hunting; discharge of firearms; exceptions**.

(a) It shall be unlawful and a class 3 misdemeanor for any person to hunt with a rifle of a caliber larger than .22 in the county, except in the hunting of groundhogs (woodchucks) between March 1 and August 31; however, this section shall not apply and does specifically exempt from the above provisions the hunting of game species with a muzzle-loading rifle during the prescribed open seasons for the hunting of game species as established by the Commission of Game and Inland Fisheries; provided, however, **(1)** the use of such muzzle-loading rifle in the hunting of deer may only be from a stand located at least ten (10) feet in elevation above the ground; and **(2)**"accelerator" cartridges **are** strictly prohibited from use in conjunction with said muzzle-loading weapons. **Under subsection (1) if such person is unable to walk or climb due to impaired mobility or has any other disability that prevents or severely restricts mounting such a stand as evidenced by a completed physician's affidavit provided to the County and such person holds a valid permit issued pursuant to Va. Code § 29.1-302.1(C) such person is exempted from this restriction.**

(b) It shall be unlawful and a class 3 misdemeanor to hunt with a firearm on or within fifty (50) feet of the center of any primary or secondary highway.

(c) It shall be unlawful and a class 2 misdemeanor to discharge a firearm within one hundred (100) yards of any public park or school.

This ordinance shall become effective upon the date of adoption by the Board of Supervisors.

Heard by:

Board of Supervisors: _____ _____
approved

Mr. Haraway opened the public hearing for comments.

1) David Spiers, Sr. – 19516 Depot Road, McKenney, VA – stated he objected to the 50' from the center of the road requirement. His primary objection was visibility and limiting senior citizens who might want to hunt.

2) Edward Harrell – 8610 Courthouse Road, Church Road, VA – said his property runs along Hatchers Creek near the Park at Five Forks and he primarily hunts on the ridge, which is less than 100 yards from the boundary. He commented he was opposed to all 3 of the requirements.

3) Michael W. Bratschi – 23500 Cutbank Road, McKenney, VA – told the Board for years he had called the police and State troopers about the hunters lining up in front of his house during hunting season. He said he has four children that he was concerned for their safety. He commented he supported the adoption of the ordinance and it should be a class 1 misdemeanor.

4) Glen Alvis – Carson Road, Dinwiddie, VA – commented he was one of the people who contacted Mr. Booth about the problems with the hunters and he supported the ordinance.

5) Tim Claiborne – 16421 Cantree Road, McKenney, VA – said he agreed with the safety of the kids, but it was not safe for the hunters to have to stand 50' in the woods to hunt. He commented when they hunt close to the road in open sight it is a lot safer.

6) Norman Ingram – 8321 Brilles Road, McKenney, VA – stated most of the hunters use the power line right-of-ways, which have been cleared to wait for the deer to run out of the woods.

Mr. Haraway closed the public hearing.

Mr. Stone asked Mr. Booth if there were any hunting laws on the books for Dinwiddie County to disallow hunting 50' from the center of the road? Mr. Booth replied no.

Mr. Bowman asked Mr. Booth if there should be a requirement for the 100 yards for homes and businesses also, not just parks and schools. Mr. Booth stated each County has a choice... the State does not make that decision for the Board. Mr. Bowman commented it was unsafe for anyone to hunt on the ground with any rifle that could travel up to 5 miles. He also stated maybe some of the hunters in the hunt clubs could assist handicapped persons who want to hunt.

Mr. Moody made the motion to approve sub-section (a) to allow the exception for persons with disabilities or impaired mobility that prevents or severely restricts mounting a ten (10) foot elevated stand to hunt with a muzzle loading weapon. There was no second to the motion. Mr. Moody commented he did not feel this amendment would affect that many people. The muzzle-loading season only lasted two weeks in a year. He said he felt the Board should allow them this pleasure if they wanted to participate.

Mr. Bowman commented he would not object if they could hunt with shotguns, but he felt it would be unsafe to allow them to hunt with high-powered rifles.

Mr. Haraway asked if there was a second. No one seconded Mr. Moody's motion so he declared the motion dead.

Mr. Haraway called for a motion for sub-section (b) of the ordinance. There was no motion therefore the motion died.

Mr. Stone made the motion to approve sub-section (c) as stated. Mr. Moody seconded the motion. However, he felt public park should be defined and requested that Mr. Stone agree to remove "public park" from the motion. Mr. Stone agreed to the amendment. After a lengthy discussion regarding which parks should or should not be considered the Chairman called for the roll.

Mr. Stone, Mr. Bowman, Mr. Moody, voting "Aye", Ms. Moody stated she had to vote "no" because she felt "public park" should be included in the motion. Mr. Haraway stated he voted "no" for the same reason. Motion carried.

The County Administrator asked the Board if they would like to have the County Attorney get a definition for "public park"? The Board members replied yes.

IN RE: PUBLIC HEARING – CONVEYANCE OF CARSON DEED TO THE COUNTY OF PRINCE GEORGE

This being the time and place as advertised in the Monitor on April 21, 2004 and April 28, 2004, and Progress-Index April 28, 2004, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comments on the proposed conveyance of four separate parcels of land commonly known as the Carson Elementary School to the County of Prince George.

The County Administrator commented this was a request from the County of Prince George to release the County's interest in the abandoned Carson School, which was shared by the two Counties. It is the proposed conveyance to Prince George County of the County of Dinwiddie's interest in four separate parcels of land generally situated in Prince George County and described in "Attachment A" as a quit claim deed dated February 9, 2004 from the Dinwiddie County School Board to the County of Dinwiddie. Said property was commonly known as the Carson Elementary School, Prince George County.

Mr. Haraway opened the public hearing.

1) Michael Bratschi - 23500 Cutbank Road, McKenney, VA – opposed the conveyance of the property.
2) George Whitman – 13010 Old Stage Road, Petersburg, VA –was opposed to the conveyance of the property. He felt we needed more information.

The County Administrator stated the public hearing could be closed and the action taken at a later meeting and she would investigated what use Prince George County had for the property and building.

Mr. Haraway closed the public hearing.

The Board members felt they should know what it was going to be used for.

IN RE: CITIZEN COMMENTS

1) Diana Parker – 10700 Chalkley Road, Richmond, VA23237- Conservation Chair, Falls of the James Group Sierra Club, distributed letters to the Board regarding the High Speed Rail Corridor and Transportation Hub for Hampton/Newport News. She stated she and other citizens hoped that Dinwiddie would send representation to the TIER II committee meeting on May 12th to request that the study include the crossover alternative from Alberta to Jarratt through Petersburg. This would be the answer to Dinwiddie's concerns for protection of it's Greenways plan, it's historic battlefields, and impacts to safety, and recreational and economic development.

2) Anne Scarborough – Boydton Plank Road, Dinwiddie, VA – commented the Board told her at the last meeting that the hourly rates for the County Attorney would be on the table but it is not. The County Administrator replied they are in the public book. Mrs. Scarborough also stated Mr. Haraway had requested that the statistical reports from the Department Heads would be on the table for the citizens too. She commented about all the job descriptions, which had been added to the requirements for the Environmental Technician who was hired to monitor the biosolids applications. She said he doesn't have the qualifications to take care of soil erosion, drainage problems and assist with code violations and monitor the applications. His job should be to monitor biosolids.

3) Michael Bratschi - 23500 Cutbank Road, McKenney, VA – commented 2 months ago he went to Mr. Lowery regarding the County negotiating the purchase of his property. He stated he sent a FOIA request to the Assistant County Administrator and Director of Planning regarding documents related to the purchase of Mr. Lowery's property. He stated he did not think FOIA guidelines are being followed by Mr. Massengill or Mr. Scheid. He commented that Mr. Bowman was in conflict for his role in the negotiations and asked him how much he stood to gain on the sale of the property. Mr. Bowman responded he did not stand to gain anything from the sale of the property and he excused himself anytime there was a discussion of the property in closed session. He pointed out that the property had been selected by an Engineer because it was a desirable location. He stated a third party made the offer for the property. He also commented that he would meet with Mr. Bratschi anytime he had questions.

4) Geri Barefoot – Frontage Road, Petersburg, VA – she gave the Chairman a copy of the Adequate Public Facilities Ordinance and asked that it be looked into for adoption. She stated she still has a problem with the County not having a biosolids monitor. Mr. Scheid and Mr. Harris are not monitoring the spreading of biosolids. The ordinance was adopted in February and no one has been monitoring anything. On March 16, 2004 the Board adopted "Code of Ethics". She said Mr. Moody was in conflict when he voted on any issues dealing with biosolids.

5) George Whitman – 13010 Old Stage Road, Petersburg, VA – stated the County needs a strong engineer in the Planning Department. There are some serious problems in the County because it does not have an engineer. He commented the subdivision developers should be made to come back and fix the roads that were not done correctly.

IN RE: COUNTY ADMINISTRATOR COMMENTS

1) The County Administrator stated a memo from the Director of Public Safety was enclosed in the Board packets concerning the appointment of a committee to study the provision of fire and emergency medical services in the County. The Board felt they should hold off on the appointments until someone is hired for the position over that department.
2) Mrs. Ralph commented Mr. Hunter Smith for Dinwiddie Health Care Center asked for representation from the County because another meeting is going to be held May 5, at 1:00 P.M. for the proposed Nursing Home. She said Mr. Scheid, and Mr. Moody are planning to attend.

3) The County Administrator stated Davenport representatives were making arrangements for their trip on May 13 & 14, 2004,to secure a bond rating for the County. She will be attending along with Mrs. Townsend, the Fiscal Officer and the Chairman.

IN RE: BOARD MEMBER COMMENTS

Mr. Moody commented he attended a VACo Board of Directors meeting and learned they offer different services that might provide savings for the county: a) bond financing b) lease purchasing c) health plans d) insurance.
2) He commented he had asked VDOT to check into changing a secondary road into a primary road to see if it would provide more funding to the county. Halifax Road and Zilles Road stay torn up because of the high volume of traffic on them. He said these are a couple of roads that the he would like for VDOT to take a look at getting changed to primary roads to see if it would be beneficial to the County. He stated if the other members would like to add any to the list let him or Staff know so they could contact VDOT. 3) He stated he would like to respond to the citizen comment regarding the biosolids and his conflict of interest. He said he pulled out the Code of Ethics the Board adopted to make sure of what the Board had done. It states, "Engage in no business with the county government, or the school system, either directly or indirectly, which is inconsistent with the conscientious performance of Board of Supervisors duties except as may be consistent with the conflict of interest statutes in the Code of Virginia." He stated he thought the key word is "consistent" with the conflict of interest statutes". He said he looked at the statutes and it was stated earlier on in the year, and everyone knew, that he was employed by a biosolids company and his wife is part owner in a biosolids company. It was very common knowledge and it was very well known by the public; so the only thing that was questionable was whether or not he disclosed it to the public or not. He commented as far as he was concerned the whole general public knew about his employment. Continuing he stated everyone on the Board has a conflict and he did not know how a county government could be run, without conflicts, unless everyone on the Board was retired. He stated Mr. Stone works for an electronics company and if any business came before the Board that was in that nature he would want his opinion on the matter so that he could help the Board make a decision and he would not see that as a conflict. Mr. Bowman has a background in agriculture and slot machines; and if a zoning issue came up about that, would he have to abstain from voting on that? He said he didn't think so. Mr. Haraway has business with the hospital and he certainly could have a conflict with some issues. But he has great knowledge that he can share with the Board on those issues. He commented that he did not see that by him sharing his ideas that dealt with his background as a conflict. It is a conflict only if a Board member gains monetarily. He said the actions he has taken on biosolids did not provide any gain monetarily for he or his wife. They actually were a hindrance because he pushed for the biosolids ordinance, which the County did not have. He commented he pushed for the ordinance because the citizens wanted one and he voted for it and his action affected him no more or no less than any other member of the Board. He stated he did not see that as a conflict and that is the way he read the Conflict of Interest statute.

Ms. Moody stated the personnel in the Sheriff's Department do not have any CPR or first aid training and she felt it should be offered to them because they are the first ones to arrive at accident scenes.

Mr. Bowman stated at the Crater Planning meeting last week they were asked to suggest alternate routes to take to the TIER II Committee for High Speed Rail to take instead of the "S" line through Dinwiddie County near Pamplin Park. He suggested that the Board endorse a different line. He suggested the one, which would travel from Alberta through Jarrett into Petersburg to Colliers Yard instead of coming into Dinwiddie County. This route would ward off the fight over the County's battlefields. He requested that the Board take action to endorse a route tonight that does not go anywhere close to Pamplin Park.

Upon motion of Mr. Bowman, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the Board endorsed the line which would travel from Alberta through Jarrett into Petersburg to Colliers Yard instead of coming into Dinwiddie County, and agreed to restate their position of opposing the rail line coming into Dinwiddie County at all.

The County Administrator commented the Board went on record two years ago protesting the "S" line usage for the high-speed rail coming through the County.

Mr. Bowman commented it was also brought to his attention at the meeting that a water line runs along that right-of-way from Lake Gaston to Virginia Beach. He commented he didn't feel that was too far to run a water line to McKenney, which is in dire need of water. He requested that the County Administrator investigate tapping into that line.

Mr. Stone stated at the opening ceremonies Saturday for the Dixie Youth Baseball Mr. George Perkinson was honored for 40 years of umpiring and dedicated service to the league. May 12th at 8:00 P.M. there will be a concert at Longwood College with proceeds going to the Madeline House, which serves many of the residents in the County. He commented at the April 14th Continuation Meeting the Board took action on three items after the recess for dinner and he left the meeting to attend the Planning Commission meeting. He stated after teaching Government for many years he knew that the Board could do that. However, he did have a problem with not knowing anything about the appropriation of money to the Schools until May 1st, seventeen days after the vote occurred. He said he would have appreciated it if a Board member or Administrative Staff member had informed him of the actions that were taken. He stated he would be attending a conference from the 12th – 16th and he could be reach on his cell phone. He also asked the County Administrator if she thought we would have a figure for the law firm costs for the bond refunding by the next Board meeting? She replied yes. Mr. Haraway apologized for not informing him of the actions that the Board took at the April 14th meeting. Mrs. Ralph also apologized.

Mr. Haraway encouraged the Board members to attend the Crater Planning District Commission annual meeting at 5:30 P.M. May 19th at the Petersburg Country Club.

IN RE: CLOSED SESSION

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

§2.2-3711 A. 1 – Personnel and *Appointments*

Mr. Bowman seconded the motion. Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 9:27 P.M.

The meeting reconvened into Open Session in the Board Meeting Room at 10:39 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under:
§2.2-3711 A. 1 – Personnel matters – *and Appointments*

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

IN RE: REAPPOINTMENT – DINWIDDIE COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY – MR. WAYNE BARNES

Upon motion of Ms. Moody, Seconded by Mr. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Wayne Barnes is hereby reappointed to the Dinwiddie County Industrial Authority, term expiring February 5, 2008.

IN RE: INFORMATION IN BOARD PACKET OR DISTRIBUTED

1. Letter from County Attorney to Mr. Stone regarding rates charged by the law firm for services to the County.
2. Fax from VDOT regarding criteria for transferring Secondary roads to the Primary system.
3. Letter from VDOT advising County of revised statute governing taking certain streets in to the secondary system.
4. Letter from WorldView Solutions commending David Thompson, GIS Director.
5. Letter of introduction from Michael A. Estes, P.E., Interim Director of the Local Assistance Division, VDOT.
6. Minutes of the District 5 – Community Meeting, April 26, 2004.

IN RE: ADJOURNMENT

Upon Motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the meeting adjourned at 10:44 P.M. to be continued until 10:00 A.M. on Tuesday, May 18, 2004 for a Closed Session for Personnel matters.

Donald L. Haraway, Chairman

ATTEST: Wendy Weber Ralph
Wendy Weber Ralph
County Administrator

/abr

VIRGINIA: AT THE CONTINUATION MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD CONFERENCE ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 18TH DAY OF MAY, 2004, AT 10:30 A.M.

PRESENT:	DONALD L. HARAWAY –CHAIRMAN	ELECTION DISTRICT #2
Arrived 10:47	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5

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Mr. Donald L. Haraway, Chairman, called the regular meeting to order at 10:35 A.M. in the Board meeting room of the Pamplin Administration Building.

IN RE: CLOSED SESSION

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

***§2.2-3711 (A)(1)* of the Code of Virginia - Personnel** – County Administration

Mr. Stone seconded the motion. Ms. Moody, Mr. Stone, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 10:35 A.M.

A vote having been made and approved the meeting reconvened into Open Session in the Board Meeting Room at 12:37 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under §2.2-3711 A. 1 Personnel – County Administration;

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

RE: ADJOURNMENT

Upon Motion of Ms. Moody, Seconded by Mr. Moody, Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the meeting adjourned at 12:38 P.M.

Donald L. Haraway, Chairman

ATTEST: Wendy Weber Ralph
Wendy Weber Ralph
County Administrator

/abr

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 18TH DAY OF MAY, 2004, AT 12:30 P.M.

PRESENT:	DONALD L. HARAWAY – CHAIRMAN	ELECTION DISTRICT #2
	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5
OTHER:	PHYLLIS KATZ	COUNTY ATTORNEY

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Mr. Donald L. Haraway, Chairman, called the regular meeting to order at 12:24 P.M. in the Board Meeting room of the Pamplin Administration Building.

IN RE: LUNCH RECESS

The Board recessed for lunch at 12:24 P.M. The meeting reconvened at 1:03 P.M.

IN RE: CLOSED SESSION

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

***§2.2-3711 (A)(1)* of the Code of Virginia - Personnel** – County Administration and Appointments

Mr. Bowman seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 1:47 P.M.

A vote having been made and approved the meeting reconvened into Open Session in the Board Meeting Room at 2:07 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under §2.2-3711 A. 1 Personnel – County Administration and Appointments;

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

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

Mr. Donald L. Haraway, Chairman, called the regular meeting to order at 2:07 P.M. He commented before the Lord's Prayer and the Pledge of Allegiance that there be a moment of silence for Deputy Sam Winn who passed away last night.

IN RE: AMENDMENTS TO THE AGENDA

The County Administrator requested that the agenda be amended to continue the Closed Session for §2.2-3711 A. 1 – Personnel- Appointments; County Administration and add the following items under Action Items 7) - # 4 Communications Wiring – Public Safety Building and # 5 Change Order NVFD Renovations.

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

IN RE: MINUTES

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the minutes of the April 27, 2004 Continuation Meeting, May 4, 2004 Regular Meeting, are approved in their entirety.

IN RE: CLAIMS

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway 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 1039578 through 1039735 (void check(s) numbered 1039660, and 1039726 - 1039729)

Accounts Payable:

(101) General Fund	$	168,508.18
(103) Jail Commission	$	
(209) Litter Control	$	
(222) E911 Fund	$	5,009.37
(223) Self Insurance Fund	$	
(225) Courthouse Maintenance	$	
(226) Law Library	$	
(228) Fire Programs	$	
(229) Forfeited Asset Sharing	$	
(304) CDBG Grant Fund	$	190.38
(305) Capital Projects Fund	$	
(401) County Debt Service	$	58,384.51
TOTAL	**$**	**232,092.44**

IN RE: CITIZEN COMMENTS

1. Anne Scarborough – Boydton Plank Road, Dinwiddie, VA. – stated she wanted to know the date, time of departure and return, costs, and details of the trip that the County Administrator, Fiscal Officer, County Attorney and Davenport representative took to New York for the bond rating for the County. She also asked when the Board took action to approve the travel. Mrs. Scarborough also questioned the hiring of the Environmental Technician, his qualifications for the job and his ability to handle the responsibilities, which were added to the job. She stated at the meeting where the financial advisor and county attorney presented the refunding information for the bond issues to the IDA and Board, John Scarborough, asked how much the attorney was going to get paid, but no one answered his question. She encouraged the

Board to allow the policeman who was hired for the part-time position Environmental Technician position to monitor biosolids and to also hire an engineer that is so badly needed for the planning department. She requested that someone answer the question raised by Mr. Scarborough regarding the charges for the refunding. Mr. Haraway directed the County Administrator to send Mrs. Scarborough a copy of the letter with the breakdown of charges for the refunding for the bond issue. He stated he would like to address the trip to New York for the bond rating. He said he left the Richmond Airport at 1:10 P.M. Thursday and arrived in New Jersey at 2:30 P.M. and the airline lost his luggage. He was at the airport for 3-hours. The next morning his luggage had still not arrived and he had to wear the same clothes he had on the day before. All day Friday was spent in interviews to get a bond rating for the County, which was the purpose of the trip. Continuing he stated he was scheduled to leave Friday night at 5:30 P.M. but the airline cancelled his flight so he booked a flight to Washington DC rented a car and drove 2 ½ hours and arrived home at 3:00 A.M. He said he took a day off which he did not get paid for either and it was not a pleasurable trip. But the good news is that the indication they got was that the County is a solid "A" rating and if more residents were employed in the County it probably would have been a "AA". The trip was a success because with a bond rating the County will be able to get loans with discounted interest rates from ¼ to ½ of a percent; which will save the County money in the long range. The County Administrator stated Staff had to provide some follow up information to the bonding company but hopefully we will have a response within 2-weeks.

2. Geri Barefoot – 7411 Frontage Road, Petersburg, VA – commented she attended the High Speed Rail workshop in Richmond and the water line, which runs from Lake Gaston to Virginia Beach, is on a higher elevation and the railroad tracks would not affect it on the "A" Line. She also stated she had a map of the proposed rails with trails. The Civil War Preservation Trust is purchasing land around the Pamplin Park area and in the County and she has a map of the Battlefields that need to be preserved. She requested that the Board go on record to oppose the High Speed Rail using the "S" line from Raleigh to Richmond.

IN RE: VDOT REPORT

Mr. Timothy Overton, Assistant Resident Engineer, Virginia Department of Transportation provided the following update:

1. Route 600 Bridge project – maps for alternate routes for the one lane closure of the bridge have been prepared for distribution to the citizens and work should begin in the latter part of June.
2. Route 619 – paving work was completed last month.
3. Virginia Motorsports Race Event – VDOT will be assisting with traffic control for the Memorial Day weekend.

Board Member Request/comments

Mr. Stone asked when the mowing was scheduled to start for the Primary and Secondary Roads and he hoped they would mow more than they did last year. Mr. Overton replied VDOT had been working on completing the pavement maintenance issues and mowing is scheduled to start shortly. He said there will be a lot of concentration on keeping the grass cut.

IN RE: RESOLUTIONS DESIGNATING OLD PINE ROAD, SPRIGGS ROAD, BIRDS NEST ROAD, RURAL RUSTIC ROADS

The County Administrator stated the County received a request from VDOT for resolutions to designate three roads Rural Rustic. Mr. Overton was asked what this consisted of and who decided which roads would be designated Rural Rustic. He replied they were included in the Six-Year Plan and it was mainly a few loads of gravel and surface treatment done to the roads. There would not be any engineering expenses or purchase of right-of-ways. Mr. Bowman asked if anything was planned for Spain Road? Mr. Overton commented he didn't have a copy of the Six-Year Plan and did not know which roads were included in it. Mr. Stone asked about Brills Road. Mr. Moody commented Brills Road was in the Six-Year Plan but it was not a Rural Rustic project. Mr. Bowman asked how this would affect other projects ahead of them in the plan. Mr. Overton stated he would have to get a copy of the Six-Year Plan and report back to the Board.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", the following Resolutions were adopted.

RESOLUTION

WHEREAS, during the 2002 session of the General Assembly, legislation was passed to revise §33.1-70.1 of the code of Virginia, to allow for the improvement and hard surfacing of certain unpaved roads deemed to qualify for and be designated a **Rural Rustic Road**; and

WHEREAS, such roads must be located in a low-density development area and have a minimum of 50 vehicles per day (vpd), and have no more than 500 vpd; and

WHEREAS, this Board is unaware of pending development that will significantly affect the existing traffic on the road; and

WHEREAS, the citizens that utilize this road have been aware of this road being paved with minimal improvements; and

WHEREAS, this Board believes Route 694, Old Pine Road should be designated a Rural Rustic Road, From: Route 622

To: End Of State Maintenance owing to its qualifying characteristics; and

WHEREAS, the road aforesaid is in this Board's six-year plan for improvements to its secondary system of state highways:

NOW, THEREFORE, BE IT RESOLVED, this Board hereby designates and requests VDOT's Resident Engineer to concur in the aforesaid road as a Rural Rustic Road.

BE IT FURTHER RESOLVED, this Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED that a certified copy of this resolution is forwarded to the Resident Engineer for the Virginia Department of Transportation.

RESOLUTION

WHEREAS, during the 2002 session of the General Assembly, legislation was passed to revise §33.1-70.1 of the code of Virginia, to allow for the improvement

and hard surfacing of certain unpaved roads deemed to qualify for and be designated a **Rural Rustic Road**; and

WHEREAS, such roads must be located in a low-density development area and have a minimum of 50 vehicles per day (vpd), and have no more than 500 vpd; and

WHEREAS, this Board is unaware of pending development that will significantly affect the existing traffic on the road; and

WHEREAS, the citizens that utilize this road have been aware of this road being paved with minimal improvements; and
WHEREAS, this Board believes Route 729, Spriggs Road should be designated a Rural Rustic Road, From: Route 661

To: End Of State Maintenance owing to its qualifying characteristics; and

WHEREAS, the road aforesaid is in this Board's six-year plan for improvements to its secondary system of state highways:

NOW, THEREFORE, BE IT RESOLVED, this Board hereby designates and requests VDOT's Resident Engineer to concur in the aforesaid road as a Rural Rustic Road.

BE IT FURTHER RESOLVED, this Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED that a certified copy of this resolution is forwarded to the Resident Engineer for the Virginia Department of Transportation.

RESOLUTION

WHEREAS, during the 2002 session of the General Assembly, legislation was passed to revise §33.1-70.1 of the code of Virginia, to allow for the improvement and hard surfacing of certain unpaved roads deemed to qualify for and be designated a **Rural Rustic Road**; and

WHEREAS, such roads must be located in a low-density development area and have a minimum of 50 vehicles per day (vpd), and have no more than 500 vpd; and

WHEREAS, this Board is unaware of pending development that will significantly affect the existing traffic on the road; and

WHEREAS, the citizens that utilize this road have been aware of this road being paved with minimal improvements; and
WHEREAS, this Board believes Route 746, Birds Nest Road should be designated a Rural Rustic Road, From: Route 708

To: End Of State Maintenance owing to its qualifying characteristics; and

WHEREAS, the road aforesaid is in this Board's six-year plan for improvements to its secondary system of state highways:

NOW, THEREFORE, BE IT RESOLVED, this Board hereby designates and requests VDOT's Resident Engineer to concur in the aforesaid road as a Rural Rustic Road.

BE IT FURTHER RESOLVED, this Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees,

vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED that a certified copy of this resolution is forwarded to the Resident Engineer for the Virginia Department of Transportation.

IN RE: COMMISSIONER OF THE REVENUE REPORT – DECREASE IN NADA VALUES

Mrs. Lori K. Stevens, Commissioner of the Revenue, reported that due to the decrease in NADA values there would be a decrease in income in the budget for FY04-05. The County Administrator commended the Commissioner and her Staff and asked if she would expound on other resources that had been discovered that might offset some of the losses. The Commissioner pointed out some new construction had been picked up from the building permits issued which would increase the real estate taxes. Also, there were some vehicles that had been missed on the DMV books that Staff found when they were verifying the records. She stated they would continue to look for revenue to help offset the decrease in NADA values.

Personal Property Values and Tax Comparison of 2003 and 2004

	VALUE				TAX		
	2003	2004	% Decrease		2003	2004	Difference
Personal Property	137,431,061	122,021,510	11.26%		6,734,209.61	5,979,135.56	(755,074.05)
Mobile Homes	9,867,819	9,407,269	10.49%		75,982.12	72,435.93	(3,546.19)
Heavy Contstruction Machinery	3,053,966	2,904,946	10.51%		100,781.01	95,863.35	(4,917.66)
Machinery & Tool	16,171,636	17,254,155	9.37% I		533,664.21	569,387.39	35,723.18
Volunteers	1,187,556	1,256,932	94.48% I		2,969.01	3,142.46	173.45
Airplanes	1,075,140	701,530	15.33%		5,375.70	3,507.72	(1,867.98)
Late Filing Penalty					88,691.01	81,199.60	(7,491.41)
				TOTAL	**7,541,672.67**	**6,804,672.01**	**(737,000.66)**

******These figures do not reflect any abatements or supplements******

The following reflects Chapparal Exemptions

Certified Pollution	6,737,801	27,575,269	2.44% I		222,347.45	8,272.58	(214,074.87)
Recycling Pollution Control	60,043,121	21,291,435	28.20%		1,981,423.30	702,617.21	(1,278,806.09)
				TOTAL	2,203,770.75	710,889.79	(1,492,880.96)
				GRAND TOTAL			(2,229,881.62)

I - Denotes increase

Mr. Haraway stated he received a letter from a man who owned a piece of property in the County but had sold it six years ago but was still receiving a tax bill for the property. Every year he had written a letter to the former Commissioner but he continued to receive the bill. However, this year he received the tax bill and wrote a letter to Mrs. Stevens and she answered him and took care of it. Mr. Haraway commented this is an example of the some of

the problems she has had to deal with. He commended Mrs. Stevens for all her efforts.

IN RE: CONVEYANCE OF DEED – CARSON SCHOOL

The County Administrator stated the public hearing was held at the last meeting and the Board had questions about the conveyance of the deed for Carson School and she contacted Mr. Martin Robertson, County Attorney for Prince George, to come and address those issues.

Mr. Robertson advised the Board that the deeds that were done for Carson School were recorded in 1913 and he did not understand why, but 5 deeds made up the whole property. A very small strip of land just beyond the railroad tracks is located in Dinwiddie County. According to all the records he found, Dinwiddie County had not contributed any funds for the construction or maintenance of the property. It has not been designated a historical site. Carson Fire and Rescue have requested a portion of the property to build a new Fire Station and some citizens have asked to use the school for a Community Center.

Mr. Haraway reiterated that the County had not provided any financial assistance to Prince George for the building or maintenance of the property. Mr. Robertson replied that was correct.

Mr. Bowman stated due to the fact that the property would be used for Fire and Rescue and or a Community Center, Dinwiddie County residents in that area would benefit from both uses and he moved to approve the quit claim deed for the conveyance of the property. Mr. Moody seconded the motion. Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia authorized the Chairman to sign the quit claim deed to convey the County's interest in the Carson School property to the County of Prince George, Virginia.

IN RE: AUTHORIZATION TO ESTABLISH JAMESTOWN 2007 COMMITTEE

Mr. Tim Smith, Director of Recreation, stated as you are aware, Virginia has taken on a major campaign to promote the 400th anniversary of the birth of our nation. As a part of the celebration to aid in distributing the anticipated masses of tourists, localities are being requested to participate in the statewide Jamestown 2007 Community Program.

He commented the Board desired to pursue this venture, and a committee should be established. The legacy project could be a coordinated venture with the National Park Service and County. They received federal funding for a new contact center at Five Forks. He also stated that we could begin the preparations for a County Heritage Day, to include agriculture, forestry, Civil War History, Indian culture and education.

He requested that the Board approve the composition of the committee as follows:

A member of the Board, two members of staff and four or six members of the community, with the understanding that this committee would then work with other organizations and agencies as needed.

Upon motion of Mr. Bowman, Seconded by Ms. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", the composition of the Jamestown 2007 committee as recommended by the Recreation Director was approved.

IN RE: INDUSTRIAL DEVELOPMENT AUTHORITY APPOINTMENT- MR. PAUL W. WALK, JR.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Paul W. Walk, Jr., is hereby appointed to fill the unexpired term of A. Jack Eubank, at large appointment, on the Dinwiddie County Industrial Development Authority, term ending February 5, 2005.

IN RE: DINWIDDIE FIRE & EMS INVOICE FOR REPAIRS ON 1993 PIERCE FIRE ENGINE TRUCK

Mr. David Jolly, Director of Public Safety, explained that Dinwiddie VFD had the work done on the 1993 fire engine because they do not have any reserve units to use. They paid the invoice from the volunteer fire budget preventive maintenance line item but it was more than routine maintenance and he felt they should seek the Board's approval for the invoices to be paid from the capital line item of the volunteer fire budget. The invoice was $2,815.50 for the replacement of the fuel tank and rebuilding of two intake suction valves. In addition, there was an electrical problem, which had to be repaired, and a primer pump had to be replaced on the same vehicle. These invoices will be submitted to the Board also.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that payment for the invoice for $2,815.50 for the replacement of the fuel tank and rebuilding of two intake suction valves for the Dinwiddie VFD was approved with funding from the capital line item of the volunteer fire budget.

Mr. Jolly also reported that the replacement ambulance was ready to be delivered and it should be in the County by June 1, 2004. The insurance has paid for the majority of the costs for the replacement vehicle.

IN RE: COMMUNICATIONS WIRING PUBLIC SAFETY BUILDING

Ms. Denise Absher, Communications Manager, presented the Board with an estimate from McCray Electric Co., in the amount of $6,560.00 to provide power wiring and grounding at the Public Safety Building. The bid was based on using McCray's current contract rates with a 0% mark up on the materials. The work is necessary because the communication equipment must be grounded to protect the equipment. The breakdown is as follows: new grounding system - $1,810.00; new circuits - $1,470.00; new UPS feed - $3,280.00.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia authorized the Communications Manager to proceed with the power wiring and grounding at the Public Safety Building with McCray Electric Co., in the amount of $6,560.

IN RE: CHANGE ORDER #3 NAMOZINE FIRE STATION RENOVATIONS

Mr. Gene Jones, Buildings and Grounds Director, commented he had a request for a change order in the amount of $6,212.15 to provide gas piping to the appliances and air handling units for Namozine Fire Station and Annex Building which he felt was due to an error by the Architect, De Stefano Design.

The riser diagrams were not provided in the construction documents for the bid and Mr. DeStefano is out of town and won't be back for a couple of weeks. He stated there was also a code change that the building inspector found which would prohibit them from using the existing pipelines. Mr. Jones stated he did not want to hold up the work and recommended that the Board allow him to proceed with the work and he would discuss the issue with Mr. DeStefano when he returns. He informed the Board that the County still owes Mr. DeStefano some funds and he felt he should share his error in the diagrams he provided in the bid process.

Mr. Moody made the motion to approve the change order for the gas lines with the understanding that the Buildings and Grounds Director would discuss the issue with the Architect. Mr. Bowman seconded the motion, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Change Order #3 for the gas piping for Namozine Fire Station and Annex Building in the amount of $6,212.15 was approved with the stipulation that the Architect share in the responsibility for his error in the diagrams he provided.

IN RE: COUNTY ADMINISTRATOR COMMENTS

1. The County Administrator commented the Board is scheduled to meet on May 26th at 3:00 P.M. at the Eastside Enhancement Center for the Growth Management workshop and if it would be agreeable with them, Dr. Jim Lanham would like to meet with them at 2:30 P.M. to review the amended FY05 School budget as a result of the additional state funding. The Board members agreed.

IN RE: BOARD MEMBER COMMENTS

Ms. Moody stated she would like to revisit the hunting ordinance to add "park" back in it. When the ordinance was adopted "park" was removed and she felt it should be added back for the safety of all the citizens. The County Administrator stated the County Attorney was working on a definition for "park" to add it back to the ordinance.

Mr. Bowman commented it is a pleasure working with the Board this year.

Mr. Stone asked everyone to remember the Winn family in their prayers. Sam passed away last night. He was a Deputy in the Sheriff's Department for 10 to 12 years and Becky worked in the Commissioner of the Revenue's Office for many years. They have two children ages 8 and 5. He stated he expected the Board members and Staff to attend the funeral.

Mr. Haraway commented the people they met with in New York for the bond rating for the County were very impressed with the financial condition of the County. They felt the County has a solid "A" rating and if more residents worked in the County it would be a "AA" rating. This rating could mean a savings of ½ to ¼ percent on interest rates. He commented interest rates are anticipated to rise. Hopefully the process will be completed by the end of June and there should be a savings in interest expense on loans for the County.

IN RE: DISCUSSION OF LAUNDRY LIST

Mr. Stone stated there are no deadlines for the items on the laundry list. He suggested that staff should work towards getting resolutions at least within the quarter instead of several years. Mr. Haraway suggested that the Board make check marks on the items they wanted to remain on list and submit them to the County Administrator for discussion at a later date. The Board members agreed.

IN RE: HIGH SPEED RAIL WORK SHOP

The County Administrator introduced Mr. David Foster, NCDRPT, and Mr. Alan Tobias, Rail Passenger Project Manager, Virginia Department of Rail and Public Transportation and commented she had talked with them briefly about some of the concerns that have been expressed at the last Board meeting. She said she asked them to provide an update on the status of the project at this time.

Mr. Tobias commented at this time the project is in the Phase II Environmental Impact study on the section of the line between Collier Yard, just south of Petersburg, and Raleigh, North Carolina. What we are doing is taking a look at the "S" Line which is the rail line that runs through Dinwiddie County to try and identify the best route for rail service in that corridor. Several years ago the first phase of the Environmental Impact Statement and a corridor selection process was done. A variety of possible routes were looked at from Charlotte to Washington DC which was an extensive process. It was at that point; after the initial study and public input that the "S" line was chosen as the preferred route. Therefore, he said he felt that decision had already been made. It was an elaborate Federal DEIS study done by the Federal Railroad Administration and Federal Highway Administration that supports the selection of that route alignment. He commented that the specific details are now being worked out as to how the rail line will look. Although the rail facilities already exist in most locations, the Incremental HRS approach would require improvements at various locations within the travel corridors. He stated he understood from the Advisory Committee Meeting last week in Richmond that Mr. Stone attended that the Board is still very concerned about the location of the rail line. He commented that they certainly wanted to work with the Board and the issues involved such as the potential trails along that same corridor. He stated there are safety concerns about locating trails with pedestrians that close to trains running 110 MPH but it certainly could be done with proper fencing and with separation it was feasible. He said he would like to answer any questions the Board might have if he could.

Mr. Haraway asked Mr. Tobias what the determining factors were for choosing the line through Dinwiddie County instead of the Prince George-Sussex route. Mr. Tobias replied the primary reason was the directness of service to get over to the "A" Line. Mr. David Foster stated under the National Environmental Act there are 35-40 different areas that have to be analyzed. Nine different routes were analyzed to go between Washington DC and Charlotte which is over 500 miles and the impact study showed the "S" line would have minimal potential impacts; and by law that is what we are required to do.

Mr. Haraway commented that most of our residents look at this as a liability instead of an asset to the County. Would you help us see how this could be an asset to the County? Mr. Foster replied at first the usage for the "S" line was going to be for passengers only but rethinking the issue the present line is primarily used for freight and anything that is done is going to have to facilitate freight. Probably the most important thing for Southside will be the return of freight for three counties. There is also a possibility of a potential stop in Southside Virginia.

Mr. Stone asked if the trains would be traveling through the Town of McKenney at 110 MPH? Mr. Foster replied the goal is to have an average running speed around the mid eighties with a top speed of 110 MPH. He noted historically up through the 1940's there were no speed limits on the tracks and the trains ran up to 100 MPH.

Mr. Moody questioned how the stop for Southside, Virginia would be determined. Mr. Foster commented under the rider ship revenue model the Town of Lacrosse and the Town of Alberta could possibly have stops. The facts would be put out as to what it would do to performance and the decision makers of the two states will make the determination. Mr. Moody asked if it was still

open for other choices? He responded once the system is built it is always open for evaluation. Mr. Tobias stated that issue had been brought up in the public hearings and once the system is operating there is the possibility of the provision of local service. The purpose of the high-speed service would be defeated if there were many stops between Charlotte to Washington DC.

Mr. Haraway stated if this project materializes how would it be funded? Will it have a negative impact on the amount of money available for highway construction? Mr. Tobias responded no; the highway funds would not be impacted by this project. Right now there is no funding for it but hopefully there will be a Federal Program for the project. Mr. Foster stated there might be some Authority issued tax-exempt bonds. Mr. Stone commented the State or County would be responsible for the road closures. Mr. Foster stated that would be part of the railroad project. Mr. Tobias stated they would not be recommending any road closures without some alternate access plan.

Mr. Bowman commented the "A" line and the "S" lines were abandoned? Is that correct? Mr. Tobias replied no; it is the main freight line in use now. The "S" line was never abandoned. CSX owns the right-of-ways, which are still intact. Fiber optic lines run along the route. Mr. Bowman asked what the determining factors were that made you choose the "S" line over the "A" line? Mr. Bowman stated if the "S" line is in use now it would appear that it would be less impact on the environment to add one line to the existing operating line and there would be less road closures. Mr. Foster stated it was because of the impact studies and 90% of the wetlands in North Carolina and Virginia are east of I-95. So when you go west of that the wetlands drop drastically that's just one illustration of the impacts. Intuitively, you would think that. However, there are a lot of complications with that existing line; just like adding a lane to I-95, you have to handle and manage the existing traffic. With train operations that means slow orders on the line while you are working which means every train is brought way down to a slower speed limit, whether it is a freight or passenger train. Mr. Foster commented as a staff we were not wedded to any line. Whatever the facts showed that is what they were ready to go with. Mr. Tobias stated if it would be helpful the Board could look at the study to see what the process was to make the determination. Mr. Bowman commented the impact on Dinwiddie County just in road closures to come up the "S" line compared to the "A" line, which would not involve any closures, he could not see where it could be justified. Except for having to slow the trains down. Also, the impact on the battlefields in Dinwiddie County, there are more battlefields in Dinwiddie County than any other place in the Country, right here, in the State of Virginia. Think about the impact this will have on our battlefields and tourism. You are talking about destroying battlefields a part of our history versus the wetlands. Mr. Tobias replied he did not think they were going to destroy the battlefields. The line was already there and .... Mr. Bowman interjected you are going right through the middle of them and it creates a problem with our historians and our tourism which has developed since the line was abandoned. Pamplin Park is a multi-million dollar investment (private investment), like the beginning of Williamsburg. Would you even consider running a railroad down the middle of it? Mr. Tobias stated there is a freight train in Williamsburg.... Mr. Bowman replied not a high speed train, it is not the same. Mr. Tobias stated he understood. Mr. Bowman continued and to go through Chaparral Steel, which is an industrial park that the State has put a lot of money into that project. It is not acceptable. Mr. Tobias stated the alignment they are looking at now does not do that. The plan is to use the Burgess Connector, which is due east to Collier Yard and does not use that portion of the "S" line.

Mr. Bowman commented what Dinwiddie County, Chesterfield County and other counties would like to see is for you to use the crossover between Alberta to Jarrett and not come through this historical area and we would like to get a commitment from you today that you would do that. Mr. Foster stated he would commit to thoroughly consider the impacts in the corridors; but Alberta and Jarrett are not in the corridor. He stated the purpose of this documents is to get

down to the details and show what the impacts are and if there are impacts to the historical battlefields, which you have indicated, they will be revealed in the studies that are being doing. If not, then you will see what is being proposed and the County can weigh in on that through the public hearing process. Mr. Bowman asked if studies were going to be done for alternate routes through Dinwiddie County? Mr. Tobias stated Tier I has already done that's when the entire corridor was looked at to determine the corridor that would be used. The next phase was to try and find the best way to get through Petersburg and one of the things that was expressed primarily by the Federal Railroad Administration was to take a look at the "S" line as a possible alternative. In the initial phase there were several meetings with the officials from the City of Petersburg, Dinwiddie County and Chesterfield County and they got the message very clearly that the "S" line alignment above Burgess was not a viable alternative. He said as a part of the process they might have to go back and look at it. But for the same reasons it wasn't an option then, it probably would not be one now. The right-of-ways aren't there and too much development has taken place. That corridor and the one south of Burgess were abandoned by CSX and the right-of-ways are not intact. Chaparral used a portion of the "S" line as an access. Mr. Bowman requested that Mr. Tobias get the number of parcels that have been sold between Alberta and Jarrett versus those between Alberta and Petersburg. Mr. Tobias stated the parcels between Alberta and Jarrett are not intact or owned fee simple by the railroad. The City of Virginia Beach purchased 8 or 9 miles of that right-of-way and that is were their water pipeline runs from Lake Gaston. Mr. Bowman commented why wasn't that looked at? Mr. Tobias stated it did not come up at any of the hearings so it wasn't looked at; it would have been much simpler to at that time. Mr. Bowman stated it is not too late to look at it; nothing has been carved in stone. He said he felt very strongly about this....he didn't know how the other Board members feel but after today if they would not commit to go back and look at it and consider that route then the County would have to get Senator Allen and Congressman Forbes, all the historians, the National Park Service, involved it this thing. Mr. Bowman said he would like to sit down and work this ting out. Mr. Tobias stated he agreed and they would try to find a solution and he promised they would at least do some analysis of it and report back to the Board what the issues would be if they were going to consider it further. He stated there would be as much opposition from people in that area as there has been from localities in this area. Mr. Bowman stated he disagreed because of the historical significance in Dinwiddie County.

Mr. Stone stated if he was reading this right, if Virginia had been the Tier I portion of this, we would have had more options, more insight but since North Carolina is "in place" Dinwiddie must suffer. Mr. Stone stated Mr. Bowman made a statement the trains should follow the existing route where the commerce and freight exist, which would be the I-95 corridor, which is where the trucking industry is located. He said the response from you both was that according to the studies it would benefit going up through Dinwiddie County. So the studies prove that there is more industry and commerce along the Brunswick and Dinwiddie line that there is along the I-95 corridor. Mr. Foster replied the study was for a high-speed rail from Washington to Charlotte, freight was a secondary use; passenger service was the primary purpose. Mr. Stone repeated if Virginia had been Tier I then North Carolina would be dealing with the limited options. Mr. Foster commented the "A" line had been evaluated in both States. Mr. Stone commented but you didn't evaluate a connection between the two fully in Virginia. Mr. Foster stated there was never a request to come across.....Mr. Stone replied you have it. Mr. Tobias stated we did evaluate several alternatives for the connection between the two. Mr. Foster stated there was one in North Carolina, from Raleigh to Weldon. Mr. Stone commented the statement now is that it is too costly to go into a full blown.... Mr. Foster replied no, primarily the statement is that we feel we have picked the route, which will least minimize impacts. But Mr. Bowman comments are about history here we are talking without the data. We can't evaluate what the impacts will be because we don't have a final design. Once all the data is compiled then there will be a final design and all the facts will be there for a determination. Now if the impacts are

unacceptable to Dinwiddie County that is the time to make it known in the public hearings. Mr. Bowman commented without a study on the I-95 parallel how could you compare apples to apples? Mr. Foster stated at that point if the State of Virginia wants to do additional studies then that could be done. All our document does is show what the impacts would be if you built it this way. Mr. Bowman asked Mr. Foster what the distance was between Alberta to Jarrett? How far is it from Alberta to Petersburg? Mr. Tobias stated he was not sure. Mr. Bowman stated he felt they should take a look at it and come back and justify why. Mr. Tobias commented he would but at the present time they felt they should continue on with the studies so they could provide an accurate picture of what the impact of the alignment on the "S" line would be. Mr. Bowman commented that in the meantime he would contact his congressman and senators and see if we could get some support from them. Mr. Tobias suggested that before he did that for them to sit down and talk with his department. He stated they were not turning a deaf ear to the concerns of the County but there is a process that they have to follow and it is going to be a parallel route. But because this study is clearly defined they needed to continue with it and not stop here. Mr. Bowman stated he believed in a high-speed rail and there is a need for it. Mr. Tobias asked the Board to consider the benefits of the high speed rail, there is not a stop in Dinwiddie but there is one in Petersburg that certainly would help to bring people into the historic area, quality high speed rail would be a benefit.

Mr. Haraway thanked Mr. Tobias and Mr. Foster for agreeing to deliver the message that the Board does not consider the high-speed rail to be an asset to Dinwiddie County it will be a liability.

IN RE: GREATER PLANNING DISTRICT COMMISSION – REPORT

Mr. Denny Morris, Executive Director, Crater Planning District Commission, stated he would like to share a couple of comments from the previous discussion. There were a couple of important items that was not shared with the Board. Mr. Bowman serves on a regional transportation planning committee for the Tri-Cities area. On May 12th a meeting was held and the previous topic was discussed. The Commonwealth of Virginia has underway another rail passenger effort looking at service from Hampton Roads to Richmond. He commented one option is to come up Southside Hampton Roads through Petersburg to Richmond. Another option is to look at the cul-de-sac at Newport News and staying on I-64 to Richmond. Although the Southeast High Speed Rail and the Richmond to Hampton Roads Passenger Rail Study are separate studies, the Policy Committee views them as being closely interrelated somehow they are going to have to make a connection. That is a major concern of the committee. They went on record to support a new alternative for connecting the "S" line to the "A" line using inactive rail between Alberta and Jarrett with a station location somewhere between Ettrick and North Collier Yard. He commented he felt the group does have some standing with Congressman Forbes and Senator Allen and others in terms of how transportation issues are dealt with not only on its individual basis in Dinwiddie County but its partnering jurisdictions.

The MPO receives an allocation of funding and these allocations are directed through the Federal Government to the State down to the MPO for highway projects. Through a presentation by Mr. Bowman the group approved funds to allow the continuation of lanes out of Petersburg on Route 1 all the way down to I-85. The funds are basically in the bank for this project. The current design cost for the project will have to be looked at to see how far these dollars will go towards that project. There is a possibility that this project will have to be staged over several years.

IN RE: CLOSED SESSION

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

§2.2-3711 (A)(1) - Personnel – County Administration

Mr. Moody seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 4:13 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 5:53 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under §2.2-3711 (A) 1 - Personnel;

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

IN RE: CHANGE IN COUNTY ADMINISTRATOR SALARY

Upon motion of Mr. Moody, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that to be consistent with the term of the contract for the County Administrator, the following action is approved:

1. Make April 1, 2003 the effective date of the salary increase granted to the County Administrator for FY04, which was an increase from $85,000 to $90,000, approved to be effective July 1, 2003.
2. Make April 1, 2004 the effective date of the salary increase for FY 05.
3. The salary increase for FY 2005 is equal to the increase given to all employees which is 3 ½% (1% cola and 2.5% merit) effective April 1, 2004.

IN RE: INFORMATION IN BOARD PACKET OR DISTRIBUTED

1. Letter from Robert Pamplin, Jr. thanking the County Administrator for sharing the letter she sent to Will Green at Pamplin Historical Park.
2. Letter from Adelphia regarding Adelphia's bankruptcy process.
3. Report – Appomattox Regional Library.

RE: ADJOURNMENT

Upon Motion of Ms. Moody, Seconded by Mr. Moody, Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the meeting

adjourned at 4:53 P.M. to be continued until 2:30 P.M. on Wednesday, May 26, 2004 for a review of the amended School budget FY05 in the Conference Room of the Eastside Community Enhancement Center.

Donald L. Haraway, Chairman

ATTEST:
Wendy Weber Ralph
County Administrator

/abr

VIRGINIA: AT THE CONTINUATION MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE CONFERENCE ROOM OF THE EASTSIDE COMMUNITY ENHANCEMENT CENTER IN DINWIDDIE COUNTY, VIRGINIA, ON THE 26TH DAY OF MAY, 2004, AT 2:30 P.M.

PRESENT:	DONALD L. HARAWAY –CHAIRMAN	ELECTION DISTRICT #2
Arrived 3:41	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5

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Mr. Donald L. Haraway, Chairman, called the regular meeting to order at 2:39 P.M. in the Board meeting room of the Pamplin Administration Building.

IN RE: REVIEW OF AMENDED SCHOOL BUDGET FY05

Dr. Jim Lanham, Assistant Superintendent, presented the following amended School FY05 budget to the Board and citizens:

FY2005 School Budget Update
Presented to the
Dinwiddie Board of Supervisors
May 26, 2004

Original state revenue for schools	4425 ADM	$20,123,015
New revenue based on	4425 ADM	$21,347,546
This represented increase of over original Schools budget		$1,224,531

New revenue based on ADM increase to	4500	$21, 670,383
Increasing our ADM by 75 students netted an additional		$322,837
Total increase in revenue in amended budget is		$1,547,368

Very important points:
- This is not a "windfall"
- This is not "one-time" money
- This is not all "free money" – that is, some of these funds are tied to specific program expenditures (see Appendix A)

School Board's original budget would have required $2.1 million in additional local funding.

School Board's adopted budget trimmed this request to $1.98 million. Original discussions with the County indicated funding of $1 million, a possible advance of $325,000 in ADM, and would require an additional $400,000 in cuts. Also reflected was anticipated additional state funding of $250,000

Actual funding from county was $800,000

To make this budget work, the school anticipated having to:

Cover cut from $1 million	<$200,000>
Cover cut from original budget	<$400,000>
Cover ADM funding agreement	<$325,000>

Thus, to make the original budget "work" would require a series of cuts, an "ADM deal" and anticipated state funding of $250,000 to cover a shortfall of $1,175,000.

These cuts would have led to a very stark school budget. Appendix B outlines the cuts that were being considered to meet the original $400,000 in cuts to balance the budget.

The cuts that would have been needed to meet the next $200,000 deficit are outlined in Appendix C.

Even after making those cuts, the only way we could have balanced the school system's budget for FY2005 would be to obtain $325,000 either as an advance from Supervisors or increase ADM with assurance it would be covered.
We also anticipated receiving an additional $250,000, which was the difference between the Governor's proposed budget and the first version of the House of Delegates budget. We thought we would get at least the house version of funding.

The historic agreement by the General Assembly several weeks ago changed all of these scenarios, and brings us here today.

The new revenue from the state, combined with the $800,000 in local revenue, has allowed the school division to address long standing needs, address several budget issues identified since the first draft, plan for increasing fuel and utilities, and find permanent solutions to lingering issues including technology funding.

The increased state revenue means that most of the cuts outlined in Appendices B and C will be covered.
The increased state revenue covers the $250,000 anticipated in the House draft.
The increased state revenue shown reflects the ADM increase requested by the Board of Supervisors of approximately $325,000.

Some downward adjustments were kept:

- Decrease of most salary increases to 3.5%
- Decrease of 1 high school FTE
- Decrease of ½ of Meade's salary
- Decrease of several smaller line items

The School Board did not use these new funds as an opportunity to increase salaries. Salary scales reflect the same position taken during the budget discussions – complete scale adjustments to teachers, bus drivers, and cafeteria workers, and hold all other increases to 3.5%. Scales and rosters are available for your review (Appendix D).

After covering the budget adjustments, cuts, and anticipated revenues from our original negotiations, and after allocating the locked funds as outlined in Appendix A, a balance of $693,459 remained to be allocated. The School Board proposes to allocate these monies as outlined in Appendix E.

As we give these proposals final consideration, we respectfully ask that the Board of Supervisors give careful consideration to several important points.

The adjustment in revenue we have received from the General Assembly is a "once in a decade" repositioning in the formula for school funding. These are permanent funds that are now a part of basic aide allocations. If state specific program funding goes, the program goes. We do not anticipate asking the locality to continue to fund state programs that are discontinued.

This new revenue allows us to finally place instructional technology in the budget and make certain other adjustments to work-study, Special Education tuition, and FLSA funding that have in the past been met by additional ADM funding or one-time federal grants. We need to recognize this permanent funding stream for technology.

This new revenue allows us to finally fund positions that have been cut from budgets for multiple years – elementary art teachers, elementary assistant principals, additional elementary paraprofessionals.

This new revenue recognizes that there is no additional ADM money anticipated, and builds some flexibility into each category (Instruction, Transportation, and Maintenance) to meet possible shortfalls. Most notable in this area are the additional monies allotted to gasoline and electricity and an additional FTE in instruction.

We recognize that this has been a challenging budget year, and that the Board of Supervisors has been more than generous in funding an additional $50,000 in school capital expenses, $500,000 for school bus purchases, and $800,000 for operating expenses.

We also know that this is a once in our career opportunity to address long-identified school needs without raising property taxes.
We recognize that the state has finally accepted a greater responsibility in funding of school needs, and we will work together to insure that they continue to meet their obligations. We will continue to maximize the use of grants, one-time funds, federal funds and program specific funds to their full capacity.

We will continue to see state funding increases as enrollment grows and the full impact of the General Assembly's changes are seen in the second year of the biennium. Our calculations indicate our state revenue for FY2006 should also increase.

We need to capitalize on this change is funding philosophy from the General Assembly and fund long-identified school needs with these state funds. We do this with the understanding that this is permanent funding due to changes in the basic aid formula and reflects state funding of the Tier 1 changes in the Standards of Quality.

Finally, allowing these funds to remain earmarked for schools will be even further evidence of our joint commitment to a quality school system, responsible budgeting, and cooperation between the School Board and County Administration to work together for the good of all citizens."

Dr. Lanham requested on behalf of the School Board that the Board of Supervisors allow them to keep the funds. He also stated it is time to send out teacher contracts and they did not want to lose them and requested that the Board approve the amended budget.

Mr. Haraway told Dr. Lanham they have done a great job improving the teacher's salaries to make them compatible with the surrounding jurisdictions. He stated the School Board could expect a decrease in funding from the Board in the future. Mr. Haraway commented he knew they had been in a catch-up period but it should be over now. Dr. Lanham stated after this year the School System would be on a level plane with other localities. Mr. Haraway stated this was a lot of information and the Board needed some time to go over it before taking any action.

IN RE: CLOSED SESSION

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

***§2.2-3711 (A)(1)* of the Code of Virginia - Personnel**

Mr. Stone seconded the motion. Ms. Moody, Mr. Bowman, Mr. Stone, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 3:26 P.M.

Mr. Harrison Moody arrived at 3:41 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 4:45 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under §2.2-3711 A. 1 Personnel;

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

IN RE: WORK SHOP - - "MANAGING GROWTH"

The Board met with the School Board, Planning Commission, Industrial Development Authority, and Director of Dinwiddie County Water Authority for a work shop on "Managing Growth" in the County. The County Administrator introduced Mr. Michael Chandler, Chandler Planning, and Ms. Phyllis Katz, Attorney, Sands, Anderson, Marks and Miller, who presented the following topics:

4:30pm – Welcome and Introductions

4: 40pm - Managing Growth in Virginia: The Importance of the Comprehensive Plan, Zoning and Subdivision Ordinances, CIP, and the Roles of the Planning Commission and the Board – Michael Chandler

5:15 pm - Integrating these Tools in the Management of Growth – Phyllis Katz

5:45 pm - Dinner – Questions and Answers

6:15 pm - Paying for Growth: The Role of Proffers and Conditional Zoning – Michael Chandler

7:00 pm - Taxing Districts, Community Development Authorities, Land Use Taxation, Conservation Easements, and other vehicles for shaping growth – Phyllis Katz

7:30 pm - Planning Collaboratively - Setting the blueprint for the future, today: School Board, IDA, Planning Commission, and Board of Supervisors

7:50 pm - How to Make this Work

8:00 pm - Adjourn

IN RE: CLOSED SESSION

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

***§2.2-3711 (A)(1)* of the Code of Virginia - Personnel**

Mr. Stone seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 8:02 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 9:36 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under §2.2-3711 A. 1 Personnel;

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

IN RE: DISCUSSION OF AMENDED SCHOOL BUDGET FY05

The Board stated they wanted to come in at 2:00 P.M. on June 1, 2004 for a workshop on the school budget.

There was a short discussion between the Board members regarding the salary scales of the County employees, School System employees, Constitutional Officer's employees and those of the surrounding localities. They were concerned about the disparity between similar jobs. The Board instructed the County Administrator to contact Virginia Tech to see how quickly they could do a salary scale study and also get a quote on the costs. Mrs. Ralph stated the Board had taken action to bring the Constitutional Officer's employees under the County plan and this would be a good time to include them in the review.

The Board was also interested in what other localities were funding for contributions to the School System, in the future, and also wanted to know what new State funding was earmarked for particular programs. They were concerned about the future debt requirements for school construction and at what point the School Board would feel funds should be returned to the County.

RE: ADJOURNMENT

Upon Motion of Ms. Moody, Seconded by Mr. Stone, Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the meeting adjourned at 9:56 P.M. to be continued to 2:00 P.M. June 1, 2004 for a work shop on the amended School budget for FY 05 in the Multi-purpose Room in the Pamplin Administration Building.

Donald L. Haraway

Donald L. Haraway, Chairman

ATTEST: Wendy Weber Ralph

Wendy Weber Ralph
County Administrator

/abr

VIRGINIA: AT THE CONTINUATION MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE MULTI-PURPOSE ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 1ST DAY OF JUNE, 2004, AT 2:00 P.M.

PRESENT:	DONALD L. HARAWAY –CHAIRMAN	ELECTION DISTRICT #2
	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5

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Mr. Donald L. Haraway, Chairman, called the regular meeting to order at 2:14 P.M. in the Board meeting room of the Pamplin Administration Building.

IN RE: WORKSHOP ON AMENDED SCHOOL BUDGET FY 05

The County Administrator stated at the last meeting the Board requested that she contact Virginia Tech to see how quickly they could do a salary scale study for the County employees, School Board employees, and Constitutional Officer's employees and also get a quote on the costs.

Mrs. Ralph commented she contacted Virginia Tech and they would be able to do the salary scale study. Once the notice is given they could start work in 2 weeks and the process would take approximately 8 weeks to complete at a maximum cost of $10,000 for the County, School and Constitutional Officer's employees. She informed the Board that Virginia Tech also had some persons available if they wished to pursue the zoning issues and some of the other items they had discussed under growth management.

The County Administrator stated the Board was also interested in what the average salary increases were for other localities. In checking the budgets for 20 localities, the average for teacher salaries was 5.3% with a low of 3% and high of 8.5%. Seven localities were going to keep the same level of local transfer to schools; 7 provided no increase in funding and 5 were reducing a portion. The County Administrator informed the Board that Dr. James Lanham was available if they had any more questions on the salary scales.

Following the discussion of the amended School Board FY 05 budget the Board members pointed out that due to the increase in State funding they felt it would be wise to reduce the local funding to $400,000. They were concerned about funding for the Constitutional Officer's employee salaries and reducing the reserve fund. The County Administrator referred the Board to the May 26th handout which described the $683,459 worth of additions. The cuts would come from this list of items. The only positions which seem to be tied to any SOQ or SOL standards are the art teachers. The School Board also feels very strongly about the need for the Assistant Principals.

Ms. Moody made the motion to reduce the local funding from $800,000 to $400,000. Mr. Stone seconded the motion.

Mr. Moody requested that the motion be amended to reduce the amount to $340,000 so all of the teachers listed could be funded. The Board members agreed that the amount should remain at $400,000 and be appropriated to the Instruction Category for the following positions:

2 Elementary Assistant Principals (Rohoic & Southside)	$140,496
3 Elementary Art Teachers (Itinerant)	144,795
5 Elementary Paraprofessionals (1 aide per school)	88,704
1 Middle School Reading Specialist	36,978
1 Elementary FTE – unassigned for enrollment growth	48,265

Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the local contribution to the FY05 School Budget be reduced from $800,000 to $400,000 to be appropriated to Instruction for the above listed positions.

IN RE: AUTHORIZATION TO PROCEED WITH SALARY REVIEW – VA TECH DEPARTMENT OF AGRICULTURE AND APPLIED ECONOMICS

The Board members all agreed that Staff should proceed with the salary review of the County employees, and Constitutional Officer's employees. They were concerned about the disparity between similar jobs between the County and School Board.

Upon motion of Mr. Bowman, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Staff was authorized to contract with the VA Tech Department of Agriculture and Applied Economics to provide a salary review of the County employees, to include Constitutional Officer's employees.

IN RE: CLOSED SESSION

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

***§2.2-3711 (A)(30)* of the Code of Virginia - Personnel** – Contract Negotiations

Mr. Moody seconded the motion. Ms. Moody, Mr. Stone, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 3:03 P.M.

The Board decided to postpone the Closed Session to receive an update on the County's bond rating. A vote having been made and approved the meeting reconvened into Open Session at 3:04 P.M.

IN RE: UPDATE – DAVENPORT & COUNTY ATTORNEY TRIP TO NEW YORK FOR COUNTY BOND RATING

Mr. David Rose, Davenport, stated that at the joint meeting with the IDA, School Board, and Board of Supervisors, the Board authorized members of the Staff, Chairman of the Board of Supervisors, the County Attorney and him to go to New York to meet with the rating Agencies to discuss the proposed multi-year Capital Plans of the County including the planned $55 million of school related construction. "The initial response from all three Agencies to Dinwiddie's plans was most favorable and we expect to obtain the desired "A" range investment grade ratings which are viewed as a key cornerstone of the County's overall, long-term fiscal integrity. To that end, the Agencies were all impressed by the "informal practices/policies" of the County particularly as they pertain to your level of Undesignated General Fund Balance and annual usage of cash to fund ongoing capital requirements.

The Rating Agencies did, however, encourage our delegation to "formalize" a series of these policies so as to provide both their organizations with additional comfort when formally providing their respective ratings and as a form of long-term protection for the County under subsequent Boards. The concept being that if solid policies are in place, future Boards and Staff will be

more reluctant to make short-term financial decisions that are expedient and not necessarily in the long-term best interest of Dinwiddie's citizens. Experience in Virginia and nationally has shown that subsequent Boards are most reluctant to alter written policies that are publicly established." He requested that the Board adopt the investment policies as outlined in the memo.

Mr. Dan Siegel, County Attorney, asked if there were any questions about the New York trip. He commented the agency representatives were very impressed with the fiscal management for the past 10 to 15 years and the tax rates. Their concern was the investment policies outlined by Mr. Rose. The County Attorney stated he was impressed with the responses he received from the rating agencies.

IN RE: CLOSED SESSION

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

***§2.2-3711 (A)(30)* of the Code of Virginia - Personnel** – Contract Negotiations

Mr. Moody seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 3:14 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 4:21 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under §2.2-3711 A. 30 – Contract Negotiations

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

IN RE: WORKSHOP - - ROUTE 1& 460 CORRIDOR ENHANCEMENT STUDY

Mr. Guy Scheid, Director of Planning, stated this workshop is to provide an overview of the information, which has been gleaned from the meetings held throughout the County for the Route 1 and Route 460 Corridor Enhancement Study. He commented Ms. Vaughn Rinner, Director of Planning Principal, Landmark Design Group, would present the information and if the Board of Supervisors or Planning Commissioners had any questions or suggestions to let her know.

Ms. Rinner with the Landmark Design Group presented the following topics to the Board and Planning Commission:

4:00 pm – 4:05 pm Agenda review

4:05 pm – 4:15 pm Implementation

4:15 pm – 4:25 pm Priorities

4:25 pm – 4:40 pm Action Strategies and General Recommendations

4:40 pm – 4:50 pm Roadway Goals

4:50 pm – 5:20 pm Focus Area Summaries

5:20 pm – 5:30 pm General Discussion

RE: ADJOURNMENT

Upon Motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the meeting adjourned at 6:05 P.M.

Donald L Haraway
Donald L. Haraway, Chairman

ATTEST: Wendy Weber Ralph
Wendy Weber Ralph
County Administrator

/abr

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 1ST DAY OF JUNE, 2004, AT 6:00 P.M.

PRESENT:	DONALD L. HARAWAY –CHAIRMAN	ELECTION DISTRICT #2
	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5
OTHER:	JACK CATLETT	COUNTY ATTORNEY

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IN RE: CLOSED SESSION

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

§2.2-3711 A. 1* of the Code of Virginia – *Personnel Matters
§2.2-3711 A. 3* of the Code of Virginia – *Acquisition of Property
§2.2-3711 A. 30* of the Code of Virginia – *Contract Negotiations

Mr. Bowman seconded the motion. Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 6:47 P.M.

The meeting reconvened into Open Session in the Board Meeting Room at 7:38 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under:
§2.2-3711 A. 1* of the Code of Virginia – *Personnel Matters
§2.2-3711 A. 3* of the Code of Virginia – *Acquisition of Property
§2.2-3711 A. 30* of the Code of Virginia – *Contract Negotiations

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

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

Mr. Donald L. Haraway, Chairman, called the regular meeting to order at 7:38 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: MINUTES

Mrs. Alma B. Russell, Deputy Clerk to the Board, stated at the May 18, 2004 meeting the Board approved a Rustic Road Resolution for Springs Road presented by VDOT. Upon checking with Mr. Steve Fritton, Contract Administrator, Springs Road should have been Spriggs Road. She requested that the Board approve the correct spelling of Spriggs Road for the minutes.

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the minutes of the May 18, 2004 Continuation Meeting, and the May 18, 2004 Regular Meeting are approved in their entirety, with the above amendment.

IN RE: CLAIMS

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway 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 1039738 through 1039914 (void check(s) numbered 1039009, 1039739 through 1039803)

Accounts Payable:

(101) General Fund	$ 235,407.41
(103) Jail Commission	$
(209) Litter Control	$
(222) E911 Fund	$ 2,907.37
(225) Courthouse Maintenance	$ 472.50
(226) Law Library	$
(228) Fire Programs & EMS	$ 2,278.92
(229) Forfeited Asset Sharing	$ 250.25
(304) CDBG Grant Fund	$ 316.72
(304) Capital Projects Fund	$ 49.20
(401) County Debt Service	$ 1,476.68
TOTAL	**$ 243,159.05**

PAYROLL 05/31/04

(101) General Fund	$ 420,727.51
(222) E911 Fund	$ 3,539.66
(229) Forfeited Asset	$
(304) CDBG Fund	$ 7,419.77
TOTAL	**$ 431,686.94**

IN RE: AUTHORIZATION TO PURCHASE NETWORK SERVER

"TO: BOARD OF SUPERVISORS
WENDY W. RALPH, COUNTY ADMINISTRATOR
GLENICE N. TOWNSEND, ADMINISTRATIVE SERVICES

FROM: CATHY CARWILE, IT MANAGER

DATE: MAY 25, 2004

SUBJECT: NETWORK SERVER

Please accept this as my request for authorization to move forward with the planned purchase of a network server. Funds have been budgeted for the project.

I have attached a quote from Dell reflecting pricing under Virginia State Contract #VA-030801-DELL. The total price, including 4 years of on-site maintenance, is $15,014.40.

Please let me know if you need any additional information."

Billing Address	Shipping Address

Quote Details

Dell quote number:	154499731
Dell customer number:	19904122
Dell sales representative:	Tyler Hoyle
Dell sales representative phone:	(800) 274-0696 - 60191
Date of quote:	05/12/2004 11:06:36 am

WENDY MORGAN COUNTY OF DINWIDDIE PO BOX 70 14016 BOYDTON PLANK RD DINWIDDIE, VA 23841 (804) 469-4500 WENDY MORGAN COUNTY OF DINWIDDIE PO BOX 70 DINWIDDIE, VA 23841 (804) 469-4500

PowerEdge 2600 3.06GHz/512K 533MHz FSB Xeon
Date & Time: May 19, 2004 8:08:11 AM

SYSTEM COMPONENTS

.PowerEdge 2600 3.06GHz/512K 533MHz FSB Xeon **Qty 1** **PowerEdge 2600 3.06GHz/512K 533MHz FSB Xeon Unit Price** $9,066.80

Catalog Number: 0

Module	Description	Product Code	Sku	Id
	PowerEdge 2600 3.06GHz/512K 533MHz FSB Xeon	26305	[221-2740]	1

W2K3 Server Standard Edition 32-bit W2K3SVR [420-2965]

	2nd Processor 3.06GHz/512K 533MHz FSB Xeon, PowerEdge 2600	2P305	[311-2823]	2
	2GB DDR SDRAM 266MHZ (2X1GB) PowerEdge	2GB2D	[311-2735]	3
	Standard Windows Keyboard,Gray	S	[310-1676]	4
	No Monitor Option	N	[320-0058]	5
	36GB 10K RPM Ultra 320 SCSI Hard Drive	3610320	[340-6863]	8

PERC4/Di 128MB (2 Internal Channels) ROMB128 [340-6467]

	Floppy Drive,1.44M,F3,NBZL TEAC2	FD	[340-3640]

10

Logitec System Mouse,Gray, Servers L [310-3776]

	Intel Pro 1000MT Copper Gigabit	1000MSP	[420-4024]

13

Network Adapter				
PV110T, LTO-2, 200/400GB, LTO2CI [340-8603] with Controller, Internal				
	24X IDE CD-ROM	CD24X	[313-1281]	

16

1X6 Backplane,PE2600 1X6BKPL [311-1839]

	Electronic Documentation on CD	EDOCS	[310-0438]	21
	36GB 10K RPM Ultra 320 SCSI Hard Drive	3610320	[340-6863]	23
	PERC4,DC,128MB, 0 Internal and2 External Channels	P4D128E	[340-8157]	24
	TapeWare, Tape Backup SoftwareSBS/Enhanced Suite	TWENH	[420-2958]	25
	MR1/N, Drives attached to PERC4/Di	MR1N	[340-6471]	27

Tower Chassis Orientation,P260 TOWER [310-1720]

	Premier Enterprise Support - Advanced Software Support Quantity 3 Resolutions Type 2 Contract Same Day 4 HR Parts and Labor On-Site Response , Initial Year Type 2 Contract Same Day 4 HR Parts and Labor On-Site Response , Two Years Premier Enterprise Silver Spt.Level Two Technician Server 1-866-410-3355 Three Years	SILVERU	[950-0227][960-4130][960-4132][960-4119]	29

On-Site Installation Declined NOINSTL [900-9997] 32

TOTAL: $9,066.80

Redundant Power Supply, 125V with Y-cord for PE2600	REDPWY	[310-1726]	36

PowerVault 221S,Tower Chassis,14 HDD,SCSI Storage Enclosure
Date & Time: May 19, 2004 8:08:11 AM

SYSTEM **COMPONENTS**

•PowerVault 221S,Tower Chassis,14 HDD,SCSI Storage Enclosure PowerVault 221S,Tower Chassis,14 HDD,SCSI Storage Enclosure Unit Price $5,947.60

Qty 1

Catalog Number: 0

Module	Description	Product Code	Sku	Id
	PowerVault 221S,Tower Chassis,14 HDD,SCSI Storage Enclosure	PV221T	[220-4477]	1
	7 X 73GB 10K U320 SCSI Hard Drive, 7X73103 [340-9386]	PV220		
	U320 ZEMM,Enclosure ManagementModule,PowerVault 22XS,Pair	320EMM2	[340-9325]	9
	Two 4 Meter, PERC/39160 Cable for DU3204M [310-0679]	PV22XS (Wide HD to Slim VHDCI)		
	Documentation Kit,Hard Copy and On CD,English for Dell PowerVault 22XS Factory Install	DOCS	[310-1321]	21
	Blank Hard Drive Carrier for Dell PowerVault 220/221 - REQUIRES ALL 7HDBLK [310-0732] SLOTS FILLED			
	Premier Enterprise Support - Advanced Software Support Quantity 3 Resolutions Type 2 Contract Same Day 4 HR Parts and Labor On-Site Response , Initial Year Type 2 Contract Same Day 4 HR Parts and Labor On-Site Response , Two Years Premier Enterprise Silver Support, Level Two Technician Server, 1-866-410-3355 Four Years	SILVERU	[950-0227][960-5120][960-5122][970-9777]	29
	On-Site Installation Declined	NOINSTL	[900-9997]	32
			TOTAL: $5,947.60	
	600W Redundant Power Supply, For PowerVault 22XS Cable,Power,Documentation PV22XS	REDPWR	[310-0682][310-0677]	36

	Total Price
Sub-total	$15,014.40

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Staff is authorized to purchase the network server under the Virginia State Contract #VA-030801-DELL in the amount of $15,014.40 with four (4) years of on-site maintenance with funds budgeted for the project.

IN RE: ACCEPTANCE OF BID – PAYNE & PAYNE – RECREATION PAVILION

"M E M O R A N D U M

TO: Wendy W. Ralph

County Administrator

FROM: Gene Jones
Director of Building & Grounds

DATE: May 27, 2004

RE: Recreation Pavilion - Bid Opening

The following is the results of the bid opening on May 27th at 2:00 pm for the Recreation Pavilion:

Payne & Payne
$62,706
Alternate – paint - $3,430

Rocky Hill Construction
$64, 485
Alternate – paint - $6,900

Pro-Construction Services
$145,378
Alternate – paint - $3,875

My recommendation to the Board of Supervisors is to accept the low bid from Payne & Payne for $62,706."

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Buildings and Grounds Director is hereby authorized to accept the bid from Payne & Payne in the amount of $62,706 for the Pavilion for the Recreation Department.

IN RE: RESOLUTION – MR. A. JACK EUBANK

Resolution

of the BOARD OF SUPERVISORS of DINWIDDIE COUNTY, VIRGINIA

JUNE 1, 2004

IN RECOGNITION OF

A. JACK EUBANK

WHEREAS, Mr. Jack Eubank served on the Dinwiddie Industrial Development Authority, with distinction and integrity from February 1998, until April 2004; and

WHEREAS, the Board of Supervisors on this 1st day of June 2004 is desirous of acknowledging these qualities and further to express its appreciation for this work on behalf of the County;

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County, Virginia, hereby commends Mr. Eubank for his contributions and devoted service to the County of Dinwiddie; and

BE IT FURTHER RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia, that this resolution be presented to Mrs. Barbara Eubank, his devoted and loving wife, and a copy spread upon the minutes of this meeting.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the above resolution of appreciation was adopted.

IN RE: COUNTY ADMINISTRATOR – STATEMENT OF INTENT TO RETIRE

Mrs. Wendy Weber Ralph, County Administrator, commented "there is one thing I have learned about working with the Chairman and that is he wants you to be brief, say what you have to say and then shut up and sit down. Mr. Chairman, I would ask you to indulge me this time and let me have a few more minutes than usual. I have been asked by the Board to make a statement about my future career plans which follows the action just taken on my contract and precipitates further action that the Board will take later in the meeting.

You read in the paper recently (and you know it must be true if it is in the paper), that the Board has been interviewing executive search firms—and for good reason. My contract as County Administrator ends on April 1, of next year and I have told the Board that it is my intent not to seek renewal of my contract and further to make April 1, 2005 my effective retirement date.

I have a poem in my office that says there is a purpose for everything because God knows what's best for us. I believe that God has a purpose in life for all of us. I have fulfilled my purpose here and it is time for me to find out what He wants my next purpose in life to be. I think that it is quite clear that there is a change in the philosophy of the leadership in the County and the citizens, at least those that attend the meetings, speak of a need for change. The County is at a pivotal point in time and there will be a tremendous amount of challenges facing the Board and our citizens in the days to come, but they are exciting challenges that naturally come with a growing community. And you as citizens have the awesome opportunity to help this Board make the tough decisions that will mold the County into what you want it to become. And I wish you good luck and God's blessings.

As I prepare to leave, I am so very proud of the legacy that "we" leave behind. I have to say we instead of I because the accomplishments I am about to mention could not have been accomplished alone. I have been blessed to work with many dedicated Board members who had to make the tough decisions needed to position the County where it is today. And I have worked with an incredible staff that had little to no resources but had the unending desire to do what was right for the County.

In 1988, Glenice Townsend and I were thrown into leadership roles with a $66,000 deficit and the responsibility of preparing a budget, instituting a brand new uniform chart of accounts and implementing a comprehensive data processing system in a county that was still doing everything with a manual system. I remember calling back soon after that while I was taking a 4th of July break and Glenice was working like a Trojan to make sure the new accounts were developed and were put into the new system so it would be ready when everyone returned from their vacation break.

We embarked on a twice a year tax collection system with the assistance of the treasurer and commissioner of revenue. We took a one-time windfall and with the advice and constant effort from our county attorney to protect the county, we built it into a $10 million capital reserve that we will be using in the upcoming debt requirements for the new school capital projects. And through conservative budgeting and determination of the Board of supervisors to adhere to our fund balance policy, we have an undesignated fund balance today of almost $11 million.

We took on the mammoth task of establishing not just a 911 system but an enhanced 911 system that required all of our roads to be named and our houses to be numbered all at the same time. But then, we never take on anything the easy way!!

We embarked on a major school renovation project in 1995, which included Midway Elementary School, the Middle School and the High School and at the same time built a new courthouse. When that was completed, we immediately started renovation of Dinwiddie Elementary and secured state funding to renovate our historic courthouse. Along the way, we renovated the Health Department, Social Services Building and completed an addition to the Administration Building to provide much needed office space.

But we didn't stop there; the citizens asked for a recreation facility and we renovated the old Eastside Elementary School into a stellar facility and branch library and in our CIP we will continue to improve that resource. We built two new fire stations and converted the old Dinwiddie VFD into our Public Safety Building, which will house our new 911, and communications center to be completed in September. We are presently renovating Namozine VFD and have two 24-hour EMS crews on duty in the county.

The Board stepped up to the plate for three straight years to make our teacher's salaries equal to if not better than our neighboring localities. And now we are considering another phase of our school construction program totaling $55 million for which we sought a bond rating for the first time in the County's history which we feel will be a strong "A".

We located a major Wal-Mart Distribution Center, which provides up to 1400 jobs for the region and in 1999, we located Chaparral/TXI Steel, which was the largest industrial investment in the state totaling over $400 million and providing 400 jobs. We've secured $2.5 million in Tobacco Indemnification funds to construct a County owned industrial park and will continue to develop sites through additional funding that becomes available in the future. Our airport has a brand new terminal building through the leadership of the Airport Authority and a very talented executive director with very little cost to the County.

And while there are some who disagree, we do have the lowest real estate tax rate compared to the localities which we now must compare ourselves with—not Nottoway, Brunswick, and Sussex. We are a high growth community and we are going to continue to grow. But our Board already has the foresight to recognize the issues and begin preparing to institute tools and methods to manage this new growth. They held their first meeting last Wednesday evening with the planning commission, school board, IDA and Water Authority—just the first among many meetings they will have. And it is your responsibility as citizens to let the Board know how you want your county to grow and support them in the tough decisions that will ensure that you continue to have the quality of life you expect and deserve.

Yes, I'm very proud of what we have accomplished and I'm excited about the future and the many opportunities to come for the county. But I'm even more excited about the next phase of my life. I have a lot of good years to give to a

second career. My husband is also retiring and we are both looking forward to finding out what we want to be when we grow up.

I would be very remiss if I didn't mention that Glenice Townsend is retiring in December of this year. I cannot begin to express my gratitude to her for everything she has done for the county and everything she has done for me. So I'll just say thank you.

And thank you Mr. Chairman for the opportunity to speak tonight and to all of you for listening. God bless you."

Mr. Haraway commended Mrs. Ralph stating she had been a faithful servant to the County for 30 years.

IN RE: STATEMENT PRIOR TO PUBLIC HEARING

Mr. William C. Scheid, Planning Director, came forward to make the following statement prior to the Public Hearings.

"As previously requested by the Board of Supervisors, Draft copies of the Planning Commission Meeting minutes have been made available to the public prior to this meeting as well as copies on the table at the rear of this meeting room. The purpose of doing so is to expedite the hearing process without compromising the publics' access to pertinent information. It is noted that the Board has been given various information on all of the hearing(s) to include, the application, zoning map, adjacent property owner list, location map(s), proffers (if applicable), soils data, comprehensive land use maps and references, etc. With this information noted, I will proceed with the case(s)."

IN RE: PUBLIC HEARING – P-04-2 - DINWIDDIE HEALTH INVESTORS – REZONING REQUEST TO ESTABLISH HEALTHCARE FACILITY

This being the time and place as advertised in the Monitor on May 19, 2004 and May 26, 2004, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comment on the following matter:

Rezoning request from Dinwiddie Health Investors, who is seeking to rezone a 6-acre portion of Tax Map/Parcel 20-92, which contains a total of approximately 19.55 acres, from Residential, limited R-1 to Business, general B-2 for the purpose of establishing a healthcare facility.

Planning Summary Report

File #: **P-04-2**
Subject: **Rezoning – Nursing Home**

The applicant, Dinwiddie Health Investors, is seeking to rezone a 6-acre portion of Tax Map/Parcel 20-92, which contains a total of approximately 19.55 acres, from Residential, limited R-1 to Business, general B-2 for the purpose of establishing a healthcare facility. The property is located on the west side of Boydton Plank Road (Route 1) at its intersection with Port Drive across from the Eastside Community Enhancement Center. The Comprehensive Land Use Plan recommends this area be used for commercial purposes.

Support among the community is wide spread. The Board of Supervisors has passed a Resolution in support of the nursing home. Many residents attend the public hearing held in Petersburg in April by the State Health Department to voice their support of the proposal. The Board has sent representation to the May 5th meeting in Richmond held by the Health Commission to voice support of the nursing home. The Health Commission staff and the Health Commission

have endorsed the nursing home facility for Dinwiddie County. There are a few more steps to be taken in the process before final approval is given.

The Planning Commission heard this rezoning request at their May 12, 2004 public meeting. No one appeared in opposition to the request. Planning staff stated that there was one item that needed to be addressed. A letter was written by Mr. David C. Ploeger, Airport Manager for the Dinwiddie Airport and Industrial Authority, regarding their concern for the nursing home's potential impact on future airport operations. It was noted that future noise from the airport might raise concerns by the future residents of the nursing home. The Planning Commission requested Mr. Smith contact Mr. Ploeger to resolve this issue. (NOTE: Mr. Smith spoke with Mr. Ploeger and resolved the concern. In a letter dated May 14, 2004, Mr. Smith acknowledged the presence of the airport and assured the Airport Authority that they could exist together and would not be a threat to their future operations.) During the hearing, the applicant proffered several conditions if their rezoning should be permitted. A copy of their proffers is attached and by reference becomes a part of their rezoning request.

There being no further discussion and upon a motion by Mr. Wood, seconded by Mrs. Stewart, with Mr. Lee, Mr. Perkinson, Mr. Moore, Mr. Wood, Mrs. Stewart, and Mr. McCray voting "aye" (Mr. Stone absent), the Planning Commission recommended approval of rezoning case P-04-2 to the Board of Supervisors with proffers.

Since this is a zoning matter, the standard statement must be made prior to the Board's motion, which was enclosed in your packets.

Mr. Haraway opened the public hearing for citizen comments. There were no public comments.

Mr. Hunter Smith – representing Dinwiddie Health Investors and agent for Smith/Packet Med-Com Inc., 5260 Cross Bow Circle, Roanoke, VA – commented that the Planning Commission unanimously approved the rezoning request. The Virginia Health Planning Agency has given a favorable recommendation for the project and the Agency's Board unanimously approved building a nursing home in Dinwiddie County. He stated the community support has been overwhelming and he thanked everyone for their letters of support. The Department of Health has scheduled an informal fact finding hearing in July to discuss the COPN. He stated they were very excited about the opportunity to build in the County. Dinwiddie County is the largest County in the Commonwealth that does not have a skilled nursing facility.

Mr. Haraway stated he felt the facility would be a great economic contribution to the County and welcomed them on behalf of the Board with open arms.

Mr. Haraway closed the public hearing.

Mr. Moody 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 rezoning application P-04-2 be approved with proffers by the Board of Supervisors.

Mr. Bowman seconded the motion. Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", P-04-2 was approved with the following proffers:

STANDARD FORMAT FOR PROFFER STATEMENT



Dinwiddie County Planning Department
Attention: Zoning Administrator
P.O. Box 266
Dinwiddie, VA 23841

Re: Voluntary Proffers
Case No: P-04-2
Tax Map Parcel: 20-92

Dear Zoning Administrator:

The undersigned owner and/or agent of the property referred to above hereby voluntarily proffer(s) the following as conditions to be attached to the property upon approval of rezoning request from R-1 to B-2.

A. Uses. The uses listed below would not be allowed on this property.
   1. Auto and home appliance services
   2. Theaters and assembly halls
   3. Library
   4. Funeral home
   5. Clubs and lodges
   6. Auto sales and service
   7. Lumber and building supply
   8. Plumbing and electrical Supply
   9. Machinery sales and service
   10. Public utilities
   11. Off-street parking
   12. Waterfront business
   13. Public billiard parlor and poolrooms, bowling alleys, dance halls and similar forms of amusement
   14. Cabinet, furniture
   15. Classic and collectable car sales
   16. Show horse facility
   17. Automobile service station
   18. Garage, public
   19. Tractor-trailer service station
   20. Kennel

B. Building
   1. Materials. The type of building and the exterior materials of the building that Smith/Packett proposes to build will be similar to the attached schematic which, by reference, is made a proffer.

2. Set Back and Parking. The building will be set back from the existing Route 1 right-of-way a minimum of 110' with no parking area to be located within 70' of the front property line.
3. Access. Direct access from Route 1 shall be limited to one (1) entrance built to VDOT commercial use standards.

Smith Pruett
Name of Company

By: _____
Name of Owner/Agent

Smith/Packet

		Co.	
Phone #		Phone #	
Fax #	804/469-4503	Fax #	

May 14, 2004

Mr. David Ploeger
Airport Manager
Dinwiddie County Airport Industrial Authority
23301 Airport Road
Petersburg, VA 23805

Dear Mr. Ploeger:

Smith/Packett is excited to be given the opportunity to develop a much-needed service for the Dinwiddie County residents. Dinwiddie County has been very supportive of our efforts and we have enjoyed working closely with the government and residents to make a nursing home in Dinwiddie County a reality.

We, like the Dinwiddie County Airport Industrial Authority, are investing in Dinwiddie County. It is in both our mutual best interests to support the continued growth of existing and new businesses. The nursing home views the Dinwiddie Airport as a good neighbor and a very attractive amenity to our personnel and residents.

We have no intention of jeopardizing your future growth or taking any action that would adversely affect the airport. I have consulted with our architect, Mr. Jyke Jones, and he is not concerned with the noise associated with the airport and our nursing home site. We will be good neighbors and welcome being a part of the Dinwiddie community.

I enjoyed our conversation and please let me know if I can provide any additional information to the Airport and Industrial Authority Board.

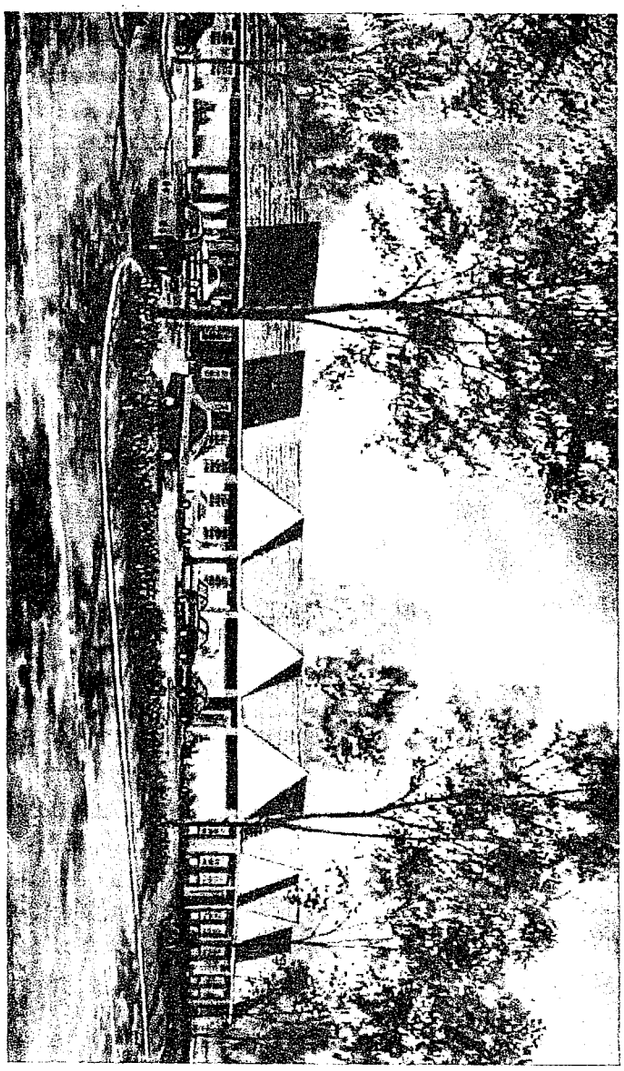
Respectfully,

Hunter Smith

HS/pj
cc: Wendy Weber Ralph, County Administrator
W. C. "Guy" Scheid, Director of Planning

A MEDICAL FACILITIES DEVELOPMENT, RESEARCH AND COMMUNICATIONS CORPORATION
4415 PHEASANT RIDGE ROAD, S.W., SUITE 301, ROANOKE, VIRGINIA 24014 • PHONE: 540/774-SPMC • FAX: 540/772-6470 www.smithpackett.com

DINWIDDIE NURSING & REHABILITATION CENTER



IN RE: **PUBLIC HEARING C-04-1- NATLIE TUCKER – REQUESTING CONDITIONAL USE PERMIT TO OPERATE AN AUTOMOTIVE PAINT & BODY SHOP**

This being the time and place as advertised in the Monitor on May 19, 2004 and May 26, 2004, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comment on the following matter:

An application from Natalie Tucker, who is seeking a conditional use permit to operate an automotive paint and body shop on a portion of Tax Map/Parcel 20-37B, which contains a total of approximately one acre.

Planning Summary Report

File #: **C-04-1**
Subject: **Conditional Use Permit – Auto Paint Shop**

The applicant, Natalie Tucker, is seeking a conditional use permit to operate an automotive paint and body shop on a portion of Tax Map/Parcel 20-37B, which contains a total of approximately one acre. The property address is 22507 Cox

Road and is located on the south side of Route 460 about ¼ mile west of Butterwood Road. The property contains a single-family residence and a cinder block garage which fronts onto Route 460. The property is contained within the Urban Planning area as identified by the County Comprehensive Land Use Plan. The zoning on the property is agricultural, general A-2. Use #51 in the A-2 district allows "automotive body and fender work, painting and upholstering, with a conditional use permit."

The garage located on this property was built many years ago. It has been used during the years for many different commercial uses to include automobile repair work. The County required the parking area to be paved a few years ago when another business sought to use the property for commercial purposes. The owner of this property resides in the house adjacent to the garage.

The County Comprehensive Land Use plan places this property in the Urban Planning Area. This area is expected to accommodate approximately 70% of future industrial and commercial development within the County. The area around this land parcel is shown with mixed uses to include industrial, commercial and open space / agricultural / residential. The zoning map shows the lands on the north side of Route 460 intended for industrial use and the lands on the south side of Route 460 intended for agricultural uses.

The Planning Commission heard this case at their May 12, 2004 public meeting. No one in attendance spoke in opposition to the request. After a brief discussion amongst the Planning Commissioners, the Chairman requested a motion.

Upon a motion by Mr. Lee, seconded by Mr. Perkinson, with Mr. Lee, Mr. Perkinson, Mr. Moore, Mr. Wood, Mrs. Stewart, and Mr. McCray voting "aye" (Mr. Stone absent) the CUP (C-04-1) was recommended for approval by the Planning Commission to the Board with the following conditions.

1. Parking of all vehicles being worked on and not housed within the building shall be stored behind the building and/or to the northeast of the building behind the building front setback line;
2. The vehicle storage area shall be screened from Route 460 by a minimum 6' wood privacy fence. Shrubs shall be planted in front of the fencing that faces parallel to Route 460;
3. The vehicle storage area shall be limited to the area already cleared behind and northeast of the garage;
4. Vehicles shall only be worked on within the garage;
5. Security lighting if used shall be directed into the vehicle storage area and shielded to direct the lighting downward. Lighting shall not be directed toward Route 460;
6. No portable signs will be permitted. Only building mounted signs or free standing signs with proper foundations with electrical service, if desired, will be allowed
7. No other structures shall be placed or erected between the front of the existing building and Route 460.

Mr. Moody questioned whether the fence would go all the way around the facility? Mr. Scheid replied no, just in the front. Mr. Moody asked about the traffic traveling from the west to the east? Mr. Scheid responded they would be able to see some of the vehicles parked in the rear of the building; but only briefly due to the location of the building. He stated this is a conditional use permit and the Board could add the privacy fence under the buffering area. The applicant, Mr. John Carr, explained to the Board that there would not be more than 10 cars at one time at the facility and the Planning Commission was very clear about not starting a junk yard. Mr. Bowman stated the only stipulation he would like added is that all vehicles must be screened from view from Route 460.

Mr. Haraway opened the public hearing for comments. No one spoke in opposition of the conditional use permit.

Mr. Haraway closed the public hearing.

Mr. Stone 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-04-1 be approved with the conditions noted by the Planning Commission and the additional verbiage in condition #2 "shall be screened **from view** from Route 460" by the Board of Supervisors.

Ms. Moody seconded the motion. Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", conditional use permit C-04-1 was approved with the conditions noted by the Planning Commission and the additional verbiage in condition #2 listed below:

1. Parking of all vehicles being worked on and not housed within the building shall be stored behind the building and/or to the northeast of the building behind the building front setback line;
2. The vehicle storage area shall be screened from view from Route 460 by a minimum 6' high wood privacy fence. Shrubs shall be planted in front of the fencing that faces parallel to Route 460;
3. The vehicle storage area shall be limited to the area already cleared behind and northeast of the garage;
4. Vehicles shall only be worked on within the garage;
5. Security lighting if used shall be directed into the vehicle storage area and shielded to direct the lighting downward. Lighting shall not be directed toward Route 460;
6. No portable signs will be permitted. Only building mounted signs or free standing signs with proper foundations with electrical service, if desired, will be allowed
7. No other structures shall be placed or erected between the front of the existing building and Route 460.

IN RE: PUBLIC HEARING – A-04-2 – PLANNING DEPARTMENT REQUEST – AMENDMENT TO CHAPTER 18, SUBDIVISION ORDINANCE

This being the time and place as advertised in the Monitor on May 19, 2004 and May 26, 2004, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comment on the following matter:

Amendment to various sections of Chapter 22, Zoning, of the Dinwiddie County Code such that a definition of 'Family day care, large' be added to section 22-1, definitions, and provisions made for the use in sections 22-71, 22-84, 22-96, 22-114, 22-127, 22-140 and 22-185.

Planning Summary Report

File #: **A-04-2**
Subject: **Family Day Care, Large**

The applicant, Dinwiddie County Social Services, is seeking an amendment to various sections of Chapter 22, Zoning, of the Dinwiddie County Code such that a definition of 'Family day care, large' be added to section 22-1, definitions, and provisions made for the use in sections 22-71, 22-84, 22-96, 22-114, 22-127, 22-140 and 22-185.
The Planning Commission heard this case at their May 12, 2004 public meeting. There were several people in attendance that spoke in support of the amendment. No one spoke in opposition to the amendment.
It was noted by staff that the Planning Commission reviewed the matter of family day care facilities and day care centers in late fall of 2001. On November 14,

2001, the Planning Commission voted to send to the Board of Supervisors an amendment (A-01-1) that would allow family day care operations in various zoning districts but restricted the number of children in the home to six. During the meeting it was mentioned that the State recently increased the number of children permitted in the home to a maximum of twelve.
When reviewing the matter of family day care in November 2001, input was not received from the County Department of Social Services. Currently, Ms. Willis and her staff support the need for a family day care home capable of servicing up to twelve (12) children. There are several homes in the County licensed to provide this service. As was mentioned at the Planning Commission meeting, the State will visit the larger family day care homes since they must be licensed by the State. There are minimum services required at these homes, which are mandated by the State. Thus, a better service is provided for the children.
With no further discussion, the Chairman requested a motion. Upon the motion of Mr. Wood, seconded by Mr. Perkinson, with Mr. Lee, Mr. Perkinson, Mr. Moore, Mr. Wood, Mrs. Stewart, Mr. McCray voting "aye" (Mr. Stone absent), the Planning Commission recommended approval of the amendment A-04-2 to the Board of Supervisors.
Since this is a zoning matter, the Board must read the standard statement prior to making a motion.

Mr. Haraway opened the public hearing. No one spoke in opposition of the amendment. Mr. Haraway closed the public hearing.

Ms. Kimberley Willis, Director of Social Services, spoke in support of the amendment. She stated this amendment would provide the area with much needed larger day care services. She introduced Ms. Nancy Martin, Department of Social Services and Mr. Wayne Johnston, State Licensing Department, and stated they supported the amendment also.

Ms. Willis also expressed her appreciation to Mrs. Ralph and Mrs. Townsend for their assistance to her since she has been in the County.

Ms. Moody 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 amendment A-04-2 be approved by the Board of Supervisors.

Mr. Moody seconded the motion. Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", amendment A-04-2 was approved.

AN ORDINANCE TO AMEND CHAPTER 22, ZONING, OF THE DINWIDDIE COUNTY CODE, SECTIONS: 22-1 (DEFINITIONS); 22-71 (PERMITTED USES); 22-84 (PERMITTED USES); 22-96 (PERMITTED USES); 22-114 (PRMITTED USES); 22-127 (PERMITTED USES); 22-140 (PERMITTED USES); AND 22-185 (PERMITTED USES).

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Chapter 22, Zoning, of the Dinwiddie County Code be amended as follows:

Article I, Section 22-1, Definitions, add the following definition:

> Family day care, large: A dwelling unit in which the provider resides that is used to provide care for one (1) through twelve (12) children under the age of thirteen (13) exclusive of the provider's own children and any children who reside in the home when at least one (1) child receives care for compensation. The family day care, large, must be licensed by the Virginia Department of Social Services and be bound by all applicable rules and regulations.

Article IV, Division 3, Section 22-71, Permitted Uses, add the following:

Family day care, large.

Article IV, Division 3, Section 22-84, Permitted Uses, add the following:

Family day care, large.

Article IV, Division 3, Section 22-96, Permitted Uses, add the following:

Family day care, large.

Article IV, Division 3, Section 22-114, Permitted Uses, add the following:

Family day care, large.

Article IV, Division 3, Section 22-127, Permitted Uses, add the following:

Family day care, large, with a conditional use permit.

Article IV, Division 3, Section 22-140, Permitted Uses, add the following:

Family day care, large, with a conditional use permit.

Article IV, Division 3, Section 22-185, Permitted Uses, add the following:

Family day care, large.

In all other respects, said zoning ordinance remains in full force and effect. This Ordinance shall become effective upon the date of adoption.

IN RE: PUBLIC HEARING – A-04-3 – PLANNING DEPARTMENT REQUEST – ORDINANCE TO AMEND SECTION 18-3, ENTITLED DEFINITIONS, OF CHAPTER 18, SUBDIVISIONS, OF THE DINWIDDIE COUNTY CODE, BY REDEFINING A FAMILY DIVISION

This being the time and place as advertised in the Monitor on May 19, 2004 and May 26, 2004, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comment on the following matter:

AN ORDINANCE TO AMEND SECTION 18-3, ENTITLED DEFINITIONS, OF CHAPTER 18, SUBDIVISIONS, OF THE DINWIDDIE COUNTY CODE, BY REDEFINING A FAMILY DIVISION

Planning Summary Report

File #: **A-04-3**
Subject: **Definition of Family Division**

The applicant, Dinwiddie County Planning Department, is seeking an amendment to Chapter 18, Subdivision Ordinance, of the Dinwiddie County Code, section18-3, definitions, such that a family division is required to meet minimum standards regarding length of ownership of land prior to qualifying as a family division and the family member receiving the land retain ownership of the land for a prescribed period of time before being able to convey the land to another.

The amendment before you is similar to the amendment proposed several years ago (A-00-5). The previous amendment contained many changes to the Subdivision Ordinance that were recommended for approval to the Board of

Supervisors by the Planning Commission. The Board of Supervisors heard that amendment at their August 2, 2000 meeting and, after considerable discussion amongst themselves and the citizens; they decided to look into the matter further before taking action. At their September 20, 2000 meeting, the Board of Supervisors decided to defer action on this matter to some other time. The County Administrator has a list of pending items that require resolution by the Board. A-00-5 is one of the items on the list. The Planning Commission determined that most of the matters addressed in the original amendment be dropped but the definition of family division be refined.

The Planning Commission appointed a study committee for this matter at their March 2004 meeting to make a recommendation to the full Planning Commission. The Planning Commission heard the study committee's report at their May 2004 meeting. The study committee recommended approval of the revised family division definition. No citizen comments were expressed in support of, or opposition to, the proposed amendment.

After a brief discussion amongst the Planning Commissioners, the Chairman requested a motion. Upon a motion by Mr. Wood stating, to fulfill the requirements of public necessity, convenience and general welfare I make a motion that we recommend to the Board of Supervisors approval of A-04-3. Mrs. Stewart seconded the motion and with Mr. Lee, Mr. Perkinson, Mr. Moore, Mr. Wood, Mrs. Stewart, and Mr. McCray voting "aye" (Mr. Stone absent), the motion was unanimously approved.

Mr. Haraway opened the public hearing. No one spoke in opposition to the amendment. Mr. Haraway closed the public hearing.

Mr. Moody stated be it resolved that in order to fulfill the requirements of public necessity, convenience and general welfare, I move that the Board of Supervisors approve amendment A-04-3 as contained herein.

Mr. Bowman seconded the motion. Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", amendment A-04-3 was approved.

AN ORDINANCE TO AMEND SECTION 18-3, ENTITLED DEFINITIONS, OF CHAPTER 18, SUBDIVISIONS, OF THE DINWIDDIE COUNTY CODE, BY REDEFINING A FAMILY DIVISION.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Chapter 18, Subdivisions, of the Dinwiddie County Code be amended as follows:

Under Article I, entitled In General, Section 18-3, Definitions, the definition of **subdivision** shall be amended by deleting the existing paragraph (4) which relates to a 'family division', and inserting the following:

(4) A single division of land into parcels where such division is for the sale or gift to a member of the immediate family of the property owner provided the following conditions are met:

a) the property owner has owned the property for a minimum of two (2) years prior to the sale or gift of the land to the family member;
b) only one such division shall be allowed per family member;
c) conveyance of the property shall not be for the purpose of circumventing this chapter;
d) a deed and plat to the property conveying the property to the family member must be recorded in the office of the Clerk of the Circuit Court within six (6) months of the approval date noted on the plat by the Subdivision Agent for Dinwiddie County;

e) the family member receiving the property must retain ownership of the property for a minimum of two (2) years unless such property is subject to involuntary transfer such as by foreclosure, death, judicial sale, condemnation, bankruptcy, divorce or any circumstance deemed appropriate upon formal application being submitted to the subdivision agent;

f) the member of the immediate family must be defined as a person who is a natural or legally defined offspring, spouse, sibling, grandchild, grandparent or parent of the property owner;

g) all lots resulting from such division shall have exclusive access of fifty (50) feet or more to a public street or thoroughfare. As used herein, exclusive may be interpreted to include use by other immediate family members, only. In the event a family member served by the fifty (50) foot family easement shall convey ownership of their property to someone other than an immediate family member, then no further family divisions shall be permitted utilizing the above referenced fifty (50) foot easement; and

h) the lot area of each lot existing after the division shall comply with the minimum lot area criteria set forth in the zoning district within which the property is located.

In all other respects, said subdivision ordinance remains in full force and effect. This Ordinance shall become effective upon the date of adoption.

IN RE: PUBLIC HEARING – A-04-5 – AN ORDINANCE TO AMEND ARTICLE VII (TAX ON PURCHASERS OF UTILITY SERVICE) TO PROVIDE FOR THE TAX OF MOBILE TELEPHONE SERVICE

This being the time and place as advertised in the Monitor on May 19, 2004 and May 26, 2004, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comment on the following matter:

AN ORDINANCE TO AMEND ARTICLE VII (TAX ON PURCHASERS OF UTILITY SERVICE) TO PROVIDE FOR THE TAXATION OF MOBILE TELEPHONE SERVICE.

(a) The County Administrator commented this is an amendment to the County Code under Section (g) to allow a Consumer Utilities Tax on wireless lines. The tax imposed on local mobile telecommunications services would be ten percent (10%) of the monthly bill not to exceed $30 per month, which would be equal to $3 per month. She stated the Board would not take any action tonight because there must be a 10 day period after the public hearing before action could be taken. There is also a 60-day lag time after the County adopts it before the County can collect any funds to allow the utility providers time to set up the accounts for payment.

Mr. Haraway opened the public hearing.

1) Michael Bratschi - 23500 Cutbank Road, McKenney, VA – was opposed to the utility tax.

Mr. Haraway asked Mrs. Ralph if she had contacted the localities close by to see how much revenue they received from this tax. She responded she contacted Prince George and they estimated they would receive around $300,000. But it was hard to get the information from other localities. Mr. Haraway requested that Staff check with other localities. He stated if it was $300,000 that would be equal to $.03 per $100 dollars for real estate taxes.

Mr. Stone also questioned how the County could tax prepaid cell phones that were purchased directly from providers.

Mr. Haraway stated action would be taken on the amendment at the June 15th meeting.

Mr. Haraway closed the public hearing.

IN RE: CITIZEN COMMENTS

1) Michael Bratschi - 23500 Cutbank Road, McKenney, VA – commented on the following issues:

a. The ambulance driver that was hired by the County who had the terrible driving record - he stated he hoped the family of the lady that was killed in the accident sued the pants off the County.

b. He requested that the Board fund the DARE Program for the elementary schools in the County.

c. He commented that the Board should not be paying any fees to a search firm if they already had in their minds the person they were going to put in the County Administrator position.

d. He also stated the County was paying too much for the law firm.

2. George Whitman – 13010 Old Stage Road, Petersburg, VA – stated the County is paying top money for lawyers. But what are we paying for engineers? He stated the County needs an engineer in the Planning Department. He said there needed to be some changes made in the County's employment policies.

IN RE: APPOINTMENT – DISABILITES SERVICES BOARD – MARGARET M. RONEY

Upon motion of Ms. Moody, Seconded by Mr. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Ms. Margaret M. Roney is hereby appointed to the Disabilities Services Board, term expiring January 31, 2007.

IN RE: ADOPTION OF LONG TERM FINANCIAL POLICIES INVOLVING CAPITAL FUNDING, DEBT ISSUANCE AND LIQUIDITY

The County Administrator stated a memo from Davenport our Financial Advisors was enclosed in the Board packets concerning the Formalization of Long-term Financial Policies involving Capital Funding, Debt Issuance and Liquidity. As a result of the trip to New York the Rating Agencies encouraged the Board to "formalize" a series of these policies to provide both their organizations with additional comfort when formally providing their respective ratings and as a form of long-term protection for the County under subsequent Boards. The concept being that if solid policies are in place, future Boards and Staff will be more reluctant to make short-term financial decisions that are expedient and not necessarily in the long-term best interest of Dinwiddie's citizens.

"To: Dinwiddie County Board of Supervisors

From: David Rose
Roland Kooch, Jr.
Davenport & Company LLC

Re: **Formalization of Long-term Financial Policies Involving Capital Funding, Debt Issuance and Liquidity**

Date: June 1, 2004

CC: Moody's Investors Service
Standard & Poor's
Fitch Ratings

Overview

Dinwiddie County (the "County") Staff representatives and Chairman of the Board of Supervisors recently visited with all three major Rating Agencies (the "Agencies") located in New York to discuss the proposed multi-year Capital Plans of the County including the planned $55 million of school related construction. The initial response from all three Agencies to Dinwiddie's plans was most favorable and we expect to obtain the desired "A" range investment grade ratings which are viewed as a key cornerstone of the County's overall, long-term fiscal integrity. To that end, the Agencies were all impressed by the "informal practices/policies" of the County particularly as they pertain to your level of Undesignated General Fund Balance and annual usage of cash to fund ongoing capital requirements.

The Rating Agencies did, however, encourage our delegation to "formalize" a series of these policies so as to provide both their organizations with additional comfort when formally providing their respective ratings and as a form of long-term protection for the County under subsequent Boards. The concept being that if solid policies are in place, future Boards and Staff will be more reluctant to make short-term financial decisions that are expedient and not necessarily in the long-term best interest of Dinwiddie's citizens. Experience in Virginia and nationally has shown that subsequent Boards are most reluctant to alter written policies that are publicly established.

Proposed Policies

We ask that the Dinwiddie County Board of Supervisors approve three policies. These are as follows:

1. **Undesignated General Fund Balance shall be maintained at no less than 15% of Total Revenues** – The County already maintains a healthy Undesignated General Fund Balance and the implementation of this policy would have no change in the County's current operations. As of Fiscal Year ended June 30, 2003 the Undesignated General Fund Balance was in excess of 15% and is projected to be above 15% for the Fiscal Year ended June 30, 2004.

2. **Debt Service as a Percentage of Expenditures shall not exceed 10% of Total Expenditures** – Given the conservative nature of our projections, this proposed policy may be slightly exceeded in Fiscal Years 2007 & 2008 when the projected ratio is estimated to be approximately 10.5%. However, within two fiscal years the County will be under this policy limit and have debt capacity for future needs as they arise. [FYI – In the Case of Chesterfield County, one of Virginia's 5 highest rated localities with a AAA Rating, a similar 10% policy has been in place for over a decade. However, during Chesterfield's most active debt issuance years, this policy was routinely exceeded to a level as high as 11.94% and 11.5% in respective years in the late 1990's.]

3. **A minimum of $1 million in Cash from General Operations to be annually earmarked toward Non-Recurring Capital Expenditures** – The County is already incorporating this funding approach because of its conservative budgeting philosophy. No

separate line item is necessary rather a continuation of the current budgeting philosophy will suffice.

Summary

We respectfully recommend that the County Board of Supervisors implement the above policies, which formally reflects the County's current strong leadership and sound management. Moreover, the implementation of these policies will provide future Staff and Boards with a legacy of sound long-term fiscal guidelines, enhance the fiscal strength of the County and serve the long-term best interests of its citizens. Should you have any questions please do not hesitate to call either of us at (804) 697-2900."

Upon motion of Mr. Moody, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the three policies recommended by the financial advisors and Rating Agencies are hereby adopted. These are as follows:

1. Undesignated General Fund Balance shall be maintained at no less than 15% of Total Revenues.

2. Debt Service as a Percentage of Expenditures shall not exceed 10% of Total Expenditures.

3. A minimum of $1 million in Cash from General Operations to be annually earmarked toward Non-Recurring Capital Expenditures.

IN RE: PROCLAMATION REQUEST – CLOWNS OF AMERICA

The County Administrator stated there was a request for a Proclamation from the Virginia Clown Alley #3, Clowns of America, International, recognizing the week of August 1 – 7, 2004 as 2004 International Clown Week. A proclamation can be written and signed by the Chairman without doing a resolution if it is the desire of the Board.

Upon motion of Mr. Moody, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the request for the Proclamation from the Virginia Clown Alley #3, Clowns of America, International, recognizing the week of August 1 – 7, 2004 as 2004 International Clown Week was approved.

IN RE: COUNTY ADMINISTRATOR COMMENTS

1) Mrs. Ralph commented a memo from VACo was enclosed in the packets. VACo has started the process of developing its 2005 Legislative Program and have asked for the County's contributions. They have requested that the County forward any issues or specific proposals the County would like to have addressed to them. However, the issues and proposals submitted by the County should have statewide (and not parochial) application.
2) The County Administrator stated the information you requested at the last meeting on the Rural Rustic Projects and the Six Year Plan was enclosed in the packets.
3) Mrs. Ralph also reminded the Board that they needed to submit the changes they wished to make on the laundry list so that she could compile a master list. She informed the Board that the Planning Commission needed the priority list for upcoming projects they wanted them to work on.

IN RE: ADOPTION OF THE AMENDED SCHOOL BUDGET FY05

The County Administrator commented that earlier today the Board took action to reduce the local contribution to the FY05 School Budget from $800,000 to $400,000. At a previous workshop Dr. James Lanham presented the amended FY 05 School Budget and action is needed to approve the amended School Board FY 05 budget as presented and reduce the local funding to $400,000.

Upon motion of Mr. Bowman, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the amended School Board FY 05 budget was approved as presented and the local funding was reduced to $400,000 to be appropriated to the Instruction Category.

IN RE: COUNTY ADMINISTRATOR COMMENTS CONT'

4. The County Administrator commented as a follow up of the growth management joint workshop held last Wednesday, Staff is suggesting that a committee of two board members and a planning commission member be appointed to work with staff and legal counsel to further develop some of the tools that were discussed that could be put into place in Dinwiddie County. This would be a working group that would make recommendations to the full Board and Planning Commission. She asked if any of the Board members would like to volunteer to serve on the committee. Ms. Moody and Mr. Bowman agreed to serve on the committee.

IN RE: BOARD MEMBER COMMENTS

Mr. Bowman requested that the County Administrator contact Mr. Mike Chandler to see if he would outline his recommendations for the growth management development tools that could be put into place in Dinwiddie County. He commented he felt that would be very helpful to the committee. It was also requested that the County Attorney provide the same from her presentation.

Mr. Stone requested that the GIS Director provide a fee schedule by the next meeting for what the public is going to be charged for maps and information his office will provide. He commented the Board should discuss the fees and have them in place by July 1. He stated he had two VDOT concerns. He said he received several calls from citizens about Glebe Road from U.S. Route 1 to Scotts Road. This section of road has a history of accidents, several with fatalities. At one point there were double stripes on this section of road but it has been repaved and he stated he would like to find out what it would cost to double stripe from Scotts Road to Route 1 due to the high volume of traffic to the ball park. He also stated on Route 40 East (leaving McKenney) maybe .2 of mile or less before the intersection of Rt. 40 East and Courthouse Road. When going eastbound on Rt. 40, there is a large "hump" in the road that makes the upcoming intersection out of site or a blind spot. A vehicle going 55 mph cannot stop safely if someone is in that intersection.

Many residents and especially farmers hauling equipment cross here or turn into the store on the corner of this intersection. Residents on Courthouse and farmers in area are getting a petition signed to have a sign placed on Rt. 40 Eastbound on both sides of the road warning of the crossing. He said he thought a large yellow sign (without lights flashing) but also with those "rumble strips" like Rt. 460 has in Ivor, or in that area, that make noise to alert the driver of an upcoming intersection would be great and less money than the flashing lights. He requested that Staff get a cost on the signs.

Mr. Moody stated he had been working with Mrs. Ralph the longest of any other Board member here and he knew what the County has gone through. The County was running in the red and the Board took some financial actions to get the County back in the black. Without the assistance of Mrs. Ralph and Mrs.

Townsend that would not have been possible. He stated he hated to see the County Administrator go and because of that the Board had a task at hand to find a new Administrator. He commented after interviewing three search firms he would like to make a motion to hire the Slavin Management Consultants to assist the Board with finding a new County Administrator. Mr. Bowman seconded the motion. Mr. Haraway explained that the firm would be charging the County a flat fee for their services not a percentage of the County Administrator's salary.

Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the Board endorsed the hiring of the Slavin Management Consultants at a flat fee of $13,265 for their services to hire a new County Administrator.

Mr. Moody commented he had been approached by a citizen to see about the possibility of getting handicapped access doors to the Pamplin Building because it is difficult to get into the building without assistance. He also stated another citizen had contacted him regarding getting some kind of security for the Historic Courthouse because there are some unique artifacts in the building.

Mr. Haraway stated within the past couple of weeks the Board received a proposed schedule of rate increases for building permit fees. The County Administrator commented that these would be brought to them at the June 15th meeting. She asked if there was something else the Board would like to have before the meeting. Mr. Haraway stated anytime the County is proposing any rate adjustments he would like to see a worksheet to indicate the total additional revenue that would be generated by the increase based on the past 12 months. Mrs. Ralph stated she would get that information to them and the Planning Department would be asking for increases in the development permit fees also.

IN RE: INFORMATION IN BOARD PACKET OR DISTRIBUTED

1. Memo to Advisory Committee participants from Southeast High Speed Rail – regarding May 4 - 5 Advisory Committee Meetings for Tier II Environmental Impact Statement Corridor from Petersburg, VA (Collier Yard) to Raleigh, NC (Boylan Wye), NCDOT State Project No. 9.9083002, NCTIP Project No. P-3819.
2. Letter from Hunter Smith regarding Department of Health's recommendation to the Commissioner to build a nursing home in Dinwiddie County.
3. Letter from Crater Health Department advising County of update on West Nile Virus Surveillance and Response plans for 2004.
4. Request for a Proclamation declaring Week of August 1 –7, 2004 - International Clown Week.

IN RE: ADJOURNMENT

Upon Motion of Mr. Moody, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the meeting adjourned at 9:06 P.M.

Donald L. Haraway

Donald L. Haraway, Chairman

ATTEST: Wendy Weber Ralph

Wendy Weber Ralph
County Administrator

/abr

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 15TH DAY OF JUNE, 2004, AT 12:30 P.M.

PRESENT:	DONALD L. HARAWAY – CHAIRMAN	ELECTION DISTRICT #2
	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5
OTHER:	BENJAMIN EMERSON	COUNTY ATTORNEY

==========

Mr. Donald L. Haraway, Chairman, called the regular meeting to order at 12:39 P.M. in the Board Meeting room of the Pamplin Administration Building.

IN RE: CLOSED SESSION

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

***§2.2-3711 (A)(1)* of the Code of Virginia - Personnel** – Commonwealth Attorney; Zoning Administrator, Planning, and Recreation
***§2.2-3711 (A)(30)* of the Code of Virginia** – Contract Negotiations
***§2.2-3711 (A)(3)* of the Code of Virginia** – Acquisition of Property

Mr. Bowman seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 12:39 P.M.

A vote having been made and approved the meeting reconvened into Open Session in the Board Meeting Room at 2:03 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under §2.2-3711 A. 1 Personnel – Commonwealth Attorney; Zoning Administrator; Planning, and Recreation; *§2.2-3711 (A)(30)* of the Code of Virginia – Contract Negotiations; *§2.2-3711 (A)(3)* of the Code of Virginia – Acquisition of Property;

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

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

Mr. Donald L. Haraway, Chairman, called the regular meeting to order at 2:04 P.M. followed by the Lord's Prayer and Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

The County Administrator requested that the agenda be amended to

continue the Closed Session for §2.2-3711 A. 1 – Personnel – Commonwealth Attorney and add the following item after the Consent Agenda – Update on the community wells situation in Chesdin Manor and River Road Farm Subdivisions.

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

IN RE: MINUTES

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", Mr. Stone voting "Nay"

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the minutes of the May 26, 2004 Continuation Meeting, June 1, 2004 Continuation Meeting, and the June 1, 2004 Regular Meeting, are approved in their entirety.

IN RE: CLAIMS

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", Mr. Stone voting "Nay"

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 1039917 through 1040088 (void check(s) numbered 1039916, and 1039955 - 1039610)

FY – 03/04
Accounts Payable:

(101) General Fund	$ 136,271.51
(103) Jail Commission	$ 156.03
(209) Litter Control	$
(222) E911 Fund	$ 2,742.82
(223) Self Insurance Fund	$
(225) Courthouse Maintenance	$ 2,813.27
(226) Law Library	$ 36.80
(228) Fire Programs	$ 154,403.92
(229) Forfeited Asset Sharing	$ 500.50
(304) CDBG Grant Fund	$ 2,999.24
(305) Capital Projects Fund	$ 267,129.54
TOTAL	**$ 567,053.63**

FY – 04/05
Accounts Payable:

(101) General Fund	$ 1,900.50
(222) E911 Fund	$ 3,083.28
TOTAL	**$ 4,983.78**

IN RE: COMMUNICATIONS EQUIPMENT REQUISITION #5 – DINWIDDIE COUNTY IDA PUBLIC FACILITIES LEASE REVENUE NOTE SERIES 2003

The following invoice from Motorola, for expenses from the Dinwiddie County IDA Public Facilities Lease Revenue Note Series 2003 was submitted for payment:

Milestone #5 install at Landfill Site	$211,503.90
Milestone #6 install at Fire Station #1	211,503.90
Equipment that did not ship milestone #3	22,424.00
TOTAL DUE	**$445,431.80**

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", Mr. Stone voting "Nay"

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number #5 in the amount of $445,431.80 be approved and funds appropriated for expenses from the Dinwiddie County IDA Public Facilities Lease Revenue Note Series 2003.

IN RE: WASTEWATER HAULER CONTRACT

The following bids were received for the wastewater hauling at the Landfill:

Company	Cost per gallon	Cost per load
Chamber Septic Service	$.04	$112
Edmunds Waste Removal	$.05	$200
EZ Septic Service	$.10	$200

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", Mr. Stone voting "Nay",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the County Administrator was authorized to enter into a contract for the wastewater hauling at the Landfill with Chamber Septic Service at a cost of $.04 per gallon/$112 per load.

IN RE: AUTHORIZATION TO ADVERTISE – BUILDING & ZONING FEE AMENDMENTS

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", Mr. Stone voting "Nay",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Staff is authorized to advertise for a public hearing for the building and zoning fee amendments as presented.

IN RE: NAMOZINE VFD – REPLACEMENT OF MOTOR FOR BREATHABLE AIR COMPRESSOR

"June 4, 2003

David Jolly
Director
Dinwiddie Public Safety

Dear Mr. Jolly,

This letter is in regards to our conversation on June 2, 2004 regarding replacement of the motor on our breathable air compressor. The motor is defective and no longer serviceable. We have received a quote of $768.00 for replacement of the motor. The quote is from Grainer. The model number of the motor is 10hp – 2k498. The air compressor is used to fill our air cascade system. The cascade system is used to fill air bottles for air packs used in firefighting and hazardous environments. We are requesting Dinwiddie County

pay for the cost of this replacement. This is a valuable piece of equipment that we use to provide services to the citizens of the county. Any help in this matter would be appreciated.

Thank you,
Oliver J. Miles, Jr.
Assistant Fire Chief
Namozine Volunteer Fire Station"

The Public Safety Director recommended payment for this request from the capital line item of the volunteer fire budget.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", Mr. Stone voting "Nay",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that payment for the invoice for $768.00 for the replacement of the motor on the breathable air compressor for the Dinwiddie VFD was approved with funding from the capital line item of the volunteer fire budget.

IN RE: RATIFICATION OF LOCAL EMERGENCY RESOLUTION – URANIUM IN WELL WATER IN CHESDIN MANOR AND RIVER ROAD FARM SUBDIVISIONS

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", Mr. Stone voting "Nay", the following resolution was adopted.

Declaration of Local Emergency

Whereas, Crater Health District has been notified by the Office of Drinking Water, within the Virginia Department of Health, that water from the community wells in Chesdin Manor and River Road Farm Subdivisions, owned and operated by Fox Run Water Company, have elevated levels of uranium.

Whereas, the levels of uranium exceed the Environmental Protection Agency (EPA) maximum contaminant level (MCL) of 30ug/l (micrograms per liter). This standard for drinking water is contained in the EPA's Final Rule for (Non-Radon) Radionuclides in Drinking Water that became effective December 8, 2003.

Whereas, the Crater Health District is recommending the residents take the following precautions with regard to water usage until the levels of uranium in their water supply are reduced to acceptable levels. Use bottled water for drinking, cooking food, making baby formula, and when brushing your teeth. Do not use the water for making ice even if you have automatic icemakers. Boiling your water will **not** reduce or remove the uranium and therefore is not recommended. Using the community water supply for showering or bathing does not present a problem.

Whereas, this notification affects approximately 115 homes and 400 citizens;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that an emergency now exists in the communities of Chesdin Manor and River Road Farm Subdivisions; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said emergency the powers, functions, and duties of the Director of Emergency Services and the Emergency Services organization of the County of

Dinwiddie shall be those prescribed by state law and the ordinance, resolutions, and approved plans of the County of Dinwiddie in order to mitigate the effects of said emergency.

IN RE: AUTHORIZATION TO NEGOTIATE WITH LOW BIDDER – PARKING LOT EASTSIDE PROJECT

The following bids were received for the parking lot located at the Eastside Community Enhancement Center project:

Company	Bid
Pro-Construction Services	$47,879
Rocky Hill Construction	$57,416

The Director of Buildings and Grounds requested authorization to negotiate with the low bidder at a cost not to exceed $47,879.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", Mr. Stone voting "Nay",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Buildings and Grounds Director was authorized to negotiate the contract with Pro-Construction Services the low bidder, at a cost not to exceed $47,879, for the parking lot at the Eastside Community Enhancement Center.

IN RE: UPDATE – COMMUNITY WELLS IN CHESDIN MANOR AND RIVER ROAD FARMS SUBDIVISIONS WITH EVELATED LEVELS OF URANIUM

The County Administrator stated there would be an update on the present situation of the community wells in Chesdin Manor and River Road Farms Subdivisions. But she would like to make a statement to go on record before the presentation. The County received a letter from the Crater Health District on June 3, 2004 notifying us that one of the community wells in the subdivisions, owned and operated by Fox Run Water Company, had elevated levels of uranium. On Wednesday, June 9th a town meeting set up by the Crater Health District was held at Rohoic Elementary School and a representative from Fox Run Water Company stated they faxed a letter to the County regarding the situation. At the meeting she said she had not received any correspondence from them. However, Thursday morning she discovered that a fax had come into the office addressed to the Chairman and her but she had no knowledge of it at the meeting. She commented she wanted to clarify that she was not aware that the fax had come in and she was not aware of it at the meeting. She also stated that a representative did come in the morning after the community meeting to talk with Administration about the issue. The County Administrator stated after the update if the residents have any questions the officials from the Health Department, Fox Run Water Company, Public Safety Director and Water Authority would be meeting in the room down the hall. If anyone had any comments for the Board at the conclusion of that meeting, to please come back to the Board meeting room and the Board would entertain a second public comment period.

Mr. David Jolly, Public Safety Director, Mr. Bernard Nash, Owner, Fox Run Water Company, Mr. Bernard McNamee, Attorney for Fox Run Water Company, Dr. Michael Royster, Director Crater Health Department, Mr. Jerry Peaks, Virginia Office of Drinking Water, gave updates regarding the well situations and what had transpired with each department from the onset of the problem.

The County worked with the Water Authority to supply drinking water to the community immediately. Mr. Nash supplied the community with a tanker of drinking water, which is located on site to remain there until a permanent solution

is in place. The Health Department is focusing on health related problems, disseminating information and offering water sampling to the community and contacting the local physicians in case the residents contact them. The Health Department is also working with the Social Services Department to help residents that don't have health benefits.

Dr. Royster explained that exposure to high levels of uranium can cause kidney damage and increases the risk of contracting bone sarcoma (a specific type of bone cancer) after many years of exposure. He reported 99% of the uranium would leave a person's body in the feces. And only 1% enters the blood stream. Most of this uranium that enters the blood leaves the body through the kidneys and a small amount remains in the bones for many years.

The Office of Drinking Water under the Virginia Department of Health has jurisdiction in ensuring that community well water is safe. Individuals with private wells are responsible for testing the quality of their water. The Health Department has a list of laboratories and qualified laboratories can also be found in the yellow pages of the phone book. The phone number for the Crater Health Department is (804) 863-1652 if anyone has questions.

Mr. Moody asked after a person stopped drinking the water would the kidneys go back to normal. Dr. Royster stated after approximately 4-months the kidneys should return to normal.

Mr. Jerry Peaks, Virginia Office of Drinking Water, informed the Board that their main concern was to protect the consumer. He stated he was very impressed with how well all the departments came together and worked on a solution for the community. The ODW ensures the safety of community wells by overseeing the construction of wells, the use of water treatment devices, and the quality of drinking water, and by enforcing water regulations of the Virginia Public Supply Law and the Federal Safe Drinking Water Act. He stated they could also help financially by providing a $50,000 grant to help with the construction costs and $25,000 to pay for engineering services.

The County Administrator thanked everyone for coming together to find a solution for the residents. The main concern of everyone was to get safe water to the community for everyone to use. She reminded the citizens if they had any concerns at the end of the meeting, to be sure to come back to the Board meeting.

IN RE: CITIZEN COMMENTS

1. Michael W. Bratschi – 23500 Cutbank Road, – McKenney, Virginia – told the Board they were the elected officials for those people with the well problems and it was their responsibility to help them find a solution. However, he did not feel the Board nor the rest of the citizens should have to pay for the solution. He also expressed his concerns regarding the police coverage for the County when there are racing events at the Virginia Motorsports Park. He stated the County should not be paying their salaries to cover the racing events either.
2. Anne Scarborough – Boydton Plank Road, Dinwiddie, VA. – voiced her concerns regarding the ad in the newspaper which ran for the Environmental Technician position. She stated she did not feel the County should have to pay for training them either; they should already have the qualifications for the position. She told the Board they needed to hire an engineer for the planning department to help Mr. Scheid out too.
3. David Dudley – Smith Grove Road, Petersburg, Virginia, 23803 – stated he was not in favor of the utility tax the Board was taking action on today. He stated it was an unfair tax because all the residents would not be paying because of the prepaid cards that are purchased with suppliers.

IN RE: VDOT REPORT

Mr. Ray Varney, Resident Engineer, Virginia Department of Transportation introduced himself to the Board and commented it was a pleasure for him to be in the County. He extended a personal invitation to each of the members to ride through their districts with them to discuss the problems they might be concerned about. He commented he sees working with the County as a partnership

Mr. Varney commented he was the bearer of some bad news today. VDOT has gotten some direction on the Six Year Road Plan for the County. Usually at this time of the year the budget is looked at and sometimes there are some funds that can be applied somewhere else but this year it is going the other way; there is going to be a deficit. He commented the good news is that for the first two years in the plan the County would not see a change in the projects. VDOT would be able to continue with the two big road projects in the plan and the unpaved roads as well. However, after the 2nd year there is going to be about a $180,000 deficit. So out in the sixth year, in the current plan, there will be about a 40% decrease in County funding. He stated no county was being singled out; all the secondary budgets were taking a hit over the next six years. He commented he should have some more information for the Board by next month. He stated he would work with the Board on the situation. The unpaved roads allocation has to be spent for the project it was designated for and cannot be used for any other purpose. The regular construction funds can be spent for either unpaved roads or existing hard surfaced roads.

He provided the following update:

1. Route 600 Bridge project over the Appomattox River – a citizen information meeting has been scheduled for June 21, 2004 from 5:00 – 7:00 P.M. at the Matoaca Elementary School.
2. Route 40 & Route 619 – there has been only one accident there; the sight distance was measured and it is not quite what VDOT really wants it to be. A "Hill Blocks View " sign will be installed there and an advisory 45 MPH speed limit sign will be posted.
3. Route 646 striping – the traffic count on the road does not warrant the striping there but VDOT will double-stripe Route 646 (Glebe Road) from US Route 1 to Rt. 645 (Scotts Road).
4. Wrenn Forest Subdivision water drainage problem – will work with the County, developer, and engineer to see if something can be done about the situation. VDOT talked about doing a couple of things: 1) get the rip rap out of there and pour some concrete and they may need some help doing that. He stated he would meet with the developers to see if they could help them and the neighbors.

Board Member Request/comments

Mr. Stone asked Mr. Varney if it would be possible to install rumble strips at the intersections of Route 40 and Route 619? Mr. Varney stated he did not disagree with the rumble strips but due to the accident rate it did not appear to be warranted at this time. He suggested that they try the sign and the lowered speed limit and see what happens. Mr. Stone stated he was unclear about the striping on Glebe Road. Is the stripping going to go to the ballpark or to Scotts Road? Mr. Overton commented he thought the lines ran down to Route 647. Mr. Stone commented no; it has been paved and repaved over and the lines aren't visible. Mr. Overton stated they were hard to see but they were there. Mr. Stone stated the traffic count needed to be done in the spring of the year through now, because of the traffic to the ball field. Mr. Overton stated 600 was the qualifying number for the striping but another study could be done.

Mr. Moody stated he appreciated VDOT filling the potholes on Routes 643 and 642 and they might need striping because of the high volume of traffic also.

Mr. Haraway stated with the 40% reduction in the Six Year Road Plan he would be interested in VDOT assisting the County by supplying the criteria used by the State for placing roads on the plan. He asked the Board members if they would be interested in using the same standards used by the State. Mr. Bowman agreed the County needed the expertise of VDOT to help determine what roads should be put on the Six Year Plan instead of it being a political issue. Mr. Moody interjected it has always been a political issue. There are a lot of rural roads in the southern and western sections of the County, which are in very bad condition, that need to be fixed. In the northern end of the County there are a lot of people with crowded roads. If it were decided on an engineering basis the county roads would fall even further behind. Mr. Varney stated VDOT would do it purely by the engineering aspect. What is being seen in other jurisdictions to help with the funding issues is an overlay and widening of shoulders, which is a lot cheaper. He commented he intended to work on maintaining the roads to help increase the life expectancy. He stated if the ditches are kept clean and the water drains off the roads that would help a great deal too.

Mr. Stone requested that VDOT mow on Route 40 from 460 up to Fort Pickett and the areas around Elder Field in McKenney before the week of July 2 – 7, 2004 because the Dixie Youth Minor League tournaments are going to be held that week and there would be visitors coming into the County.

IN RE: RISKIDS.ORG – LETTER OF SUPPORT - ANTHONY JONES

Mr. Anthony D. Jones, Executive Director of the Resource Initiative for Safe Kids gave a brief overview of the purpose of Riskids.org. The RISKids.org "YOU"Th ARE Worthy Focus Forums is a strategy offering economically disenfranchised communities an opportunity to initiate discussions concerning out of school options for youth and then work with the community to identify services, support and funding that will increase the potential for making a difference in the lives of all youth. He requested a letter of support for a grant to utilize the Jepson School students, staff and funding to assist the Resource Initiative for Safe Kinds in a Rural Youth and Caregiver Profile analysis to access the needs of the target area population, which includes portions of Dinwiddie, Amelia, Nottoway, Lunenburg, Brunswick, and Petersburg and then determine the feasibility of establishing a network of community based mentor centers.

Ms. Moody made the motion to extend a letter of support for the grant for the RISKids.org. Mr. Moody seconded the motion and stated he approved of the concept but he wanted to make sure that the letter was only to support the application for the grant. Mr. Jones replied he was not asking for any funding.

Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", the County Administrator was authorized to write a letter of support for the concept presented by RISKids.org and further to support their application to the Jepson School of Leadership Studies at the University of Richmond to provide the resources outlined in the recent request for proposals.

IN RE: A-04-5 – ADOPTION OF UTILITY TAX ORDINANCE

The County Administrator stated the public hearing for the utility tax was held at the last meeting but due to the fact that fees are involved action could not be taken until today. It would be a lag time of approximately 120 days for the vendors to set up accounts for the tax.

Mr. Bowman remarked the County has been mandated by the State to receive the mobile 911 calls and it is not that the Board wants to pass another

tax on to the citizens, but the County had to put in a communication center and man it to handle these calls. The State mandates these responsibilities and the County has to pay for them.

Mr. Moody pointed out the reassessments is being done and it seems that with all the school construction coming up there is definitely a need for funding. Hopefully this tax will give our real estate rates some relief.

Mr. Haraway stated he supported that and commented even if only $100,000 was collected it would be $.01 less the real estate tax would have to be increased.

Mr. Stone commented in the past six months since he has been on the board there have been workshops on zoning, planning, proffers, impact fees and Mr. Chandler from Virginia Tech did a session on growth management. And everyone on the Board was concerned about growth in the County. It was not until the Chairman just mentioned it but one of the biggest magnets for the County is the real estate tax; and that is the reason we are having all these problems. That is why the County has to put out more money for services for schools, EMS, and fire. He commented he didn't understand why the previous Board and this Board was not discussing the tax rates more. This is a supplement, yes; but it is a backdoor way to ignore the problem and he could not support this tax.

AN ORDINANCE TO AMEND ARTICLE VII (TAX ON PURCHASERS OF UTILITY SERVICE) TO PROVIDE FOR THE TAXATION OF MOBILE TELEPHONE SERVICE.

Upon motion of Mr. Bowman, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", Mr. Stone voting "Nay",

BE IT ORDAINED BY THE BOARD OF SUPERVISORS of the County of Dinwiddie, that Sections 19-94 through 19-102 of the Code of the County of Dinwiddie, Virginia be amended and reenacted to read as follows:

ARTICLE VII. TAX ON PURCHASERS OF UTILITY SERVICES

Sec. 19-94. Definitions.

For the purposes of this article, except where the context clearly indicates a different meaning, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Commercial or industrial user: The owner or tenant of property used for commercial, industrial or any other purposes, except private residential property, who pays for utility service for such property.

Local exchange telephone service: Any service subject to federal taxation as local telephone service as that term is defined in § 4252 of the Internal Revenue Code, 1986, as amended.

Local mobile telecommunications service: Any two-way mobile or portable local telecommunication service, include cellular mobile radio telecommunication service and specialized mobile radio.

Local telecommunications service: Includes without limitation, the two-way local transmission of message through use of switched local telephone services; telegraph services; teletypewriter; or local mobile telecommunications service.

Purchaser: Every person who purchases a utility service.

Residential user: The owner or tenant of private residential property who pays for utility service in or for such property.

Seller: Every person who sells or furnishes a utility service.

Utility services: Local exchange telephone service, local telecommunications service, electrical service and gas service furnished within the county.

Sec. 1995. Imposed; amount; exclusions.

(a) Except as provided in subsections (1) and (2), there is hereby imposed and levied by the county upon every purchaser of a utility service, a tax in the amount of twenty (20) percent of the charge, exclusive of any federal tax thereon, made by the seller against the purchaser with respect to each utility service.

(1) Effective with the first bill for electric energy service rendered for meter readings on or after January 1, 2001, the rate of tax on the electric energy delivered to the ultimate consumer shall be as follows:

Residential customers—Such tax shall be twenty (20) percent times the minimum monthly service charge imposed by the service provider plus the rate of $0.016225 on each kWh delivered monthly to residential consumers by the service provider not to exceed three dollars ($3.00) per month.

Commercial/ industrial customers—Such tax shall be twenty (20) percent times the minimum monthly service charge imposed by the service provider plus the rate of $0.016600 on each kWh delivered monthly up to one hundred (100) kWh plus the rate of $0.014863 on each kWh delivered monthly in excess of one hundred (100) kWh, not to exceed thirty dollars ($30.00) per month.

(2) Effective with the first bill for natural gas service rendered for meter readings on or after January 1, 2001, the rate of tax on the natural gas delivered to the ultimate consumer shall be as follows:

Residential customers—Such tax shall be twenty (20) percent times the minimum monthly service charge imposed by the service provider plus the rate of $0. 1867 on each CCF delivered monthly to residential consumers, not to exceed three dollars ($3.00) per month.

Commercial/industrial customers—Such tax shall be twenty (20) percent times the minimum monthly service charge imposed by the service provider plus the rate of $0.15566 on each CCF delivered monthly to commercial/industrial consumers, not to exceed thirty dollars ($30.00) per month.

(b) In case any monthly bill submitted by any seller for residential utility service shall exceed fifteen dollars ($15.00) for a residential user, there shall be no tax computed on so much of such bill as shall exceed fifteen dollars ($15.00). There shall be no tax computed on bills submitted for electric service for heating water and space heating where a separate meter is used solely for water heating and space heating service or on bills submitted for unmetered electric service.

(c) In the case of any apartment house or other multiple-family dwelling using gas service through one or more master meters, the sum of fifteen dollars ($15.00) shall be multiplied by the number of dwelling units served and, for electric service, the sum of fifteen dollars ($15.00) shall be multiplied by the number of dwelling units served.

(d) In case any monthly bill submitted by any seller for commercial or industrial utility service shall exceed one hundred fifty dollars ($150.00); there shall be no tax computed on so much of such bill as shall exceed one hundred fifty dollars ($150.00).

(e) There shall be no tax computed on bills submitted on sales of utility service for resale.

(f) For the purposes of this section, bills shall be considered monthly bills, if submitted twelve (12) times per year for periods of approximately one month each.

(g) Notwithstanding the foregoing subsections, the tax imposed on local mobile telecommunications services shall equal ten percent (10%) of the monthly gross charge and shall not be applicable to any amount in excess of $30 per month for each mobile telecommunications service number billed to a mobile service consumer.

Sec. 19-96. Computation when service charges collected on other than monthly basis.

In all cases where the seller collects the price for utility services other than on a monthly basis, the tax imposed and levied by this article may be computed on the aggregate amount of purchases during the period billed for; provided, that the amount of tax to be collected shall be the nearest whole cent to the amount computed and such tax shall not exceed the sum of three dollars ($3.00) for residential users of electricity, gas or telephone service, or thirty dollars ($30.00) for commercial or industrial users, multiplied by the number of months, or portion thereof, covered by the bill.

Sec. 19-97. Applicability to telephone service.

The tax imposed and levied by this article with respect to local exchange telephone service shall apply to all charges made for local exchange telephone service, except local messages, which are paid for by inserting coins in coin-operated telephones.

Sec. 19-98. Exemptions.

(a) The tax imposed and levied by this article shall not apply to the purchase of bottled gas.

(b) The United States of America, the state and the political subdivisions, boards, commissions and authorities thereof are hereby exempted from the payment of the tax imposed and levied by this article with respect to the purchase of utility services used by such governmental agencies.

Sec. 19.99. Duty of purchaser to pay.

The tax imposed by this article shall be paid by the purchaser unto the seller, for the use of the county, at the time the purchase price or charge for the utility service becomes due and payable under the agreement between the purchaser and the seller.

Sec. 19.100. Duty of seller to collect, report and remit.

(a) It shall be the duty of every seller, in acting as the tax collecting medium or agency for the county, to collect from the purchaser, for the use of the county, the tax imposed and levied by this article at the time of collecting the purchase price charged for the utility service. Taxes so collected during each calendar month shall be reported by each seller to the county treasurer and each seller shall remit the amount of tax shown by such report to have been collected to the county treasurer on or before the last day of the first calendar month thereafter, together with the name and address of any purchaser who has refused to pay his tax. The required reports shall be in the form prescribed by the county treasurer.

(b) The county treasurer may extend, for good cause shown, the time of filing any report required by the provisions of this section; provided, however, that no such extension shall exceed a period of ninety (90) days.

Sec. 19-101. Seller's records.

Each seller shall keep complete records showing all purchases of utility services in the county, which records shall show the price charged against each purchaser with respect to each purchase, the date thereof, the date of payment thereof and the amount of tax imposed under this article. Such records shall he kept open for inspection by the duly authorized agents of the county at reasonable times, and the duly authorized agents of the county shall have the right, power and authority to make transcripts thereof.

Sec. 19-102. Failure of purchaser to pay; violations of article by seller.

Any purchaser failing, refusing or neglecting to pay the tax imposed or levied by this article and any seller violating the provisions of this article, and any officer, agent or employee of any seller violating the provisions of this article shall be guilty of a Class 4 misdemeanor. Each failure, refusal, neglect or violation, and each days continuance thereof, shall constitute a separate offense.

Secs. 19-103—19-110. Reserved.

This ordinance shall become effective upon the date of adoption by the Board of Supervisors.

IN RE: APPOINTMENT – PROGRAM SUPPORT SPECIALIST – PLANNING DEPARTMENT – ALVIN GURLEY

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for the Planning Department to hire Mr. Alvin Gurley for the Program Support Specialist position, at Grade 8, Step 2, at an annual salary of $22,471, effective June 1, 2004.

IN RE: AUTHORIZATION FOR COUNTY ADMINISTRATOR TO SIGN TOBACCO INDEMNIFICATION & COMMUNITY REVITALIZATION COMMISSION – PHASE III GRANT

The County Administrator stated the Tobacco Commission met in Danville, Virginia in May and approved awards of the FY04 Economic Development funds. The grant was awarded to the Dinwiddie County Industrial Park – Phase III in the amount of $624,691.

Upon motion of Mr. Bowman, Seconded by Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the County Administrator is authorized to sign the Letter of Agreement for the Dinwiddie County Industrial Park, Phase III economic development grant with the Tobacco Indemnification and Community Revitalization Commission.

IN RE: RC & D APPOINTMENT- MR. DANIEL LEE

Upon motion of Mr. Stone, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Daniel Lee is hereby reappointed to serve on the RC& D Council, for a three-year term expiring June 30, 2007.

IN RE: APPOINTMENT - DINWIDDIE COUNTY SOCIAL SERVICES BOARD

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody voting "Aye", Mr. Haraway "Abstaining",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Donald L. Haraway and Mrs. Patsy Cansler are hereby reappointed to serve on the Dinwiddie County Social Services Board, for a four-year term ending June 30, 2008.

IN RE: APPOINTMENT ROBERT BOWMAN, IV– CRATER PLANNING DISTRICT COMMITTEE AND METROPOLITIAN PLANNING ORGANIZATION

Upon motion of Ms. Moody, Seconded by Mr. Stone, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", Mr. Bowman "Abstaining",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Robert Bowman, IV, is hereby appointed to the Crater Planning District Committee and Metropolitan Planning Organization, for a one-year term, expiring June 30, 2005.

IN RE: APPOINTMENT – APPOMATTOX REGIONAL LIBRARY BOARD

Upon motion of Mr. Bowman, Seconded by Ms. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Claude R. Mayfield be reappointed to serve on the Appomattox Regional Library Board for a period ending June 30, 2008.

IN RE: RECESS

The Chairman called for a recess at 3:34 P.M. The meeting reconvened at 3:41 P.M.

IN RE: NATIONAL PARK SERVICE – GENERAL MANAGEMENT PLAN

Mr. Bob Kirby, Superintendent, Petersburg National Park Service, stated "the National Park Service (NPS) has been working with Dinwiddie County, the Civil War Preservation Trust and others to find ways to preserve historic Civil War battlefields and to establish trail and greenway linkages to them. Many of the local battlefields remain relatively unprotected, despite their recognition as

nationally significant places in our nation's history. The NPS is interested in the preservation and interpretation of these battlefields for future generations.

Over the past three years, with the help of community members and leaders, Petersburg National Battlefield has been developing a General Management Plan (GMP). Thanks to important feedback gleaned from our GMP workshops and public comments, our Draft General Management Plan/Environmental Impact Statement is now ready for public review. This document presents alternatives that explore ways to protect and preserve these unique cultural resources, interpret them to the public, and provide for appropriate development. It will provide management direction for the park for the next 15 plus years."

Mr. Kirby presented a PowerPoint presentation of the Draft General Management Plan/Environmental Impact Statement. After the presentation, Mr. Kirby stated public participation was very important in the successful development of the General Management Plan. He stated public comments would be accepted until August 6, 2004. He also stated he would stay after the meeting to answer any questions the citizens may have.

IN RE: COUNTY ADMINISTRATOR COMMENTS

1. The County Administrator commented at the joint meeting for the Routes 1 and 460 Enhancement Corridor Project with the Planning Commission the possibility of having the public hearing on June 21st was discussed. However, Mr. Scheid thinks that it might be rushing too much to have it then. He would also like to meet with the Planning Commissioners before the public hearing is held. She stated the Board members would receive a draft document with all the suggested changes from the consultant and the public hearing will be rescheduled if that would be agreeable with the Board. The Board agreed.

IN RE: RESOLUTION TO EXERCISE OPTION TO PURCHASE 81 ACRES OF LAND FOR ECONOMIC DEVELOPMENT

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the following resolution was adopted.

RESOLUTION

WHEREAS, the Board of Supervisors of the County of Dinwiddie, Virginia **(the "Board")** believes it to be in the best interest of Dinwiddie County **("the County")** to purchase a tract of land in the Rohoic district of the County for economic development purposes, such tract having tax map number 21-151 and consisting of approximately eighty-one (81) acres located at 5516 Cherokee Drive **(the "Property")**; and

WHEREAS, the Board has previously authorized and entered into an option agreement dated April 9, 2004 for the purchase of the Property **(the "Option Agreement")** at the price of $900,000 **(the "Purchase Price")**;

NOW, THEREFORE, BE IT RESOLVED that the purchase of the Property by the County is hereby deemed to be in the best interests of the County and is approved by the Board in accordance with the terms and provisions of the Option Agreement, and the execution of and performance of the obligations contained in the Option Agreement are hereby ratified and approved; and

FURTHER RESOLVED, that the Chairman of the Board, the County Administrator and the Assistant County Administrator are each authorized and directed to exercise the option for the purchase of the Property that is the subject of the Option Agreement and to take all such actions as they deem necessary or

expedient to fulfill the Board's obligations under the Option Agreement and to carry out the purposes and intents of this resolution, including without limitation, the purchase of the Property and the execution of all such documents as may be deemed necessary in their sole discretion to effectuate such purchase (the approval of which shall be conclusively evidenced by their execution thereof).

Adopted this 15th day of June 2004.

IN RE: BOARD MEMBER COMMENTS

Mr. Stone commented on July 2 – 7, 2004 the Dixie Youth Minor League tournaments would be held in McKenney. He said he, Mr. Moody, and Mr. Haraway received an email from Bruce Lazwell regarding a stake that was damaged on his property line. He reported he already met with him and assured him the stake would be corrected. Mr. Stone stated he should have requested that the claims be withdrawn from the consent agenda because that was the only thing he had an issue with and he wanted the records to reflect he did not have a problem with anything other than that.

Mr. Bowman stated he wanted to recognize staff for working with the local officials regarding the serious water problem in the two subdivisions in the County. He commented there was a very quick solution to a very serious problem.

Ms. Moody commented she was concerned that there is no longer an alternative school in the County. Mr. Haraway suggested that she take that up with the School Board.

Mr. Moody stated the Dinwiddie Babe Ruth (14 year old) League would be having their tournaments on July 2 – 6, 2004 at the Dinwiddie County High School. He stated he would be holding a Community Meeting on Thursday, June 24th at Midway Elementary School from 7:00 – 9:00 P.M. Staff members will be present to help answer questions from the residents.

Mr. Haraway commented he thought it was a good idea to have Mrs. Wendy Morgan present the consumer utility tax information to the Board. He said she did a good job and he would like to have other staff members do the same because it gives the Board an opportunity to see what they do. He stated starting July 1st a new fiscal year would be starting and the budget for the legal fees had been decreased by $50,000. He commented the report showed the legal fees would go over $200,000 last year. He stated in order to meet the legal fees budget, staff needed to be careful starting July 1, and not wait to the end of the year. He asked if the rule was still in place that the County Administrator or Assistant County Administrator had to approve all calls to the attorney. He requested that they remind the department heads at the next staff meeting.

The County Administrator stated the Chairman might want to see if there were any citizens that had any more questions after the meeting with the officials regarding the water situation. There were none.

IN RE: CLOSED SESSION

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

§2.2-3711 (A)(1) - Personnel – Commonwealth Attorney

Mr. Moody seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 4:16 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 5:58 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under §2.2-3711 (A) 1 – Personnel – Commonwealth Attorney;

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

IN RE: ONE TIME SUPPLEMENTAL PAYMENT – COMMONWEALTH ATTORNEY

Upon Motion of Mr. Bowman, Seconded by Ms. Moody, Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that due to the inability of the Commonwealth Attorney to go full-time and therefore he has been filling the role of the commonwealth Attorney and Assistant Commonwealth Attorney a one-time supplemental payment of $6,000 was approved to be paid to the Commonwealth Attorney in this fiscal year.

IN RE: INFORMATION IN BOARD PACKET OR DISTRIBUTED

1. Letter from VDOT regarding Appomattox Bridge (Rt. 600) lane closure - informational meeting scheduled for June 21, 2004 at Matoaca Elementary School
2. Virginia Gateway Region report
3. Report – Appomattox Regional Library
4. Report – GIS & Code Enforcement

RE: ADJOURNMENT

Upon Motion of Ms. Moody, Seconded by Mr. Moody, Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the meeting adjourned at 6:03 P.M. to be continued until 5:00 P.M. on Tuesday, July 6, 2004 for a Closed Session for Personnel in the Board Conference Room.

Donald L. Haraway

Donald L. Haraway, Chairman

ATTEST: Wendy Weber Ralph

Wendy Weber Ralph
County Administrator

/abr

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 JULY, 2004, AT 6:00 P.M.

PRESENT:	DONALD L. HARAWAY – CHAIRMAN	ELECTION DISTRICT #2
	HARRISON A. MOODY - VICE CHAIR (Arrived at 6:15 P.M.)	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5
OTHER:	ANN NEAL COSBY	COUNTY ATTORNEY

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IN RE: ADJOURNMENT

Mr. Donald L. Haraway, Chairman, called for an adjournment of the June 15, 2004 continuation meeting at 6:04 P.M. in the Board Meeting room of the Pamplin Administration Building. It was moved by Mr. Bowman to adjourn that meeting and seconded by Ms. Moody. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Haraway voting "Aye", the meeting adjourned at 6:04 P.M.

Mr. Donald L. Haraway, Chairman, called the regular meeting to order at 6:05 P.M. in the Board Meeting room of the Pamplin Administration Building.

IN RE: CLOSED SESSION

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

> ***§2.2-3711 A. 1* of the Code of Virginia – *Personnel Matters*** – Sheriff, County Administration, Environmental Technician; and Animal Control
> ***§2.2-3711 A. 3* of the Code of Virginia – *Acquisition of Property***
> ***§2.2-3711 A. 7* of the Code of Virginia – *Consultation with Legal Counsel*** – Reassessment

Mr. Stone seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 6:07 P.M.

Mr. Moody joined the closed session at 6:15 P.M.

The meeting reconvened into Open Session in the Board Meeting Room at 7:36 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under:

> ***§2.2-3711 A. 1* of the Code of Virginia – *Personnel Matters*** – Sheriff, County Administration, Environmental Technician; and Animal Control
> ***§2.2-3711 A. 3* of the Code of Virginia – *Acquisition of Property***
> ***§2.2-3711 A. 7* of the Code of Virginia – *Consultation with Legal Counsel*** – Reassessment

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

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

Mr. Donald L. Haraway, Chairman, called the regular meeting to order at 7:40 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

The County Administrator requested that the agenda be amended to continue the Closed Session for Personnel Matters – County Administration, Environmental Technician, Animal Control and Appointments; and Acquisition of Property after the regular meeting.

Mr. Stone requested that Consultation with Legal Counsel concerning Legal fees be added to the Closed Session too.

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

IN RE: MINUTES

Mr. Stone requested that the June 15, 2004 Regular Meeting minutes reflect the Board member comments concerning A–04–5 Adoption of Utility Tax Ordinance before they are approved.

Upon motion of Mr. Bowman, Seconded by Ms. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that approval of the June 15, 2004 Regular Meeting is hereby postponed to add the Board comments concerning the adoption of the Utility Tax Ordinance.

IN RE: CLAIMS

Upon motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway 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 1040165 through 1040251, 1045252 through 1045342, and 1045344 through 1045355 (voided check number(s) 1040084 – 1040088, 1040164, 1040252 – 1045251).

FY – 03/04
Accounts Payable:

(101) General Fund	$ 459,705.23
(103) Jail Commission	$ 90.13
(209) Litter Control	$
(222) E911 Fund	$ 1,992.69
(225) Courthouse Maintenance	$ 60.00
(226) Law Library	$ 28.20
(228) Fire Programs & EMS	$ 331,380.59

(229) Forfeited Asset Sharing	$
(304) CDBG Grant Fund	$ 233.59
(304) Capital Projects Fund	$ 138,937.82
(401) County Debt Service	$ 24,653.44
TOTAL	**$ 957,081.69**

PAYROLL 06/30/04

(101) General Fund	$ 461,702.19
(222) E911 Fund	$ 3,592.36
(229) Forfeited Asset	$
(304) CDBG Fund	$ 7,658.89
TOTAL	**$ 472,953.44**

FY – 04/05

Accounts Payable:

(101) General Fund	$ 116,063.49
TOTAL	**$ 116,063.49**

IN RE: AUTHORIZATION TO ADVERTISE INFORMATION TECHNICIAN POSITION

Upon motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Administration was authorized to advertise for the Information Technician Specialist Position.

IN RE: UPDATE ON GENERAL REASSESSMENT – WINGATE & ASSOCIATES

Mr. Harold Wingate of Wingate & Associates commented that they are very close to completing their fieldwork on the reassessments. He stated they are in the process of going back and rechecking buildings that were partially completed at the time of their visit or any new permits that need to be checked for the first time. This would be done before reassessment notices are sent out. He stated that they anticipate getting to the public hearing part of their job about October 1, 2004. He said the reason for the October 1, 2004 time frame was because there is a lot of clerical and computer checks and rechecks that remain to be completed. In October they will be sending out notices and holding meetings with any concerned citizens or property owners that wish to meet with them. He stated that they will also have print outs of all the property assessments in the county so anyone wishing to see them or check them may do so. He stated that they are not at the stage in their calculations to let the county or citizens know what the exact increases have been with the assessment, but they will have that information by the time they release the notices to the public.

IN RE: JAIL STUDY PRESENTATION – EDWARD POWELL

Mr. Edward Powell of Powell Consulting Services stated that he performed a Jail usage and consolidation study that involved Brunswick County, Dinwiddie County and Southside Regional Jail involving Emporia & Greensville. He stated that when they did the study each of the participants were experiencing some level of over crowding. He stated that he defined over crowding as "having more inmates than your rated capacity, which is assigned by the Department of Corrections". The purpose for this study was first to forecast each participant's capacity needs out to the year of 2017. The reason for going

out that far was because the Board requires a locality that is looking at expanding to forecast ten years from their expected date of occupancy. The second purpose for this study was to quantify (ballpark) the expansion cost. And two options were looked at. He said the first option would have each jurisdiction expanding local detention capacity to handle their needs; and the second option would have SSRJ expanding with Brunswick & Dinwiddie as members joining. He stated that the state participates in the reimbursement of approved project cost. He said the state would pay 25% of the local expansion cost if Dinwiddie decided to do it and not be a part of the authority. He said the project cost includes both construction and soft cost such as A&E fees, surveys, inspections and others. He said the state would pay 50% if the County were to do the expansion as a part of a regional jail.

He commented that he did a study of the Dinwiddie County Jail also. The jail was built in the early 70's and officially opened in 1972 with an operating capacity of 32. He concluded that the condition of the jail was clean, well run and secure. He found nothing wrong with the jail. He stated that if the county was going to do anything locally to expand their jail capacity, his recommendation is that they do not attempt to renovate the current jail. But it is all right to bring the jail up to current electrical and mechanical standards. If the County were to renovate the secure detention space they would run into some problems with standards. He said one example would be the cell size. Most of the cells in the jail are 35 square feet and current standards require 70 square feet. Another example is the programmed space, which requires 30 square feet per bed of operating/rating capacity and the County does meet that standard. The best solution would be to leave the current jail intact and connect or put something close to it. He stated that it would cost a minimum of $3.2 million dollars to replace the current jail, as it exists now. He stated the County has three options. The first option would be not to expand the detention capacity and continue to pay to house inmates in other jurisdictions. The second option would be to build the needed detention capacity in Dinwiddie and request the 25% reimbursement of the approved construction cost. He stated that this option would cost the County as follows: All new capacity (County Cost) $20.3 million: Retain existing jail (County Cost) $17.9 million: Retain & Double bunk (County Cost) $15.5 million. The third option would be to request membership in the Southside Regional Jail and then as a member of the authority, request 50% reimbursement for Dinwiddie's share of the approved construction cost for expansion of the Regional Jail. He stated that this option would cost the County as follows: Build total need at SSRJ and do not retain local detention capacity (County Cost) $12.9 million: Retain Local Detention Capacity (County Cost) $11.3 million: Retain & Double Bunk (County Cost) $9.7 million. He stated that his recommendation to the County is for them to request membership in the Southside Regional Jail Authority and use that as an "overflow" jail. It should be used primarily for sentenced inmates, pretrial inmates after initial court appearances and weekenders. He stated that the County should continue to use the Dinwiddie County Jail capacity with some double bunking. He said the County should use it for initial pre-trial inmates, County workforce and County work release. He stated that the County should move forward to obtain an exception to the moratorium that currently exists on jail projects. He concluded his report by giving some key dates/actions that the County should give ear and eye too. The first date/action was for the County to obtain exception to the moratorium during the 2005 General Assembly Session. He stated an appropriations act budget amendment could be handled by a senator or a delegate. The second date/action only applies if the County enters into the process. He stated the state would then require them to do a community based corrections plan and a planning study submitted by March 1, 2007. For planning purposes the County should give themselves four months for the completion of the community based corrections plan and three months for the planning study. He also stated that there is a treasurer application that needs to be submitted by July 1, 2007 to get put in line for reimbursement. He pointed out that all the counties that have gone through this process have been funded by the general assembly.

Mr. Haraway asked if there was anything done to show the annual operating cost for each option listed on page 7 of the hand out. Mr. Powell replied that the operating cost was only done for the Joint and Southside Regional Jail. Staff was asked to provide the operating cost for the jail.

IN RE: PUBLIC HEARING – CONVEYANCE OF COUNTY PARCELS IN WEST PETERSBURG TO HABIT FOR HUMANITY

This being the time and place as advertised in the Monitor on June 16, 2004, June 23, 2004, and June 30, 2004 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comment on the following matter:

TRANSFER OF LAND TO HABITAT FOR HUMANITY WEST PETERSBURG SUBDIVISION – GREENSVILLE AVENUE

Mr. William Scheid, Director of Planning, stated the memo he was going to read was included in the Board packets. "The attached information is submitted for your review and action. Last fall the Board of Supervisors conveyed a building lot adjacent to this parcel to Habitat for Humanity. The Department of Housing and Community Development approved the conveyance. Habitat for Humanity built a home for a qualifying low to moderate-income family and has conveyed a deed to the family.

The County is obligated to convey the remaining land parcels on Greensville Avenue to qualifying organizations that will build housing for low to moderate-income families. This obligation was part of the Community Block Grant program that the County participated in the early 1990's.

The Board needs to authorize the County Administrator and the County Attorney to prepare all legal documents needed for the land conveyance and to sign such documents on behalf of the Board of Supervisors. The property under consideration is designated as Section 21A(1)- Parcels 343, 344, 345 and 346 by the Commissioner of the Revenue's tax maps and is more specifically detailed by the plat prepared by R. H. Gordon, survey, dated April 16, 2004, entitled 'plat showing a proposed house location on lots 343, 344, 345 & 346 in West Petersburg'."

Mr. Haraway asked Mr. David Roan from Habitat for Humanity if he had anything to add to what Mr. Scheid discussed.

Mr. Roan stated that he does not have anything to add, but he would answer any questions that anyone would have.

Mr. Bowman asked if it is normal procedure to build a house first on a lot and then transfer the land.

Mr. Scheid stated that it is not normal procedure. He went on to say that Habitat had a client and time was of the essence, so to expedite the matter they were allowed to begin construction on the lot. He also said he did not think the Board would disapprove of the project, because they had approved the previous project in October of last year. He said the County is responsible for marketing the lots and if they do not market them the County has to reimburse the state, as a part of the Community Development Block-Grant Program, approximately $17,500 per lot. He stated that the state has been lenient in the past with the County not doing anything with the lots, but they are not without patience and time is becoming an issue with the lots.

Mr. Bowman asked if the Planning Department was going to follow the same procedure with other available lots in the future. Mr. Scheid responded that the Planning Department would not.

Mr. Haraway opened the public hearing for comments. The following persons spoke in opposition to the conveyance of the property to Habitat for Humanity.

1. Mr. Peter Jeffery – Pastor of First Baptist Church West Petersburg stated he was here to represent the community known as West Petersburg Vicinity & Awareness, Inc. Mr. Jeffrey commented on July 17, 1990, which will be14 years shortly, he appeared before the Board of Supervisors and requested that a revolving fund be established for the revitalization of West Petersburg and Piney Beach. Your predecessors approved the funding for 20 properties. He reported because of the commitment of the County's administrative staff and citizens of West Petersburg there was a historical change made in that community. Sixteen substandard and blighted houses were eliminated, two roads were curbed and guttered and the drainage systems were completely overhauled. Eight to nine renters were converted to property owners. Tax values increased significantly and as a result of that 5 or 6 new houses were built in West Petersburg. He commented the reason he was frustrated and disappointed was because in recent years he felt their organization had not been received or assisted like it was in the beginning. They also had been told on many occasions that this could not be done or that could not be done because of the rules and regulations. However, he found out when it was convenient, rules can be bent and regulations can be changed, depending on who is asking. WPVA has been struggling for eight years to provide housing on that property. At one point they were prepared to build two houses, but because of unsubstantiated rumors, their housing opportunities were taken from them, which almost caused the organization some financial hardships. In 1996 he commented WPVA realized that they were going to have a problem building on the lots on Greensville Avenue and they went to Habitat for Humanity for assistance. They informed us that they did not build on government property. Apparently the policy changed but Habitat did not approach WPVA to let them know.

Continuing he commented WPVA had certain standards they wanted to have built in West Petersburg if they had been given the opportunity. Habitat for Humanities did not approach WPVA with a proven legitimate incorporated organization that represents the interest of West Petersburg. Habitat was given considerations that WPVA never received. They did not realize that the property could be conveyed before the house was built; but that was the consideration given to Habitat. WPVA was met with difficulty and given reason why they couldn't be assisted the way Habitat was. Habitat also disrespected the residents of Old West Petersburg by changing the name of the community without talking to the members of the community. Habitat for Humanities changed the name of the community to "Gracie Circle" without giving any considerations to the residents. There would be no property to build on if it were not for the efforts of WPVA. They were the ones that struggled to bring the community to where it is and it is not right for this Board, regardless of what the State tells them, to come in and trample on the sensibilities of this community without coming in and asking them what they thought and how they felt. WPVA is disappointed that they are not receiving the same considerations and support. When property is being built on it has to be insured and if you do not own the property you are not responsible for the insurance. Habitat has been given financial considerations that were never given to WPVA because they do own the properties and have to pay the premiums for it. WPVA has a plan to complete the projects they began; it belongs to them and they have struggled and they have not gotten any help from this government for the last few years and they expect to get the same considerations being given to Habitat for

Humanities. The Chairman requested that Mr. Jeffrey bring his comments to a closure.

Mr. Jeffery presented a resolution to the Board for their consideration to provide monetary support to guarantee the 25% matching funds for WPVA to secure the CHDO Operating Assistance Grant to assist them in completing the project in West Petersburg. He provided a letter from the Department of Housing and Community Development informing WPVA of the approval of a CHDO Grant in the amount of $50,000 contingent upon the hiring of a project manager and submittal of a construction schedule within 60 days and a state organization certification.

2. Leonard Davis – 5004 Olgers Road, Sutherland, VA – commented he had been working with the organization for 10 years and had been to the Planning Department several times trying to get assistance and had been turned down. He said he had put in a lot of hours doing rehab and working on houses and he did not understand why the County didn't want to work with them.

3. Eva Ellis – Pastor, Macedonia Missionary Church, resident of West Petersburg – stated they had worked hard in West Petersburg and they felt they had been mistreated. She requested that the Board consider helping the residents.

4. David Roan - Habitat for Humanity – stated they had tried to get in touch with Mr. Jeffrey to get him involved with the project but he did not return their calls. Mr. Roan commented Habitat is willing to help WPVA and do what the County wants us to do but if they won't call us back we can't meet with them. Mr. Roan stated it was their understanding that Mr. Jeffrey was the person in charge and they were depending on him to lead them where they needed to go. He said he did not want to argue the point but Habitat was into building affordable houses and they were willing to do whatever the County wanted them to do..... Mr. Jeffrey stated Habitat for Humanities needed to meet with the representatives of WPVA and ask them what they could do for them.

Mr. Haraway closed the public hearing.

Mr. Bowman commented there are two organizations here trying to better the community. He said he felt it was a wonderful thing for these people to donate their time and efforts in the West Petersburg community. WPVA and Mr. Jeffrey have gone beyond the call of duty in cleaning up the community and they deserved a lot of credit for that. He stated he felt it was only fair to give WPVA a lot since the County had given a lot to Habitat for Humanity. He commented he just wanted to see everyone treated the same.

Mr. Scheid explained he had signed off on the building permit before Habitat for Humanity had the property, but he didn't realize it was going take this long to get the paperwork to the Board. He said he let things get out of hand by signing off on the permit and he apologized for that. Mr. Scheid said he did not know the community would have a problem with Habitat nor did he realize they would move forward that quickly on the construction. However, there were certain things that they did do insurance wise, a low to moderate-income family was identified, the property was surveyed, but unfortunately the paperwork did not get to the Board.

Mr. Haraway asked how many houses has WPVA built since 1990? Mr. Jeffrey replied from 1990 – 1994 two houses were built and in 1996 WPVA planned to build two more houses but Mr. Scheid pulled the conveyances because someone was complaining.

Mr. Haraway called for a motion.

Mr. Bowman stated the Board needed to move forward on the conveyance but he was concerned that one group was given a vocal agreement to go ahead and build on it, which he felt was collateral in the bank for construction. So when it is done for one group it should have been done for the other group. If it had been done for WPVA they probably could have built all of the houses in West Petersburg. Continuing he said some mistakes have been made but they needed to move forward with this. He commented neither of these organizations are doing it for their personal gain; they were doing it for the betterment of the community.

Upon motion of Mr. Bowman, Seconded by Ms. Moody, Ms. Moody, Mr. Stone, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye",

Mr. Moody suggested that Habitat meet with WPVA to go over what they plan to build on the next lot.

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the County Administrator and the County Attorney are authorized to prepare all legal documents needed for the land conveyance, for Section 21A(1)-Parcels 343, 344, 345 and 346 in West Petersburg, and to sign such documents on behalf of the Board of Supervisors.

IN RE: PUBLIC HEARING -- A-04-9 - FIRE LANE ORDINANCE

This being the time and place as advertised in the Monitor on June 23, 2004 and June 30, 2004, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comment on the following matter:

AN ORDINANCE TO ENACT SECTION 14-7 OF THE CODE OF THE COUNTY OF DINWIDDIE, VIRGINIA TO REGULATE PARKING, STOPPING, AND STANDING IN FIRE LANES OR NEAR FIRE HYDRANTS IN THE COUNTY

Mr. Haraway opened the public hearing for citizen comments. No one spoke in support or opposition to the ordinance.

Mr. Haraway closed the public hearing.

Mr. Bowman commented this was needed in his district at the Food Lion and he had received many calls from residents about the situation; but the County does not have a fire lane ordinance in place so there was nothing the Sheriff's Department could do. He stated he felt the ordinance was greatly needed.

Upon motion of Mr. Bowman, Seconded by Ms. Moody, Ms. Moody, Mr. Stone, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", Section 14-7 of the Code of the County of Dinwiddie, Virginia was herein enacted to read as follows:

WHEREAS, in certain public and private parking areas in the County vehicles parked, stopped, or standing in areas designated as fire lanes or in close proximity to fire hydrants whether located on public or private property could impede access to such areas by public safety and/or fire department personnel and endanger the lives and property of citizens; and

WHEREAS, the Code of Virginia permits localities to enact an ordinance making owners of vehicles observed parked, stopped, or standing in a fire lane or in close proximity to a fire hydrant on public or private property subject to a penalty;

NOW THEREFORE BE IT ORDAINED, that in the interest of public health, safety, and welfare and pursuant to the authority granted to it under §§ 46.2-920 et seq. and 46.2-1306 of the Code of Virginia that Section 14-7 of the Code of the County of Dinwiddie, Virginia be enacted to read as follows:

Sec. 14-7 Parking, stopping, and standing.

(a) *Issuance of citation.* No person, except law enforcement or fire and rescue personnel in performance of their official duties, shall park a vehicle (including, but not limited to, automobiles, trailers, and semi trailers) or permit it to stand, whether attended or unattended, in any of the following places:

(1) Within any designated fire lane on public or private property.

(2) Within fifteen (15) feet of any fire hydrant on public or private property.

(3) Within fifteen (15) feet of the entrance to a fire station or a plainly designated building housing rescue squad equipment or ambulances.

Whenever any vehicle is found parked or stopped in violation of the provisions of this section, the sworn officer having police powers finding such vehicle shall conspicuously affix to such vehicle a parking citation provided by the County Sheriff.

(b) *Uncontested payment of citation; delinquency.* When a citation is attached to a vehicle found parked or standing in violation of any provision of this section, the owner of the vehicle may, within five (5) business days thereafter, pay to the County Treasurer in satisfaction of the violation a penalty of fifty dollars ($50.00). If such payment is not postmarked or received by the County Treasurer within five (5) business days of receipt of the citation, the citation shall be considered delinquent.

(c) *Payment of delinquent citation; penalty.* Every person charged with a violation of this section shall, at any time after the citation is considered delinquent pursuant to subsection (b) but before a summons is issued pursuant to subsection (d), pay to the County Treasurer the applicable fine listed in subsection (b) plus a twenty-five dollar ($25.00) delinquent penalty.

(d) *Summons issued.* When a citation becomes delinquent as defined in subsection (b), the County Treasurer shall notify the County Sheriff and any authorized Sheriff personnel shall cause a summons to be issued charging a violation of this article. Notwithstanding the above, before any summons shall be issued for the prosecution of a violation of this Code or other ordinance of the County regulating parking, the violator shall have been first notified, by first-class mail at his last known address or at the address shown for such violator on the records of the state Department of Motor Vehicles, that he may pay the fine plus the penalty provided by law for such violation, within five (5) days of receipt of such notice, and the officer issuing such summons shall be notified that the violator has failed to pay such fine and penalty within such time. The notice to the violator required by the provisions of this section shall be contained in an envelope bearing the words "Law-Enforcement Notice" stamped or printed on the face thereof in all capital letters, bold face type, no smaller than the print type size used for the primary address on the envelope. If a "window" envelope is used, the words "Law-Enforcement Notice" shall be clearly visible through the window of the envelope.

(e) *Contest of citation.* Every person charged with a violation of this section may, before the citation is considered delinquent as defined in subsection (b), elect to contest the charge by filing a written protest with the County Treasurer. Such protest shall identify the charge and shall request that the citation be certified to the general district court. The County Treasurer shall certify to the general district court in writing, on an appropriate form, the fact that the citation is

contested. In both contested and uncontested cases, the defendant, if found guilty, shall pay court costs in addition to any fine imposed upon him.

(f) *Presumption*. In any prosecution charging a violation of the ordinance or regulation, proof that the vehicle described in the complaint, summons, parking ticket citation, or warrant was parked in violation of the ordinance or regulation, together with proof that the defendant was at the time the registered owner of the vehicle, as required by section 46.2-600 et seq. of the Code of Virginia, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who committed the violation.

(g) *Penalty*. Upon conviction in general district court, the owner shall be guilty of a Class 4 misdemeanor.

* * *

If any section, sentence, paragraph, term, or provision of this Ordinance is determined to be illegal, invalid, or unconstitutional by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such determination shall have no effect on the validity of any other section, sentence, paragraph, term, or provision of this Ordinance, all of which will remain in full force and effect.

IN RE: PUBLIC HEARING – A-04-6 – BUILDING PERMIT FEE AMENDMENTS

This being the time and place as advertised in the Monitor on June 23, 2004 and June 30, 2004, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comment on the following matter:

Amendments to section 6-18 (Building Permit fees – generally) and Section 6-22 (Charge for re-inspection visit) of the Dinwiddie County Code to increase fees for building code administrative services, building permits, electrical permits, plumbing permits, mechanical permits, and re-inspection visits.

The County Administrator commented this ordinance would amend the building permit fees that the Board discussed previously in the review of the county's overall fee situations to cover the costs of services provided by Staff. She pointed out that no action could be taken tonight because fees are involved and there is a requirement to wait until the next meeting to take action. The effective date should not be initiated until August 1, 2004 to allow staff time to set the system up for the new fees.

Mr. Haraway opened the public hearing for citizen comments. There were no public comments.

Mr. Haraway closed the public hearing and commented action would be taken at the next Board meeting.

IN RE: CITIZEN COMMENTS

1) David Dudley – 25907 Smith Grove Road, Petersburg, VA commented he attended a Growth Management Committee meeting on June 29, 2004. He and Mrs. Barefoot were invited to stay for the meeting and during the meeting they were asked for input comments as citizens. As the meeting progressed Mr. McCray commented the future meetings should be closed to the public so they could freely discuss the needs of the County. Mr. Dudley requested that the meetings remain open to the public and that minutes be taken to keep track of what transpires. He said he also attended the GMP presentation by the National Park Service and he had some concerns with the plan. He

requested that the Board take action to protect the battlefields in the northern end of the County. He also requested the Board's assistance for an elderly resident of the County to keep Commonwealth Gas from going through her property. Mr. Bowman asked the County Administrator if the Growth Management future meetings would be closed meetings? She replied the committee decided at the last meeting that they would be closed work sessions. Mr. Bowman commented he thought Mr. McCray had made it clear at the Growth Management meeting that the reason it was necessary to have the closed sessions was to be able to freely discuss the future development in the County.

Mr. Bowman reported that Mrs. Jones had contacted him and asked him to act on her behalf regarding the proposed gas lines crossing her property. He met with Commonwealth Gas representatives on 3 occasions and the out come was that the landowner is going to have to deal with the legal issues. He stated he would stand behind and support her but this Board cannot legally do anything because the County does not own the property; it is privately owned. He asked legal counsel for her opinion. The County Attorney commented she would agree that in condemnation proceedings the gas company, as a public service authority, is on the same footing as a County or political subdivision of the State and the County doesn't have any standing legally. Mr. Bowman stated he would continue to work with Mrs. Jones and support her any way he could.

2) Anne Scarborough – Boydton Plank Road, Dinwiddie, VA - Addressed the following issues: 1) Poor job descriptions advertised in the newspaper for the procurement and finance positions – should have included qualifications needed for positions. 2) Environmental technician position requested that the Board omit the storm water, soil and erosion responsibilities from duties. 3) Commented she wondered why Mr. Stone voted no to the items on the Consent Agenda at the last Board meeting. Why should she have to find out in the newspaper? She requested that the Board be more "open" with the citizens. 4) She also stated the County needs an engineer.

3) Gloria Jones – 25905 Weakley Road, Petersburg, VA – requested that the Board use their prudent authority and wise judgments towards the protection, preservation and prevention of any intrusion on the historical sites in the County for future generations. Mr. Bowmen stated at the Planning Commission meeting there was some discussion regarding enacting a zoning ordinance to protect battlefields. He commented he thought it was going to be on the agenda tonight. The County Administrator stated it was going to be discussed.

4) Michael Bratschi - 23500 Cutbank Road, McKenney, VA – commented on the following issues:

a. He commented he didn't understand why the Board wrote a check to the Commonwealth Attorney for $6,000 to do a job he was already paid to do. When constitutional officers are elected for a position they know what their salary was and they should not expect to receive any additional wages.

b. He requested that the Board fund the DARE Program for the 3rd grade level and give it to the Sheriff's Department.

5) Geri Barefoot – 7411 Frontage Road, Petersburg, VA – requested that the Board intervene for Mrs. Jones to make sure Commonwealth Gas follows all the state laws, rules and regulations. She cited several places on the application form where they answered with false information and they trespassed on her property to do the survey. Mrs. Barefoot commented no representative from the County has been to the Crater Area Planning Meetings for the past 3 meetings. She asked the Board why they didn't have an alternate to attend the meetings because they are important. She asked why the Board has not hired an environmental technician to monitor the bio-solids ordinance, which was passed in February. Her other concern was the closed sessions and closed work sessions held to exclude citizens in the County. She stated the County belongs to the residents and they are interested in what happens in it. Growth is coming into the County and a civil engineer is needed.

6) George Marable, III – 18501 Lakewood Drive, Dinwiddie, VA – Update on the Commonwealth Attorney's Office - George Edwards has been appointed as the Assistant Commonwealth Attorney for Dinwiddie County. He is a 20-year practitioner with a Juris Doctor degree from the University of Richmond. He stated he had an impeccable resume and would add greatly to his office and serve the County well. He expressed his appreciation to the Board for their financial assistance that was provided to his office. He commented the Board knew he requested the funds specifically for his assistant because he was about to lose her to another jurisdiction. He pointed out that his position was not full time and he did not want to lose her. The thanked the Board for providing the $6,000 supplement which he shared in part with his assistant. He stated he received the documents from the compensation board to make a request to go full time and he assured the Board that it would be sent in this year. He commented it is good that the County has a $12 million dollar surplus, but if held with a tight fist it does not do any good; the funds are there for a purpose, which is to make the County better and to provide the citizens with better services; and that is the common goal of us all.

IN RE: APPOINTMENT – TIMOTHY SMITH - VIRGINIA RETREAT BOARD

Upon motion of Mr. Moody, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Timothy Smith is hereby appointed to serve as the County representative on the Virginia's Retreat Board effective immediately.

IN RE: APPOINTMENT – JAMESTOWN 2007 COMMITTEE

Upon motion of Mr. Moody, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the following persons are appointed to serve on the Jamestown 2007 Committee:

Mrs. Gerry Jackson-Wyatt
Mrs. Betty Bowen, Dinwiddie Historical Society
Mrs. Michelle Olgers
Mr. Billy Bain – Farmer / Extension Service
Mrs. Odessa Winfield
Mr Robert Bowman, Board of Supervisor
Mr. Tim Smith, Recreation Department
Mrs. Barbara McKitrick, Human Resources

IN RE: AUTHORIZATION TO ISSUE RFP FOR CONSULTANT TO ASSIST GROWTH MANAGEMENT COMMITTEE

The County Administrator reported as a result of the Growth Management Committee organizational meeting, the members felt outside assistance was going to be necessary to get the job done in a timely manner, especially with the limited staff in the Planning Department. She requested authorization to issue an RFP under the small purchase procedures to hire a contractual person/firm to assist the Growth Management Committee.

Upon motion of Ms. Moody, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", Administration was authorized to issue an RFP under the small purchase procedures to hire a contractual person/firm to assist the Growth Management Committee.

IN RE: COUNTY ADMINISTRATOR COMMENTS

1) Three reservations have been made at the Homestead for the Virginia Association of Counties' Annual Conference in November. Mrs. Ralph asked how many of the Board members wanted to attend the conference this year so additional reservations could be made. The Board responded they would all like to attend.

2) The working draft for the GIS fees for services was enclosed in the Board packets. The County Administrator said it was provided to them for comment but Mr. Thompson would be presenting the information at the July 20th meeting and if they had any comments, ideas or suggestions to let staff know.

IN RE: REQUEST TO USE FUNDS FROM REMOVAL OF TREES FOR PURCHASE OF ROCK DUST – COUNTY WALKING TRAIL

The County Administrator commented there is a request from Mr. Gene Jones, Director of Buildings and Grounds to purchase some rock dust for the walking trail behind the Courthouse. Williams Logging removed the trees blown down by Hurricane Isabel behind the courthouse and refunded the County $1,830.33 for the logs sold. She commended Mr. Jones for the good job he has done and requested authorization to use a portion of the money to purchase the rock dust for the trail.

Upon motion of Mr. Bowman, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Director of Buildings and Grounds was authorized to use a portion of the $1,830.33 to purchase rock dust for the walking trail behind the Courthouse.

IN RE: BOARD MEMBER COMMENTS

Mr. Bowman commented when the High Speed Rail representatives were here they told the Board they would get back to us regarding the road closures, number of crossings, the impact on the battlefields in the County, and an alternative route from Alberta to Stony Creek. He requested that Administration write a letter to let them know we are expecting them to get back to us and if they don't we will be contacting our representatives in Congress.

Mr. Moody stated he had a community meeting Thursday June 24th but he was unable to attend it because his son had a dirt bike accident and had a concussion. He said he appreciated all the staff and citizens' thoughts and prayers during that time. He said Staff covered the meeting and everything went well.

Mr. Haraway requested that one representative from staff attend the VACo meeting at the Homestead, and instructed staff to add a reservation to the list.

IN RE: CLOSED SESSION

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

§2.2-3711 A. 1* of the Code of Virginia – *Personnel Matters – County Administration, Environmental Technician; and Animal Control
§2.2-3711 A. 3* of the Code of Virginia – *Acquisition of Property

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

Ms. Moody seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 9:40 P.M.

The meeting reconvened into Open Session in the Board Meeting Room at 11:20 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under:

§2.2-3711 A. 1* of the Code of Virginia – *Personnel Matters – County Administration, Environmental Technician; and Animal Control

§2.2-3711 A. 3* of the Code of Virginia – *Acquisition of Property

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

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

IN RE: AUTHORIZATION TO INCREASE SHERIFF'S DEPARTMENT BEGINNING SALARY - LAW ENFORCEMENT & COURTROOM SECURITY

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Board will provide a one-time supplement to increase the beginning salaries for Law Enforcement, Corrections and Courthouse Security Officers to $26,000, effective December 1, 2004 until these officers are regraded and funded by the Compensation Board.

IN RE: INFORMATION IN BOARD PACKET OR DISTRIBUTED

1. News Release – Dinwiddie County Receives Strong 'A' Rating From All Three National Rating Agencies.
2. Letter of Appreciation from Marguerita Ragsdale for Resolution.
3. Letter from Planning Commission regarding its position on the proposed High Speed Rail for Dinwiddie County.
4. Memo from Planner regarding the feasibility of connecting to and extending water line from Alberta to McKenney.
5. Virginia's Retreat 2003 annual report.
6. Board of Forestry letter regarding protection of Virginia's forestland.
7. Appomattox Regional Library report.
8. Memo from Commissioner of the Revenue regarding answers to assessment and licensing questions.
9. FOIA request from Anne Scarborough.

IN RE: ADJOURNMENT

Upon Motion of Mr. Moody, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the meeting adjourned at 11:25 P.M. to be continued until 5:00 P.M. on Thursday, July 8, 2004 for a Closed Session for Personnel matters.

Donald L. Haraway
Donald L. Haraway, Chairman

ATTEST: Wendy Weber Ralph
Wendy Weber Ralph
County Administrator

/abr

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 20TH DAY OF JULY, 2004, AT 12:30 P.M.

PRESENT:	DONALD L. HARAWAY – CHAIRMAN	ELECTION DISTRICT #2
	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5
OTHER:	PHYLLIS KATZ	COUNTY ATTORNEY

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IN RE: ADJOURNMENT

Upon Motion of Mr. Stone, Seconded by Ms. Moody, Mr. Stone, Mrs. Moody, Mr. Haraway voting "Aye", the July 15, 2004 meeting was adjourned.

Mr. Donald L. Haraway, Chairman, called the regular meeting to order at 12:37 P.M. in the Board Meeting room of the Pamplin Administration Building.

IN RE: CLOSED SESSION

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

***§2.2-3711 (A)(1)* of the Code of Virginia - Personnel** – Animal Control; County Administration; Environmental Technician; EMS; Zoning Administrator; Constitutional Officer Employees;
***§2.2-3711 (A)(7)* of the Code of Virginia** – Legal Consultation – Namozine VFD Contract; Claims Procedure;
***§2.2-3711 (A)(3)* of the Code of Virginia** – Acquisition of Property

Mr. Stone seconded the motion. Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 12:39 P.M.

A vote having been made and approved the meeting reconvened into Open Session in the Board Meeting Room at 2:06 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under §2.2-3711 A. 1 Personnel – Animal Control; County Administration; Environmental Technician; EMS; Zoning Administrator; Constitutional Officer Employees; *§2.2-3711 (A)(7)* – Legal Consultation – Namozine VFD Contract; Claims Procedure; *§2.2-3711 (A)(3)* of the Code of Virginia – Acquisition of Property;

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

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

Mr. Donald L. Haraway, Chairman, called the meeting to order at 2:06 P.M. followed by the Lord's Prayer and Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

The County Administrator requested that the agenda be amended to continue the Closed Session for §2.2-3711 A. 1 – Personnel – for County Administration; Environmental Technician; EMS; Zoning Administrator; and Acquisition of Property;

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

IN RE: CLAIMS

Upon motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway 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 1039803 through 1045514 (void check(s) numbered 1038020, 1039972, 1045272, and 1045356)

FY – 03/04
Accounts Payable:

(101) General Fund	$ 265,458.76
(103) Jail Commission	$
(209) Litter Control	$
(222) E911 Fund	$ 23.19
(223) Self Insurance Fund	$
(225) Courthouse Maintenance	$
(226) Law Library	$ 278.15
(228) Fire Programs	$ 46,118.17
(229) Forfeited Asset Sharing	$
(304) CDBG Grant Fund	$ 861.82
(305) Capital Projects Fund	$
TOTAL	**$ 312,740.09**

FY – 04/05
Accounts Payable:

(101) General Fund	$ 156,096.20
(222) E911 Fund	$ 2,093.07
(229) Forfeited Asset Sharing	$ 819.95
(304) CDBG Grant Fund	$ 11,565.28
(305) Capital Projects Fund	$ 54,004.92
(401) County Debt Service	$ 29,519.06
TOTAL	**$ 254,098.48**

IN RE: COMMUNICATIONS EQUIPMENT REQUISITION #5 – DINWIDDIE COUNTY IDA PUBLIC FACILITIES LEASE REVENUE NOTE SERIES 2003

The following invoice from Motorola, for expenses from the Dinwiddie County IDA Public Facilities Lease Revenue Note Series 2003 was submitted for payment:

Milestone #4 install at DeWitt Site	$211,503.90
Billing for Change Order #6	376,512.00
TOTAL DUE	**$588,015.90**

Upon motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number #6 in the amount of $588,015.90 be approved and funds appropriated for expenses from the Dinwiddie County IDA Public Facilities Lease Revenue Note Series 2003.

IN RE: DISTRICT 19 COMMUNITY SERVICES BOARD – (SFY) 2005 PERFORMANCE CONTRACT

Upon motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that pursuant to the requirements of Virginia Code Section 37.1-198 the (SFY) 2005 Community Services Board Performance Contract, in the form attached to the letter from Joseph E. Hubbard, Executive Director of the District 19 Community Services Board is hereby approved.

IN RE: REJECTION OF DUMPSTER BIDS & REBID UNDER PROCUREMENT OF SMALL PURCHASES PROCEDURE

Upon motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the original bids for the dumpsters for the landfill are hereby rejected and the Waste Management Supervisor is authorized to purchase the dumpsters as needed pursuant to the procurement of small purchases procedure.

IN RE: AUTHORIZATION TO ISSUE RFP – PRIVATIZATION OF TRASH COLLECTION

Upon motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Administration was authorized to issue an RFP for the privatization of trash collection throughout the County.

IN RE: CITIZEN COMMENTS

1. Margie Ingram – 8321 Brills Road, McKenney, VA - requested that the Board not allow VDOT to tar Brills Road. She said the residents would prefer to keep their country setting.

2. Joe Hoggood – 4306 Sunset Drive, Petersburg, VA – stated he attended the Dinwiddie County Water Authority meeting and expressed his concerns regarding the high water/sewer rates and invoices and was asked to leave by Mr. John Clements. He requested that the Board appoint 4 new members that had an "interest" because only 1 Water Authority member was on the system and had to pay for the services; the others have wells.
3. Michael W. Bratschi – 23500 Cutbank Road, McKenney, Virginia – commented on the following: a) Walking trail behind the courthouse. b) Door to maintenance shed left open. c) School Gym door left unlocked. d) Supplemental $6,000 check given to the Commonwealth Attorney.
4. Anne Scarborough – Boydton Plank Road, Dinwiddie, VA. – voiced her concerns regarding the letter she received regarding her FOIA request from the Administration office.
5. David Dudley – Smith Grove Road, Petersburg, Virginia, 23803 – addressed the Board on the following issues: a) Illegal dumping of materials in the dumpsters in the County. He requested that the Board remove all the dumpsters and move forward with manned sites. b) Gas line crossing Mrs. Jones property.
6. N.B. Ingram - 8321 Brills Road, McKenney, VA – requested that the Board remove Brills Road from the Six-Year Plan for paving under the Rural Rustic Road Projects. He said the residents on the road do not want it paved; it would be a safety issue and he felt it did not qualify under the Rural Rustic program. He also stated growth was the worst problem in Dinwiddie County and he felt it was
7. Margie Flowers – 14919 Wilkerson Road, DeWitt, VA – requested that the Board clarify why the Commonwealth Attorney was given the $6,000. She also stated the Commissioner of the Revenue and the Clerk of the Circuit Court brought the revenue into the County and they are overworked, understaffed and asked what would the County do without them. She said the Board was working on it and thanked them for their assistance.

IN RE: VDOT REPORT

Mr. Ray Varney, Resident Engineer, Virginia Department of Transportation, commented it is time to have a work session for the Six-Year Secondary Road plan and requested that the Board check their schedules for some dates and let him know when it would be convenient.

He stated at the last meeting Mr. Haraway requested that he provide information regarding how VDOT determines the priority for interstate and primary road projects. He distributed copies of VDOT's "Draft Primary System Prioritization Matrix" and an outline for the Board to write their requests for the Six-Year Plan and briefly explained both forms.

He also informed the Board that there would be a meeting in Petersburg in August at the Petersburg Train Station to review the Primary Road list.

He provided the following update:

1. River Road and Ferndale Road intersections – VDOT study shows it does not warrant a traffic light. He suggested constructing a right turn lane off River Road onto Ferndale – add to the Secondary Six-Year Plan.
2. Route 713 (Gatewood Road) - a pair of culverts have been crushed and need to be replaced. The road will have to be closed for approximately one week. Funding for this project will be handled with maintenance funds at a cost of $45,000 to $50,000.
3. Courthouse Road to Turkey Egg Road paving is scheduled to begin the week of August 16th.

Board Member Request/comments

Mr. Stone thanked Mr. Varney for the mowing of the roads for the Minor League Tournament, Glebe Road and Boisseau Road projects. He stated he is now receiving calls from citizens wanting to know when the Boisseau Road project will be completed because VDOT stopped just short of Briggs Road. Mr. Varney stated at this time that is all that could be done on that project. Mr. Stone stated he understood that the Route 40 and Courthouse Road issue had been referred to the State. Mr. Varney explained that when he called the district office he was told that the latest edition of the MUTCD, which is the only place that had the sign he suggested, had not been adopted. But a study would be done which will take about a month.

Mr. Moody stated he had received calls from citizens regarding the hazardous driving conditions in the mornings due to the fog from the lake on Sutherland Road from Namozine Road to the Amelia County line. He requested that striping be done to help alleviate the problem. Mr. Varney said he would take a look at it. Mr. Moody also commented residents complained that no paving has been done after you pass the church at Exeter Mill Road on Sutherland Road.

Mr. Bowman asked Mr. Varney if he had received any information regarding which roads would be affected by closure of crossings and how the citizens would be affected by the High Speed Rail coming into the County? Mr. Varney stated he had not but he would contact someone in the Rails and Public Transportation Department and get that information back to him.

IN RE: VDOT RESOLUTIONS – DEDUCTIONS, ABANDONMENT & ADDITIONS TO THE PRIMARY AND SECONDARY ROAD SYSTEMS

Mr. Varney requested that the Board adopt the following resolutions for the deductions, abandonment and additions to the Primary and Secondary Road System.

RESOLUTION

WHEREAS, the Virginia Department of Transportation has provided this Board with a sketch dated March 30, 2004 depicting the abandonment required in the Primary System as a result of Project 420 A which sketch is hereby incorporated herein by reference,

WHEREAS, the portions of old road identified to be discontinued are deemed to no longer serve public convenience warranting maintenance at public expense, and

WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need, and

NOW, THEREFORE, BE IT RESOLVED, this Board abandons as part of the primary system of state highways those portions of road identified by the sketch to be abandoned, pursuant to§33.1-148, of the Code of Virginia, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Recorded Vote A Copy Teste:

Moved By: Mr. Moody
Seconded By: Mr. Bowman
Yeas: 5
Nays: 0

Wendy Weber Ralph
County Administrator

RESOLUTION

WHEREAS, the Virginia Department of Transportation has provided this Board with a sketch dated January 6, 1994 depicting the abandonment required in the Secondary System as a result of Project 0700-026-P24, M-501 (Boze Road) which sketch is hereby incorporated herein by reference,

WHEREAS, the portions of old road identified to be discontinued are deemed to no longer serve public convenience warranting maintenance at public expense, and

WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need, and

NOW, THEREFORE, BE IT RESOLVED, this Board abandons as part of the secondary system of state highways those portions of road identified by the sketch to be abandoned, pursuant to§33.1-155, Code of Virginia, and

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to add to the primary system of state highways those portions of road identified by the sketch to be added, pursuant to §33.1-229 Code of Virginia, and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Recorded Vote
Moved By: Mr. Moody
Seconded By: Mr. Bowman
Yeas: 5
Nays: 0

A Copy Teste:

Wendy Weber Ralph
County Administrator

RESOLUTION

WHEREAS, the Virginia Department of Transportation has provided this Board with a sketch dated September 1, 1994 depicting the abandonment required in the Secondary System as a result of Project 0619-026-130, M-502, D-657 (Hawkins Church Road) which sketch is hereby incorporated herein by reference,

WHEREAS, the portions of old road identified to be discontinued are deemed to no longer serve public convenience warranting maintenance at public expense, and

WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need, and

NOW, THEREFORE, BE IT RESOLVED, this Board abandons as part of the secondary system of state highways those portions of road identified by the sketch to be abandoned, pursuant to§33.1-155, Code of Virginia, and

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to add to the primary system of state highways those portions of road identified by the sketch to be added, pursuant to §33.1-229 Code of Virginia, and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Recorded Vote
Moved By: Mr. Moody
Seconded By: Mr. Bowman
Yeas: 5
Nays: 0

A Copy Teste:

_____
Wendy Weber Ralph
County Administrator

RESOLUTION

WHEREAS, the Virginia Department of Transportation has provided this Board with a sketch dated December 13, 1994 depicting the abandonment required in the Secondary System as a result of Project 0715-026-P32, M-501 (Patillo Road) which sketch is hereby incorporated herein by reference,

WHEREAS, the portions of old road identified to be discontinued are deemed to no longer serve public convenience warranting maintenance at public expense, and

WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need, and

NOW, THEREFORE, BE IT RESOLVED, this Board abandons as part of the secondary system of state highways those portions of road identified by the sketch to be abandoned, pursuant to§33.1-155, Code of Virginia, and

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to add to the primary system of state highways those portions of road identified by the sketch to be added, pursuant to §33.1-229 Code of Virginia, and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Recorded Vote
Moved By: Mr. Moody
Seconded By: Mr. Bowman
Yeas: 5
Nays: 0

A Copy Teste:

_____
Wendy Weber Ralph
County Administrator





RESOLUTION

WHEREAS, the Virginia Department of Transportation has provided this Board with a sketch dated August 6, 2002 depicting the abandonment required in the Secondary System as a result of Project 0619-026-240, M-502 (Courthouse Road) which sketch is hereby incorporated herein by reference,

WHEREAS, the portions of old road identified to be discontinued are deemed to no longer serve public convenience warranting maintenance at public expense, and

WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need, and

NOW, THEREFORE, BE IT RESOLVED, this Board abandons as part of the secondary system of state highways those portions of road identified by the sketch to be abandoned, pursuant to§33.1-155, Code of Virginia, and

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to add to the primary system of state highways those portions of road identified by the sketch to be added, pursuant to §33.1-229 Code of Virginia, and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Recorded Vote
Moved By: Mr. Moody
Seconded By: Mr. Bowman
Yeas: 5
Nays: 0

A Copy Teste:

_____
Wendy Weber Ralph
County Administrator

RESOLUTION

WHEREAS, the Virginia Department of Transportation has provided this Board with a sketch dated August 29, 1994 depicting the abandonment required in the Secondary System as a result of Project 0619-026-130, M-503 (Courthouse Road) which sketch is hereby incorporated herein by reference,

WHEREAS, the portions of old road identified to be discontinued are deemed to no longer serve public convenience warranting maintenance at public expense, and

WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need, and

NOW, THEREFORE, BE IT RESOLVED, this Board abandons as part of the secondary system of state highways those portions of road identified by the sketch to be abandoned, pursuant to§33.1-155, Code of Virginia, and

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to add to the primary system of state highways those portions of road identified by the sketch to be added, pursuant to §33.1-229 Code of Virginia, and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Recorded Vote
Moved By: Mr. Moody
Seconded By: Mr. Bowman
Yeas: 5
Nays: 0

A Copy Teste:

_____
Wendy Weber Ralph
County Administrator

RESOLUTION

WHEREAS, the Virginia Department of Transportation has provided this Board with a sketch dated August 7, 2002 depicting the abandonment required in the Secondary System as a result of Project 0619-026-240, M-501 (Courthouse Road) which sketch is hereby incorporated herein by reference,

WHEREAS, the portions of old road identified to be discontinued are deemed to no longer serve public convenience warranting maintenance at public expense, and

WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need, and

NOW, THEREFORE, BE IT RESOLVED, this Board abandons as part of the secondary system of state highways those portions of road identified by the sketch to be abandoned, pursuant to§33.1-155, Code of Virginia, and

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to add to the primary system of state highways those portions of road identified by the sketch to be added, pursuant to §33.1-229 Code of Virginia, and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Recorded Vote
Moved By: Mr. Moody
Seconded By: Mr. Bowman
Yeas: 5
Nays: 0

A Copy Teste:

Wendy Weber Ralph
County Administrator

RESOLUTION

WHEREAS, the Virginia Department of Transportation has provided this Board with a sketch dated May 8, 2000 depicting the abandonment required in the Secondary System as a result of Project 0674-026-P41, C-501 (Wheaton Road) which sketch is hereby incorporated herein by reference,

WHEREAS, the portions of old road identified to be discontinued are deemed to no longer serve public convenience warranting maintenance at public expense, and

WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need, and

NOW, THEREFORE, BE IT RESOLVED, this Board abandons as part of the secondary system of state highways those portions of road identified by the sketch to be abandoned, pursuant to§33.1-155, Code of Virginia, and

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to add to the primary system of state highways those portions of road identified by the sketch to be added, pursuant to §33.1-229 Code of Virginia, and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Recorded Vote
Moved By: Mr. Moody
Seconded By: Mr. Bowman
Yeas: 5
Nays: 0

A Copy Teste:

Wendy Weber Ralph
County Administrator

RESOLUTION

WHEREAS, the Virginia Department of Transportation has provided this Board with a sketch dated September 17, 1997 depicting the abandonment required in the Secondary System as a result of Project 0604-026-233, M-501 (Halifax Road) which sketch is hereby incorporated herein by reference,

WHEREAS, the portions of old road identified to be discontinued are deemed to no longer serve public convenience warranting maintenance at public expense, and

WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need, and

NOW, THEREFORE, BE IT RESOLVED, this Board abandons as part of the secondary system of state highways those portions of road identified by the sketch to be abandoned, pursuant to§33.1-155, Code of Virginia, and

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to add to the primary system of state highways those portions of road identified by the sketch to be added, pursuant to §33.1-229 Code of Virginia, and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Recorded Vote
Moved By: Mr. Moody
Seconded By: Mr. Bowman
Yeas: 5
Nays: 0

A Copy Teste:

_____
Wendy Weber Ralph
County Administrator

IN RE: DINWIDDIE COUNTY WATER AUTHORITY - REPORT

Mr. Robert B. Wilson, Executive Director, Dinwiddie County Water Authority, stated he had spoken with Mr. Hoggood regarding the billings and he had been helpful because they had left a couple of items off the bills. He said he ran the numbers and it was more economical to contract the billing services out than it was to do them in house.

Mr. Wilson stated the Water Authority is going to have a rate hike and part of the requirement was to notify the County. The public hearing will be held on September 27, 2004, which will be advertised in the Monitor tomorrow and in the Progress-Index on the 28th.

Mr. Wilson provided the following information regarding the public hearing on the rates, fees, and charges for water and sewer service:

"PUBLIC HEARING

The Dinwiddie County Water Authority Board of Directors will hold a public hearing on Rates, Fees and Charges for Water and Sewer Service on September 27, 2004 at #### p.m. at the Authority's administrative office, 23008 Airpark Drive, Petersburg, Virginia 23803.

The proposed revisions of Rates, Fees, and Charges shall be to the following sections of the Dinwiddie County Water Authority's Rules and Regulations.

Sec. 15-1 Water Connection Charge

(a) The following schedule gives the charges for connecting to the Dinwiddie County
Water Authority's water system:

5/8 inch meter	$1955
1 inch meter	$2990
1 ½ inch meter	$3565

2 inch meter	$4025

(b) The following schedule gives alternate connection fees based on land use in lieu of (a) above. The Authority at its sole discretion shall determine which schedule will be used.

Single Family Residence	$1,955 per dwelling unit
Multi-family Residences	$1,955 per dwelling unit
Elementary Schools without Showers	$35 per person
Middle and High Schools with Showers	$55 per person
Boarding Schools	$260 per person
Trailer Courts	$1,955 per dwelling unit
Churches (gross floor space)	$230 per 1,000 sq. ft. ($1,000 minimum fee)
Commercial Stores, Shopping Centers, Retail Businesses (excluding storage areas)	$865 per 1,000 sq. ft. ($1,200 minimum fee)
Office Buildings (excluding storage areas)	$690 per 1,000 sq. ft. ($1,000 minimum fee)
Motel/Hotel	$575 per room (minimum)
Restaurant	$1,955 per dwelling unit (400 gal/day)

Sec. 15-7 Metered Water Rates

The following schedule are charges which shall apply for furnishing water service, based on metered water consumption:

For the first 2,000 gallons/month	$8.10 minimum
The next 18,000 gallons/month	$3.55/thousand
All over 20,000 gallons/month	$1.95/thousand

Sec. 15-8 Minimum Service Charges for Water

No bill will be rendered for less than the minimum monthly service charge as set forth below:

5/8 inch meter	$ 8.10
1 inch meter	$ 26.00
1 ½ inch meter	$ 50.00
2 inch meter	$ 88.00
3 inch meter	$132.00
4 inch meter	$154.00
6 inch meter	$336.00
8 inch meter	$699.00

Sec. 16-1 Sewer Connection Charge

(a) The following schedule gives the charges for connecting to the Dinwiddie County Water Authority's sewer system:

Single Family Residence	$3,565
Multi-Family Residences	$3,565 per dwelling unit
Elementary Schools without showers	$70 per person

Middle and High Schools with Showers	$110 per person
Boarding Schools	$520 per person
Trailer Courts	$3,565 per dwelling unit
Churches (gross floor space)	$345 per 1,000 sq. ft. ($2,000 minimum fee)
Commercial Stores, Shopping Centers, Retail Businesses (excluding storage areas)	$1,725 per 1,000 sq. ft. ($2,500 minimum fee)
Office Building (excluding storage areas)	$1,380 per 1,000 sq. ft. ($2,000 minimum fee)
Motel/Hotel	$1,035 per room
Restaurant	$3,565 per dwelling unit

Sec. 16-5 Sewer Service Charges
The following schedule of charges shall apply for furnishing sewer service based on metered water consumption:

For the first 2,000 gallons/month	$12.10 minimum
The next 18,000 gallons/month	$ 4.95/thousand
All over 20,000 gallons/month	$ 2.60/thousand

Sec. 16-6 Minimum Service Charges for Sewer
No bill will be rendered for less than the minimum monthly service charges as set forth below:

5/8 inch meter	$ 12.10
1 inch meter	$ 39.00
1 ½ inch meter	$ 94.00
2 inch meter	$127.00
3 inch meter	$154.00
4 inch meter	$187.00
6 inch meter	$468.00
8 inch meter	$776.00

All persons having an interest in the above matters are encouraged to attend the meeting at the specified time and location to express their views. Copies of the proposed revisions are available at the office of the Dinwiddie County Water Authority, 23008 Airpark Drive, Petersburg, Virginia 23803, between the hours of 8:00 am and 4:30 pm Monday thru Friday.

Robert B. Wilson, P.E.
Executive Director

Connection Fee Comparison

Water Connection Fees

Description	Amount	Units	15% Increase
5/8" or 3/4" meter	$ 1,700	each	$ 1,955
1" meter	$ 2,600	each	$ 2,990
1 1/2" meter	$ 3,100	each	$ 3,565
2" meter	$ 3,500	each	$ 4,025
Single family residence	$ 1,700	per dwelling unit	$ 1,955

Multi-family residences	$ 1,700	per dwelling unit	$ 1,955
Elementary School w/o showers	$ 30	per person	$ 35
Middle and High School w/ showers	$ 48	per person	$ 55
Boarding Schools	$ 225	per person	$ 260
Trailer Courts	$ 1,700	per trailer	$ 1,955
Churches (gross floor space)	$ 200	per 1000 sq. ft	$ 230
Commercial stores, shopping centers, retail businesses	$ 750	per 1000 sq. ft	$ 865
Office Buildings	$ 600	per 1000 sq. ft	$ 690
Motel/Hotel	$ 500	per room	$ 575
Restaurant	$ 1,700	per dwelling unit	$ 1,955

Wastewater Connection Fees

Description	Amount	Units	15% Increase
5/8" or 3/4" meter	$ 3,100	each	3565
1" meter	N/A	N/A	N/A
1 1/2" meter	N/A	N/A	N/A
2" meter	N/A	N/A	N/A
Single family residence	$ 3,100	per dwelling unit	3565
Multi-family residences	$ 3,100	per dwelling unit	3565
Elementary School w/o showers	$ 60	per person	70
Middle and High School w/ showers	$ 95	per person	110
Boarding Schools	$ 450	per person	520
Trailer Courts	$ 3,100	per trailer	3565
Churches (gross floor space)	$ 300	per 1000 sq ft	345
Commercial stores, shopping centers, retail businesses	$ 1,500	per 1000 sq ft	1725
Office Buildings	$ 1,200	per 1000 sq ft	1380
Motel/Hotel	$ 900	per room	1035
Restaurant	$ 3,100	per dwelling unit	3565

"

Mr. Haraway asked when was the last time the Water Authority increased their rates? Mr. Wilson replied in March of 2002. Mr. Haraway asked how the rates compared to other localities? He replied they looked at Prince George, New Kent, Chesterfield, Sussex and Blackstone.

Comparisons:

5/8" Water Rate

Prince George	Dinwiddie County
$14.00	$11.65

Wastewater

$25.00	$15.05

He stated New Kent rates and connection fees were much higher because they have a newer system than Dinwiddie does.

Mr. Haraway commented looking on the long range, 2 years ago there was an increase and now you are looking at increasing the rate 15%, which means an average increase of 7½% per year. He asked Mr. Wilson if the Water Authority was looking at increasing the rates 7½ % per year every year? He replied not per year; this was a short-term look at where the Authority is and what the immediate needs are. He stated DCWA is developing a 5 and 10 year CIP program that would also include depreciation and will take in the projected revenue from connections fees (the present one does not). He stated the Authority does not have a frequency for increases but it probably would be a 2 to 3 year cycle based upon the operating costs. Mr. Haraway asked if this was a one-time catch up? He asked if the citizens can expect the Water Authority, two years down the road, to have another 15% increase? Mr. Wilson responded on the flat side it is 10%, which is a 5% a year increase, but it is possible, because the water is purchased from the Appomattox River Water Authority. In the

middle of last year, DCWA's rates were increased 15% by the ARWA and they had to absorb that increase. Mr. Haraway stated then DCWA does not know what the future is going to bring as far as rate increases. Mr. Wilson stated that is correct.

Mr. Bowman asked what amount the Authority had in reserve? Mr. Wilson stated around $900,000 and part of that reserve has to stay in the bank for bond payments, which is approximately $286,000.

Mr. Bowman asked how the base water bill of $18.25 compared to Prince George? Mr. Wilson stated for water and sewer Prince George is $39 and our rate will increase to $20.20. Mr. Bowman stated compared to Prince George that was a deal.

Mr. Wilson informed the Board that the majority of the growth in the system he felt would be in new development such as subdivisions which would be paid by the developers. He commented the Water Authority's CIP does not show any extensions or pick up additional connections. At this point the Authority is looking at the extensions to be part of the developers responsibility.

Mr. Bowman thanked Mr. Wilson and the Water Authority for their assistance with supplying water at no charge to the residents of Chesdin Manor and River Road Farms Subdivisions with uranium in the community wells.

IN RE: REQUEST FOR PART-TIME POSITION – COMMISSIONER OF THE REVENUE

Mrs. Lori K. Stevens, Commissioner of the Revenue, requested that the Board fund a part-time temporary position, with no benefits, to work approximately 6 hours a day, starting as soon as possible to March 2005, at an hourly rate of $10 to $12. The amount would be $11,000 for approximately 1050 total hours. She explained although great strides are being made to catch up, they are still behind. Many factors have contributed to this ranging from an employee injury, to large amounts of time required to research older problems and the paperwork involved to correct the assessments. Also, the general reassessment takes a significant amount of time, which will increase within the next few months.

There was a lengthy discussion between the Board members, and the Commissioner of the Revenue regarding the amount of money for part-time help already in her budget; whether or not the Commissioner should use the funds in the budget first and come back to the Board later if depleted; and the actual figures spent for part-time help in FY-03-04.

Mr. Moody voiced his concern about the Board setting a precedent with appropriating additional funds before the funds in the budget have been used.

Mr. Stone made the motion to appropriate an additional $11,000 to the Commissioner of the Revenue's FY 04-05 budget for part-time help. Ms. Moody seconded the motion, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Haraway voting "Aye", Mr. Moody voting "Nay", motion carried.

IN RE: RECESS

The Chairman called a recess at 3:37 P.M. The meeting reconvened at 3:41 P.M.

IN RE: ADOPTION OF A-04-6 – ORDINANCE AMENDMENT TO THE CODE OF THE COUNTY OF DINWIDDIE – SECTION 6-18 BUILDING AND BUILDING PERMIT FEES

The County Administrator stated the public hearing for the increase in fees was held at the last Board meeting and action could not be taken because fees are involved. She commented the earliest suggested effective date would be August 1, 2004, which would allow staff time to send out notices to the public of the fee increases.

Upon motion of Mr. Bowman, Seconded by Ms. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY VIRGINIA, THAT THE Dinwiddie County Code, be Further amended by the following changes to Chapter 6, Section 18, 21, and 22 "Permit Fees – Generally" to increase permit fees for building, plumbing, electric and mechanical as follows, and in all other respects be ordained:

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, THAT THE Dinwiddie County Code, be Further amended by the following changes to Chapter 6, Section 18, 21, and 22 "Permit Fees – Generally" to increase permit fees for building, plumbing, electric and mechanical as follows, and in all other respects be ordained:

Section 6-18. Permit Fees – Generally.

(A) **Generally.** No permit required by the building code to begin work for new construction or any other building operation shall be issued until the fees prescribed by this section have been paid, nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the square footage of the construction or other building operation, increase in the cost or amount of work involved or any other reason, has been paid. For the purpose of this section, the area of a structure shall be determined by its exterior dimensions.

(B) **Administrative Services.** The fees for administrative services shall be as follows:

(1) Permit amendments, extensions, reinstatement and change of ownership/contract change. (Thirty Dollars)..... $30.00

(2) If an application for a permit is cancelled by written request to the Building Official within 6 months of the application date or within 12 months of the issue date, a refund will be granted. The following fees will be deducted from the refund:

a. Residential, commercial and other related permits, Thirty percent of applicable fees..... 30%

b. All other permits Twenty percent of applicable fees 20%

(3) Duplication of permits, inspection slips, and C/O's .....$10.00 ea

(4) Plan Review Fee will be charged when the following applies: $50.00

a. After initial review it is determined that required structural

information is missing or incorrect then fee will be due when plans are resubmitted.

b. When plans are changed by property owner or contractor after plan review has been completed Fee will be due each time plans are changed.

(C) **Building Permits.** Building permit fees shall be as follows:

(1) Minimum/base fee for any permit (Seventy-five Dollars) $75.00
Base fee added to all permits

(2) State levy on all applicable permit fees, 1.75%

(3) Single story residential dwellings, including additions, and remodeling twenty cents per square foot + base fee.....
0.20 sq.ft. + $75.00

(4) Porches, decks, garages, carports, storage buildings, basements, churches, second and higher stories, fifteen cents per sq. ft + base fee
0.15/sq ft + $75.00

(5) Industrial buildings, schools and commercial buildings twenty cents per sq foot + base fee.....0.20/sq ft + $75.00

(6) Installation or set-up of Manufactured Homes:

(a) Single-wide $150.00
(b) Double-wide..... $200.00
(c) Triple wide $250.00

(7) Swimming Pools .....fifty dollars.....$50.00
Fence around pool, twenty dollars $20.00

(8) Signs:

a. Up to ten (10) square feet in surface area, twenty (20) square feet for a double-faced sign), the top of the sign being ten (10) feet or less from the ground, Fifty dollars.....$50.00

b. More than ten (10) square feet in surface area (more than twenty (20) square feet for a double-faced sign) or a sign the top of which is more than ten (10) feet from the ground, One Hundred Dollars.....$100.00

(9) Removal of a building or structure from one lot to another or to a new location within the same lot....One Hundred Fifty dollars $150.00

(10) Demolition of building or structure, Seventy five Dollars $75.00

(11) Reserved

(12) The fee for the erection or installation of a structure other than a building shall be calculated at a rate of one percent of the actual cost of the work..... 1% + $75.00 base fee

(13) Chimney...Seventy Five Dollars .....$ 75.00

(14) Roof Shingles, tin, cedar shakes.... Seventy Five Dollars $75.00
(Only required for Commercial property not required for residential property)

(15) Tanks, removal or installation (underground or above ground):

(a) 600 gallons and under, seventy-five dollars .$ 75.00
(b) 600 gallons to 1,000 gallons, one hundred dollars $100.00
(c) 1,000 gallons and over, one hundred fifty dollars.....$150.00

D. **Electrical permits, Residential.**
Base fee $75.00 + .06 cents per sq. ft

E. **Electrical permits, Commercial.**
Base Fee $75.00 + 1% of Contract

F. **Plumbing Permits, Residential**
Base Fee $75.00 + .06 cents per sq ft.

G. **Plumbing Permits, Commercial**
Base Fee $75.00 + 1% of Contract

H. **Mechanical Permits, Residential**
Base Fee $75.00 + .06 cents per sq ft.

I. Mechanical **Permits, Commercial**
Base Fee $75.00 + 1% of Contract

J. **Fire Suppression**
Base fee $75.00 + 1% of contract

K. **Amusement Devices.**

1. Kiddy Rides $20.00
2. Major Rides $30.00
3. Spectacular Rides $50.00

Section 6-22. Charge for inspection visit when building not open or job not ready for inspection.

A fee of fifty dollars ($50.00) shall be charged for the re-inspection of work not completed, ready or open for access. The re-inspection fee shall be paid prior to performance of any re-inspection.

IN RE: NAMOZINE FIRE DEPARTMENT RENOVATION INCREASE IN CONTRACT REQUEST – FRANK DESTEFANO

The County Administrator commented Frank DeStefano the Architect is requesting an amendment to his contract for additional work for the Namozine

project. The fees are for additional design items $4,760, the bidding phase $6,696.25 and the generator design $4,800. The contract price with the additional work is now $47,679.25 and he has already been paid $21,996. Mr. Stone asked if there was a retention fee on this contract? Mr. DeStefano replied no. The County Administrator commented she thought the County contract did have that clause, but she would check to make sure.

Upon motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the total fees as outlined for DeStefano Design Group be increased to $47,679.25 for the contract for the renovations to the Namozine Fire Station.

IN RE: LETTER OF SUPPORT FOR THE PETERSBURG NATIONAL PARK SERVICE GENERAL MANAGEMENT PLAN

Mrs. Ralph commented that the Park Service is asking for a letter of support from localities for their General Management Plan. Included in the Board packets was a letter sent out last year and Staff could prepare a similar letter for the Chairman to sign with the authorization of the Board.

Upon motion of Mr. Bowman, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", Mr. Stone "Abstaining",

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia authorizes the Chairman to sign the letter of support for Plan "D" of the General Management Plan for the National Park Service.

IN RE: DOOR POLICY FOR THE ADMINISTRATION OFFICES

The County Administrator commented the doors and foyer renovations in the Administration Office have been completed and looks very good; and she complemented Mr. Jones on his work. She requested that the Board set a public policy regarding visitors that come and want to see staff. She stated the reason for installing the doors in the foyer, as she understood, was that persons must have an appointment before they are allowed through the doors. She commented she felt it was a good system but in order for Staff to justify the reason to citizens and visitors it would be good to have a policy.

Mr. Haraway responded, if he remembered correctly, the Board members were told that frequent visitors to the Administration Office were causing a decrease in office productivity. Therefore, the Board felt they needed to take action to eliminate visitors and have a comparative structure such as the Commissioner of the Revenue and the Treasurer's Office. He asked the other Board members if that was their understanding? The Board members responded, yes. Mr. Haraway asked Mrs. Ralph what she would like for the Board to do. She stated that the policy would be that people should have an appointment when they come into the Administration Office. Mr. Haraway commented one Board member felt another reason was that if an individual had to make an appointment then that would ensure that the Board members could be present for the meeting if they so desired. Mr. Moody stated that would also allow staff time to gather information before the meeting. Mr. Haraway stated it was his understanding that the doors would have automatic locks. The County Administrator replied they would have locks on them.

Mr. Haraway restated if someone wants to meet with the Administrative Offices they would call to make an appointment. That means there would no longer be visitors just dropping in just to say hello.

Mr. Bowman commented he had heard administrative staff say they didn't

have time to take lunch. Staff time is valuable and if people just drop in it does interfere with them getting their work done. He made the motion that if someone wants to meet with someone in the Administrative Offices they must call and make an appointment. Ms. Moody seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", motion carried.

IN RE: COUNTY ADMINISTRATOR COMMENTS

1. The County Administrator commented Staff is working towards finalizing the commitments from the bond insurers on the school bond issue, which should be completed by July 30th. She suggested that the Board meet with the School Board and IDA for an update from the Financial Consultants on August 3rd at 6:00 P.M. Mr. Haraway stated he would like to see a presentation by the School Board because the IDA has stated they wanted to see a defined project before they would vote to support a bond issue. He also requested that Davenport supply a report to all the members before the meeting. Mr. Bowman commented he would like Staff to get a breakdown of the closing costs on other projects Davenport has done for the County so a comparison could be done with other localities. He stated he could not support another bond issue until he had those figures and the total cost of issuance. Mr. Haraway stated Mr. Bowman wanted to know what Davenport's fees were for each bond issue they have done for the County and it shouldn't be difficult to get. Mr. Stone suggested that the Board come in at 10:00 A.M. to meet with the IDA and the School Board. The Board agreed.

2. Mrs. Ralph informed the Board that in case any of the members are planning to attend the LGOC meeting the High Growth Coalition is holding a meeting at 4:30 P.M. on August 2nd and they would like you to attend that session. It will be held at the Norfolk Waterside Marriott.

IN RE: BOARD MEMBER COMMENTS

Ms. Moody commented as she traveled around the County she saw land being cleared and new construction sites; what she didn't see was any erosion control no entrance control for trucks leaving mud on the roads. She requested that staff provide a report each month and list preliminary lots and also list any proposed lots.

Mr. Bowman stated he would like staff to look into the County implementing a dog breeder's license; it might help with the stray dog problem. He stated he would like the Board to move forward on either adopting proffers or impact fees. He said he understood it was too late for it to be brought before the General Assembly this year but the Board needs a report from Staff to keep us updated so we can make a decision next year. He stated he and Mr. Scheid met with Mr. Jeffrey in West Petersburg regarding the building lots. There was a difference of opinion as to the number of homes that have to be built. He stated the Board and staff needed to meet with WPVA because Mr. Jeffrey thinks the required number of homes have already been built and the County is no longer obligated under the grant. The WPVA group also wants to make another application for a grant to get curb and gutters in the community, which would greatly improve it. He commented the group had done a tremendous job cleaning up that community and they deserved a lot of credit and the County's support.

Mr. Stone commented the next District 5 Community meeting would be held Monday August 16th at 7:00 P.M. here in the Board Meeting Room. He, Tim Smith, and Mr. Massengill met with the members of the McKenney Town Council last Thursday night to discuss park and recreation facilities in McKenney Corporate and the surrounding District 5 area. It was a productive meeting and he received a couple of calls complimenting Mr. Smith and Mr. Massengill and their work that they are going to continue to do for the residents in that area. He thanked the parents the sponsors and especially the volunteers for the two all-star tournaments that just concluded this past month. The Dinwiddie Americans,

minor league (8, 9 and 10 year olds), won and will be playing this weekend in the state tournament. The Dinwiddie Nationals won the major league tournament (11 and 12 year olds) and they will also be playing this weekend in the state tournament. He asked Staff if the water quality at the jail was acceptable. The County Administrator replied no. He asked if it was a convenience issue at the other Administrative buildings or if it was the quality of the water. Mrs. Ralph stated it was a "taste" issue and at the request of the various staff in all the buildings the bottled water was ordered. Mr. Haraway asked if the water had been tested and if it was ok. She replied yes, except for the jail. Mr. Haraway asked how much money was being spent on water excluding the jail. He said the hospital just went through the same issue and it has a domino effect, so they had to eliminate it all. Mr. Stone stated sometime last year there was some discussion about getting the technicians at the County School bus garage to do routine maintenance on the County vehicles. He asked if that did not go anywhere or did he miss it? The County Administrator replied it was just mentioned that it would probably be a very economical thing to do but nothing was ever done. Mr. Stone requested that Staff contact School Administration to see if they are receptive to that. He also asked if retentions were included in County contracts or not? Mrs. Ralph replied on major construction projects it is; but she would like to go back and review that contract to see if was included. Mr. Stone stated he would like the Board to take action to make sure it is included in all of the County contracts.

Mr. Haraway stated the Board recommended him to serve on the Crater Health Planning Commission and he received a letter yesterday he had been appointed to the Commission, which meets at 1:00 P.M. the first Wednesday of every month in Richmond.

Mr. Moody stated if anyone would like to know the reality of getting legislation passed; he urged them to come to the LGOC, High Growth Coalition meeting. He stated growth was a big issue in the County and he felt it would be a good meeting for them to attend. Mr. Haraway, Mr. Bowman and Ms. Moody commented they would like to attend the meeting.

IN RE: CLOSED SESSION

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

§2.2-3711 (A)(1) - Personnel – Planning and Zoning, County Administration, Environmental Land Technician, and Animal Control;
***§2.2-3711 (A)(3)* of the Code of Virginia – Acquisition of Property**;

Mr. Bowman seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 4:26 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 5:59 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under §2.2-3711 (A) 1 Personnel – Planning and Zoning, County Administration, Environmental Land Technician, and Animal Control; and §2.2-3711 (A)(3) of the Code of Virginia – Acquisition of Property;

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

IN RE: APPOINTMENT - ANIMAL CONTROL DEPARTMENT HEAD – MS. MARY ELLISON -

The County Administrator stated based upon the receipt of a letter of resignation from Mr. Steve Beville, Animal Control Officer, that Ms. Mary Ellison be appointed the Department Head for Animal Control; and that her salary be increased to Grade 12, Step A, which is $30,117.00.

Upon Motion of Ms. Moody, Seconded by Mr. Stone, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the request was approved as presented.

IN RE: AUTHORIZATION TO ADVERTISE – ASSISTANT ANIMAL CONTROL OFFICER POSITION

Upon Motion of Ms. Moody, Seconded by Mr. Stone, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Administration was authorized to advertise for an Assistant Animal Control Officer.

IN RE: INSTALLATION OF COMPUTERS – TREASURER AND COMMISSIONER

Mr. Haraway stated that the computers have been here for several months for the Commissioner of the Revenue and Treasurer's office and if our MIS person can't install them, would it be possible to hire an outside company to get them installed because they are badly needed for their operation. The County Administrator stated the IT Manager could get them hooked up. Mrs. Ralph explained that she has been working on getting the server hooked up but if that was the Board's priority she would do that first.

Mr. Bowman requested the information from Davenport and Sands, Anderson on bond issues so he could do a comparison of their costs with other localities.

IN RE: INFORMATION IN BOARD PACKET OR DISTRIBUTED

1. Cost of Operations for Jail from Annual Jail Audit Report
2. Notice of Route 460 Communications Joint Subcommittee meeting at 2:00 P.M. on Monday, August 2, 2004.
3. Crater Planning District Commission – Notice of Public meeting announcement of Statewide Transportation Planning (VTRANS2025)
4. Letter written to High Speed Rail representative by County Administrator regarding meeting with Board to discuss HSR impacts on the County.
5. Crater Planning District Commission local staff effort report.
6. Article in The New York Times *"First-Person Look at Civil War Strife".*

RE: ADJOURNMENT

Upon Motion of Ms. Moody, Seconded by Mr. Stone, Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the meeting adjourned at 6:03 P.M. to be continued until 10:00 A.M. on Tuesday, August 3, 2004 to meet with the School Board and IDA in the Multi-Purpose Room.

Donald L. Haraway, Chairman

ATTEST: Wendy Weber Ralph
Wendy Weber Ralph
County Administrator

/abr

VIRGINIA: AT THE CONTINUATION MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD CONFERENCE ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 3RD DAY OF AUGUST, 2004, AT 12:00 P.M.

PRESENT:	DONALD L. HARAWAY – CHAIRMAN	ELECTION DISTRICT #2
	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5
	JACK CATLETT (Arrived 5:00 P.M.)	COUNTY ATTORNEY

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Mr. Donald L. Haraway, Chairman, called the continuation meeting to order at 12:02 P.M. in the Board meeting room of the Pamplin Administration Building.

IN RE: CLOSED SESSION

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

***§2.2-3711 (A)(1)* of the Code of Virginia - Personnel** – County Administration; Public Safety; Sheriff; and Planning;
§2.2-3711 (A)(7) – Consultation with Legal Counsel – Probable litigation

Mr. Stone seconded the motion. Ms. Moody, Mr. Stone, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 12:02 P.M.

A vote having been made and approved the meeting reconvened into Open Session in the Board Meeting Room at 7:32 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under §2.2-3711 A. 1 Personnel – County Administration; Public Safety; Sheriff; Planning and §2.2-3711 (A)(7) – Consultation with Legal Counsel – Probable litigation;

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

IN RE: ADJOURNMENT

Upon Motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the meeting adjourned at 7:34 P.M.

Donald L. Haraway, Chairman

ATTEST: Wendy Weber Ralph
Wendy Weber Ralph
County Administrator

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 3RD DAY OF AUGUST, 2004, AT 7:30 P.M.

PRESENT:	DONALD L. HARAWAY – CHAIRMAN	ELECTION DISTRICT #2
	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5
OTHER:	JACK CATLETT	COUNTY ATTORNEY

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

Mr. Donald L. Haraway, Chairman, called the regular meeting to order at 7:35 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

The County Administrator commented she had two action items to discuss under her comments, but the agenda would not need to be amended. 1) Request from Ford VFD to repair the brush fire truck 2) Request to hire a consultant for the Growth Management Committee.

IN RE: MINUTES

Upon motion of Mr. Bowman, Seconded by Ms. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that approval of the June 15, 2004 Regular Meeting, July 6, 2004 Regular Meeting, and the July 20, 2004 Regular Meeting are approved in their entirety.

IN RE: CLAIMS

Upon motion of Mr. Bowman, Seconded by Ms. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway 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 1045515 through 1045735, (voided check number(s) 1040310, 1039327, 1045517, 1045635, and 1045590).

FY – 04/05
Accounts Payable:

(101) General Fund	$ 254,526.32
(103) Jail Commission	$ 171.15
(209) Litter Control	$
(222) E911 Fund	$ 1,999.26
(225) Courthouse Maintenance	$
(226) Law Library	$
(228) Fire Programs & EMS	$ 19,309.42
(229) Forfeited Asset Sharing	$
(304) CDBG Grant Fund	$ 76.37
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(401) County Debt Service	$ 207,746.30

TOTAL	**$ 507,398.73**

PAYROLL 07/30/04

(101) General Fund	$ 459,423.09
(222) E911 Fund	$ 3,730.82
(229) Forfeited Asset	$
(304) CDBG Fund	$ 7,984.75
TOTAL	**$ 471,138.66**

IN RE: WORKFORCE DEVELOPMENT/ROHOIC LIBRARY – COL. JOHN HESLIN

Colonel John "Jack" Heslin, WorkKeys Project Manager, provided the following information to the Board and citizens regarding education and training which he hoped would be made available in the near future at the Rohoic Library.

"SKILL STREAMS FOR SUCCESS
Dinwiddie County

Workforce Development skills for residents of Dinwiddie County – An education and training program, funded in part through the Crater Regional Partnership and Tobacco Indemnification funds, and made available at the Dinwiddie library.

The Skill Streams for Success Program is designed to provide information and assistance to individuals in the region who might be interested in up-grading their skills to work in the growing businesses and industries in the Crater Regional Area, with special emphasis on the metals industry and the health industry. The project is built upon an ongoing, successful effort, through the Crater Regional Partnership, to identify basic, workplace skills through job profiling and individual assessments using the Work Keys System. Once the assessments are completed, counseling and training can be offered, which provides an individual a means to close any skill gaps and prepares them for employment in the Southside Region.

The long-term vision for this project has been to provide individuals in career transition; such as people affected by changes in the tobacco industry or other displaced workers, an opportunity to prepare for a career in the local industries that are in need of skilled employees. As originally envisioned, this program was not limited to tobacco workers exclusively, but was also open to other job seekers in transition

The Skill Streams for Success Program includes leveraging existing workforce development programs through the Crater Regional Partnership and working closely with area school systems, the community colleges and the Regional Workforce Investment Board. By leveraging these workforce development resources, the "Skill Streams for Success" program is able to reach out to many citizens who are unable to receive the job preparation this program offers.

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IN RE: D.A.R.E. PRESENTATION – DR. CHARLES MARANZANO ACTING SUPERINTENDENT DINWIDDIE COUNTY

Dr. Charles Maranzano, Acting Superintendent, Dinwiddie County Public Schools, stated from 1986 to 2001 the D.A.R.E. program was presented to the 5th and 6th grade students through a grant through the Sheriff's Office. However, the program is no longer an approved curriculum by the State.

"Dinwiddie County will be implementing a new drug awareness program for the 2004 – 2005 school year. This program is called *Too Good for Drugs* which is an SOL based program.

The elementary program, *Too Good for Drugs*, is a school-based program designed for grades K –8. It is developed to reduce risk factors and enhance protective factors related to alcohol, and other drug use among students.

Too Good for Drugs has a separate developmentally appropriate curriculum for each grade level. There have been lessons developed for each grade level in the Health Education Standards of Learning for Virginia Public Schools. Each grade level is designed to enable students to learn important skills sequentially and retain year after year.

Too Good for Drugs builds five essential life skills:

Goal setting
Decision-making
Bonding with pro-social others
Identifying and managing emotions
Communicating effectively

This program will be taught by Health and Physical Education teachers in their schools. Students will have ten lessons each year starting with kindergarten and completing the curriculum in the eighth grade.

This is an approved program by the Department of Education and the Safe Drug Free Schools program used by the Federal Government. This has been designated a model program by the Substance Abuse and Mental Health Services Administration. It has shown consistently positive results under scientifically rigorous conditions. This program has responded successfully to the needs of the targeted populations."

He commented that the Search Institute has identified 40 developmental assets that are building blocks for healthy development that help young people grow up healthy, caring and responsible.

Dr. Maranzano stated there is also a program that is being developed for the High School student level by the State Department of Education.

IN RE: CITIZEN COMMENTS

1) David Dudley – 25907 Smith Grove Road, Petersburg, VA - voiced his concerns regarding biosolids. Mr. Dudley stated that the Board approved a position for a biosolids monitor in January of 2004, which has not been filled yet. He gave the definition of what biosolids are and commented there are in excess of 800 documented cases in the State of Virginia related to the spreading of biosolids that involves individual health problems. He also requested that the Board under the "Dillon Rule" imposes restrictions to control and sets responsibilities in the application of biosolids.

2) Michael Bratschi - 23500 Cutbank Road, McKenney, VA -

commented the Board should hold the Constitutional Officers to their budgets and their salaries which is set by the Compensation Board and quit giving them everything they come and ask them for. He said he did not understand why the County needed a Public Safety Director because he felt Mr. David Jolly was doing a good job. He also made a comment regarding the doors, which were installed in the Administration Office, and not being able to walk in without an appointment and meet with County employees.

3) Geri Barefoot – 7411 Frontage Road, Petersburg, VA – stated she attended a High Speed Rail meeting and she asked Mr. Tobias what had been done on the alternate route study from Jarrett to Alberta. Mr. Tobias told her they were not going to do the study.

4) – Anne Scarborough – Boydton Plank Road, Dinwiddie, VA –stated she did not think the County should hire a Consultant to assist the Growth Management Committee because the County has three qualified people on staff. The County needs an engineer so use that money and hire one. She also commented the ad for the Financial Officer position in the newspaper should have included detailed job descriptions.

IN RE: FORD VOLUNTEER FIRE DEPARTMENT REQUEST TO REPAIR BRUSH FIRE TRUCK

Mr. David Jolly, Public Safety Director, stated the Ford VFD Brush Truck has been out of service for four-weeks because the vendor can't locate the parts to repair the pump primer. Slagle Fire Equipment Company recommended installing an electric primer in place of the exhaust type primer at a cost of $1,512.50, which will eliminate the problem in the future. Funding for the pump would come from the Volunteer Fire Department Capital Line Item.

Upon motion of Mr. Moody, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that payment for the invoice for $1,512.50 for the electric pump primer for the Ford VFD Brush Truck was approved with funding from the capital line item of the volunteer fire budget.

IN RE: AUTHORIZATION TO NEGOTIATE CONTRACT WITH TIMMONS & ASSOCIATES - CONSULTANT TO ASSIST GROWTH MANAGEMENT COMMITTEE

Mr. Scheid stated that the Board of Supervisors appointed a High Growth Committee over a month ago. Since then, the Committee has met and is working on identifying problems, grouping similar problems together and setting a priority to the problems. In the interim, an RFP was sent out seeking consultant services to assist the Committee in formulating strategies to address the problems. There were three (3) respondents. The Committee held an interview with the respondents on Friday, July 30th. Upon conclusion of the interviews, the Committee discussed the credentials of those interviewed. It was unanimously agreed by the Committee that Timmons and Associates offered the best services for the County. In view of this, the Committee requests permission from the Board of Supervisors to negotiate a contract with Timmons and Associates.

Upon motion of Mr. Bowman, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for Staff to enter into negotiations with Timmons and Associates for contractual a person/firm to assist the Growth Management Committee.

IN RE: BOARD MEMBER COMMENTS

Mr. Moody shared information regarding revisions to the Personal Property Tax Relief Act (Car Tax) program enacted in the 2004 General Assembly. He explained the new legislation based the tax relief to jurisdictions on several factors, which include population, rate of growth, and the value of the vehicles. He further stated taxes might have to be increased in the County in 2005 and 2006 to offset the decrease as a result of this legislation. He also provided information about the Senior Navigator, that is at the Rohoic Library, which is a one-stop-shop for local resources, and information on health and aging. This organization wants Counties to join to make the program stronger. The Board can discuss it at budget time. He gave a brief report on the High Growth Coalition meeting he attended at the LGOC. He suggested that someone on the Growth Management Committee in the County contact Mr. Wiley and the gentleman with the Home Builders Association and invite them to come and meet with us to discuss proffers, impact fees and transfer fees to get some ideas together for Mr. Wiley to take to the General Assembly to help the County.

Ms. Moody commented her idea/suggestion was that it would be good for the Board and the Administrative staff to appoint various committees to research and gather information related to problems and concerns that is faced in each meeting and compile a wish/wash list of things to be resolved. These committees should and could be formed from citizens in the County depending upon their qualifications and areas of expertise. This would eliminate some of the many meetings the Board has to attend. These committees could report to the Board as often as necessary and would eliminate each citizen having to present each and every problem to the Board.

Mr. Bowman asked the County Administrator if she had received a letter from Mr. Tobias? Mrs. Ralph replied she received a phone message from him stating he was proceeding with doing that study and mentioned the new person that was on board would be moving forward with it. She stated she would contact him again but he was very apologetic for not getting back to the Board sooner and he was moving forward with the study and would let us know when it was done. Mr. Bowman requested that the County Administrator contact Mr. Tobias again and request all the information he has gathered already on the route from Alberta to Jarrett and if he is not doing anything it is time for us to write our representatives and get something moving. Mrs. Ralph stated she would contact him and let him know it is our understanding that he is not going to do anything and she would quote them all. Mr. Bowman said he received a call from a citizen regarding a vendor that is selling furniture at the intersections of Route 226 and Ferndale Road on weekends and it is becoming an eyesore. He asked Staff to check with the departments to make sure the vendor had licenses and permission to be on the property. The County Administrator stated she would contact the Commissioner and Sheriff's Department to check on it.

Mr. Stone stated when he attended the High Speed Rail meeting in Richmond with Mr. Scheid and Tim Smith he signed up to be notified of future meetings and newsletters by email. He requested that the County Administrator ask Mr. Tobias why he had not received anything in particular. He informed the Board and Citizens that he would be holding the District 5 Community meeting in the Board Meeting Room on Monday, August 16, 2004 from 7:00 – 9:00 P.M.

Mr. Haraway commented approximately 2-weeks ago he talked with the attorney for Fox Run Water Company and he indicated they were scheduled to sign a contract with a company in 5 days. He asked the County Administrator if she had heard anything. She replied no. Mr. Haraway directed her to call tomorrow and if they have not signed a contract to let him know. He said he felt the County had to stay on top of the situation to let Fox Water Company know how concerned they are about the water situation.

IN RE: ADJOURNMENT

Upon Motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the meeting adjourned at 8:34 P.M. to be continued until 9:00 A.M. on Tuesday, August 17, 2004 for a Closed Session for Personnel matters.

Donald L. Haraway, Chairman

ATTEST:
Wendy Weber Ralph
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/abr

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IN RE: ADJOURNMENT

Upon Motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the meeting adjourned at 8:34 P.M. to be continued until 9:00 A.M. on Tuesday, August 17, 2004 for a Closed Session for Personnel matters.

Donald L. Haraway, Chairman

ATTEST: Wendy Weber Ralph
Wendy Weber Ralph
County Administrator

/abr

VIRGINIA: AT THE CONTINUATION MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD CONFERENCE ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 17th DAY OF AUGUST, 2004, AT 10:00 A.M.

PRESENT:	DONALD L. HARAWAY – CHAIRMAN (Arrived 11:01 A.M.)	ELECTION DISTRICT #2
	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5

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Mr. Harrison A. Moody, Vice Chair, called the continuation meeting to order at 10:03 A.M. in the Board meeting room of the Pamplin Administration Building.

IN RE: CLOSED SESSION

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

***§2.2-3711 (A)(1)* of the Code of Virginia - Personnel** – County Administration; Environmental Land Technician; Procurement; Buildings and Grounds; Public Safety; and Appointments
§2.2-3711 (A)(3) – Acquisition of Property
§2.2-3711 (A)(30) – Contract Negotiations - Growth Management

Ms. Moody seconded the motion. Ms. Moody, Mr. Stone, Mr. Bowman, Mr. Moody, voting "Aye", the Board moved into the Closed Meeting at 10:04 A.M.

A vote having been made and approved the meeting reconvened into Open Session in the Board Meeting Room at 2:17 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under §2.2-3711 A. 1 Personnel – County Administration; Environmental Land Technician; Procurement; Buildings and Grounds; Public Safety; and Appointments §2.2-3711 (A)(3) – Acquisition of Property; and §2.2-3711 (A)(30) – Contract Negotiations - Growth Management

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

IN RE: ADJOURNMENT

Upon Motion of Ms. Moody, Seconded by Mr. Stone, Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the meeting adjourned at 2:18 P.M.

_____
Donald L. Haraway, Chairman

ATTEST:_____
Wendy Weber Ralph
County Administrator

/abr

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 AUGUST, 2004, AT 2:00 P.M.

PRESENT:	DONALD L. HARAWAY – CHAIRMAN	ELECTION DISTRICT #2
	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5
OTHER:	BENJAMIN EMERSON	COUNTY ATTORNEY

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

Mr. Donald L. Haraway, Chairman, called the meeting to order at 2:18 P.M. He requested that there be a moment of silence observed for Mrs. Patsy Cansler, Social Services Board Member, who passed away Sunday, to be followed by the Lord's Prayer and Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

The County Administrator requested that the agenda be amended to continue the Closed Session for §2.2-3711 A. 1 – Personnel – §2.2-3711 A. 1 Personnel – Administration; Environmental Land Technician; Buildings and Grounds; Public Safety; and Appointments; §2.2-3711 (A)(3) – Acquisition of Property; and §2.2-3711 (A)(30) – Contract Negotiations - Growth Management. Mr. Bowman requested that the Biosolids Resolution be added to the agenda before County Administrator Comments.

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

IN RE: MINUTES

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the minutes of the August 3, 2004 Continuation Meeting and the August 3, 2004 Regular Meeting are approved in their entirety.

IN RE: APPOINTMENT – MR. DANIEL BEN-YISRAEL – SENIOR PLANNER/ZONING ADMINISTRATOR

Upon motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to employ Mr. Daniel Ben-Yisrael as Senior Planner/ Zoning Administrator at Grade 15, Step L, salary $49,799 per year, with an effective date of August 9, 2004.

IN RE: APPOINTMENTS – SHERIFF'S OFFICE

"Dear Board Members:

On July 20, 2004 this Office conducted testing, interviews and fingerprinting of sixteen applicants, which responded to the twenty-two letters of invitation to be tested. These invitations were sent following the notice of the positions being advertised in local newspapers and receiving applications for two weeks following the closing of the notice.

I request authorization to consider for employment the following individuals:

Matthew Henry Forbes; Cherrell Marie Young; Christopher Michael Price; John Irvin Wicks; Frankie Coleman

Thank you in advance for your consideration of this request.

S. H. Shands, Sheriff"

Upon motion of Mr. Stone, Seconded by Ms. Moody, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for the Sheriff's Department to employ Matthew Henry Forbes, Cherrell Marie Young, Christopher Michael Price, John Irvin Wicks, and Frankie Coleman, at an annual salary of $23,854.

IN RE: DINWIDDIE VFD – REPAIRS TO FIRE ENGINE

"TO: Board of Supervisors
FROM: David M. Jolly, Director

At the May 18, 2004 meeting of the Board, I requested payment for a repair to the 1993 Pierce Fire Engine at the Dinwiddie Fire Station. At that time I advised the Board that we had also had to repair the primer motor and electrical wiring on the unit.

We have received the invoice for those repairs and I request that this invoice be paid from the capital repair line item of the volunteer fire budget. The total repair cost was $1,498.45 and should be funded from line item 101-032200-3310."

Upon motion of Mr. Stone, Seconded by Ms. Moody, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia hereby authorizes payment of the invoice from Singer Associates Fire Equipment, Inc. for the repair to the primer motor and electrical wiring on the 1993 Pierce Fire Engine for the Dinwiddie Fire Station, in the amount of $1,498.45, to be funded from line item 101-032200-3310.

IN RE: NAMOZINE VFD RENOVATIONS – CHANGE ORDER

Mr. Gene Jones, Director of Buildings and Grounds, requested a change order in the amount of $3,289.97 to paint the metal roof at the Namozine Fire Station. Mr. Jones explained that the roof had been painted last year but the paint had not been applied properly and it did not have a warranty. The cracked and peeling paint would be removed from the roof by sand and water blasting, primed and painted properly.

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the change order request to paint the metal roof at the Namozine Fire Station in the amount of $3,289.97 was approved.

IN RE: APPOINTMENT – MS. ANNE HOWERTON – DIRECTOR OF FINANCE

Mr. Haraway stated he would "abstain" from voting for the appointment of Ms. Anne Howerton to the position of Director of Finance because he hired her at Southside Regional Hospital for the finance position 10 years ago. However, he felt she would do an excellent job.

Upon motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, voting "Aye", Mr. Haraway "Abstaining",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Ms. Anne Howerton is appointed to the position of Director of Finance at Grade 18, Step O, at an annual salary of $67,546, effective September 7, 2004.

IN RE: CLAIMS

Mr. Stone commented the law firm continues to submit delinquent bills for their services. It is unacceptable and in the future their invoices should be submitted by the 15th of the month following any service they provide to the County for payment. Mr. Haraway agreed.

Upon motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway 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 1045736 through 1045906 (void check(s) numbered 1035923, 1045738, and 1040304)

FY – 04/05
Accounts Payable:

(101) General Fund	$ 191,863.03
(103) Jail Commission	$
(209) Litter Control	$
(222) E911 Fund	$ 2,046.08
(223) Self Insurance Fund	$
(225) Courthouse Maintenance	$ 485.70
(226) Law Library	$ 212.60
(228) Fire Programs	$ 3,484.33
(229) Forfeited Asset Sharing	$
(304) CDBG Grant Fund	$ 2,266.63
(305) Capital Projects Fund	$ 73,511.98
TOTAL	**$ 273,870.35**

IN RE: CAMERON FOUNDATION PRESENTATION

Mr. Handy Lindsey, Executive Director, Cameron Foundation stated "I would like to take just a few moments to share with you the Cameron Foundation's mission and plan to begin grant making. The Foundation is dedicated to providing resources that will improve the health and quality of life for people living in the communities served by the Foundation. Our goals and yours hold many things in common. We share your desire and commitment to make our communities -- and the entire region -- a better place in which to live and work.

As you know, Southside Regional Medical Center was a resource for a region covering three cities and four counties. The foundation is committed to serving the needs of those same communities historically served by the hospital. Through our grant making we hope to provide needed support to the array of nonprofit organizations that serve Petersburg and the surrounding communities.

Since early February, the foundation's Board of Directors and I have been busy laying the groundwork for grant making. This involved developing the structure for organization as well as engaging in discussions and decisions about how we are going to make grants.

Our work has produced a road map that will lead us to making our first grants in October of this year. We are eager to begin this work and it is important to us that leading citizens such as you here in Dinwiddie County should be among the first to know.

Besides grant-making, we also considered the other resources we bring to the table – as a connector that can bring nonprofit organizations together to share information and collaborate; as a catalyst for new initiatives and community wide efforts to address persistent problems and as an enabler to nonprofits – ensuring that our work builds strong, healthy and well managed organizations. While making grants is a vital part of the Foundation's mission, we believe we have the capacity to do more.

The result is an approach that incorporates key principles which will guide our work. The Cameron Foundation will give highest priority to supporting organizations that:

* Empower people to help themselves
* Address root causes rather than symptoms
* Build upon community strengths
* Build programs and services that are sustainable
* Have strong and engaged boards, staff and leadership.

The Directors of The Cameron Foundation recognize that the organizations that will match these priorities are spread widely among the three cities and four counties that comprise the foundation's service region. We are aware that there are a variety of needs in communities and a range of organizations that serve them. Because the Foundation chooses to be responsive to community needs, the foundation will be diverse and broadly focused in its grant making.

The Directors have determined that, at least initially, the foundation will make grants in seven program areas. They are Health, Human Services, Education, Community and Economic Development, Cultural Enrichment, Conservation and Historic Preservation, and Civic Affairs.

There are two important considerations about who is eligible for grants. First, they must be nonprofit charitable organizations whose work addresses at least one of these program areas. Second, the majority of the population they serve must reside in the Foundation's service area. Our service area includes the cities of Colonial Heights, Hopewell, and Petersburg, and the counties of Dinwiddie, Prince George, Sussex and that portion of Chesterfield south of Route 10.

As I mentioned, the Directors hope to announce the first grants in October. Leading up to that announcement, proposals for funding from nonprofit organizations will be reviewed by staff over the summer. The deadline for submission of proposals for this first round of grants was June 30th. We are currently considering grant proposals for projects, capital, and technical assistance purposes. In future years, we expect to conduct three grant cycles, in February, June and October.

We also want you to know that in May, the Foundation began hosting information workshops for interested applicants twice a week. The intent of these sessions was to help explain the foundation application process, and give specific feedback to prospective applicants on how they might strengthen their applications. I conducted the workshops, and occasionally I had the company of one or two of the Foundation's Board members. These information workshops were very well attended. Each one was filled to our capacity to accommodate approximately a dozen organizations at each session. Unfortunately, due to our space limitations, we have had to turn many people away. However, we will be offering additional sets of information workshops prior to each of our next couple of grant cycles. As a matter of fact, I began conducting the second set of workshops two weeks ago. The objective here is to help applicants prepare for the September 1 deadline for Letters of Intent. Those applicants whose letters are approved will be invited to submit formal proposals for the October 15 deadline. Those proposals will be decided by the Foundation's board at its February "05 meeting.

In the meantime, we also have published guidelines and applications procedures. Many have already been widely distributed. I brought along a few copies of the Foundation's guidelines to leave with you today. This information is also available for review on the Foundation's website which is now active and addressable at www.thecameronfoundation.org.

So that's our roadmap and we hope that you will help us to get the word out in Dinwiddie County. You will certainly be hearing more from the Foundation as we forge ahead, and I hope that we will be hearing more from you and your constituents as well.

Once again, I truly appreciate that you included me in your schedule and hope that you will broadly share this information with your colleagues and associates. Thanks for your attention. Now if you have any questions, I'd be happy to try to answer them for you."

IN RE: CITIZEN COMMENTS

1. Robert Belcher – requested a study be done for the intersection of Flank and Vaughan Roads – people don't observe the stop sign and are speeding which results in accidents. He also requested that the Board hire more full-time and part time help at Eastside.
2. David Dudley – Smith Grove Road, Petersburg, Virginia, 23803 – thanked Ms. Moody and Phillip Harris for attending the biosolids meeting Monday night. He invited the Board to attend the Virginia Department of Health's regional public hearing on amendments on biosolids regulations August 19 at 7:00 P.M. at the Courthouse in Farmville. He also requested that the Board adopt the biosolids resolution submitted by the Citizens for a Better Dinwiddie.

IN RE: VDOT REPORT

Mr. Ray Varney, Resident Engineer, Virginia Department of Transportation, provided the following update:

1. Coleman Lake and Baugh Roads are closed due to high water.
2. Loggers have a blanket permit from the State for entrance on roads. VDOT monitors the permits, if anyone has a problem with them contact the office. The permit is limited to a 9:00 A.M. – 3:30 P.M. window of time.

Board Member Request/comments

Mr. Stone asked if the lines would be striped on Glebe Road since it had been repaved? Mr. Varney stated it is on the schedule to be repainted.

Mr. Haraway commented Sutherland Road had been striped. Mr. Varney said it was striped to Exeter Mill Road but the traffic count wasn't high enough to continue it to the Amelia line. Mr. Moody stated the traffic count isn't the problem; it is the hazardous driving conditions in the mornings due to the fog from the lake. Mr. Varney said he would ask the district office if they would consider doing anything else.

IN RE: RESOLUTION TO REQUEST VIRGINIA GENERAL ASSEMBLY TO ALLOW LOCAL GOVERNMENTS TO PARTICIPATE IN PROPAGATION OF REGULATIONS GOVERNING APPLICATION OF BIOSOLIDS

Disclosure Statement

Mr. Moody stated "I work for a biosolids company and my wife owns interest in one; and the results of any decision by this Board will not affect me or my wife financially to any greater or less extent than other contractors in the business."

Mr. Bowman stated he had been requested to place the resolution on the agenda but he did not totally agree with the concept of the resolution. He did agree with the public health and welfare portions of it. But he didn't think legislators in Richmond would agree to allow the local governments to make their own rules and regulations and he felt it would be a waste of time to present such a proposal to them. He said he could not endorse this resolution but he did want to put it on the table for the other Board members to comment on.

Mr. Moody said last Friday after he received the packet with the resolution in it he asked staff to email and mail some of his thoughts to the other board members. He pointed out that the "Bolling SB 1088" was passed in 2003 after a long study was done. The bill addresses a lot of the things that are in this resolution that concerns the citizens. The bill calls for nutrient management plans; it calls for a certification program by the land applicator; it gave authority to the counties to have local monitoring and testing; it also requested that the VDH review reports given by the National Research Council and the United States EPA, and report its findings to the Virginia Board of Health. He said he thinks a lot of education needed to take place in the counties but he felt a good bill was in place and he was not in favor of adopting this resolution.

Mr. Haraway called for a motion; there being none, he called for the next item on the agenda.

IN RE: REQUEST FOR ADDITIONAL FUNDING – CLERK, CIRCUIT COURT

Mrs. Annie Lee Williams, Clerk, Circuit Court, requested that the Board provide additional funds for extra help in her office due to the increase in business in her office. It has created a hardship on the public, the staff, the court and her. Mrs. Williams told the Board it would help her office if they would allocate funds so she could get someone to work 2 to 3 days a week. Mr. Haraway commented some of this situation was the result of a position being terminated by the state. He said Mrs. Williams had expressed her need at the Constitutional Officers meeting last week and he told her to bring her request for an additional $12,000 for part-time help to the Board meeting today.

Mr. Moody asked if Mrs. Williams had any extra funds in her budget? She replied no.

Mr. Bowman asked staff if there was a line item for people to replace staff when they went on vacation or for part time help? Mrs. Townsend replied no. The County Administrator informed him that the Clerk does her own payroll. He commented he would be agreeable with allocating funds for some part time assistance for Mrs. Williams.

Mr. Haraway asked if any of the Board members would have a problem granting an additional $12,000 for this fiscal year for part-time help for Mrs. Williams' office. Mr. Stone asked if the Clerk would be responsible for the payroll for this position? The County Administrator stated the Clerk does her own payroll but the Board would allocate the funds to her budget.

Mr. Bowman made the motion to appropriate an additional $12,000 to the Clerk of the Circuit Court's FY 04-05 budget for part-time help. Ms. Moody seconded the motion.

Mr. Moody stated a similar request had been presented by a constitutional officer and he had voiced his concern about the Board setting a precedent with appropriating additional funds for a constitutional officer before the funds in the budget had been depleted. However, in this situation Mrs. Williams does not have any funds and he could go along with this request.

The County Administrator commented the funds for this request would come from the fund balance..

Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", motion carried.

IN RE: COUNTY ADMINISTRATOR COMMENTS

1. The County Administrator commented Mrs. Williams informed her last week that the General Assembly had approved an increase in the state recordation tax rate. It will be increased from $.15 per $100 to $.25 per $100. Mrs. Ralph said she asked the attorneys what needed to be done to increase our one-third share as well. The Clerk can start collecting for the increase on September 1, 2004. She told the Board that an ad would be in the Progress-Index today and again next Tuesday, then the regular advertising will be done in the Monitor in order to meet legal requirements for the seven-day period to hold the public hearing and adopt the ordinance the same night at the September 7th meeting. To ensure that the County is able to benefit from the state increases in the future and to eliminate the need to adopt a new ordinance every time the state rate changes, the attorneys suggested that the Board set the County rate as one-third of the rate imposed by the state. This will ensure that the County's rate will automatically adjust along with any increase or decrease in the state rate. She thanked Mrs. Williams for passing the recordation tax increase information on to Staff.

2. Mrs. Ralph distributed copies of the response from Mr. Alan Tobias from the Department of Rail and Public Transportation regarding the request from the Board on the information that has been gathered on the alternate route for the High Speed Rail from Alberta to Jarrett.

3. The County Administrator informed the Board that the Planning Commission would be holding a public hearing on September 8, 2004 to amend the Zoning Ordinance of Dinwiddie County, section 22-24(b), to provide for the acceptance of additional zoning proffers including but not limited to cash proffers, as allowed by state law. The ordinance will then be forwarded to the Board for its determination.

4. Mrs. Ralph stated staff is continuing to work on the bond issue for the school projects and Dr. Maranzano is working with staff to get the various boards comfortable with the projects. All of the boards, the IDA, School Board and

Board of Supervisors need to meet to pass the resolutions to make the bond issue possible. She suggested that they meet on Tuesday August 31st, at 7:00 P.M. if that was agreeable with them. Continuing she said the insurance proposals came in and Mr. Haraway signed a commitment that it is in place which would ensure a savings to the County over the life of the bond issue. The County has not committed to the insurance but it is available. Mr. Haraway reminded staff to be sure that Davenport and the County Attorney send the resolutions and reports to all the members before the meeting. The Board agreed to meet on Tuesday August 31st, at 7:00 P.M. in the Multi-purpose room.

IN RE: BOARD MEMBER COMMENTS

Mr. Stone stated he would like a 30-minute work session with the Board to present some web site improvements/suggestions for the new IT person and Ms. Cathy Carwile to address in the upcoming months. He suggested coming in early the second meeting in September. The Board agreed.

Mr. Bowman stated Congressman Forbes' grant writer contacted Mr. Kevin Massengill about getting together with the West Petersburg group about the possibility of some grants that might be available to them. He requested that a meeting be set up with Mr. Peter Jeffrey and WPVA and the Cameron Foundation to see what is available. He commented when the budget request form is sent out he would like for staff to make sure the constitutional officers get all the line items in it. He instructed the Assistant County Administrator to write letters to our congressmen and senators about the route that the committee apparently has chosen for the High Speed Rail. It needs to be brought to their attention now that Dinwiddie and Chesterfield are not happy with it before it is too late.

Ms. Moody extended an invitation for people to attend the Growth Management Committee meetings. The next meeting is scheduled for September 9th at 4:30 P.M. at the Dinwiddie Airport.

Mr. Haraway stated the Board recommended him to serve on the Crater Health Planning Commission and he received a letter yesterday he had been appointed to the Commission, which meets at 1:00 P.M. the first Wednesday of every month in Richmond.

Mr. Moody stated there is going to be High Growth Coalition meeting October 20th and the Senate Local Government Committee will be discussing the carryover bills relating to growth in Richmond at the General Assembly Building. He told the Board members if they would like to attend the meeting to get in touch with him.

IN RE: ADDITION OF A REPRESENTATIVE FROM THE FARMING COMMUNITY TO THE GROWTH MANAGEMENT COMMITTEE

Mr. Moody stated several farmers approached him because they felt that the farming community should have a representative on the local Growth Management Committee to make sure agriculture is preserved in the County. He commented he would like to add one representative to the committee because growth is a big issue for farmers also. Mr. Bowman stated he felt it was a good idea to have more input from the community and he didn't want to overlook anyone. Mr. Moody made the motion to contact the State Farm Bureau Office to seek a representative to serve on the Growth Management Committee from the farming community. Mr. Stone seconded the motion. Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", motion carried.

IN RE: BOARD MEMBER COMMENTS CONT'

Mr. Haraway asked Ms. Kim Willis, Director of Social Services if she would give the arrangement for the funeral for Mrs. Cansler. Ms. Willis stated Mrs. Cansler passed away Sunday and the family visitation would be held Friday from 7:00 – 9:00 P.M. at the Bland Funeral Home, 137 Harrison Street, Petersburg, VA. Funeral services will be Saturday, August 21, 2004 at 1:00 PM at the Kingdom Hall of Jehovah's Witness, 575 Old Wagner Road, Petersburg, Virginia. Mr. Haraway asked what the projected date was for the pavilion at Eastside. Mr. Jones reported that the contract had been signed about a month ago and the contractor had 100 days to complete the job.

IN RE: VDOT WORKSHOP – SIX YEAR ROAD PLAN

Mr. Ray Varney, Resident Engineer, Virginia Department of Transportation, briefly reviewed the FY 05-06 columns in the "draft" plan. He explained that funding for regular construction could be used for unpaved roads but funding for unpaved roads can't be used to supplement regular construction projects.

He said a secondary road in the County is a road numbered 600 or higher, a route number less than 600 is a primary or interstate road. There are different kinds of primary roads with different governmental controls, Route 40 is a state road, I-85 is an interstate with Federal control. He said VDOT can't do a lot with I-85 without federal concurrence; but VDOT can do things on Route 40 without Federal consent. Mr. Varney informed the Board that this year secondary six-year funds could be used for primary roads if the Board desired to and passed a resolution, which could not be done, in past years. All primary program money competes against every other primary in the State.

Mr. Varney stated with the cutbacks in secondary six-year funding he felt it would be advantageous for the Board to start looking at doing things differently. At the funding rate of $600,000 dollars a year from the State it would take several years to fund projects with $2.5 to $4.8 million dollar price tags such as Baltimore and Halifax Roads. He suggested that the Board consider doing "spot improvements" on these major road projects. Such as the blind spot at Rt. 40 and Rt. 619; and improve the riding surface on Baltimore Road and correct the 4 or 5 areas with the sight distance problems, which would change the cost of the project from a $4.8 million dollars to one that cost less than $1 million dollars. He pointed out that Halifax Road is a straight road, its flat, and the primary problem is the riding surface. He recommended doing a reclamation process on it to improve the riding surface and correct any other spot problems. The sacrifice would be the wider shoulders on both of the projects. But by scaling down these major projects leftover funds could be diverted to other projects. His suggestion was that the Board consider adding a right turn lane on River Road on to Ferndale Road with curb and gutter to the six-year plan at an estimated cost of $200,000 dollars. The District Traffic Engineer has recommended this every year on his report. He stated the project possibly could be funded from money leftover from the Halifax Road and Baltimore Road projects. However, it would delay both of those projects but the River Road project is much more important to VDOT than either Halifax Road or Baltimore Road. He commented that is the biggest problem the department sees right now and they highly recommend the Board consider doing this project. The other recommendation is the Rt. 619 (Courthouse Road) and Route 40 intersection; but at this time no cost analysis has been done.

He also reported that due to the loss of field maintenance personnel at the rate of 5% per year; the Rural Rustic Road projects now will have to be contracted out, which will increase costs.

Mr. Varney stated these were the recommendations of VDOT but the final decision was up to the Board and he knew it wasn't going to be an easy one for them to make.

Mr. Haraway stated the Board requested Mr. Varney to make some recommendations and they heard what they were. He asked if the Board members had any comments.

Mr. Stone asked why VDOT did not widen the shoulders and continue to pave down to Route 40 on the Courthouse Road project in Mr. Moody's district. Was it because they ran out of funds? Mr. Timothy Overton stated it stopped because that was the scope of the project. Mr. Stone said the bridge was rather narrow and if anyone meets a log truck on it going towards Rt. 40 somebody is in trouble. Mr. Overton agreed, but commented, the bridge is in excellent condition and the cost to widen it would be extremely high.

Mr. Moody stated he appreciated Mr. Varney's efforts to balance the dollars for the projects. He commented that in many instances when the roads are built up there are deep ditches and that makes a dangerous situation. Continuing he said he didn't know what could be done to get around it. Mr. Varney replied that was correct and it was an excellent point and when new projects are done that is why VDOT puts the wider shoulders on the roads. Mr. Moody asked how VDOT could get around that if they were trying to save money on these projects? Can they widen the shoulders? Mr. Varney said if VDOT continues with the six-year plan as it is, state standard mandates that the shoulders be widened. He stated his only concern was that it would take so long to fund under the current plan. He reiterated his recommendations to do the reclamation process on the Halifax and Baltimore Road projects to include some spot improvements. In the areas where the spot improvements are done state standards would have to be adhered to and the shoulders would be widened.

Mr. Haraway asked if Mr. Varney would take the Board out and tour these areas so the Board members could see and he could explain the situation to them. Mr. Varney commented that would be a great idea. The Board agreed to meet at the VDOT Residency Office on August 31st at 2:00 P.M.

IN RE: CLOSED SESSION

Mr. Moody stated I move to close this meeting in order to discuss matters exempt under section: ***§2.2-3711 (A)(1)* of the Code of Virginia - Personnel** – County Administration; Environmental Land Technician; Procurement; Buildings and Grounds; Public Safety; and Appointments; **§2.2-3711 (A)(3) – Acquisition of Property; §2.2-3711 (A)(30) – Contract Negotiations** - Growth Management

Mr. Stone seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 4:13 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 5:49 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under §2.2-3711 (A) 1 Personnel – County Administration; Environmental Land Technician; Procurement; Buildings and Grounds; Public Safety; and Appointments; §2.2-3711 (A)(3) of the Code of Virginia – Acquisition of Property; and §2.2-3711 (A)(30) – Contract Negotiations - Growth Management;

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

IN RE: VIRGINIA HAZARDOUS MATERIALS CONFERENCE – SEPTEMBER 21- 25, 2004

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for the Director of Public Safety to attend the Hazardous Materials Conference in Virginia Beach on September 21-25, 2004 with funds in the amount of $795 being provided from his budget category 101-035500-5540, subject to review by the County Administrator.

IN RE: COUNTY HANDBOOK POLICY – CHANGE IN SECTION 4.7 NEPOTISM

Upon Motion of Mr. Moody, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the County Handbook Policy section 4.7 Nepotism - is hereby amended as follows: Delete "The County will not employ more than one member of an immediate family except in a temporary position or in unique circumstances and only with the express written approval of the County Administrator;" and in its place add: "The County may employ more than one member of an immediate family; however, in no case, may one family member serve in a supervisory capacity over another member of the immediate family."

IN RE: INFORMATION IN BOARD PACKET OR DISTRIBUTED

1. Memo from County Administrator regarding dog breeder's license in County to Chief Animal Control Officer.
2. VDOT letter – notice of public hearings for the FY 2006-2011 Six-Year Improvement Program in late September.
3. GIS report, new address assignments, code compliance report.
4. Appomattox Regional Library Report.

RE: ADJOURNMENT

Upon Motion of Ms. Moody, Seconded by Mr. Stone, Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the meeting adjourned at 6:03 P.M. to be continued until 2:00 P.M. on Tuesday, August 31, 2004 to meet with VDOT, at the Petersburg Residency Office, to tour and inspect some of the roads in the County.

Donald L. Haraway

Donald L. Haraway, Chairman

ATTEST: Wendy Weber Ralph

Wendy Weber Ralph
County Administrator

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VIRGINIA: AT THE CONTINUATION MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE MULTI-PURPOSE ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 31st DAY OF AUGUST, 2004, AT 2:00 P.M.

PRESENT:	DONALD L. HARAWAY – CHAIRMAN	ELECTION DISTRICT #2
	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5

==========

Mr. Donald L. Haraway, Chairman, called the continuation meeting to order at 2:00 P.M. at the VDOT Residency Building, 4608 Boydton Plank Road, Petersburg, Virginia.

IN RE: TOUR OF COUNTY ROADS – VDOT & BOARD OF SUPERVISORS

The Board met with VDOT representatives to take a riding tour of the County roads to see first hand the condition of some of the roads in the County and to take a look at the reclamation process and "spot improvements" recommended by Mr. Ray Varney, VDOT Resident Engineer.

IN RE: DINNER RECESS

The Board recessed for dinner at 5:15 P.M. The Board reconvened at 7:16 P.M. in the Multi-purpose Room of the Pamplin Administration Building.

IN RE: PRESENTATION OF PROPOSED SCHOOL CONSTRUCTION PROJECTS

Dr. Charles Maranzano, Acting School Superintendent, presented the following proposed project update to the Board and IDA members:

Dinwiddie County New School Construction Plans

Dr. Charles Maranzano, Jr., Acting Superintendent
August 31, 2004

Background
In January 2002, the School Board undertook an Attendance Zone Revision and Educational Facilities Study with BCWH.
Fall 2002: Elementary School Rezoning was phased in for 2002-2003 school year. (All five elementary schools became K-5)

December 2002: School and support facilities study completed by BCWH.

January 2003-present: Dialogue with Board of Supervisors conducted:

BCWH study produced a ten-year projection (2005-2012) addressing renovation of existing facilities and new projects to accommodate county growth in two phases at $111,993,919. (p. 8 Davenport presentation 3/8/04)

Board of Supervisors requested School Officials to determine immediate needs for growth and work within the parameters of a reasonable allotment.

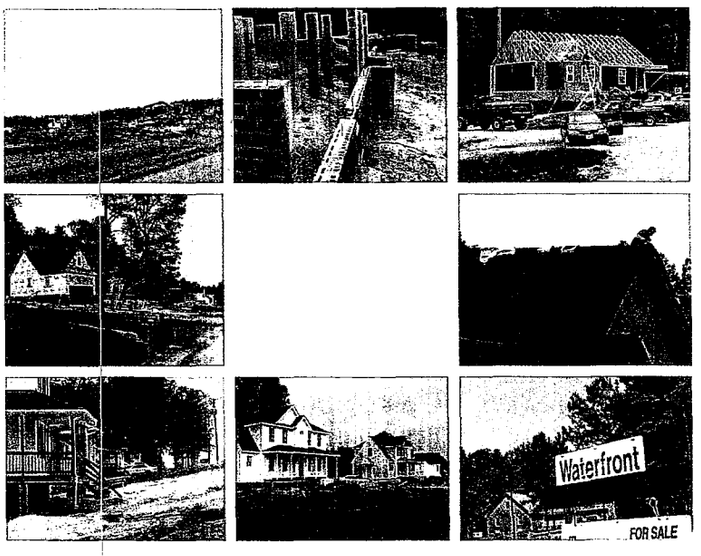
School officials agree to formulate priorities, work with the boards, and communicate with the community at large.

April 14, 2004 Joint meeting Summary:

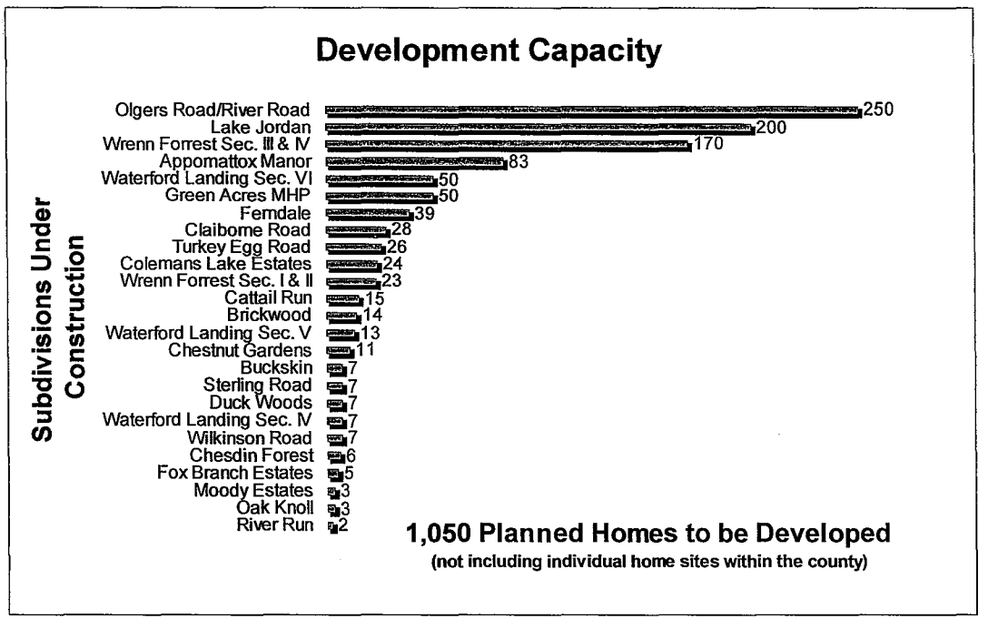
Consensus developed regarding Davenport & Company's recommendations for Capital Funding.

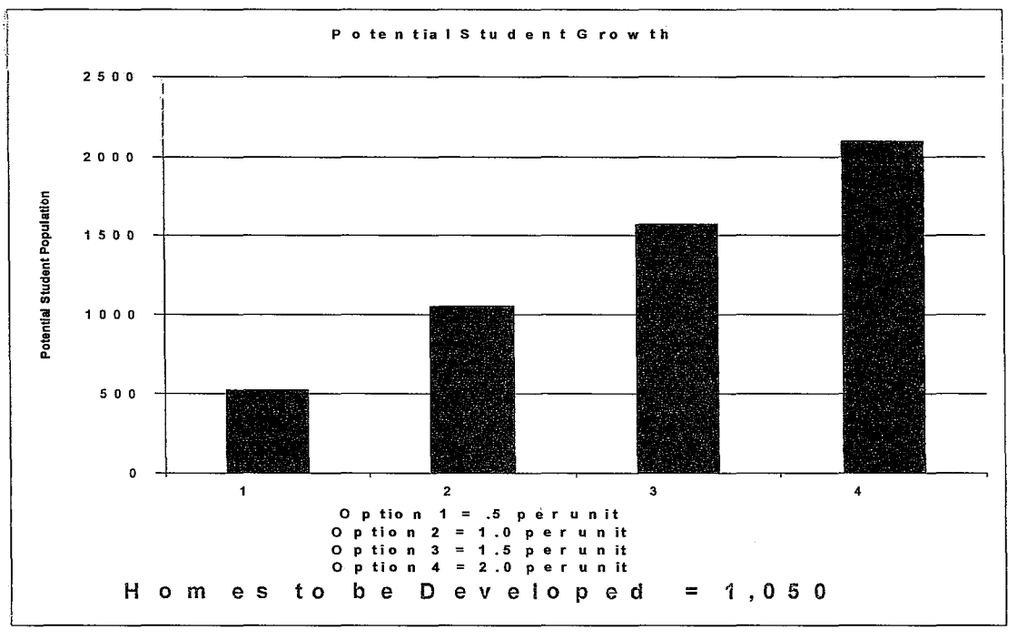
1. $55 million maximum identified.
2. County seeks information on different types of bond issues.
3. Joint Boards agree to move forward with project needs.
4. Schools agree to move forward with plans to inform and involve stakeholders in planning process.

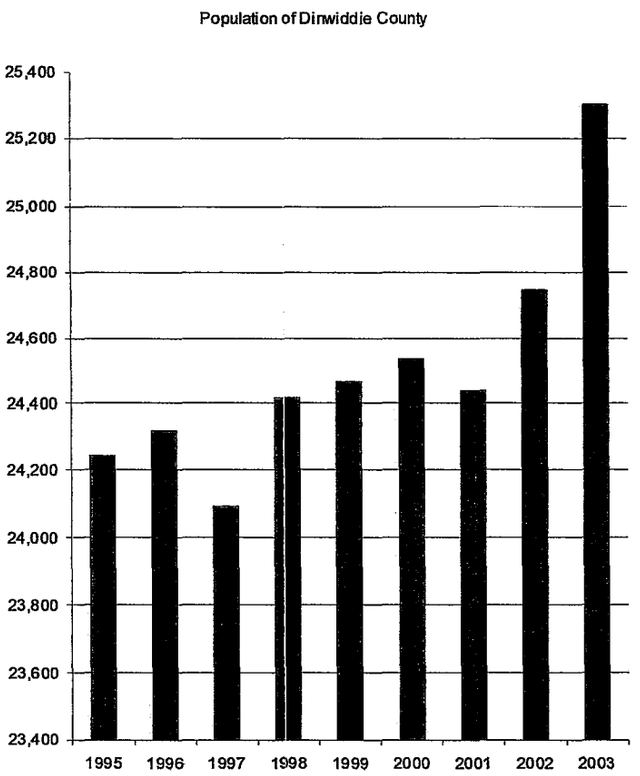
Background information on county growth and facilities use: ***September 2004 Community Report***



	AGING FACILTIES	
Original Construction	Current Educational Use	Years in Use
1936	Midway Elementary School	68
1939	Dinwiddie Elementary School	65
1954	Dinwiddie Middle School	50
1964	Dinwiddie County High School	40
1968	Rohoic Elementary School	36
1972	Southside Elementary School	32
1980	Sunnyside Elementary School	24


Development Capacity
Subdivisions Under Construction
Olgers Road/River Road 250
Lake Jordan 200
Wrenn Forrest Sec. III & IV 170
Appomattox Manor 83
Waterford Landing Sec. VI 50
Green Acres MHP 50
Ferndale 39
Claiborne Road 28
Turkey Egg Road 26
Colemans Lake Estates 24
Wrenn Forrest Sec. I & II 23
Cattail Run 15
Brickwood 14
Waterford Landing Sec. V 13
Chestnut Gardens 11
Buckskin 7
Sterling Road 7
Duck Woods 7
Waterford Landing Sec. IV 7
Wilkinson Road 7
Chesdin Forest 6
Fox Branch Estates 5
Moody Estates 3
Oak Knoll 3
River Run 2
1,050 Planned Homes to be Developed
(not including individual home sites within the county)


Potential Student Growth
Potential Student Population
2500
2000
1500
1000
500
0
1
2
3
4
Option 1 = .5 per unit
Option 2 = 1.0 per unit
Option 3 = 1.5 per unit
Option 4 = 2.0 per unit
Homes to be Developed = 1,050



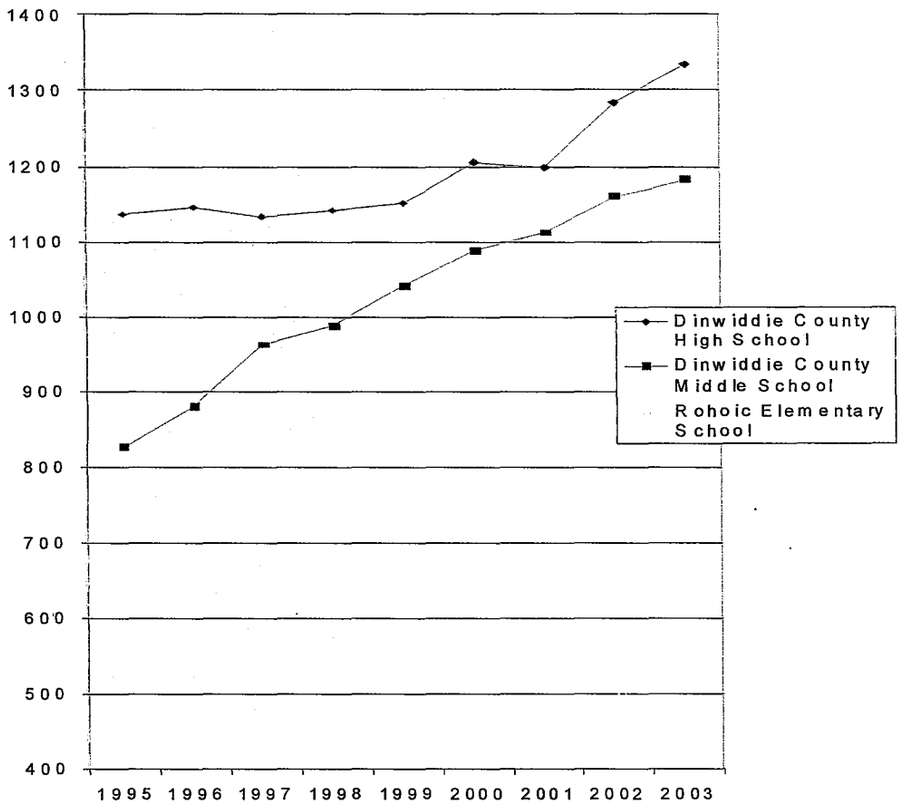
DINWIDDIE COUNTY PUBLIC SCHOOLS

Capacity vs. Enrollment By School

September 30, 2003

School	Building Capacity	Total Enrollment
Dinwiddie Elementary	650	366
Midway Elementary	475	369
Southside Elementary	550	405
Sunnyside Elementary	350	297
Rohoic Elementary	**350**	**520**
Dinwiddie Middle	**900**	**1182**
Dinwiddie High	**1100**	**1332**

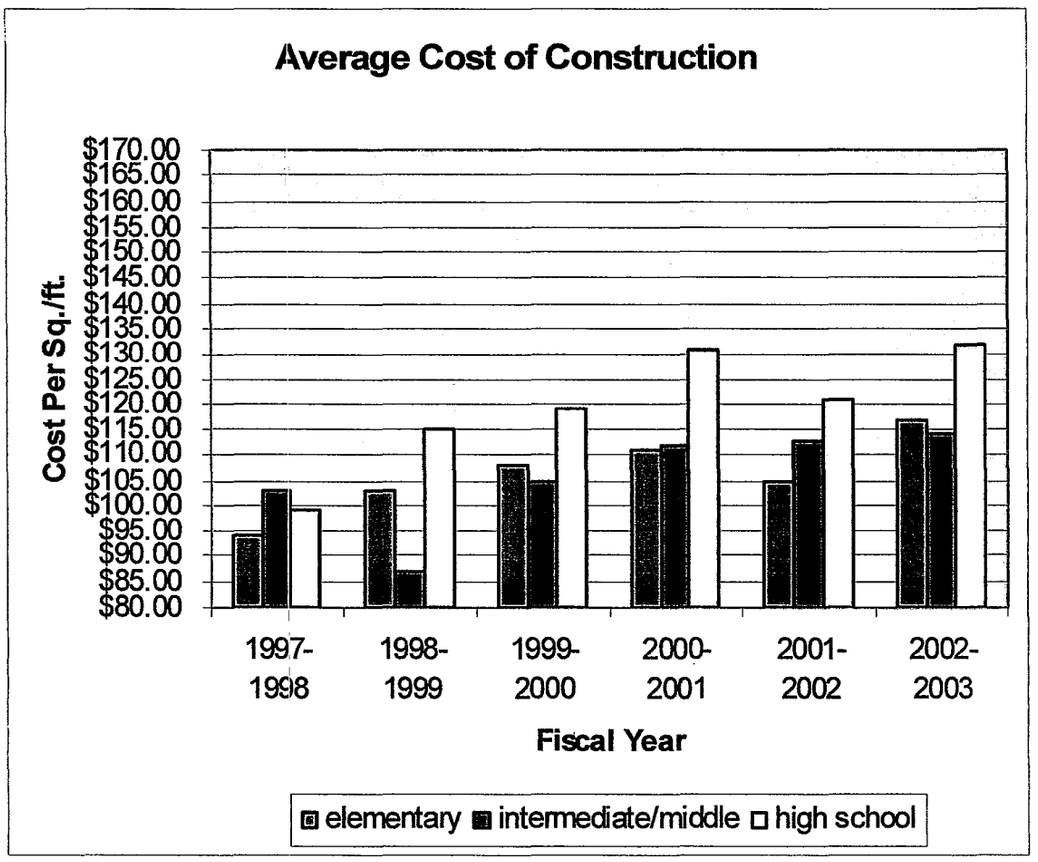
Specific School Populations



PROJECTED EXPENDITURE SUMMARY FOR $55 MILLION BOND

New Elementary (700)	**11 M**
New High School	**40 M**
Move Middle to High School (Conversion)	**3 M**
Dinwiddie Middle School (Conversion to Educational Services Facility)	**1 M**
	55 M

DOES NOT INCLUDE:
CIP – Southside
CIP – Sunnyside
CIP – Rohoic
Midway Addition



Planning progress update:
Two separate RFP's written.
Two committees established and convened with school and county representation.
Proposals reviewed, eight finalists selected for interviews.
Interviews conducted for both elementary and secondary projects.

Additional progress:
Architectural contractual negotiations began.
Land acquisition team formed.
Elementary and Secondary sites identified and visited.
Interviews with landowners conducted (ongoing to date).
Appraisals of land in progress.

Next steps:
Joint action of Board of Supervisors, Industrial Development Authority required; School Board resolution pending.
Timeline and planning guide developed for construction of elementary school. Middle and High School to follow ASAP.

IN RE: UPDATE ON RATINGS & BOND INSURANCE

Mr. David Rose with Davenport presented the following update on the ratings and bond insurance:

Briefing on Series 2004

Lease Revenue Bonds and Notes

Industrial Development Authority of
Dinwiddie County, Virginia
Dinwiddie County School Board
County of Dinwiddie
August 31, 2004

RATINGS AND BOND INSURANCE RESULTS

- **May 2004** — Dinwiddie County Meets with the Three Major Rating Agencies (Moody's Investors Service, Standard & Poor's and Fitch Ratings).

- **June 2004** — Dinwiddie County Receives Solid Ratings as Follows:
  - Moody's Investors Service - A2.
  - Standard & Poor's - A+.
  - Fitch Ratings - A+.

- **July/Aug 2004** — After Soliciting the Universe of All Major Bond Insurers (5) Dinwiddie County Receives Bond Insurance Bids from 3 Primary Bond Insurers Based on the County's Solid Investment Grade Ratings. Note: One Insurer Declined Because it does not Insure Schools; Other Insurer Declined Because of its Uncertainty with the Literary Loan Program.

SOURCES AND USES OF FUNDS

	Rating Agencies (Spring 2004)	Insured Approach (AAA)	Non-Insured Approach (A Rated)
Amount Issued	$58,980,000	$56,115,000	$58,415,000
Less:			
Bond Insurance	(380,000)	(500,000)	0
Cost of Issuance	(615,000)	(615,000)	(615,000)
Debt Service Reserve Fund	(2,985,000)	0	(2,800,000)
Construction Amount to Schools	$55,000,000	$55,000,000	$55,000,000

COSTS OF ISSUANCE

	Amount
Bond Counsel	$90,000
Rating Agencies, Underwriter's Counsel, Trustee, Misc	95,000
Davenport - Hourly Fee	220,000
Underwriting	210,000
Total Cost of Issuance	$615,000

COMPARATIVE ALL-IN COSTS OF EACH OPTION

	Rating Agencies (Spring 2004)	Insured Approach (AAA)	Non-Insured Approach (A Rated)
Amount Issued	$58,980,000	$56,115,000	$58,415,000
Total Debt Service	$106,100,000	$96,100,000	$104,300,000
Average Annual Debt Service	$2,930,000	$2,700,000	$2,875,000
True Interest Cost	5.50%	4.87%	5.11%

PRELIMINARY FINANCING TIME SCHEDULE

➢ **August 31, 2004**	• **Joint Meeting – IDA, County and School Boards. Documents and Parameters Resolution Approved.**
➢ **Aug 31 – Sept 9**	• **Preliminary Official Statement (POS) Finalized.**
➢ **September 10**	• **POS Printed and Mailed.**
➢ **September 21**	• **Pricing and Sale of Bonds.** • **County Board of Supervisors Meeting to Sign Bond Purchase Agreement.**
➢ **October 6**	• **Closing and Investment of Funds.**

IN RE: ADOPTION OF RESOLUTION FOR $55 MILLION DOLLAR BOND ISSUE – SCHOOL CONSTRUCTION

Mr. Daniel Siegel, County Attorney, stated the resolutions for the bond issues were sent to all the members of the School Board, IDA, and Board of Supervisors and if they had any questions he would be happy to answer them. If not, the Board should adopt the resolution for the $55 million for the school construction bond issue.

Upon motion of Mr. Moody, Seconded by Ms. Moody, Ms. Moody, Mr. Stone, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the following resolution was adopted.

RESOLUTION OF THE BOARD OF SUPERVISORS
OF DINWIDDIE COUNTY, VIRGINIA

WHEREAS, the Board of Supervisors of Dinwiddie County, Virginia **(the "Board of Supervisors")** desires the Industrial Development Authority of Dinwiddie County, Virginia **(the "Authority")** to issue its lease revenue notes and bonds to finance for Dinwiddie County, Virginia **(the "County")** the acquisition, construction and equipping of a new elementary school to be located in the northern portion of the County **(the "New Elementary School")** and a new high school **(the "New High School")** and various other projects **(the "New Projects")** and to advance refund the Authority's outstanding lease revenue bonds, Series 1999B in an outstanding amount of $545,000 **(the "1999B Refunded Bonds")** which financed the acquisition, construction and equipping of certain improvements and renovations to County's schools and related facilities including the Dinwiddie Elementary School and various other capital projects on real property owned by the Dinwiddie County School Board **(the "School Board")** located in the County; and

WHEREAS, the Board of Supervisors will request the Authority to issue, offer and sell its (i) lease revenue notes in an amount of $15,000,000 **(the "2004A Notes")** to provide interim monies pending funding of a loan from the Literary Fund of the Commonwealth of Virginia for the financing of a portion of the New Projects and

(ii) additional lease revenue and refunding bonds in an amount up to $43,000,000 **(the "2004B Bonds", together with the 2004A Notes, the "2004 Obligations")** to refund the 1999B Refunded Bonds and to finance the remaining portion of the New Projects and which issuance of 2004 Obligations by the Authority would not create debt of the County for purposes of the Virginia Constitution; and

WHEREAS, there have been presented to this meeting drafts of the following documents **(the "Documents")** which the Authority proposes to execute based on the request of the County to carry out the transactions described above, copies of which shall be filed with the records of the Authority:

(a) an Amended Ground Lease between the Authority and the Dinwiddie County School Board **(the "School Board")** conveying to the Authority a leasehold interest in the School Property (as defined below) (including properties on which the New Projects will be located), which has been acknowledged and consented to by the County **(the "Amended Ground Lease")**;

(b) an Amended Financing Lease between the Authority and the County conveying to the County a leasehold interest in the School Property and leasing the School Property to the County **(the "Amended Financing Lease")**;

(c) a Supplemental Indenture of Trust between the Authority and SunTrust Bank, as the Trustee **(the "Trustee")**, pursuant to which the 2004 Obligations are to be issued, including the form of the 2004 Obligations, which are to be acknowledged and consented to by the County **(the "Supplemental Indenture")**;

(d) an Amended Assignment of Rents and Leases between the Authority and the Trustee, assigning to the Trustee certain of the Authority's rights under the Amended Financing Lease and Amended Ground Lease, which is to be acknowledged and consented to by the County **(the "Amended Assignment Agreement")**;

(e) an Amended Option Agreement among the County, the School Board and the Authority providing the County and the School Board with the option to purchase the School Property **(the "Amended Option Agreement")**;

(f) an Escrow Agreement between the County, the Authority and SunTrust Bank, as Escrow Agent for the advance refunding of the 1999B Refunded Bonds **(the "Escrow Agreement")**;

(g) a Bond Purchase Agreement among the Authority, the County and the Underwriter for the purchase of the 2004 Obligations **(the "Bond Purchase Agreement")**; and

(h) a Preliminary Official Statement for the offering and sale of the 2004 Obligations **(the "Preliminary Official Statement")**.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA:

1. The following plan for refunding the 1999B Refunded Bonds and financing the New Projects and leasing of the New Projects and various other County Schools, consisting of the existing Rohoic Elementary School, the existing Southside Elementary School, the existing Sunnyside Elementary School and the existing Dinwiddie Elementary School

(together, the "School Property") as described in the preambles above is hereby approved. The Authority will be requested to issue the 2004A Notes in the amount of $15,000,000 and to use the proceeds there from to provide interim financing for a portion of the New Projects and the 2004B Bonds to provide the financing for the remaining costs of the New Projects in the maximum amount of up to $43,000,000 and to use the proceeds there from to refund the 1999B Refunded Bonds and for the remaining costs of the New Projects. The New Projects and the School Property will be leased to the Authority under the Amended Ground Lease, and the Authority will lease the New Projects and the School Property to the County pursuant to the Amended Financing Lease. The Authority will also enter into a Supplemental Indenture with Trustee, pursuant to which the 2004 Obligations will be issued, which Supplemental Indenture is to be acknowledged and consented to by the County. The Authority will also enter into the Amended Assignment Agreement whereby the Authority's rights under the Amended Financing Lease and the Amended Ground Lease will be assigned to the Trustee, which Amended Assignment Agreement is to be acknowledged and consented to by the County. The Authority will be requested to lease the New Projects and the School Property to the County for the term of the 2004 Obligations at rents sufficient to pay interest and principal due on the 2004 Obligations, all pursuant to the Amended Financing Lease. The Authority, the County and the School Board will also enter into the Amended Option Agreement providing the County with the option to purchase the New Projects and the School Property. The obligation of the Authority to pay principal and interest on 2004 Obligations will be limited to rent payments received from the County. The obligation of the County to pay rent will be subject to the Board of Supervisors making annual appropriations for such purpose. The 2004 Obligations will be secured by an assignment of the Amended Financing Lease and Amended Ground Lease and municipal bond insurance **("Bond Insurance")** from MBIA Insurance Corporation **(the "Insurer")** and a surety from the Insurer funding the Debt Service Reserve Fund for the 2004B Bonds to the Trustee for the benefit of the bondholders. If the County exercises its right not to appropriate money for rent payments, the Trustee or the holder of the 2004 Obligations may terminate the Amended Financing Lease or otherwise take possession of the School Property and the New Projects, subject to the terms of the Amended Financing Lease, the Amended Assignment Agreement, the Amended Ground Lease, and the Supplemental Indenture. The Authority, the County and the Underwriter (as defined below) will enter into the Bond Purchase Agreement for the purchase of the 2004 Obligations and a Continuing Disclosure Agreement **(the "Continuing Disclosure Agreement")** for the purpose of assuring compliance with continuing disclosure obligations under Rule 15c2-12. The Authority will also enter into the Escrow Agreement **(the "Escrow Agreement")** with the Trustee as escrow agent, wherein a portion of the proceeds from the Series 2004B Bonds will be used to advance refund the 1999B Refunded Bonds, which is to be acknowledged and approved by the County. The issuance of the Series 2004B Bonds, maturing, whether in serial or term form, approximately thirty years following the issuance date (February 15, 2034) at a per annum interest rate of 5.75% is hereby approved. The issuance of the Series 2004A Notes maturing February 15, 2008 at a per annum interest rate not to exceed 5.00% is hereby approved.

2. The Board of Supervisors has selected Sands, Anderson, Marks & Miller as Bond Counsel, and in connection therewith, Davenport & Company, LLC as the Underwriter for the purchase of the 2004 Obligations, and the Authority is hereby requested to designate the Underwriter and Bond Counsel as such.

3. The Chairman or Vice Chairman of the Board of Supervisors, and the County Administrator, either of whom may act, is hereby authorized and directed to execute and deliver the Documents and related instruments thereto, including but not limited to, municipal bond insurance, surety and investment agreements.

4. The Chairman or Vice Chairman, or County Administrator, either of whom may act, is hereby authorized and directed to execute and deliver an Application to the Authority in connection with the issuance of the 2004 Obligations, including, but not limited to the payment of the application fee therefore.

5. The Chairman or Vice-Chairman of the Board of Supervisors, either of whom may act, is hereby authorized and directed to acknowledge and consent to the provisions of the Documents and any other instruments executed by the Authority in connection with an assignment of the Amended Financing Lease, Amended Ground Lease, Bond Insurance and Surety for the purpose of securing the 2004 Obligations, including but not limited to designating and confirming the final interest rates, maturities, redemption provisions, payment dates, call dates and other terms of the 2004 Obligations and executing and delivering any agreements relating to the obtaining of municipal bond insurance to secure the 2004 Obligations.

6. The School Property and the New Projects are hereby declared to be essential to the efficient operation of the County and the County School System, and the Board of Supervisors anticipates that the School Property and the New Projects will continue to be essential to the operation of the County during the term of the Amended Financing Lease. The Board of Supervisors, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to make all payments under the Amended Financing Lease and hereby recommends that future Boards of Supervisors do likewise during the term of the Amended Financing Lease.

7. The Chairman or Vice-Chairman of the Board of Supervisors, the County Administrator, County Attorney, the County Treasurer and all other officers of the County are hereby authorized and directed to work with representatives of the Authority, the County Attorney, the Authority Counsel, Bond Counsel, and the Underwriter to perform all services and prepare all documentation necessary to bring the 2004 Obligations to market, including without limitation, final forms of the Documents and a preliminary and final official statement describing the 2004 Obligations and the Projects and the New Projects.

8. The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the 2004 Obligations to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, including regulations issued pursuant thereto **(the "Code")**, or otherwise cause interest on the 2004 Obligations to be includable in the gross income for Federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the 2004 Obligations.

9. The County covenants that it shall not permit the proceeds of the 2004 Obligations to be used in any manner that would result in (a) 10% or more of the proceeds of the 2004 Obligations being used in a trade or business carried on by any person other than a governmental unit, as provided in

Section 141(b) of the Code, provided that no more than 5% of such proceeds may be used in a trade or business unrelated to the County's use of the School Property and the New Projects, (b) 5% or more of such proceeds being used with respect to any "output facility" (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than as governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the County receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the 2004 Obligations from being includable in the gross income for Federal income tax purposes of the registered owners thereof under existing law, the County need not comply with such covenants.

10. The Board of Supervisors hereby consents to Sands, Anderson, Marks & Miller serving as Bond Counsel, Special Counsel to the Authority and the School Board and as County Attorney.

11. All other acts of the Chairman or Vice-Chairman of the Board of Supervisors and other officers of the County that are in conformity with the purposes and intent of this resolution and in furtherance of the issuance and sale of the 2004 Obligations and refunding of the 1999B Refunded Bonds, are hereby approved and ratified.

12. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.

13. The County hereby agrees, to the extent permitted by law, to indemnify, defend and save harmless the Authority, its officers, directors, employees and agents from and against all liabilities, obligations, claims, damages, penalties, fines, losses, costs and expenses in any way connected with the County, the issuance of the 2004 Obligations or the refunding of the 1999B Refunded Bonds.

14. The distribution of the Preliminary Official Statement and a final Official Statement, for the offering of the 2004 Obligations, is hereby authorized. The authorization and approval of the Preliminary Official Statement is deemed "final" for purposes of complying with Rule 15c2-12 of the Securities Exchange Act of 1934, as amended, and the County is understood and agreed to be the sole "obligated person" under such Rule.

15. The County represents and affirms to the Authority that no representations of any kind as to the School Property, the New Projects, the 1999B Refunded Bonds or the ability to repay the 2004 Obligations has been made by the Authority.

16. The County, in adopting this resolution, reaffirms its "official intent" to reimburse itself or the School Board, within the meaning of U.S. Treasury Regulation 1.150-2 promulgated under the Code for expenditures with respect to the New Projects made prior to issuance of the 2004 Obligations with proceeds of the 2004 Obligations.

17. This resolution shall take effect immediately.

PASSED AND ADOPTED this 31st day of August 2004.

_____
Chairman

ATTEST:

Clerk

The School Board and IDA approved similar resolutions. The pricing is set for September 21, 2004.

IN RE: APPROPRIATION FOR PURCHASE OF SCHOOL BUSES

"TO: Mrs. Wendy W. Ralph, County Administrator

FROM: Dr. Charles Maranzano, Acting Superintendent

CC: Dr. James Lanham, Asst. Superintendent for Instruction and Finance/Mrs. Wanda Short, Director of Transportation

DATE: August 23, 2004

REF: Appropriation for School Buses

As you recall, as part of the budget process the Dinwiddie County Board of Supervisors agreed to appropriate $550,000 from the fund balance to fund the purchase of 10 buses for Dinwiddie County Public School's Transportation Department. Although we are aware that funds are usually not actually appropriated until November, we request that the Board of Supervisors appropriate the funds for school buses at their next meeting.

We are making this request because of the lead-time needed to deliver buses to us. We are currently looking at two different vendors for our buses. One company has two on the lot now and can deliver the remaining eight at the end of September. The other company has two on the lot now, but cannot deliver the remaining eight for at least120 days. Both companies are anticipating price increases of at least 10% this fall."

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia appropriated $550,000 from the fund balance to the School Capital Fund for the purchase of 10 buses for the Dinwiddie County Public School's Transportation Department.

Mr. Haraway requested that the transportation department provide a list of the buses that were being taken out of service with the mileage.

IN RE: CLOSED SESSION

Mr. Bowman stated I move to close this meeting in order to discuss matters exempt under section: ***§2.2-3711 (A)(1)* of the Code of Virginia - Personnel** – Environmental Land Technician; IT Specialist; Public Safety; **§2.2-3711 (A)(3) – Acquisition of Property; §2.2-3711 (A)(5) – Industrial;**

Mr. Stone seconded the motion. Ms. Moody, Mr. Stone, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the Board moved into the Closed Meeting at 8:43 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 10:12 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under §2.2-3711 A. 1

Personnel – Environmental Land Technician; IT Specialist; Public Safety §2.2-3711 (A)(3) – Acquisition of Property; and §2.2-3711 (A)(5) – Industrial;

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

IN RE: AUTHORIZATION FOR ACTION TO BE TAKEN TO CLOSE PURCHASE OF INDUSTRIAL PROPERTY

Upon Motion of Mr. Moody, Seconded by Mrs. Moody, Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Treasurer is authorized to wire funds in the amount of $900,000 plus closing costs and the Chairman, County Administrator and County Attorney are authorized to take action as necessary to complete the closing of the Brown industrial site.

IN RE: ADJOURNMENT

Upon Motion of Mr. Stone, Seconded by Ms. Moody, Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the meeting adjourned at 10:12 P.M.

Donald L. Haraway, Chairman

ATTEST: Wendy Weber Ralph
Wendy Weber Ralph
County Administrator

/abr

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 7TH DAY OF SEPTEMBER, 2004, AT 6:00 P.M.

PRESENT:	DONALD L. HARAWAY – CHAIRMAN	ELECTION DISTRICT #2
	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5
OTHER:	JACK CATLETT	COUNTY ATTORNEY

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IN RE: CLOSED SESSION

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

> **§2.2-3711 A. 1 – Personnel matters** – Environmental Land Technician; Public Safety; Procurement; Appointments; EMS **§2.2-3711 A. 7 – Consultation with Legal Counsel** – Actual or Probable litigation; **§2.2-3711 A. 6 – Investment of Public Funds**;

Mr. Bowman seconded the motion. Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 6:00 P.M.

The meeting reconvened into Open Session in the Board Meeting Room at 7:31 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under: §2.2-3711 A. 1 – Personnel matters – Environmental Land Technician; Public Safety; Procurement; Appointments; EMS Provider; §2.2-3711 A. 7 – Consultation with Legal Counsel – Actual or Probable litigation; §2.2-3711 A. 6 – Investment of Public Funds;

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

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

Mr. Donald L. Haraway, Chairman, called the regular meeting to order at 7:35 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

The County Administrator stated two items needed to be added to the agenda: 1) Appointments 2) Closed Session at the end of the meeting for Personnel.

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

IN RE: MINUTES

Mr. Moody stated on page 11 of the August 17, 2004 Regular Meeting minutes under the discussion of a representative of the farming community Mr. Haraway was not the speaker, he was. He requested that the minutes be amended to reflect that change.

Upon motion of Ms. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that approval of the August 17, 2004 Continuation Meeting, and the August 17, 2004 Regular Meeting are approved in their entirety with the following amendment; Mr. Moody stated several farmers approached him because they felt that the farming community should have a representative on the local Growth Management Committee to make sure agriculture is preserved in the County.

IN RE: COMMUNICATIONS EQUIPMENT REQUISITION #7 – DINWIDDIE COUNTY IDA PUBLIC FACILITIES LEASE REVENUE NOTE SERIES 2003

The following invoice from InterAct Public Safety Systems, for expenses from the Dinwiddie County IDA Public Facilities Lease Revenue Note Series 2003 was submitted for payment:

CAD and RMS Data Collection	$27,175.23
TOTAL DUE	**$27,175.23**

Upon motion of Ms. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number #7 in the amount of $27,175.23 be approved and funds appropriated for expenses from the Dinwiddie County IDA Public Facilities Lease Revenue Note Series 2003.

IN RE: AUTHORIZATION TO HIRE – MAINTENANCE WORKER II – MR. SHELBY SIMMONS

Upon motion of Ms. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Shelby Simmons is hired for the position of Maintenance Worker II at Grade 6, Step D, at an annual salary of $20,443, effective September 1, 2004.

IN RE: APPOINTMENT – INFORMATION TECHNOLOGY SPECIALIST – MS JENNIFER TAYLOR

"TO: WENDY RALPH, COUNTY ADMINISTRATOR

CC: BOARD OF SUPERVISORS
KEVIN MASSENGILL, ASSISTANT COUNTY ADMINISTRATOR
GLENICE TOWNSEND, CHIEF OF ADMINISTRATIVE SERVICES

FROM: CATHY CARWILE, IT MANAGER

DATE: AUGUST 26, 2004

SUBJECT: INFORMATION TECHNOLOGY SPECIALIST

On August 18, 2004, Kevin Massengill and I interviewed (5) five of the (32) thirty-two applicants for the Information Technology Specialist position.

After careful consideration, we decided to recommend Jennifer Taylor to the Board of Supervisors and respectfully ask their permission to offer her the position of Information Technology Specialist at the annual salary of $30,038 (Grade 11/StepD).

Ms. Taylor, a 2001 graduate of ECPI Technical College, holds an AAS Degree in Information Technology with specialization in networking. In addition to graduation with a 4.0 GPA and being a member of the National Vocational Honor Society, she has several years of work experience ranging from help desk support to server installation and set-up, as well as experience with the AS/400. The combination of education and work experience makes Ms. Taylor an excellent candidate for this position."

Upon motion of Ms. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Ms. Jennifer Taylor is appointed to the position of Information Technology Specialist at Grade 11, Step D, at an annual salary of $30,038, effective September 13, 2004.

IN RE: RATIFICATION OF LOCAL EMERGENCY DECLARATION

Upon motion of Ms. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", the following emergency declaration was ratified.

DECLARATION OF THE LOCAL EMERGENCY

WHEREAS, the Board of Supervisors of the County of Dinwiddie does hereby find that:

1. Due to the remains of hurricane Gaston, the County of Dinwiddie was faced with dangerous conditions resulting in excessive rain and winds that caused power outages, high water and extensive road structure damage; and

2. Due to the excessive rain, high winds, road structure damage and power outages a condition of extreme peril of life and property necessitates the proclamation of the existence of an emergency;

   NOW, THEREFORE, IT IS HEREBY PROCLAIMED that an emergency now exists throughout said County; and

   IT IS FUTHER PROCLAIMED AND ORDERED that during the existence of said emergency the powers, functions, and duties of the Director of Emergency Management and the Emergency Management organization of the County of Dinwiddie shall be those prescribed by state law and the ordinances, resolutions, and approved plans of the County of Dinwiddie in order to mitigate the effects of said emergency.

Dated: August 31, 2004

IN RE: CLAIMS

Mr. Stone commented at the last meeting he had requested that the law firm submit their invoices by the 15th of the month for payment. And again this month there is a bill for legal fees for a period covering January to June for their services. He asked why they were not complying. The County Administrator stated they were in the process of getting everything up to date but it would take some time to come into compliance. Mr. Haraway stated since this has been an ongoing problem he felt it would be good to have someone from the law firm here at the next meeting to discuss the issue. The County Administrator said that it would be arranged.

Upon motion of Mr. Moody, Seconded by Ms. Moody, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", Mr. Stone voting "Nay",

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 1045908 through 1046123, (voided check number(s) 1045907, and 1045992).

FY – 04/05
Accounts Payable:

(101) General Fund	$ 266,197.62
(103) Jail Commission	$ 44.88
(209) Litter Control	$ 110.00
(222) E911 Fund	$ 1,995.86
(225) Courthouse Maintenance	$
(226) Law Library	$ 596.06
(228) Fire Programs & EMS	$ 10,582.00
(229) Forfeited Asset Sharing	$ 1,776.00
(304) CDBG Grant Fund	$ 332.97
(304) Capital Projects Fund	$
(401) County Debt Service	$ 19,771.89
TOTAL	**$ 301,407.28**

PAYROLL 08/31/04

(101) General Fund	$ 464,061.08
(222) E911 Fund	$ 596.64
(229) Forfeited Asset	$ 1,426.79
(304) CDBG Fund	$ 7,814.49
TOTAL	**$ 473,899.00**

IN RE: APPOMATTOX REGIONAL LIBRARY SYSTEM PRESENTATION OF MAJOR BENEFACTORS HONOR AWARD TO JOHN AND PETER CLEMENTS

Mr. Chuck Koutnik, Regional Library Director, stated he was here tonight with Mrs. Betty Mayes, Dinwiddie County's representative on the Library Board, to present a national award to the Bank of Southside Virginia and the Clements. He read the following press release.

"The Bank of Southside Virginia and John and Peter Clements to receive Major Benefactors Honor award.

Chicago – The Bank of Southside Virginia (BVS) and its chief officers, John and Peter Clements, are the 2004 winners of the Association for Library Trustees and Advocates (ALTA) Major Benefactors Honor Award. The annual

national competition for the award is open to Trustees and Advocates for libraries throughout the United States. The award, two specially prepared citations for the recipients and the beneficiary library, is given to individuals, families or corporate bodies for major benefactions to public libraries.

In the past 11 years, John and Peter Clements and BVS have donated funds, land, and a building for the creation and preservation of the Carson Depot Library in Carson, Virginia. The library is housed in the donated train depot, which has been renovated into a beautiful library. Before1992, library service to the Carson area was limited to a stationary bookmobile parked near the site of the current library.

Over the years the Clements and BVS have donated funds on an annual basis for upkeep and enhancements to the building. They have also donated funds and time for other regional library projects such as the annual summer reading program and creation of an endowment fund for the parent organization, the Appomattox Regional Library System (ARLS).

Most recently, the Clements spearheaded a project to move a donated caboose about 15 miles to the Carson Depot Library grounds. They oversaw the complete renovation of the caboose at no cost to ARLS. The caboose now serves as a local railroad museum and a children's program area."

Mr. Koutnik said the Bank of Southside Virginia and the Clements have demonstrated the capability of a local business to provide and promote public library service. They have created a showplace library with a corresponding museum devoted to local railroad history that preserves both local history and public libraries. In his 20 years of working in libraries, he has never seen such great support of libraries from a corporation and its officers.

Mr. Koutnik thanked the Clements for all of their contributions and commented, the library truly is a showplace and invited everyone to go by and visit it. Mr. Peter Clements stated he appreciated the award.

Mr. Haraway stated John and Peter Clements are men who think about the future - in both the banking business and their civic roles - and can communicate that vision to others.

"I always think the image of a County is tied to its citizens and its neighbors' perceptions of its leadership. John and Peter Clements, whom we honor tonight, are instigators of that image. Through their efforts, they have contributed many hours and dollars to community projects to make Dinwiddie County and the Tri-City Area a better place to live.

John and Peter, you can be assured this board appreciates what you have done for Dinwiddie County over the years."

IN RE: PUBLIC HEARING – CONVEYANCE OF COUNTY PROPERTY (WEST PETERSBURG SUBDIVISION – GREENSVILLE AVENUE) TO TRI-CITIES HABITAT FOR HUMANITY

This being the time and place as advertised in the Monitor on August 21, 2004 and August 31, 2004, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comment on the following matter:

CONVEYANCE OF COUNTY PROPERTY (WEST PETERSBURG SUBDIVISION – GREENSVILLE AVENUE) TO TRI-CITIES HABITAT FOR HUMANITY

Mr. William C. Scheid, Director of Planning, stated this past July the Board of Supervisors conveyed a building lot adjacent to this parcel to Habitat for Humanity. The Department of Housing and Community Development approved the conveyance. Habitat for Humanity built a home for a qualifying low to moderate-income family and is in the process of conveying a deed to the family.

During the July meeting, the Board expressed an interest in Habitat for Humanity contacting WPVA so that any future home construction could be coordinated with the residents of this subdivision. A few meetings were held and it appears there is an understanding between Habitat and WPVA as to the expectations of the community. A letter dated August 11,2004 was sent by Mrs. Pauline H. Bonner, Director of WPVA, in which she conveyed support of this lot to Habitat for construction of a home for an LMI family. Habitat for Humanity has identified a qualifying LMI family and wishes to obtain ownership of this lot so that a home may be built for them.

As previously noted, the County is obligated to convey the remaining land parcels on Greensville Avenue to qualifying organizations that will build housing for low to moderate-income families. This obligation was part of the Community Development Block Grant program that the County participated in during the early 1990's.

The Board needs to authorize the County Administrator and the County Attorney to prepare all legal documents needed for the land conveyance and to sign such documents on behalf of the Board of Supervisors. The property under consideration is designated as Section 21A(1)- Parcels 347, 348, 349 and 350 by the Commissioner of the Revenue's tax maps and is more specifically detailed by the plat prepared by R. H. Gordon, surveyor, dated January 12, 1995, entitled 'plat showing property surveyed for the County of Dinwiddie being lots 318 – 350 in the West Petersburg subdivision in Rohoic District, Dinwiddie County, Virginia."

Dr. Rhunke representing Habitat for Humanity thanked the Board for the conveyance of the land and commented they were preparing to build the homes. He stated they had several discussions between the two groups, WPVA representatives and Tri-Cities Habitat, and had come to the understanding that they would be working together to build on the lots in West Petersburg.

Mr. Peter Jeffrey distributed copies of a press release from WPVA in conjunction with Tri-Cities Habitat for Humanity recognizing their cooperative efforts in West Petersburg. He stated he had met with the officers of the Department of Housing and Community Development and in order for them to provide the necessary operating funds for WPVA to move forward they would have to have confirmation that WPVA has site control of the remaining three properties that need to be developed in West Petersburg. So in order for them to move forward WPVA's name would have to be listed as the property owner on the deeds. A simple resolution would not be acceptable.

He requested that the Board adopt a resolution stating: "1) Shared ownership, with the County, of the remaining properties located at the end of Greensville Avenue. The name of WPVA Inc., would be included on each of the deeds to the remaining properties. Dinwiddie County has fulfilled it contractual obligation with the State. In 1992 Dinwiddie County designated WPVA, Inc., as the official developer of the community of West Petersburg, therefore, it is consistent with the policy of this board to give WPVA the resources to accomplish its tasks. 2) A reaffirmation of the 1992 resolution identifying WPVA Inc., as the official developer of the West Petersburg Community. 3) Financial support for WPVA Inc., to apply for the CHDO Assistance Fund. WPVA Inc., on its own initiative has been certified as a Community housing Development Organization. The assistance fund requires a 25% match in cash assets. The approval of this grant will result in $100,000 over a two-year period. WPVA Inc., will need $12,500 to match the annual $50,000 allotment.

He further stated if the Board would provide them with the funds for the match there would also be continuing appropriations for an indefinite period of time as long as WPVA had projects to be met. CHDO in Richmond would oversee the funding for the project to assure compliance.

Mr. Haraway opened the public hearing.

Mr. Bowman stated WPVA has done an excellent job over the years of redeveloping West Petersburg to the standards it was many years ago. He commented it has not been that many years ago that the Fire/Rescue would not even attempt to go into that area without a police escort. It is now a completely different community. He stated the Board should support their efforts. Not only are the effects seen in West Petersburg they have trickled throughout the community in the school system and all over the County.

He stated he had met with Mr. Scheid a couple of times and he had some recommendations. He suggested that staff meet with legal counsel and with the state to get the details worked out and come back to the Board with some recommendations on how to proceed with the remaining development of West Petersburg.

Mr. Scheid commented at one of the meetings the issue of the financial backing came out (which he was not familiar with) and he was charged with the responsibility of seeking available funding. He agreed with Mr. Bowman in trying to involve WPVA again in the development of remaining lots in the community. He stated Mr. Jeffrey advised him that the fulfillment of the County's obligation would be met once this lot was built on, but he was not aware of that, nor had he gotten any documentation from the State yet. He said he wanted the State to verify this because the County would not want to be responsible for having to pay the State back approximately $18,000 for each of the 3 lots. He also reported he had contacted Mrs. Bonner about trying to set the meeting up with the appropriate people.

Mr. Haraway closed the public hearing.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, following a duly noticed and called public hearing for September 7, 2004, hereby approves the Agreement for Transfer of Land of Lots 347, 348, 349 and 350 situated on Greensville Avenue in West Petersburg Subdivision, Rohoic District, Dinwiddie County, Virginia, to Tri-Cities Habitat for Humanity, a Virginia Corporation, for construction of a single-family home to be built for the benefit of a Low to Moderate Income family;

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the County Administration be authorized to act on behalf of the Board to execute and deliver such deed, instrument, agreement and/or other papers as deemed necessary to carry out the purpose and effect of this resolution to include authorization to issue a check made payable to the Clerk of Circuit Court in order to record the deed conveying the property to Tri-Cities Habitat for Humanity, if deemed necessary.

Mr. Bowman requested that Administration if they would contact Mrs. Bonner and set up the meeting as soon as possible so the Board could move forward on this by the next meeting. The County Administrator stated it was already in progress.

IN RE: PUBLIC HEARING – A-04-7 – AMENDMENT TO THE ZONING ORDINANCE (CHAPTER 22) AND SUBDIVISION ORDINANCE (CHAPTER 18) TO INCREASE FEES

This being the time and place as advertised in the Monitor on August 21, 2004 and August 31, 2004, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comment on the following matter:

AN ORDINANCE TO AMEND THE SUBDIVISION ORDINANCE AND ZONING ORDINANCE, BY CHANGING THE FEES CHARGED FOR SERVICES PROVIDED BY VARIOUS COUNTY DEPARTMENTS.

Summary Staff Report

To: **Board of Supervisors**
From: **William C. Scheid**
Subject: **Amendment A-04-7**

The Board of Supervisors reviewed the fee schedules for services provided by various county departments. As a result of this review, several changes were suggested to the Zoning Ordinance and the Subdivision Ordinance. It is noted that the last amendment to these fees was done in April 1999. There have been significant cost increases in all areas involved in processing applications for rezoning and reviewing subdivision and land development proposals since April 1999. With this in mind, the Planning Commission heard this amendment at their July 14th meeting and voted unanimously to recommend approval to the Board of Supervisors. No one attending the Planning Commission meeting spoke in opposition to the amendment. The Planning Commissioners noted that they would like to review the fee structures on a more frequent basis. It was mentioned that every other year might be appropriate.

Mr. Scheid stated the County Attorney suggested the following changes where there is an "etc"...change it to, "and other administrative services," he felt etc was too broad. Under Section 22-40 (c) add this as the last sentence: "If actual expenses associated with the application exceed one hundred dollars ($100.00), the applicant shall be billed the difference."

AN ORDINANCE TO AMEND THE SUBDIVISION ORDINANCE AND THE ZONING ORDINANCE OF DINWIDDIE COUNTY, VIRGINIA, BY CHANGING THE FEES CHARGED BY THE FOLLOWING SECTIONS: 18-10(C) – SPECIAL EXCEPTION TO THE PLANNING COMMISSION; 18-10(E) – SPECIAL EXCEPTION TO BOARD OF SUPERVISORS; 22-5(5) – AMENDMENT TO ZONING TEXT; 22-23(B) – REZONING APPLICATION; 22-23(C) – CONDITIONAL USE PERMIT; 22-23(C) –AMENDMENT TO CONDITIONAL USE PERMIT; 22-24(F) – AMENDMENT TO PROFFERED REZONING; 22-27(F) – ADMINISTRATIVE VARIANCE; 22-40(C) – APPEALS TO BOARD OF ZONING APPEALS; AND 22-41(F) – VARIANCE.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the subdivision ordinance and the zoning ordinance be amended as follows:

1. Section 18-10(c) be amended by deleting reference to the sum of *forty dollars ($40.00)* and in its stead insert ***one hundred dollars ($100.00);***

2. Section 18-10(e) be amended by deleting reference to the sum of *one hundred dollars ($100.00)* and in its stead insert ***two hundred dollars ($200.00)***;

3. Section 22-5(5) be deleted in its entirety and in its place insert the following:

Each application for amendment shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the sum of four hundred dollars ($400.00), three hundred dollars ($300.00) of which shall be used to pay the expenses of advertising and mailing notices, and other administrative costs. If actual expenses associated with the amendment exceed three hundred dollars ($300.00), the applicant shall be billed for the difference. One hundred dollars ($100.00) shall be retained by the County as a fee for processing the application for amendment;

4. Section 22-23(b) be deleted in its entirety and in its place insert the following:

Fees; use described. Each application for rezoning shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the sum of six hundred dollars ($600.00), five hundred dollars ($500.00) of which shall be used to pay the expenses of advertising and mailing notices, and other administrative costs. If actual expenses associated with the rezoning exceed five hundred dollars ($500.00), the applicant shall be billed for the difference. One hundred dollars ($100.00) shall be retained by the County as a fee for processing the application for rezoning;

5. Section 22-23(c) be deleted in its entirety and in its place insert the following:

Fees for conditional use permit and any amendments proposed for an existing conditional use permit. Each application for a conditional use permit or amendment thereto shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the sum of six hundred dollars ($600.00), five hundred dollars ($500.00) of which shall be used to pay the expenses of advertising and mailing notices, and other administrative costs. If actual expenses associated with the conditional use permit or amendment thereto exceed five hundred dollars ($500.00), the applicant shall be billed for the difference. One hundred dollars ($100.00) shall be retained by the County as a fee for processing the application for conditional use permit or its amendment;

6. Section 22-24(f) be amended by adding the following to the end of the existing paragraph:

Each application for amendment shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the sum of six hundred dollars ($600.00), five hundred dollars ($500.00) of which shall be used to pay the expenses of advertising and mailing notices, and other administrative costs. If actual expenses associated with the amendment exceed five hundred dollars ($500.00), the applicant shall be billed for the difference. One hundred dollars ($100.00) shall be retained by the County as a fee for processing the application for amendment;

7. Section 22-27(f) shall be amended by deleting the existing paragraph and in its stead insert the following:

Each application for an administrative variance shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the sum of forty dollars ($40.00), which shall be used for the expenses associated with the application which includes a twenty dollar ($20.00) fee retained by the County for processing the application. If actual expenses associated with the application exceed twenty dollars ($20.00), the applicant shall be billed the difference;

8. Section 22-40(c) shall be amended by deleting the existing paragraph and in its stead insert the following:

Appeals shall be mailed to the Board of Zoning Appeals in care of the Zoning Administrator and a copy of the appeal shall be mailed to the secretary of the Planning Commission. A third copy shall be mailed to the individual, official, department or agency concerned, if any. Appeals shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the sum of two hundred dollars ($200.00). One hundred dollars ($100.00) shall be used to pay for expenses associated with the appeal (ie. notices, advertising, and other administrative costs.) and one hundred dollars ($100.00) shall be retained by the County as a fee for processing the appeals application. If actual expenses associated with the application exceed one hundred dollars ($100.00), the applicant shall be billed the difference;

9. Section 22-41(f) shall be amended by deleting the existing paragraph and in its stead insert the following:

An application for a variance shall be obtained from the Zoning Administrator. Each application for variance shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the sum of two hundred dollars ($200.00), one hundred dollars ($100.00) of which shall be used to pay the expenses of advertising and mailing notices, and other administrative costs. If actual expenses associated with the variance exceed one hundred dollars ($100.00), the applicant shall be billed for the difference. One hundred dollars ($100.00) shall be retained by the County as a fee for processing the application for variance.

This Ordinance shall become effective immediately upon adoption by the Board of Supervisors. If any portion of this Ordinance shall be declared null and void, the remaining portions shall remain in full force and effect.

The County Administrator stated these fees cannot be adopted tonight because of the advertisement requirements. Action will be taken at the September 21st meeting.

Mr. Haraway opened the public hearing for citizen comments. There was no public comment in support or opposition to the amendments. Mr. Haraway closed the public hearing.

IN RE: PUBLIC HEARING A-04-8 – TO AMEND CHAPTER 9, EROSION AND SEDIMENTATION CONTROL, BY DELETING THE EXISTING ORDINANCE AND IN ITS STEAD ADOPT THE REVISED CHAPTER 9, EROSION AND SEDIMENTATION CONTROL

This being the time and place as advertised in the Monitor on August 21, 2004 and August 31, 2004, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comment on the following matter:

AN ORDINANCE TO AMEND CHAPTER 9, EROSION AND SEDIMENTATION CONTROL, BY DELETING THE EXISTING ORDINANCE AND IN ITS STEAD ADOPT THE REVISED CHAPTER 9, EROSION AND SEDIMENTATION CONTROL

"Summary Staff Report

To: Board of Supervisors
From: William C. Scheid
Subject: Amendment A-04-8

The Board of Supervisors were advised that amendments to Chapter 9, Erosion and Sedimentation Control Ordinance, were needed in order to reflect current

costs associated with administrating this state mandated program. Additionally, recent changes to the State Code warranted amendments to our ordinance in order to bring our ordinance into compliance with the current State regulations. In order to have a comprehensive review of our ordinance, copies of our ordinance were given to the Department of Conservation and Recreation as well as our County Attorney. Comments received from them as well as staff comments were incorporated into the ordinance before you this evening. In order to facilitate your review of the proposed changes, The County ordinance was set out in its entirety and deletions from the ordinance were noted by striking through the words and added text was noted by underlining."

Mr. Scheid commented, as all of you are aware, the State continues to mandate programs without providing funding to the County to meet those mandates. Being a small staff as we are, this has posed many problems for the Planning Department especially since we have had more and more developments come into the County. The State sent representatives to the County last year and found several areas in which the County is not conforming with. One of those was the County ordinance. The State assisted the County in writing the ordinance along with the County Attorney.

Mr. Scheid stated a question arose this afternoon regarding the amended Erosion Control Ordinance providing for both criminal and civil penalties. Our County Attorney believes the ordinance may provide for one or the other, but not both. The ordinance had been reviewed by the Department of Conservation and Recreation previously and they suggested both civil and criminal provisions be addressed in the ordinance. Our legal counsel called DCR this afternoon and was advised that it was the opinion of the individual he spoke with, that civil and criminal provisions could be addressed in the same ordinance.

Mr. Jack Catlett, County Attorney explained he advised deletion of section A, the last two sentences of section B as well as the removal of the two words "criminal or civil" to be replaced by the word "other" in subsection D of the proposed Section 9-8 of the proposed ordinance. It is our opinion that Section 10.1-562 J prohibits the inclusion of both civil and criminal penalties in the ordinance. As written the ordinance allows for a choice of either. 10.1-532 J provides that "Adoption of such an ordinance providing that violations are subject to a civil penalty shall be in lieu of criminal sanctions and shall preclude the prosecution of such violation as a misdemeanor under subsection A of Section 10.1-569." In adopting an ordinance that provides for civil penalties, we believe it is inappropriate to include the criminal sanctions portion.

There was a short discussion between the Board members, the County Attorney and the Director of Planning regarding the differences of opinion in the amended Erosion Control Ordinance providing for both criminal and civil penalties.

Mr. Scheid stated in view of this disagreement, it is suggested that the Board of Supervisors hold the public hearing on this ordinance but defer action on the matter until the question at hand can be researched. It is not crucial that action be taken this evening since the County has an Erosion Control Ordinance in place.

Mr. Haraway opened the public hearing.

The following persons addressed the Board in regard to the amended Erosion Control Ordinance.

1) George Whitman – 13010 Old Stage Road, Petersburg, VA.
2) Michael Bratschi – 23500 Cutbank Road, McKenney, VA.
3) Anne Scarborough – Boydton Plank Road, Dinwiddie, VA.

Mr. Haraway closed the public hearing.

The following is the proposed Ordinance with all of the suggested changes:

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia that the existing Chapter 9, entitled Erosion and Sedimentation Control be deleted and in its stead adopt the following as Chapter 9, Erosion and Sedimentation Control

CHAPTER 9

EROSION AND SEDIMENTATION CONTROL

SECTION 9-1. TITLE.
This ordinance shall be known as the "Erosion and Sediment Control Ordinance of Dinwiddie County." The purpose of this chapter is to conserve the land, water, air and other natural resources of Dinwiddie County by establishing procedures whereby these requirements shall be administered and enforced.

SECTION 9-2. AUTHORITY FOR CHAPTER.

This Chapter is authorized by the Code of Virginia, Title 10.1, Conservation, Soil and Water Conservation Chapter 5, Article 4, Erosion and Sedimentation Control Law (10.1-560 et seq.), known as the Erosion and Sediment Control Law.

SECTION 9-3. DEFINITIONS

As used in this ordinance, unless the context requires a different meaning:

Agreement in lieu of a plan: A contract between the plan-approving authority and the owner that specifies conservation measures, which must be implemented in the construction of a single-family residence; the plan-approving authority or its designee in lieu of a formal site plan, may execute this contract.

Applicant: Any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.

Board: The Virginia Soil and Water Conservation Board.

Certified Inspector: An employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of project inspection or (ii) is enrolled in the Board's training program for project inspection and successfully completes such program within one year after enrollment.

Certified Plan Reviewer: An employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of plan review, (ii) is enrolled in the Board's training program for plan review and successfully completes such program within one year after enrollment, or (iii) is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (54.1-400 et seq.) of Chapter 4 of Title 54.1.

Certified Program Administrator: An employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of program administration or (ii) is enrolled in the Board's training program for program administration and successfully completes such program within one year after enrollment.

Clearing: Any activity, which removes the vegetative ground cover including, but not limited to, root mat removal or topsoil removal.

Conservation Plan Erosion and Sediment Control Plan or "Plan": A document containing material for the conservation of soil and water resources of

a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

County: The County of Dinwiddie.

Department: The Department of Conservation and Recreation.

Director: The Director of the Department.

District or "Soil and Water Conservation District": A political subdivision of the Commonwealth organized in accordance with the provisions of Article 3 (Sec. 10.1-506 et. seq.) of Chapter 5 of Title 10.1. The County of Dinwiddie is served by the Appomattox River Soil & Water Conservation District.

Erosion Impact Area: An area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.

Excavating: Any digging, scooping or other methods of removing earth materials.

Filling: Any depositing or stockpiling of earth materials.

Grading: Any excavating of or filling with earth materials.

Land-Disturbing Activity: Any land change which may result in soil erosion from water or wind and the movement of sediments into State waters or onto lands in the State, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

1. Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;

2. Individual service connections;

3. Installation, maintenance, or repairs of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk provided such land-disturbing activity is confined to the area of the road, street or sidewalk, which is hard-surfaced;

4. Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;

5. Surface or deep mining;

6. Exploration or drilling for oil and gas including the well site, roads, feeder lines, and off-site disposal areas;

7. Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in

accordance with the provisions of Chapter 11 (10.1-1100 et seq.) of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in subsections B of 10.1-1163;

8. Repair or rebuilding of the tracks, right-of-way, bridges, communication facilities of a railroad company;

9. Agricultural engineering operations including but not limited to the construction of terraces, terrace outlets, check dams, de-silting basins, dikes, ponds, not required to comply with the provisions of the Dam Safety Act, Article 2 (10.1-604 et. seq.) of Chapter 6 of this title, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation;

{Deletions are struck through and shown as ~~xyz~~.}
{Additions are underlined and shown as xyz.}

10. Disturbed land areas of less than two thousand five hundred (2,500) ~~ten thousand (10,000)~~ Square feet.

11. Installation of fence and signposts or telephone and electric poles and other kinds of posts or poles;

12. ~~Shore erosion control projects on tidal waters when the projects are approved by local wetlands boards, the Marine Resources Commission or the U. S. Army Corps of Engineers;~~ Shoreline erosion control projects on tidal waters when all of the land disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission, or the United States Army Corps of Engineers; however, associated land that is disturbed outside of this exempted area shall remain subject to this Chapter and the regulations set forth herein.

13. Emergency work to protect life, limb or property, and emergency repairs; provided that if the land-disturbing activity would have required an approved erosion and sediment control plan
if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the certified plans reviewer.

Land Disturbing Permit: A permit issued by the County of Dinwiddie for the clearing, filling, excavating, grading, transferring or any combination thereof or for any purpose set forth herein.

Local Erosion and Sediment Control Program: An outline or explanation of the various elements or methods employed by the County of Dinwiddie to regulate land disturbing activities and thereby minimize erosion and sedimentation in compliance with the State program and may include such items as a local ordinance, policies and guidelines, technical materials, inspection, enforcement and evaluation.

Owner: The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

Permittee: The person to whom the permit authorizing land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution,

utility, cooperative, county, city, town or other political subdivision of the commonwealth, any interstate body, or any other legal entity.

Plan Approving Authority: The Certified Plan Reviewer responsible for determining the adequacy of a conservation plan submitted for land-disturbing activities on a unit or units of land and for approving plans.

Program Authority: The County of Dinwiddie, which has adopted the soil erosion, and sediment control program, which has been approved by the Board.

Responsible Land Disturber: An individual from the project or development team who will be in charge of and responsible for carrying out a land-disturbing activity covered by an approved plan or agreement in lieu of a plan, who (i) holds a Responsible Land Disturber certificate of competence, (ii) holds a current certificate of competence from the Board in the areas of Combined Administration, Program Administration, Inspection, or Plan Review, (iii) holds a current Contractor certificate of competence for erosion and sediment control, or (iv) is licensed in Virginia as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (Sec. 54.1-400 et seq.) of Chapter 4 of Title 54.1.

Single-Family Residence: A noncommercial dwelling that is occupied exclusively by one family and not part of a residential subdivision development.

Stabilized: An area that can be expected to withstand normal exposure to atmospheric conditions without incurring erosion damage.

State Erosion and Sediment Control Program or State Program: The program administered by the Virginia Soil and Water Conservation Board pursuant to the State Code including regulations designed to minimize erosion and sedimentation.

State Waters: All waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdictions.

Town: An incorporated town.

Transporting: Any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetation ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

SECTION 9-4. EROSION AND SEDIMENT CONTROL PROGRAM

A. The County of Dinwiddie hereby adopts the regulations, references, guidelines, standards and specifications promulgated by the Virginia Soil and Water Conservation Board pursuant to Section 10.1-562 of the Code of Virginia for the effective control of soil erosion, sediment deposition and nonagricultural runoff to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources. Said regulations, references, guidelines, standards, and specifications for erosion and sedimentation control are included in, but not limited to, the ~~The~~ Virginia Erosion and Sediment Control Regulations, the Virginia Stormwater Management Handbook, and the ~~The~~ Virginia Erosion and Sediment Control Handbook, Third Edition, 1992,as amended periodically, are adopted as the standards, reference and guidelines for the County of Dinwiddie. The standards contained within these publications are to be used by the applicant when making a submittal under the provisions of this ordinance and in the preparation of an erosion and sediment control plan. The ~~plan approving authority, in considering the adequacy of a submitted plan, shall be guided by the same~~ same regulations, references, guidelines, standards and specifications shall guide the plan approving authority, in considering the adequacy of a

submitted plan ~~standards, regulations, and guidelines~~. When the standards vary between the publications, the State regulations shall take precedence.

B. The County of Dinwiddie designates the Certified Plan Reviewer as the plan approving authority. The Department of Planning or a similar local government department may be the designated plan-approving authority, the County may hire a consultant to be the plan approving authority, or the district may be designated as the plan-approving authority for all or some conservation plans pursuant to Section 10.1-562.C of the Code of Virginia.

~~C. Pursuant to Section 10.1-561.1 of the Code of Virginia, (i) an erosion control plan shall not be approved until it is reviewed by a certified plan reviewer, (ii) inspections of land-disturbing activities shall be conducted by a certified inspector and; (iii) the Erosion Control Program of Dinwiddie~~

~~County shall contain a certified program administrator, a certified plan reviewer, and a certified inspector, who may be the same person.~~

D. The program and regulations provided for in this ordinance shall be made available for public inspection at the office of the Planning Department of Dinwiddie County.

SECTION 9-5. REGULATED LAND-DISTURBING ACTIVITIES; SUBMISSION AND APPROVAL OF PLANS

A. Except as provided herein, no person shall engage in any land-disturbing activity until he has submitted to the Director of Planning for Dinwiddie County an erosion and sediment control plan for land-disturbing activity and such plan has been approved by the plan approving authority. The plan shall be drawn to scale of not less than one hundred (100) feet to one (1) inch and shall detail those methods and techniques to be utilized in the control of erosion and sedimentation and, as a minimum, the plan shall comply with the state criteria, standard and specifications found in the Virginia Erosion and Sediment Control Handbook, as referenced in Section 9-4A of this Chapter. A minimum of four (4) copies of the erosion and sediment control plan shall be submitted to the Administrator. Where land-disturbing activities involve lands under the jurisdiction of more than one local control program, an erosion and sediment control plan, at the option of the applicant, may be submitted to the Board for review and approval rather than to each jurisdiction concerned. Where the land disturbing activity results from the construction of a single-family residence, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the County of Dinwiddie.

B. The plan approving authority shall, within 45 days, approve any such plan, if he determines that the plan meets the requirements of the Board's regulations, and if the person responsible for carrying out the plan certifies that he will properly perform the erosion and sediment control measures included in the plan and will conform to the provisions of this ordinance. In addition, as a prerequisite to engaging in land disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of an individual holding a certificate of competence to the program authority, as provided by 10.1-561, who will be in charge of and responsible for carrying out the land-disturbing activity. However, any plan approving authority may waive the certificate of competence requirement for an agreement in lieu of a plan for construction of a single-family residence. If a violation occurs during the land-disturbing activity, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of an individual holding a certificate of competence, as provided by 10.1-561. Failure to provided the name of an individual holding a certificate of competence prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and

the person responsible for carrying out the plan shall be subject to the penalties provided in this article.

B. ~~C. The plan shall be acted upon within 45 days from receipt thereof by either approving said plan in writing or by disapproving said plan in writing and giving specific reasons for its disapproval. When a plan is determined to be inadequate, the plan approving authority shall specify such modifications, terms and conditions that will permit approval of the plan. If no action is taken within 45 days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.~~

~~D. An approved plan may be changed by the plan approving authority when:~~

1. The inspection reveals that the plan is inadequate to satisfy applicable regulations; or

2. The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this ordinance, are
agreed to by the plan approving authority and the person responsible for carrying out the plan.

E. In order to prevent further erosion, the County of Dinwiddie may require approval of a conservation plan for any land identified in the local program as an erosion impact area.

F. When a land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.

G. State agency projects are exempt from the provisions of this Ordinance, pursuant to section 10.1-564 of the Code of Virginia.

H. Electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies and railroad companies shall file general erosion and sediment control specifications annually with the Board for review and written comments. The specifications shall apply to:

1. Construction, installation or maintenance of electric, natural gas and telephone utility line, and pipelines; and;

2. Construction of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of the railroad company.

~~The Board shall have 60 days in which to approve the specification. If the board takes no action within 60 days, the specifications shall be deemed approved. Individual approval of separate projects within subdivisions 1 and 2 of this subsection is not necessary when Board approved specifications are followed, however, projects included in subdivisions 1 and 2 must comply with Board approved specifications. Projects not included in subdivisions 1 and 2 of this subsection shall comply with the requirements of the Dinwiddie County erosion and sediment control program. The board shall have the authority to enforce approved specifications.~~

SECTION 9-6. LAND-DISTURBING PERMITS; FEES; BONDING; ETC.

A. No person shall engage in any land-disturbing activity until he has acquired a land-disturbing permit, unless the proposed land-disturbing activity is specifically

exempt from the provisions of this ordinance, and has paid the fees and posted the required bond.

B. Fees:

1. A plan review fee shall be paid by check or money order payable to Treasurer, Dinwiddie County by the owner or their designee in such amount necessary for the County to hire a consultant qualified as a Certified Plan Reviewer to review the plan for compliance with the County Erosion and Sedimentation Control Ordinance; and,

2. A plan inspection fee of ~~$100.00~~, $150.00 plus ~~$5.00~~, $10.00 per acre shall be paid by check or money order made payable to the Treasurer, Dinwiddie County at the time of filing an erosion and sediment control plan. This fee will cover the costs associated with up to ten (10) visits to the site. If additional visits are required, then a charge of $20.00 per site visit will be charge to the developer and /or property owner. All fees are non-refundable.

~~C. No land-disturbing permit shall be issued until the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed. An approved plan is required for issuance of grading, building or other permits.~~

C. D. Bond: All applicants for permits shall provide to the County of Dinwiddie a performance bond, cash escrow, or an irrevocable letter of credit acceptable to the Program Administrator, to ensure that measures could be taken by the County of Dinwiddie at the applicant's expense should the applicant fail within the time specified to initiate or maintain appropriate conservation measures required of him as a result of his land disturbing activity. Should it be necessary for the County of Dinwiddie to take such conservation action, the County of Dinwiddie may collect from the applicant any costs in excess of the amount of the surety held. The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in Dinwiddie County with a reasonable allowance for estimated administrative cost and inflation, which shall not exceed twenty-five (25) percent of the estimated cost of the conservation action.

Within sixty (60) days of the achievement of adequate stabilization of the land disturbing activity in any project or sections thereof, as determined by the Program Administrator, the bond, cash escrow or letter of credit, or the unexpended or unobligated portion thereof shall be either refunded to the applicant or terminated based upon the percentage of stabilization accomplished in the project or section thereof. Adequate stabilization will consist of at least 85% vegetative cover. The program Administrator shall have the sole authority to determine whether adequate vegetation exists.

These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

SECTION 9-7. MONITORING, REPORTS, AND INSPECTIONS

A. The Certified Inspector shall provide for and/or conduct periodic inspections of the land-disturbing activity, and may require monitoring and reports from the person responsible for carrying out the plan, to insure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, Permittee or person responsible for carrying out the plan shall be given notice of the inspection.

A. The certified inspector shall provide for periodic on-site inspections as set forth in VESCR 4 VAC 50-30-60B and require that an individual holding a certificate competence, as provided by regulations of the board, or other competent individual pursuant to 82-35(b)(1), be in charge of and responsible for carrying out the land-disturbing activity. Pursuant to Code of Virginia, 10.1-566(A), the owner, permittee or person responsible for carrying out the plan shall be provided an opportunity to accompany the official. Notice of the right of inspection shall be included in all land disturbing permits issued. The certified inspector shall be responsible for developing and implementing a filing system for land disturbing projects. The individual holding a certificate of competence, as required under the State program, who will be in charge of and responsible for carrying out the land-disturbing activity shall be required by the certified inspector to periodically inspect the land-disturbing activity.

~~If the Certified Inspector determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities.~~

The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this ordinance and, upon conviction shall be subject to the penalties provided by the ordinance.

B. Upon receipt of a sworn complaint of a violation of this ordinance or section 10.1-563 or 10.1-564 the Program Administrator or his designee, either may, in conjunction with or subsequent to a notice to comply as specified in this ordinance, issue a stop work order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken or, if land-disturbing activities have commenced without an approved plan require that all of the land-disturbing activities be stopped until an approved plan or any required permits are obtained.

Where an alleged noncompliance is caused or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, or where the land-disturbing activities have commenced without an approved plan or any required permits, a stop work order may be issued whether or not the alleged violator has been issued a notice to comply. Otherwise, such a stop work order may be issued only after the alleged violator has failed to comply with a notice to comply. The stop work order shall be served in the same manner as a notice to comply, and shall remain in effect for seven days from the date of service pending application by the enforcing authority or alleged violator for appropriate relief to the circuit court of Dinwiddie County.

If the alleged violator has not obtained an approved plan or any required permits within seven days from the date of service of the order, the Administrator, or his designee, may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained.

A stop work order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of the County of Dinwiddie. The owner may appeal the issuance of an order to the Circuit Court of the County of Dinwiddie.

Any person violating or failing, neglecting or refusing to obey an order issued by the Administrator or his designee may be compelled in a proceeding instituted in the Circuit Court of the County of Dinwiddie to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.

Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted.

Nothing in this section shall prevent the Administrator or his designee from taking any other action authorized by this ordinance.

SECTION 9-8. PENALTIES, INJUNCTIONS, AND OTHER LEGAL ACTIONS

A. Violators of this ordinance shall be guilty of a Class 1 misdemeanor.

B. Any person who violates any provision of this ordinance shall upon a finding of the District Court of the County of Dinwiddie, be assessed a civil penalty. In any civil trial for a violation of this ordinance, the County of Dinwiddie shall have the burden of showing, by the preponderance of the evidence the liability of the violator. The civil penalty for any one violation shall be $100, except that the civil penalty for commencement of land-disturbing activities without an approved plan shall be $1,000. Each day during which the violation is found to have existed shall constitute a separate offense.

In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of $3,000, except that a series of violations arising from the commencement of land disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of $10,000.

An admission or finding of civil liability shall not be a criminal conviction for any purpose.

The assessment of civil penalties according to this schedule shall be in lieu of criminal sanctions and shall preclude the prosecution of such violation as a misdemeanor under subsection A of this section.

C. The Administrator, or his designee or the owner of property which has sustained damage or which is in imminent danger of being damaged may apply to the Circuit Court of the County of Dinwiddie to enjoin a violation or a threatened violation of this ordinance, without the necessity of showing that an adequate remedy at law does not exist; however, an owner of property shall not apply for injunctive relief unless (i) he has notified in writing the person who has violated the local program, and the program authority, that a violation of the local program has caused, or creates a probability of causing, damage to his property, and (ii) neither the person who has violated the local program nor the program authority has taken corrective action within fifteen days to eliminate the conditions which have caused, or create the probability of causing damage to his property.

D. In addition to any criminal or civil penalties provided under this ordinance, any person who violates any provision of this ordinance may be liable to the County of Dinwiddie in a civil action for damages.

E. Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus, or other remedy obtained pursuant to this section, shall be subject, in the discretion of the court, to a civil penalty not to exceed $2,000 for each violation. The County of Dinwiddie may bring a civil action for such violation or failure.

F. Any civil penalties assessed by a court shall be paid into the treasury of the County of Dinwiddie, except that where the violator is Dinwiddie County, itself or its agent, the court shall direct the penalty to be paid into the State Treasury.

G. With the content of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this ordinance, the County of Dinwiddie may provide for the payment of civil charges in violation in specific sums set forth in Paragraph J, not to exceed the limit specified in Paragraph E of this section. Such civil charges shall be instead of any appropriate civil penalty, which could be imposed under Paragraphs B or E of this section.

H. The Commonwealth's Attorney shall, upon request of the County of Dinwiddie or the permit issuing authority, take legal action to enforce the provisions of this ordinance.

I. Compliance with the provisions of this ordinance shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

J. The following charges shall apply for violation of specific minimum standards (MS) set forth in the State Code:

Land Disturbing (without a permit)..... 100.00 per day
MS-01...Permanent seeding req'd ..... 100.00 per day
MS-02...Stabilize stock piles ..... 100.00 per day
MS-03...Vegetation established ..... 100.00 per day
MS-04...Sediment basin/traps ..... 100.00 per day
MS-05...Stabilization of dams, etc. ..... 100.00 per day
MS-06...Basin required over 3 acres ..... 100.00 per day
MS-07...Slope stabilization ..... 100.00 per day
MS-08...Temporary flume, channel ..... 100.00 per day
MS-09...Slope face-provide drainage ..... 100.00 per day
MS-10...Storm sewer inlet protection..... 100.00 per day
MS-11...Conveyance channel protection ..... 100.00 per day
MS-12...Work in watercourse ..... 100.00 per day
MS-13...Temporary stream crossing..... 100.00 per day
MS-14...Fed/State regs - watercourse ..... 100.00 per day
MS-15...Bed and bank stabilization ..... 100.00 per day
MS-16...Underground utility work..... 100.00 per day
MS-17...Construction entrance ..... 100.00 per day

SECTION 9-9. APPEALS AND JUDICIAL REVIEW

A. Any applicant under the provision of this ordinance who is aggrieved by any action of the County of Dinwiddie or its agent in disapproving plans submitted pursuant to this ordinance shall have the right to apply for and receive a review of such action by the Board of Supervisors. In reviewing the agent's actions, the Board of Supervisors shall consider evidence and opinions presented by the aggrieved applicant and agent. After considering the evidence and opinions, the Board of Supervisors may affirm, reverse or modify the action. The Board of Supervisors' decision shall be final, subject only to review by the Circuit Court of the County of Dinwiddie. Any applicant may seek an appeal hearing before the Board of Supervisors provided that the applicant file a written notice requesting review by the Board of Supervisors within 30 days of the County of Dinwiddie's or its agent's actions.

B. Final decisions of the County of Dinwiddie under this ordinance shall be subject to review by the Circuit Court, provided an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties or privileges of the person engaging in or proposing to engage in land-disturbing activities.

The Board did not take action on the proposed Erosion Control Ordinance.

IN RE: **PUBLIC HEARING – A-04-11 – AMENDMENT TO THE DINWIDDIE COUNTY CODE SECTION 1-14-1 TO INCREASE AND CODIFY THE COUNTY RECORDATION TAX**

This being the time and place as advertised in the Progress Index on August 18, 2004 and the Monitor on August 21, 2004 and August 31, 2004, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comment on the following matter:

AN ORDINANCE TO INCREASE AND CODIFY THE COUNTY RECORDATION TAX

"Memorandum
To: Wendy W. Ralph, County Administrator
From: Adam R. Kinsman
RE: County Recordation Tax

Recently, the clerk of the circuit court contacted you regarding the County's recordation tax. She questioned what effect the General Assembly's recent increase in the state recordation tax rate would have on the County's rate. You have requested that we provide you with guidance regarding this issue.

Pursuant to the Virginia Recordation tax Act, the state imposes a tax whenever any taxable instrument (e.g., a deed, deed of trust, contract, sale of rolling stock, etc.) is recorded in the clerk's office, unless exempted by law. In the budget bill passed in its 2004 special session, the General Assembly increased this state tax from $0.15 to $0.25 per $100 of value reported on the document to be recorded. In addition to the state recordation tax, localities may also impose a local recordation tax equal one-third of the amount levied by the state. Because the state tax has increased, local recordation taxes may also increase to $0.083 per $100 of value.

The County currently imposes a local recordation tax, but it is not codified in the *Dinwiddie County Code*. In the past, the clerk has collected an amount equal to one-third of the previous state recordation tax rate, or $0.05 per $100 of value. You were unable to locate the original recordation ordinance within the County's minute books; consequently, it is unclear whether the ordinance sets the County rate at a particular numerical amount ($0.05 per $100) or if it is simply one-third of the state recordation tax. If the County rate is set as one-third of the rate imposed by the state, then the County tax will automatically adjust along with any increase or decrease in the state rate. In this case, the county rate will increase from $0.05 to $0.83 per $100 of value.

To ensure that the County is able to benefit from the state increase and to eliminate the need to adopt a new ordinance every time the state rate changes, we suggest that the Board adopt the attached ordinance stating that the local recordation tax is equal to one-third of the amount imposed by the state."

The County Administrator stated because the clerk of the circuit wanted to start collecting the tax on September 1, 2004; we were able to get it advertised in enough time to meet the code requirement. Therefore, the Board can adopt the ordinance tonight.

Mr. Haraway opened the public hearing. No one spoke in support or in opposition to the ordinance. Mr. Haraway closed the public hearing.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the County Recordation Tax Ordinance A-04-11 was adopted.

AN ORDINANCE TO INCREASE AND CODIFY THE COUNTY RECORDATION TAX

WHEREAS, the Code of Virginia permits localities to impose a local recordation tax upon every taxable instrument recorded in the office of the clerk of the circuit court, unless exempted by law;

WHEREAS, the local recordation tax may be equal to one-third of the amount of the state recordation tax collectable for the Commonwealth;

WHEREAS, the County has imposed a local recordation tax equal to one-third of the amount of the state recordation tax;

NOW THEREFORE BE IT ORDAINED, that in the interest of public health, safety, and welfare and pursuant to the authority granted to it under §§ 58.1-814 and 58.1-3800 et seq. of the Code of Virginia that the following section of the Code of the County of Dinwiddie, Virginia be enacted to read as follows:

Sec. 1-14.1 Local recordation tax.

There is hereby imposed a county recordation tax in the amount equal to one-third of the amount of the state recordation tax collectable for the Commonwealth, upon the first recordation of each taxable instrument in the county. No tax shall be levied under this section upon any instrument in which the state recordation tax is $0.50. Where a deed or other instrument conveys, covers, or relates to property located partly in the county and partly in another county or city, the tax imposed under authority of this section shall be computed only with respect to the property located in the county.

The clerk of the circuit court of the county shall collect the tax imposed under this section and shall pay the same into the treasury of the county.

* * *

If any section, sentence, paragraph, term, or provision of this Ordinance is determined to be illegal, invalid, or unconstitutional by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such determination shall have no effect on the validity of any other section, sentence, paragraph, term, or provision of this Ordinance, all of which will remain in full force and effect.

This Ordinance shall become effective immediately upon its adoption by the Board of Supervisors.

IN RE: PUBLIC HEARING – ROUTE 1 & ROUTE 460 CORRIDOR ENHANCEMENT STUDY

This being the time and place as advertised in the Monitor on August 21, 2004 and August 31, 2004, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comment on the following matter:

Mr. William C. Scheid, Director of Planning, introduced Ms. Vaughn Rinner of Landmark Design Group and said she would have a brief presentation of the study. He commented he knew the Board was aware of the many hours and days that had been put into the project. There were many opportunities given for all the people in the community to have input in the process and the document. He thanked all the members of the steering committee and added a

special thanks to George Whitman, Betty Bowen, Anne Blazek, Sam Hayes, Will Greene, and Geri Barefoot.

Ms. Rinner stated it had been a pleasure working with the Steering Committee and with the community on this project. "The reason this plan was undertaken was to determine first, what the citizens of the County desire for the appearance, transportation function, and land uses along Route 1 and Route 460 corridors through the County, and second, how might the desired results be achieved." The plan outlines a vision. It was developed to provide a tool to guide the development along the highways, rather than allowing the development and engineering of individual projects to govern the aesthetics and character of these key corridors. The Enhancement Study is a planning document to give a framework, which should be incorporated into the County's Comprehensive Plan. Ms. Rinner pointed out that the corridor overlay zones would provide the most flexible and effective method for guiding, evaluating and encouraging development patterns along the corridors. The committee identified a series of focus areas along the corridors with varying character and goals.

Mr. Haraway asked how the plan would be implemented. Is someone hired to do the project or is it made a part of the department job? Ms. Rinner replied most of it is done within the departments and they get additional specific assistance. But a lot of it is generated internally once the framework is done. Additional staff would be necessary for enforcement and plan review. There also needs to be a process for review. Then create an ordinance that does the overlay then decide how you want to handle specifics about the codes and plan reviews. The implementation of the recommendations and concepts in the plan will require further detailed work, which may be undertaken by County staff in conjunction with the county attorney, or through hiring consultants to assist the staff. She stated one thing the steering committee felt strongly about was hiring additional staff for the planning department.

Mr. Haraway opened the public hearing for citizen comments.

1) George Whitman – stated he was not in agreement with the study.
2) Will Greene – spoke in support of the document.
3) Anne Scarborough – commented the existing zoning codes and regulations weren't being enforced now in the County.
4) Mrs. Jones – requested a copy of the corridor study.

Mr. Haraway closed the public hearing.

Mr. Bowman stated he would knew the planning department was busy now, but in a couple of months he would like for them to meet with the planning commissioners and bring back to the Board some recommendations and suggestions for ordinances and road way set backs. He said this is something he felt was very important to the future of Dinwiddie County and one of the biggest things to this Board; and that is how this County will look in twenty to fifty years.

Ms. Moody stated she saw several changes that needed to be made and did not support adopting the document tonight. She made a motion to further study the Route 1 and 460 Corridor Enhancement Plan and meet with the Planning Commission to make some changes before it is adopted.

Mr. Bowman stated he would like to adopt this tonight and to make it a part of the Comprehensive Land Use Plan and it could be revised later.

Ms. Moody withdrew her motion.

Mr. Bowman made the motion to adopt the Route 1 and 460 Corridor Enhancement Study and to make it a part of the Dinwiddie County Comprehensive Land Use Plan. Mr. Moody seconded the motion.

Mr. Scheid explained that the Comprehensive Land Use Plan is not a legal document; it has legal binding rules and regulations that you have to go through. It is a statement or framework for decision-making by the governing body. If the Enhancement Study is made a part of the Land Use Plan you could refer to this document and it would have the same binding effect because it is a part of it. The document can be amended and the State mandates that it be looked at every five years. The same holds true for this document. He stated if the Board wants to go back and make additional changes at this time a supplement would have to be made to the contract for Landmark Design because they have provided the services that were required. If you want to revisit it say within the next two months or do it with the Comprehensive Land Use Plan, it would have to be done anyway. He commented what Mr. Bowman is saying, by making it a part of the plan now it is in place for documentation for the future if it is requested.

Mr. Stone asked if the document would be provided in a Microsoft Word form for future use. Ms. Rinner and Mr. Scheid replied yes.

Mr. Stone, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", Ms. Moody voting "Nay", motion carried.

Ms. Moody made a motion to further study the Route 1 and 460 Corridor Enhancement Study because once it is made part of the Comprehensive Land Use Plan it will lay there and there are some things in it that she was not happy with; and to have the Planning Commission and Board meet one more time to see if they can be straightened out. Mr. Haraway asked if her motion included having the steering committee meet with them also. Ms. Moody replied yes. Mr. Bowman seconded the motion.

Mr. Stone commented he feared additional legal fees from this...say a developer comes in one thing being in place, this being changed... another thing in progress, and he felt it would be opening the County up for additional legal fees and consulting on something that is going to be in the middle of a process or will be grand fathered if it is not. Mr. Bowman stated we are in the process of a lot of things in the County right now with the growth management study and what the Board is doing and coming up with this plan and proffers. Hopefully, the Board can get it done before any legal fees are incurred.

Mr. Moody stated the Comprehensive Land Use Plan it is not an ordinance or a regulation nor is it legally binding; but it is a tool used to guide the County to look at what we would like to do.

Ms. Moody, Mr. Bowman, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", motion carried.

IN RE: RECESS

The Chairman called for a recess at 9:21 P.M. The meeting reconvened at 9:29 P.M.

IN RE: MICROWAVE SYSTEM STATUS UPDATE

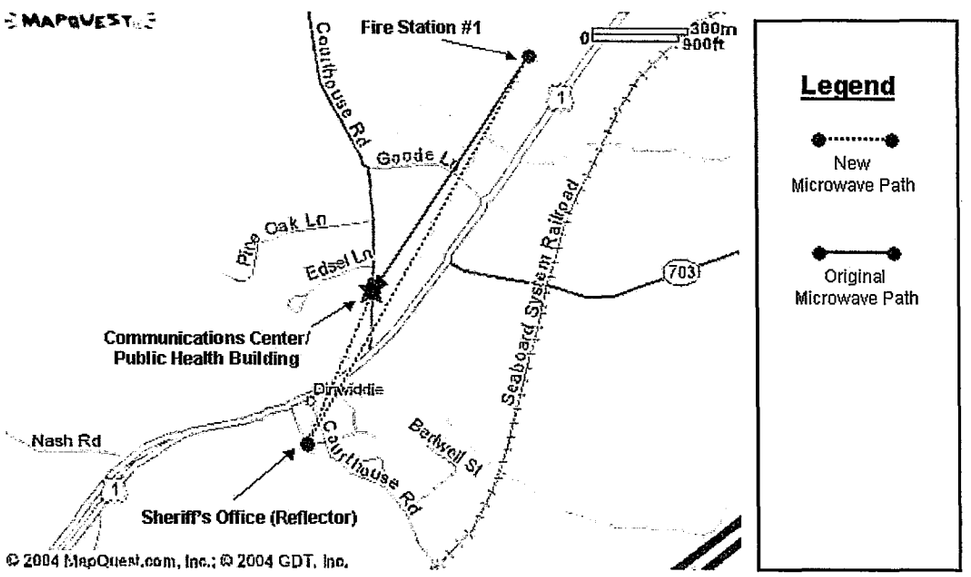
Mr. Curt Andrich, with L. Robert Kimball and Associates, Ms. Barbara Toumbalakis, Project Manager with Motorola, and Mr. Gary Thompson with Microwave Networks provided the following status update on the microwave coverage for the radio system between the Dinwiddie VFD and Public Safety Building.

Dinwiddie County, VA

Microwave System Status

September 7, 2004

Communications Center to Fire Station Microwave Paths



Microwave Networks

Original Microwave Path

- Uncharacteristic microwave propagation anomaly
- Unanticipated poor path performance due to deciduous tree growth
- Result: Intermittent short duration received signal failures

New Microwave Path

- Increased received signal level
- Minimized signal fluctuation by eliminating path obstructions
- Calculated path availability at 100%

Microwave Networks

Path Calculations – New Design

- No changes to Fire Station equipment
- Add 3'x 4' flat panel reflector at 160' level on Sheriff's Office tower
- Re-locate Comm Center antenna to Health Building rooftop
- Extend existing trenching from Comm Center to Health Building
- **No increase in maintenance requirements**
- **No additional cost incurred by Dinwiddie County**

	Health Building	Fire Station #1
Elevation [ft]	277.31	285.00
Latitude	37 04 48.38 N	37 05 11.72 N
Longitude	077 35 07.28 W	077 34 47.31 W
True azimuth [°]	231.58	51.20
Vertical angle [°]	0.73	0.45
Antenna model	PL4-10FE	PL4-10F
Antenna height [ft]	25.00	120.00
Antenna gain [dBi]	40.50	40.50
Antenna loss [dB]	1.20	1.20
RX line type	EWI-SS	EWI-SS
RX line length [ft]	250.00	145.00
RX line unit loss [dB/100 ft]	3.08	3.08
RX line loss [dB]	7.70	4.44
Connector loss [dB]	0.50	0.50
Frequency [MHz]	11175.00	
Polarization	Vertical	
Path length [mi]	7.09	
Free space loss [dB]	228.57	
Passive Gain [dB]	35.75	
Atmospheric absorption loss [dB]	0.03	
Net path loss [dB]	89.93	93.19
Radio model	CM11803A1H58ISFD	CM11803A1H58ISFD
RX power [watts]	0.18	0.18
RX power [dBm]	22.60	22.60
EIRP [dBm]	58.75	58.38
Emission designator	5M00D7W	5M00D7W
RX threshold criterion	BER@10E-6	BER@10E-6
RX threshold level [dBm]	-92.50	-92.50
RX signal [dBm]	-47.73	-47.73
Thermal fade margin [dB]	36.97	36.97
Dispersive fade margin [dB]	84.00	84.00
Dispersive fade occurrence factor	1.00	
Effective fade margin [dB]	36.96	36.96
Climatic factor	1.00	
Terrain roughness [ft]	20.00	
'C' factor	0.25	
Fade occurrence factor [Fo]	4.73E-02	
Average annual temperature [°F]	53.06	
Worst month - multipath [%]	100.000000	100.000000
[sec]	0.00	0.00
Annual - multipath [%]	100.000000	100.000000
[sec]	0.10	0.10
[% - sec]	100.000000 -0.13	
Rain region	D3/E6 Temp. Continent	
Flat fade margin - rain [dB]	58.97	
Annual multipath + rain [%-sec]	100.000000 -0.13	

Tue, Aug 31 2004
Health Building-Sheriffs Office Billboard-Fire Station #1.pl4
Path Study Method - Vigants - Barnett
Rain - Crane

Mr. Thompson stated the tower at the Sheriff's Department would be utilized to place a reflector on it for the system. He stated with the placement of the reflector and dish, the path calculation availability would be retained at 100%, which is a minimum requirement for subcontractors, by Motorola. Also, by using the microwave system it would eliminate the need to have to clear any trees from the path.

Mr. Andrich explained a dish would be placed on top of the Health Department next to the brick chimney but it would be barely visible in this location (pictures were provided to show the location).

Mr. Thompson stated the maintenance would be minimal to the system. Occasionally after high winds, hurricanes and storms some adjustments would be required. He reiterated there would be no additional costs to the County for the system.

Mr. Andrich stated he had his engineers to take a look at the solution and they are very confident that it will work and Motorola's engineers have given their approval as well.

Mr. Bowman asked if the tower at the Sheriff's Office should be upgraded? Mr. Thompson replied at their cost, there would be a structural analysis of that tower and also the Health Department Building roof to insure the integrity of both of them; and it will be certified by a structural engineer.

IN RE: REPORT RADIO SYSTEM COVERAGE IN COUNTY

Mr. Andrich gave a brief report on the field tests that had been conducted for the radio coverage in the County. He said the County had been divided into 2000 test grids; and the goal was that 95% of those grids had to pass in order for the system to work. They were physically able to get to 1417 test grids of that only 5 failed. Three of them failed analog only but the digital side worked and two failed completely, 1 was at the Dinwiddie, Brunswick line and the other one was at Stony Creek, Dinwiddie line. Overall the test results showed 99.5% reliability coverage in the County. It was engineered for 95% but it actually came close to 100% and that was with portable radios traveling around the County in moving vehicles.

IN RE: CHANGE ORDER FOR EXTENSION OF CAD SYSTEM TRAINING

The County Administrator stated due to the Communication Supervisors leaving it delayed the hiring of the dispatchers; therefore, the contract for the CAD System needs to be extended from 120 days to 210 days. A change order is needed for InterAct Public Safety Systems to place the training classes on hold until the County can hire the dispatchers and to extend its contract completion time frame from 120 to 210 days.

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the change order for InterAct Public Safety Systems to extend its contract completion time frame from 120 to 210 days was approved.

IN RE: CITIZEN COMMENTS

1) David Dudley – 25907 Smith Grove Road, Petersburg, VA - voiced his disapproval because the Board did not adopt the biosolids resolution that several jurisdictions have adopted requesting the General Assembly to take a look at biosolids issues; and to provide local governments the opportunity to participate in the regulations governing the applications.

2) Geri Barefoot – 7411 Frontage Road, Petersburg, VA – stated there has not been a study on biosolids since 1985. She cited the State Code section, which provides that any person may petition an agency to amend an existing regulation. She requested that the Board adopt the "Prince Edward Resolution" which requests the Virginia General Assembly to fully investigate state policy on land application of biosolids and to include local governments in any changes to those regulations. She stated all they were asking for is more representation.

3) Anne Scarborough – Boydton Plank Road, Dinwiddie, VA – commented she was in accord with what these people are saying and she did not understand why the Board declined to ask the General Assembly to take a look. Mrs. Scarborough stated the environmental land technician position hasn't been filled

and she felt the reason was because there were too many duties involved in the position. She called the State today and they pay the following: $16 per hour, (for doing that job only) $0.32 per mile for vehicle, $2,000 for testing and up to $1,200 a year for training. She stated she wanted someone to tell her what the face amount of the School Bond issue was going to be, $55 Million or $56,115,000 Million? She also asked that the Board have the law firm submit their invoices for payment in a timely manner.

4) Michael Bratschi - 23500 Cutbank Road, McKenney, VA – requested that the Board seriously consider hiring a new county attorney. He stated why adopt another Biosolids resolution when the County can't even get a murder conviction in the County so why even try to get a biosolids violation. He commented he didn't know who the Special Prosecutor, Mr. Fisher, was but he was not impressed with his track record. He requested that the Board meet with him (if he is the new Assistant Commonwealth Attorney) to see where he is coming from.

IN RE: GAS & FUEL OIL BIDS – AWARD OF CONTRACT

The County Administrator stated that the County received the following bids for gasoline, fuel oil and diesel:

	UNLEADED GASOLINE		DIESEL	
COMPANY	**PROPOSAL/ALT. 1**		**PROPOSAL/ALT. 1**	
PARKER OIL	$1.337	$1.2484	$1.2840	$1.2971
PETROLEUM TRA	no bid	no bid	$1.2690 (no credit card service)	$1.2841
SOUTHSIDE	no bid	no bid	no bid	$1.3122
2003 PRICES	$1.0470		$ .9060	

*Alternate 1 is Fluctuating Price

	FUEL NO. 2
PARKER OIL	$1.2760
PETROLEUM TRA	$1.3111
SOUTHSIDE	$1.3915
2003 PRICES	$ .8980

Mrs. Ralph commented this is a bad time to be going out for bids but the contract has ended for this year. Petroleum Traders has the lowest bid for diesel but they do not offer credit card service, which is very important to the Fire/EMS providers in the northern end of the County. She recommended that the fixed price for FY 04-05 from Parker Oil be accepted and the contract for gasoline, diesel and fuel oil be awarded to them. She stated it is a very volatile market we are in because of the war situation and she felt this would be the best choice at this time.

Mr. Haraway questioned how many gallons of gasoline and diesel was used last year and in dollar amounts how much did it relate to in the budget. The gasoline is a 28% increase over last year. Mrs. Ralph replied she did not bring those figures with her but she would get them for him. Mr. Haraway commented the fluctuating rate was always a gamble but the fuel oil rate was a 42% increase. He asked if it had to be approved tonight? The County Administrator

replied yes. The bid prices have been extended only to the date of the Board meeting.

Mr. Moody stated he had been through this longer than anyone else on the Board and it is always a gamble but it seemed the County has come out ahead by going with the fixed rates. He stated he favored the fixed rates going with Parker Oil.

Upon Motion of Mr. Moody, Seconded by Ms. Moody, Ms. Moody, Mr. Bowman, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Parker Oil be awarded the contract to provide gas, fuel oil and diesel for FY 04-05 at a fixed price of: Unleaded - $1.337 per gallon; Diesel - $1.2840 per gallon; Fuel Oil - $1.2760 per gallon.

Mr. Haraway requested that Staff prepare a report by the next Board meeting to show the present year volume times the gallons. And how much was budgeted this year so we will be able to know if we are going to have an unfavorable variance with the budget.

IN RE: COMMONWEALTH ATTORNEY COMMENTS

The Commonwealth Attorney, George Marble, III, stated he was not one to stand by and let things slide. There were some incorrect statements that were made by Mr. Bratschi. Mr. Fisher is not a representative of the Commonwealth Attorney's Office. He is not the Assistant; he is a Special Prosecutor brought in from another jurisdiction. He commented he could not have any dealings with the Zak case because he represented Stephanie Zak. Ms. Zak was never charged with murder. She was charged with felony child abuse and neglect. There could not be a murder conviction because there was no murder charge.

The correct person as based on the facts and present by the former Commonwealth Attorney was charged with murder and tried for the murder and the jurors found him not guilty.

He said Mr. Fisher was appointed by the Circuit Court Judge in this jurisdiction as the Special Prosecutor for this trial and he could not have anything to do with this case. He stated he did not want the implication to be brought to the Board that it was something that his office did or failed to do as far as handling that case.

He also reported that an appeal has been filed but he could not have anything to do with it either.

He commented he had some good people in his office. The dockets are full and he did not think it was going to get any better. There are three murder cases going on at this time and all three have been certified to the grand jury. He told the Board and citizens if they had any questions to give him a call.

IN RE: NAMOZINE VOLUNTEER FIRE DEPARTMENT CHANGE ORDER REQUEST FOR CABINETS

The County Administrator stated there was a change order request for the installation of cabinets in the radio room of the Namozine VFD. The cabinets were removed during the renovations but the architect did not include new cabinetry in the drawings. She stated Mr. Gene Jones secured three bids for the cabinetwork and his recommendation is the low bid from Bishop Custom Cabinets for $2,450.00. This project is being supplemented by the cabinetmaker and donations from Ragsdale Building Supply.

Mr. Moody made the motion to approve the change order for the cabinets in the amount of $2,450.00 for Bishop Custom Cabinets. Mr. Bowman seconded the motion.

Mr. Stone stated in the future he would like to see the details for bids. There did not appear to be any included for this change order. The County Administrator stated the details were sent to all the vendors; but it was not included when it was sent back. But that was a good point; it should be outlined.

Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", motion carried.

IN RE: REQUEST FOR RESOLUTION FOR CONSTITUTION WEEK SEPTEMBER 17 – 23, 2004

The Frances Bland Randolph Chapter of the National Society Daughters of the American Revolution sent in a request for a resolution/proclamation proclaiming September 17th, 2004 as the two hundred seventeenth anniversary of the drafting of the Constitution of the United States of America.

Upon motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Staff is authorized to prepare a resolution proclaiming September 17th, 2004 as the two hundred seventeenth anniversary of the drafting of the Constitution of the United States of America and to send copies to each of the Schools in the County.

IN RE: COUNTY ADMINISTRATOR COMMENTS

The County Administrator commented the Dinwiddie County Historical Society will be presenting a Robert E. Lee reenactment on September 26, 2004 at the old Courthouse. They are also endeavoring to start a gift shop. They would like to place some area rugs on the floor and staff doesn't have a problem with that as long as it keeps with the time of that period, if the Board members are ok with it. The Board concurred.

IN RE: BOARD MEMBER COMMENTS

Mr. Stone stated he had requested that Staff contact the School Superintendent about getting the cost for them to do the maintenance work on the County vehicles done at the School Bus Garage. Also he, Mrs. Ralph, Captain Booth and Mr. Townsend from the Sheriff's Department met to discuss incentive programs to retain members of the Jail and Sheriff Deputies on the road and they would like to discuss that during the salary discussions as well.

Mr. Bowman thanked Mr. Jolly and the volunteers for the all the extra work they did during the high waters.

Ms. Moody stated as the County progresses and grows change will come but she would like for the ordinances already in place be adhered to before new ones are created. She also commented she would like for everyone to be treated the same and in a fair manner.

Mr. Moody stated he hoped that Staff sent a letter of thanks to Ragsdale Supply for saving the County some money. The Tobacco Commission has spent a lot of money on Broadband, which is going to all of their industrial buildings throughout the region, and it might be something the County is going to do at the industrial sites. He suggested that it might be a good idea to have them come and give the Board a presentation because it might open up other avenues. The County Administrator commented a meeting has been scheduled with Mid-

Atlantic representatives for September 22 to see how it would benefit the County. He commented on several occasions lately he had been traveling on Route 226 and almost hit pedestrians walking in the middle and side of the road. He said he didn't know if anything could be done but at night it was difficult to see them. He requested that staff contact the Sheriff and have a deputy patrol the area more. He stated Dinwiddie County is very fortunate to have the planning staff that has been keeping up with the regulations that are in place. Mr. Moody stated he had talked to supervisors from some of the counties that were talked about tonight that are unaware that there is an ordinance or one that could be put into place that would allow them to have a biosolids monitor; and that the State would reimburse them for the monitor. He thanked the Staff for keeping the county abreast of what is going on so the Board can make informed decisions.

Mr. Haraway stated he was glad to have Mrs. Anne Howerton with us tonight. She is the new Director of Finance and he welcomed her to the County. She graduated at the top of her class at Dinwiddie High School; she graduated from the University of Virginia with honors and received her accounting certification from the Virginia Commonwealth University. Mrs. Howerton is also a CPA and lives in McKenney.

IN RE: APPOINTMENT – ROBERT BOWMAN, IV - VIRGINIA'S GATEWAY REGION BOARD

Upon motion of Mr. Stone, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", Mr. Bowman, "Abstaining",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Robert Bowman, IV is appointed to serve on the Virginia's Gateway Region Board for a term of one year, term expiring September 30, 2005.

IN RE: REAPPOINTMENT – MILTON I. HARGRAVE, JR. - VIRGINIA'S GATEWAY REGION BOARD

Upon motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Moody, Mr. Bowman, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Milton I. Hargrave, Jr. is hereby reappointed to serve on the Virginia's Gateway Region Board for a term of one year, term expiring September 30, 2005.

IN RE: CLOSED SESSION

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

§2.2-3711 A. 1 – Personnel matters

Mr. Moody seconded the motion. Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 10:44 P.M.

The meeting reconvened into Open Session in the Board Meeting Room at 11:31 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under: §2.2-3711 A. 1 – Personnel matters;

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

IN RE: CLAIMS

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway 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 1045990 and 1045991,

FY – 04/05
Accounts Payable:

(101) General Fund $ 5,564.90

IN RE: ASSISTANT COUNTY ADMINISTRATOR INCREASE IN SALARY

Upon motion of Mr. Bowman, Seconded by Mr. Stone, Mr. Stone, Ms. Moody, Mr. Moody, Mr. Bowman, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Assistant County Administrator's salary is increased to $70,000 annually effective September 7, 2004.

IN RE: ADJOURNMENT

Upon Motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the meeting adjourned at 8:34 P.M. to be continued until 8:30 A.M. on Tuesday, September 21, 2004 for the bond pricing at Davenport and Company in Richmond, VA.

Donald L Haraway
Donald L. Haraway, Chairman

ATTEST: Wendy Weber Ralph
Wendy Weber Ralph
County Administrator

/abr

VIRGINIA: AT THE CONTINUATION MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE OFFICE OF DAVENPORT & COMPANY LLC, AT ONE JAMES CENTER IN RICHMOND, VIRGINIA, ON THE 21ST DAY OF SEPTEMBER, 2004, AT 9:00 A.M.

PRESENT:	DONALD L. HARAWAY – CHAIRMAN	ELECTION DISTRICT #2
(ABSENT)	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5

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The Board members left the Pamplin Administration Building at 7:30 A.M. and traveled to One James Center in Richmond, Virginia to meet in the Office of Davenport & Company LLC, to observe the bond pricing for the School Projects.

IN RE: SCHOOL BOARD REQUISITION #23 – 1999B PROJECT FUND 7033387

The following requisitions represent remaining funds in the 1999B Dinwiddie Elementary Project Account that needed to be moved to the School Capital Account before the bonds were refunded.

MEMO:
TO: Wendy Weber Ralph, County Administrator
From: Dr. James Lanham, Assistant Superintendent of Schools
REF: Requisition #23

Requisition for available funds in 1999B Project Account

Attached you will find Requisition #23 from the 1999B Project Account. This represents the funds available to us at this time to complete project work at Dinwiddie Elementary School. Per our discussion with Jackie Shornak and Dan Siegel, we are requesting that these funds totaling $40,507.03 be transferred to the Bank of Southside Virginia Routing No. 051404642 Account No. 1010085.

Upon Motion of Mr. Bowman, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition #23 -1999B in the amount of $40,507.03 be approved and funds be transferred to the Bank of Southside Virginia Routing No. 051404642 Account No. 1010085 from the Dinwiddie Elementary School Project Account.

IN RE: SCHOOL BOARD REQUISITION #23 – 1999B PROJECT FUND 7033387

MEMO:
TO: Wendy Weber Ralph, County Administrator
From: Dr. James Lanham, Assistant Superintendent of Schools
REF: Requisition #24

Requisition for available funds in 1999B Project Account

Attached you will find Requisition #24 from the 1999B Project Account. This represents the funds available to us at this time to complete project work at Dinwiddie Elementary School. Per our discussion with Jackie Shornak and Dan Siegel, we are requesting that these funds totaling $13,401.78 be transferred to the Bank of Southside Virginia Routing No. 051404642 Account No. 1010085.

Upon Motion of Mr. Bowman, Seconded by Ms. Moody, Ms. Moody, Mr. Bowman, Mr. Haraway voting "Aye", (Mr. Stone was out of the room)

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition #24 -1999B in the amount of $13,401.78 be approved and funds be transferred to the Bank of Southside Virginia Routing No. 051404642 Account No. 1010085 from the Dinwiddie Elementary School Project Account.

RE: ADJOURNMENT

Upon Motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the September 21, 2004 continuation meeting adjourned at 2:15 P.M.

Donald L. Haraway, Chairman

ATTEST: Wendy Weber Ralph
Wendy Weber Ralph
County Administrator

/abr

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 21ST DAY OF SEPTEMBER, 2004, AT 2:00 P.M.

PRESENT:	DONALD L. HARAWAY – CHAIRMAN	ELECTION DISTRICT #2
	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5
OTHER:	PHYLLIS KATZ	COUNTY ATTORNEY

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

Mr. Donald L. Haraway, Chairman, called the meeting to order at 2:16 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

The County Administrator requested that the agenda be amended to add under consent agenda E. Appointment of ALS Provider – Thomas Monroe at Grade 12 Step A with an annual salary of $30,125, effective October 1 , 2004; add to Closed Session Legal – contractual issues; Mr. Bowman requested that the Requisition for Motorola be removed from the consent agenda. Mr. Stone requested that the Claims be removed from the consent agenda.

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

IN RE: MINUTES

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the minutes of the September 7, 2004 Continuation Meeting are approved in their entirety.

IN RE: ADOPTION OF A-04-7 – AMENDMENT TO THE ZONING ORDINANCE (CHAPTER 22) AND SUBDIVISION ORDINANCE (CHAPTER 18) TO INCREASE FEES

AN ORDINANCE TO AMEND THE SUBDIVISION ORDINANCE AND THE ZONING ORDINANCE OF DINWIDDIE COUNTY, VIRGINIA, BY CHANGING THE FEES CHARGED BY THE FOLLOWING SECTIONS: 18-10(C) – SPECIAL EXCEPTION TO THE PLANNING COMMISSION; 18-10(E) – SPECIAL EXCEPTION TO BOARD OF SUPERVISORS; 22-5(5) – AMENDMENT TO ZONING TEXT; 22-23(B) – REZONING APPLICATION; 22-23(C) – CONDITIONAL USE PERMIT; 22-23(C) –AMENDMENT TO CONDITIONAL USE PERMIT; 22-24(F) – AMENDMENT TO PROFFERED REZONING; 22-27(F) – ADMINISTRATIVE VARIANCE; 22-40(C) – APPEALS TO BOARD OF ZONING APPEALS; AND 22-41(F) – VARIANCE.

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the subdivision ordinance and the zoning ordinance be amended as follows:

1. Section 18-10(c) be amended by deleting reference to the sum of *forty dollars ($40.00)* and in its stead insert ***one hundred dollars ($100.00);***

2. Section 18-10(e) be amended by deleting reference to the sum of *one hundred dollars ($100.00)* and in its stead insert ***two hundred dollars ($200.00)***;

3. Section 22-5(5) be deleted in its entirety and in its place insert the following:
Each application for amendment shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the sum of four hundred dollars ($400.00), three hundred dollars ($300.00) of which shall be used to pay the expenses of advertising and mailing notices, and other administrative costs. If actual expenses associated with the amendment exceed three hundred dollars ($300.00), the applicant shall be billed for the difference. One hundred dollars ($100.00) shall be retained by the County as a fee for processing the application for amendment;

4. Section 22-23(b) be deleted in its entirety and in its place insert the following:
Fees; use described. Each application for rezoning shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the sum of six hundred dollars ($600.00), five hundred dollars ($500.00) of which shall be used to pay the expenses of advertising and mailing notices, and other administrative costs. If actual expenses associated with the rezoning exceed five hundred dollars ($500.00), the applicant shall be billed for the difference. One hundred dollars ($100.00) shall be retained by the County as a fee for processing the application for rezoning;

5. Section 22-23(c) be deleted in its entirety and in its place insert the following:
Fees for conditional use permit and any amendments proposed for an existing conditional use permit. Each application for a conditional use permit or amendment thereto shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the sum of six hundred dollars ($600.00), five hundred dollars ($500.00) of which shall be used to pay the expenses of advertising and mailing notices, and other administrative costs. If actual expenses associated with the conditional use permit or amendment thereto exceed five hundred dollars ($500.00), the applicant shall be billed for the difference. One hundred dollars ($100.00) shall be retained by the County as a fee for processing the application for conditional use permit or its amendment;

6. Section 22-24(f) be amended by adding the following to the end of the existing paragraph:
Each application for amendment shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the sum of six hundred dollars ($600.00), five hundred dollars ($500.00) of which shall be used to pay the expenses of advertising and mailing notices, and other administrative costs. If actual expenses associated with the amendment exceed five hundred dollars ($500.00), the applicant shall be billed for the difference. One hundred dollars ($100.00) shall be retained by the County as a fee for processing the application for amendment;

7. Section 22-27(f) shall be amended by deleting the existing paragraph and in its stead insert the following:

Each application for an administrative variance shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the sum of forty dollars ($40.00), which shall be used for the expenses associated with the application which includes a twenty dollar ($20.00) fee retained by the County for processing the application. If actual expenses associated with the application exceed twenty dollars ($20.00), the applicant shall be billed the difference;

8. Section 22-40(c) shall be amended by deleting the existing paragraph and in its stead insert the following:

Appeals shall be mailed to the Board of Zoning Appeals in care of the Zoning Administrator and a copy of the appeal shall be mailed to the secretary of the Planning Commission. A third copy shall be mailed to the individual, official, department or agency concerned, if any. Appeals shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the sum of two hundred dollars ($200.00). One hundred dollars ($100.00) shall be used to pay for expenses associated with the appeal (ie. notices, advertising, and other administrative costs.) and one hundred dollars ($100.00) shall be retained by the County as a fee for processing the appeals application. If actual expenses associated with the application exceed one hundred dollars ($100.00), the applicant shall be billed the difference;

9. Section 22-41(f) shall be amended by deleting the existing paragraph and in its stead insert the following:

An application for a variance shall be obtained from the Zoning Administrator. Each application for variance shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the sum of two hundred dollars ($200.00), one hundred dollars ($100.00) of which shall be used to pay the expenses of advertising and mailing notices, and other administrative costs. If actual expenses associated with the variance exceed one hundred dollars ($100.00), the applicant shall be billed for the difference. One hundred dollars ($100.00) shall be retained by the County as a fee for processing the application for variance.

This Ordinance shall become effective immediately upon adoption by the Board of Supervisors. If any portion of this Ordinance shall be declared null and void, the remaining portions shall remain in full force and effect.

IN RE: APPOINTMENT – MR. THOMAS MONROE – ALS PROVIDER

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to employ Mr. Thomas Monroe for the position of ALS Provider at Grade 12, Step A, salary $30,125 per year, with an effective date of October 1, 2004.

IN RE: CITIZEN COMMENTS

1. Wilson Carlson – 24945 Ferndale Road, Petersburg, VA - requested that the Board assist him with the major drainage problem he has when it rains at his residence.
2. Geri Barefoot – 7411 Frontage Road, Petersburg, VA – made comments regarding the Biosolids resolution, which was recently adopted by many jurisdictions in Virginia and questioned the comments Mr. Moody made regarding it at the last Board meeting.

3. David Dudley – Smith Grove Road, Petersburg, Virginia, 23803 – requested again that the Board adopt the biosolids resolution submitted by the Citizens for a Better Dinwiddie, which was adopted by several other Virginia jurisdictions.
4. Joseph Matthews – 15714 Keelers Mill Road – requested that the Board require the consent of adjoining property owners and the people of the community when biosolids are going to be applied.
5. Anne Scarborough – Boydton Plank Road, Dinwiddie, VA – commented on the following issues: 1) the biosolids resolution submitted by the Citizens for a Better Dinwiddie 2) County tax rate 3) paint job on the Namozine Fire Station roof 4) replacement of the cabinets at Namozine Fire Station 5) the face value of the school project bonds 6) rapid growth law which went into effect in 2002 to protect open space in rural communities.
6. Michael Bratschi – 23500 Cutbank Road, DeWitt, VA – requested that the Board look at their *By-Laws and Rules of Order* to make sure they are complying with them. Commented he thought the County had a biosolids ordinance and hired a monitor. He said he heard on the street that the Board had hired a Public Safety Director and asked if it had been announced. He asked how people are chosen to serve on board and commissions in the County. He also questioned where the money comes from to pay the Special Prosecutor, Mr. Fisher.

IN RE: VDOT REPORT

Mr. Ray Varney, Resident Engineer, Virginia Department of Transportation, provided the following update:

1. He said he would check to see what could be done about the drainage problem at Mr. Carlson's property and would meet with representatives from the County if they so desired.
2. Reported a pipe failure on Squirrel Level Road - which will take at least 2 to 3 weeks to get the pipe and then another 2 to 3 weeks to replace.

He informed the Board that they needed to move forward on the Secondary Six-Year Plan as quickly as possible. He reiterated his request to construct a right turn lane at the intersections of River Road and Ferndale Road be added to the plan. He also encouraged them to add the alternative improvements to Baltimore and Halifax Roads, which they looked at on their tour to the plan to reduce the amount of funds and time needed to complete the projects.

The Board agreed to have a workshop on October 5, 2004 at 6:00 P.M.

Board Member Request/comments

Mr. Moody requested that Mr. Varney provide the Board with a breakdown of the cost difference to do Baltimore and Halifax Roads the way it was presented in the old six-year plan and the new way he was suggesting. Mr. Moody commented 2 or 3 years ago he thought Coleman Lake Road was next on the plan for repairs and there were a lot of houses on that road and its very rough. If any funds were left over maybe they could be used to do the improvements on it. Mr. Varney said Coleman Lake was next on the list; and he would get the information together for the Board.

Mr. Stone asked Mr. Varney to revisit Brills Road with him to look at the problem with the drop-off in the road at the bridge because he had received several calls from citizens complaining about it. Mr. Varney reminded him that Rural Rustic funds could not be used for this but regular construction funds could be utilized.

IN RE: ANIMAL CONTROL DIRECTOR – REPORT ON BREEDER'S LICENSE

"TO: Wendy Weber Ralph
County Administrator

FROM: Mary Ellison
ACO

SUBJECT: Breeder's License

As requested I have checked into what is involved in implementing a dog breeder's license for our County.

I have checked into other jurisdictions implementing the breeder's license. Richmond and Petersburg are the only ones I have found that currently have the breeder's law. There are no counties following suite. It is highly opposed by AKC and several other animal groups.

There are pros and cons to enacting this ordinance. I will address the "cons". I suspect there would be a great resistance from the hunters, as most hunters feel their dogs won't run if sterilized and would become lazy, not to mention the cost per dog for a breeder's license. Another would be the enforcement of the ordinance, the number of officers needed to enforce it. Also, the general opinion of the public is that government is going too far by forcing their personal property to be altered, people in the residential areas are still angry about the "limitation" ordinance. Cats would also have to be included which opens up even more controversy and the "picking up of stray cats". At this time, our shelter is barely able to handle the number of animals that we take in. Enactment of this ordinance would almost certainly flood our shelter and the euthanasia rate would drastically increase.

It is my opinion that we need to start small and work up to the breeder's licensing at a later time when we can handle the increase in work load and better handle the turn ins.

I would like to see all mature animals sterilized prior to adopters taking them home. Details of a sterilization program would need to be worked out if this is acceptable to the Board. A reward system for those who get their animals sterilized, lower license fees, such as $5.00 neutered, $10.00 intact.

I spoke to Patricia Coleman of Petersburg Animal Control. Her opinion is favorable for their city and would be happy to speak to the Board if requested."

The Board instructed the Animal Control Director to look into the sterilization process and report back to them.

IN RE: EXPLANATION OF COUNTY ATTORNEY BILLING PROCESS

Ms. Phyllis Katz, County Attorney, commented she was here to explain the billing process for the firm of Sands, Anderson, Marks and Miller.

Mr. Stone stated looking at the spreadsheet summary for August there were invoices dated back to January 6 to the end of the fiscal year June 30, 2004 for legal fees. He stated he did not understand why it was taking 8 months to get the invoices submitted for payment. Mrs. Katz stated they were trying to comply with the Board's request to have all the bills submitted by the 15th of each month. And she did not know why a January bill did not get invoiced but she would like to explain the billing process.

Sometimes bills are not submitted because another payer is responsible for payment for example, the litigation for the ambulance accident. That is covered under the County's insurance and is being processed to Selective. The second type of situation is the bill gets invoiced to the wrong account. The last one is an attorney error or they might be out sick or on vacation, which would cause a delay in billing. Continuing she explained that each associate is responsible for entering the data into the computer for their services which is supposed to be done on a daily basis. Our shareholders do not want us to be lazy and at the first of the month we are closing out statements by the 1st or 2nd day of the month.

The process is, the account is closed out at the end of the month. The attorneys are given 2 days to read through the bills; each time entry and billing code is verified and sent back for invoicing. She apologized to the Board for the lateness of some of the invoices and commented they were trying to comply with their request to have all the invoices in by the 15th of the month.

Mr. Stone stated he could understand when an invoice was late because it was being submitted to another payer, but that was the exception not the rule. And in looking at the two groups of payments he could only see two ambulance issues and the remaining ones were for run-of-the-mill work. He stated in looking at the claims for tonight there is an invoice for July being submitted in the September claims.

Mrs. Katz stated Sands, Anderson, Marks and Miller will make every effort to get the invoices out to the County by the 15th of the month, but she could not guarantee it. She stated she would however, commit to eliminating them, unless there is an extenuating circumstance, such as the ambulance accident.

Mr. Haraway asked if the attorneys kept current time reports on each project? She replied yes. He commented that was one of their concerns that the attorneys kept daily records and were not going back to try and recall the hours they had spent on a project. Ms. Katz stated that would be dishonest and unethical for them to do that.

Mr. Stone stated he understood they were working to improve it; but getting July invoices at the end of August was not acceptable. If staff needed to work on an RFP wording for a new contract the Board needed to do so.

Mr. Haraway stated the Board needed to be concerned about the amount because $75,000 was budgeted for legal work this year. Based on the first two months of the current year the amount will be exceeded by $75,000. He commented he hoped everyone would look at this and try to decrease attorney fees in the future.

Mr. Bowman commented he would like to see more details in the spreadsheet and a copy of the invoices submitted for payment.

Mr. Stone asked if the January bill was paid from last years budget or this FY budget. Mr. Haraway commented bills submitted after August 30, 2004 are not accrued; it goes into this fiscal year. Mr. Bowman stated the bills submitted for constitutional officers should be sent to that department for approval. The County Administrator commented all invoices are sent to and approved by the department receiving the services.

The County Attorney explained if the County wanted a more detailed breakdown of the charges they would work with Staff to provide it.

Mr. Haraway instructed staff to provide the Board with a copy of the invoices with the spreadsheet for the next 90 days.

Mr. Bowman asked if all the counties have an attorney present for the board meetings and the planning commission meetings. Ms. Katz stated no.

Mr. Haraway stated he thought it would be advantageous for both the attorneys and the Board if they could come up with some ways to curtail their fees. Maybe there is something that they could come up with that would help both parties. Ms. Katz suggested that the Board take a look at the invoices for the next 3 months and she would come back at that point and meet with them to see how they would like to for restructure.

IN RE: CLAIMS

Upon motion of Mr. Moody, Seconded by Ms. Moody, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", Mr. Stone, Mr. Bowman voting "Nay",

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 1046125 through 1046290 (void check(s) numbered 1046123 and 1046124)

FY – 04/05
Accounts Payable:

(101) General Fund	$ 161,686.48
(103) Jail Commission	$ 55.40
(209) Litter Control	$
(222) E911 Fund	$ 3,612.82
(223) Self Insurance Fund	$
(225) Courthouse Maintenance	$ 70.00
(226) Law Library	$ 437.60
(228) Fire Programs	$ 33,374.54
(229) Forfeited Asset Sharing	$
(304) CDBG Grant Fund	$ 501.50
(305) Capital Projects Fund	$ 85,827.17
(401) County Debt Service	$ 54,622.23
TOTAL	**$ 340,187.74**

IN RE: APPOINTMENT OF DIVISION CHIEF OF PUBLIC SAFETY – MR. DENNIS HALE

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Dennis Hale is appointed Division Chief of Public Safety at Grade 18, Step O, at an annual salary of $67,546, effective September 27, 2004.

IN RE: MR. HARRISON MOODY - DESIGNATED VACO REPRESENTATIVE TO VOTE AT ANNUAL 2004 BUSINESS MEETING

The County Administrator stated the 2004 Annual Business meeting of the Virginia Association of Counties will be held on Tuesday, November 9, from 10:15 A.M. until noon at the Homestead in Bath County. Each county needs to designate a representative of its board to cast its votes at the meeting.

Upon Motion of Mr. Bowman, Seconded by Mr. Stone, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Haraway voting "Aye", Mr. Moody, "Abstaining", Mr. Moody is appointed to be the designated representative to cast the Board's

vote(s) at the 2004 Annual Business meeting of the Virginia Association of Counties.

IN RE: BOARD MEMBER COMMENTS

Mr. Moody requested staff to contact the Sheriff's Department to see if he would set up radar and portable scales on Route 708 because of the complaints he received from residents about the truck traffic on the road. He stated there are a couple of counties in Virginia when someone buys a piece of property in an agriculture district and it is part of the law which is put in their deeds that there is dust, odors, noise and things of that nature. He requested that staff investigate it to see what the process is. He said earlier during citizens comments a remark was made about biosolids ordinances that other counties have adopted. A lot of counties have an ordinance on the books but the supervisors don't know what all of them are. Until you have an ordinance on the books that is approved by the Health Department you cannot start collecting that fee. He commented some counties he knew of aren't using the ordinance to its fullest. Dinwiddie is trying to get that person hired so we can use it to the fullest extent; but until that is done it will not be known if the ordinance is adequate.

Mr. Stone informed the Board that he and staff were not ready for the Web Site presentation but he gave a brief update on it. He explained that this Board is not under *"Roberts Rules of Order" or "Little Bobby's Rules of Order".* This Board abides by the *Chairman's Rules of Order* and if the Chairman doesn't stop someone from interrupting then it is deemed that it is acceptable at that time. He asked Staff if the School Superintendent had responded about the cost of sharing the Bus Garage. The County Administrator replied no. He also requested that the laundry list be prepared for every meeting.

Mr. Haraway asked the Board members which day they could meet with Bob Slavin, for 1 1/2 to 2 hours, Monday, Tuesday (but he would have to leave by 3:00 P.M. on Tuesday) or Wednesday of next week; or before the next regular meeting on October 5th to review the candidates for the County Administrator position with the Board. The Board agreed to meet on Monday, September 27, 2004 at 5:00 P.M.

IN RE: AUTHORIZATION TO ADVERTISE PUBLIC HEARING FOR TRANSFER OF LAND TO WPVA

Mr. William Scheid, Director of Planning, stated at the meeting that was held on September 15, 2004 in West Petersburg with members of the WPVA, Michelle Jones, Department of Housing and Community Development, Mr. Robert Bowman and him sat down and discussed the remaining lots on Greensville Avenue and the possibility of the County conveying if not total ownership at least partial ownership of the lots to WPVA. The State has certified WPVA as a Community Housing Development Organization (CHDO) eligible to assist low/moderate income families in obtaining housing within the West Petersburg subdivision. However, there are two stipulations that WPVA must meet to qualify for the grant 1) management funds 2) operating funds. The CHDO offers a grant of up to $100,000 for 2 years for the management funds and they will need a 25% match in cash assets over the two year grant, which is $12,500.

One thing came up which was interesting and that was the assumption of the County that nine homes had to be constructed on lots in West Petersburg in order to close out the development block grant that began in the nineties. A letter was produced at the last Board meeting, which indicated that only 6 homes needed to be built versus the 9 the County was told that was needed to close out the grant. Mr. Scheid stated he sent Louise Brierre at the DHCD a copy of the letter and she is in the process of researching it.

He stated that he would deal with WPVA in the same manner as he did with Habitat for Humanity. WPVA would have to meet the same stipulations; and if they don't meet the agreements they would be responsible for repayment of the lot in the amount of $16,750 each. Although WPVA would be on the deed they might still interact with Habitat for Humanity because they have access to some funding and to some clientele that might be able to expedite their process.

Mr. Scheid stated WPVA learned the other day that in order to qualify as a "CHDO" Community Housing Development Organization they must have access to four lots not three. WPVA has approached Habitat for Humanity to see if they would put them on the lot the County just conveyed to Habitat at the last meeting. This would allow WPVA to meet the four-lot requirement. Mr. Scheid stated Mr. Ruhnke with Habitat for Humanity informed him that they do not have a problem with giving them an interest in the lot. Mr. Scheid stated the attorneys would have to answer whether the County would have to be involved in adding WPVA to the deed with Habitat for Humanity or if it would be strictly between WPVA and Habitat for Humanity.

Mr. Scheid also informed the Board that the funds from the grant for WPVA could be used for other projects such as repairing other homes on lots and to build a recreational facility which qualifies for other funding Senator Randy Forbes is looking into.

Mr. Scheid said the Board would need to have a public hearing to convey the property to WPVA as it did for Habitat for Humanity. There is a time constraint for WPVA to meet the requirements for the application for the grant. In order to get the public hearing done in time it would have to be held at the second meeting in October since it would be too late to get it advertised for the meeting on the 5th.

Mr. Bowman thanked Mr. Scheid for all the time and effort he had put into this project; but he felt WPVA deserved it. He said a meeting will be scheduled with Congressman Forbes and his grant writer to see if there was funding available for recreation and curb and gutters for West Petersburg. They also plan to purchase other properties that are run down and condemned in an effort to continue improving the neighborhood. He commented he contacted the Chairman of the IDA and they have some money in their account and Mr. Johnson is willing to set up a meeting for WPVA to make a presentation to the Board to see if they would provide the $12,500 in seed money for the grant for this community.

Mr. Bowman made the motion to advertise for a public hearing to convey the remaining three lots to WPVA and the County, jointly, in West Petersburg on October 19th if the requirements for a public hearing can be met and if not it be held on November 2nd. Ms. Moody seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", motion carried.

IN RE: REPORT AND ADOPTION OF BOND PRICING

Mr. David Rose with Davenport & Company LLC stated today "Dinwiddie County (the "County") successfully sold $15,000,000 of Lease Revenue Notes and $41,040,000 of Lease Revenue Bonds for a total issuance of $56,040,000. The County issued the Bonds and Notes via the Industrial Development Authority (the "IDA"). The proceeds from the sale will go to the School Board and provide $55,000,000 in construction funds for a planned new High School and new Elementary School, to pay for the costs of the conversion of the existing County High School into a new Middle School, and to pay for the costs of the conversion of the existing County Middle School into a multi-use facility for school purposes.

The County achieved interest rates that are near 30-year lows in the marketplace. Specifically, the Notes, issued in anticipation of receiving State Literary Loan funding in approximately 36 – 48 months, yielded a 3.30% fixed rate for the full term of the loan. The Bonds carried varying interest rates depending upon their respective maturities and resulted in an all-in interest rate of 4.71%. These results were better (i.e. lower) than any estimate of interest rates ever provided to the County, School Board, or IDA. We believe there are two factors for this result. They include a highly favorable interest rate environment, and second, the County's recently obtained strong credit ratings by all three of the major, national Credit Rating Agencies (S&P, Moody's and Fitch). As a result, the County was able to borrow funds even more favorably than most Virginia peer localities, as demonstrated by the results. More specifically, this second factor produced an additional total savings of well over $600,000 in debt service.

With regard to the overall interest rates and the impact on the County's budgeting, it is important to point out that during the planning and review process in late Spring of this year the Rating Agencies were provided an estimated debt service schedule using a 5.5% all-in bond rate and a 4.0% note rate. As a result, the issue size required to produce the $55,000,000 in construction costs was nearly $59,000,000 as of late June/early July. Because of the County's favorable credit ratings, the need for a multi-million dollar Debt Service Reserve Fund was avoided and the issue size came down approximately $3 million. This fact, coupled with the lower rate environment, resulted in the County's average annual Debt Service dropping to $2.7 million annually from the previously projected $2.93 million, or a $230,000 per year savings."

RATIFICATION RESOLUTION OF THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA

WHEREAS, the Board of Supervisors of Dinwiddie County, Virginia **(the "Board of Supervisors")** adopted a resolution on August 31, 2004 **(the "Approving Resolution")** relating to the issuance by the Industrial Development Authority of Dinwiddie County, Virginia **(the Authority")** of its lease revenue notes in an amount not to exceed $15,000,000 **(the "2004A Notes")** to (i) provide interim monies pending expected funding of a long term loan from the Literary Fund of the Commonwealth of Virginia to finance a portion of the costs of the acquisition, construction and equipping of a new elementary school **(the "New Elementary School")** on real property to be owned by the Dinwiddie County School Board **(the "School Board")** to be located in the northern portion of Dinwiddie County, Virginia **(the "County")** and a new high school **(the "New High School")**, on real property to be owned by the School Board located in the County and (ii) to provide for the payment of the issuance costs of the 2004A Notes and the issuance of its lease revenue and refunding bonds in an amount not to exceed $41,040,000 **(the "2004B Bonds", together with the 2004A Notes, the "2004 Obligations")** to (i) finance the remaining portion of the costs of the New High School and the New Elementary School and to pay for the costs of the conversion of the existing County high school into a new middle school and conversion of the existing County middle school into a multi-use facility for school purposes **(together, the "New Projects")**; (ii) advance refund the Authority's Lease Revenue Bonds, Series 1999B in the outstanding principal amount of $525,000 **(the "1999B Refunded Bonds")** which were issued on November 1, 1999 to finance a portion of the cost of the acquisition, construction and equipping of certain improvements and renovations to the County's schools and related facilities including the Dinwiddie Elementary School and various other capital projects on real property owned by the School Board located in the County; (iii) fund a debt service reserve fund for the 2004B Bonds through the purchase of a surety bond **(the "Surety")** from the Insurer (as hereinafter defined); (iv) provide for the payment of the issuance costs of the 2004B Bonds; and

WHEREAS, the Authority will lease the New Projects and the other School Property (as defined in the Documents, as defined in the Approving Resolution) to the County to accomplish certain purposes of the Virginia Industrial Development and Revenue Bond Act **(the "Act")**, and the Authority has agreed to do so; and

WHEREAS, the 2004A Notes are to be issued in an amount now estimated not to exceed $15,000,000 to fund the New Projects and the 2004B Bonds are to be issued in an amount now estimated not to exceed $41,040,000 to fund a portion the New Projects and to advance refund the 1999B Refunded Bonds; and

WHEREAS, Davenport & Company LLC, **(the "Underwriter")** is purchasing the 2004 Obligations on terms which are further described below and in the Documents and the approval of the substantially final form of such 2004 Obligations and Documents are to be ratified by the Board of Supervisors;

BE IT RESOLVED BY BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA:

1. The issuance of the 2004A Notes, in substantially final form as presented at this meeting with a final maturity of February 15, 2008, in the amount and rate as set forth in the attached **Exhibit A-1** is hereby approved.

2. The issuance of the 2004B Bonds, in substantially final form as presented at this meeting with a final maturity of February 15, 2034, in the amounts and rates as set forth in the attached **Exhibit A-2** is hereby approved.

3. The Documents in substantially final form as presented at this meeting are hereby ratified, adopted and approved.

4. The Chairman or Vice Chairman of the Board of Supervisors, the County Administrator and all other County officers are hereby authorized and directed to execute and deliver all documents and instruments related to or appropriate in connection with the issuance of the 2004 Obligations and the delivery of the Documents with such completions, omissions, insertions and changes as may be approved by the officer executing them, his or her execution to constitute conclusive evidence of his or her approval of any such completions, omissions, insertions and changes.

5. All other acts of the Chairman or Vice Chairman of the Board of Supervisors, the County Administrator and other officers of the County that are in conformity with the purposes and intent of this resolution and in furtherance of the plan of financing, the issuance and sale of the 2004 Obligations, the delivery of the Documents and the acquisition, design, construction, renovation, expansion, equipping, conversion and furnishing of the New Projects and the refunding of the 1999B Refunded Bonds are hereby approved and ratified.

6. This resolution shall take effect immediately.

Pricing Summary

Maturity	Type of Bond	Coupon	Yield	Maturity Value	Price		Dollar Price
02/15/2006	Serial Coupon	2.000%	1.790%	35,000.00	100.279%		35,097.65
02/15/2007	Serial Coupon	2.000%	2.050%	30,000.00	99.884%		29,965.20
02/15/2008	Serial Coupon	2.500%	2.330%	885,000.00	100.544%		889,814.40
02/15/2008	Term 1 Coupon	3.300%	3.300%	15,000,000.00	100.000%		15,000,000.00
02/15/2009	Serial Coupon	2.750%	2.630%	905,000.00	100.489%		909,425.45
02/15/2010	Serial Coupon	3.000%	2.850%	935,000.00	100.738%		941,900.30
02/15/2011	Serial Coupon	3.000%	3.030%	655,000.00	99.825%		653,853.75
02/15/2011	Serial Coupon	3.500%	3.030%	310,000.00	102.697%		318,360.70
02/15/2012	Serial Coupon	3.200%	3.200%	990,000.00	100.000%		990,000.00
02/15/2013	Serial Coupon	3.375%	3.375%	1,025,000.00	100.000%		1,025,000.00
02/15/2014	Serial Coupon	3.400%	3.490%	1,055,000.00	99.283%		1,047,435.65
02/15/2015	Serial Coupon	5.125%	3.650%	1,090,000.00	111.599%	c	1,216,429.10
02/15/2016	Serial Coupon	5.125%	3.750%	1,150,000.00	110.763%	c	1,273,774.50
02/15/2017	Serial Coupon	4.000%	3.900%	1,210,000.00	100.773%	c	1,219,353.30
02/15/2018	Serial Coupon	5.250%	3.950%	1,260,000.00	110.083%	c	1,387,045.80
02/15/2019	Serial Coupon	4.000%	4.100%	1,320,000.00	98.918%		1,305,717.60
02/15/2020	Serial Coupon	4.000%	4.190%	1,375,000.00	97.859%		1,345,561.25
02/15/2024	Term 2 Coupon	5.000%	4.450%	5,950,000.00	104.166%	c	6,197,877.00
02/15/2027	Term 3 Coupon	4.500%	4.650%	5,270,000.00	97.923%		5,160,542.10
02/15/2030	Term 4 Coupon	5.000%	4.720%	6,035,000.00	102.092%	c	6,161,252.20
02/15/2034	Term 5 Coupon	5.000%	4.740%	9,555,000.00	101.940%	c	9,740,367.00
Total	-	-	-	**$56,040,000.00**	-	-	**$56,848,772.95**

Bid Information

Par Amount of Bonds	$56,040,000.00
Reoffering Premium or (Discount)	808,772.95
Gross Production	$56,848,772.95
Total Underwriter's Discount (0.768%)	$(430,387.20)
Bond Insurance Premium paid by Underwriter	(436,000.00)
Bid (99.897%)	55,982,385.75
Accrued Interest from 10/01/2004 to 10/06/2004	32,712.58
Total Purchase Price	$56,015,098.33
Bond Year Dollars	$824,569.33
Average Life	14.714 Years
Average Coupon	4.6711202%
Net Interest Cost (NIC)	4.6781074%
True Interest Cost (TIC)	4.6047787%

Upon motion of Mr. Moody, Seconded by Ms. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the above resolution was ratified.

IN RE: COMMUNICATIONS EQUIPMENT REQUISITION #8 – DINWIDDIE COUNTY IDA PUBLIC FACILITIES LEASE REVENUE NOTE SERIES 2003

Mr. Bowman stated he did not agree with the charges rendered by Motorola for change orders #4, #7 and #8 for the installation of the foundation for the tower at the landfill site. He commented he had not changed his mind from the first time it was presented. The job was increased by approximately 4 yards of concrete and a few rebarbs, which was not that expensive. Mr. Haraway stated he did not remember approving change orders #7 and #8. The County Administrator provided the minutes showing where change order #4 was

approved and requested that it be approved for payment today. She stated she would have to check the records to see when change orders #7 and #8 were approved.

The following invoice from Motorola, for expenses from the Dinwiddie County IDA Public Facilities Lease Revenue Note Series 2003 was submitted for payment:

Change order #4	$5,022.00
TOTAL DUE	**$5,022.00**

Upon motion of Mr. Stone, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number #8 in the amount of $5,022.00 be approved and funds appropriated for expenses from the Dinwiddie County IDA Public Facilities Lease Revenue Note Series 2003.

IN RE: CLOSED SESSION

Mr. Stone stated I move to close this meeting in order to discuss matters exempt under section: §2.2-3711 (A) 1 - Personnel – Environmental Land Technician; Procurement; Animal Control; Appointments; County Administration; §2.2-3711 (A)(7) – Consultation with Legal Counsel – Probable Litigation and Contractual Issues; and §2.2-3711 (A)(3) of the Code of Virginia – Acquisition of Property;

Mr. Moody seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 4:37 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 6:36 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under §2.2-3711 (A) 1 Personnel – Environmental Land Technician; Procurement; Animal Control; Appointments; County Administration; §2.2-3711 (A)(7) – Consultation with Legal Counsel – Probable Litigation and Contractual Issues; and §2.2-3711 (A)(3) of the Code of Virginia – Acquisition of Property;

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

IN RE: INFORMATION IN BOARD PACKET OR DISTRIBUTED

1. GIS report, new address assignments.
2. Memo from Dr. Maranzano, Jr., - regarding information on mileage of school buses.

3. Letter from R. Keith Bull requesting that the Board support Donald Hart for the office of Secretary-Treasurer for the VACo Board of Directors.
4. Letter of response from VDOT to Linda White for a traffic signal at the intersection of Routes 600 & 601.
5. Appomattox Regional Library Report.

RE: ADJOURNMENT

Upon Motion of Ms. Moody, Seconded by Mr. Stone, Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the meeting adjourned at 6:38 P.M. to be continued until 5:00 P.M. on Monday, September 27, 2004 for a Closed Session for Personnel.

Donald L. Haraway, Chairman

ATTEST: Wendy Weber Ralph
Wendy Weber Ralph
County Administrator

/abr

VIRGINIA: AT THE CONTINUATION MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE ADMINISTRATION CONFERENCE ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 27TH DAY OF SEPTEMBER, 2004, AT 5:00 P.M.

PRESENT:	DONALD L. HARAWAY –CHAIRMAN	ELECTION DISTRICT #2
	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5

==========

Mr. Donald L. Haraway, Chairman, called the continuation meeting to order at 5:00 P.M. in the Board meeting room of the Pamplin Administration Building.

IN RE: CLOSED SESSION

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

***§2.2-3711 (A)(1)* of the Code of Virginia - Personnel**

Mr. Bowman seconded the motion. Ms. Moody, Mr. Stone, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 5:00 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 6:35 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under §2.2-3711 A. 1 Personnel;

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

RE: ADJOURNMENT

Upon Motion of Mr. Moody, Seconded by Ms. Moody, Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the meeting adjourned at 6:36 P.M.

Donald L Haraway
Donald L. Haraway, Chairman

ATTEST: Wendy Weber Ralph
Wendy Weber Ralph
County Administrator

/abr

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 5TH DAY OF OCTOBER, 2004, AT 6:00 P.M.

PRESENT:	DONALD L. HARAWAY – CHAIRMAN	ELECTION DISTRICT #2
	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5
OTHER:	ANN NEIL-COSBY	COUNTY ATTORNEY

==========

Mr. Donald L. Haraway, Chairman, called the regular meeting to order at 6:04 P.M.

IN RE: VDOT SECONDARY SIX-YEAR PLAN WORKSHOP

Mr. D. Ray Varney, VDOT, Resident Engineer, presented the two Secondary Six Year Plans that the Board requested. He pointed out that "Alternative A" was the plan the Board approved last year and "Alternative B" was the plan that the Board requested VDOT to prepare based on the State's method for road construction. There was a brief discussion regarding why the funds for the preliminary engineering, right-of-way engineering, plan reviews, and surveying were being charged to each project. Mr. Varney explained most of it was done at the district office and all staff time was charged to each project. He briefly described the format for the columns used by VDOT on the plan and the scope of work in "Alternative B", highlighting the Halifax Road changes due to citizen input. He reiterated due to the present rate of funding from the State he highly recommended that the Board move forward with the "Alternative B" Six-Year Secondary Road Plan. He also encouraged the Board to move forward with holding the public hearing for the adoption of the six-year plan on November 2, 2004.

Mr. Moody stated due to time constraints he would like to continue the discussions of the plan later in the meeting.

IN RE: CLOSED SESSION

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

§2.2-3711 A. 1 – Personnel matters

Mr. Moody seconded the motion. Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 6:30 P.M.

The meeting reconvened into Open Session in the Board Meeting Room at 7:34 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under: §2.2-3711 A. 1 – Personnel matters;

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

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

Mr. Donald L. Haraway, Chairman, called the regular meeting to order at 7:36 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

The County Administrator stated the following items needed to be added to the agenda: Consent Agenda – g. Requisition # 25 – School Board 1999B Project Account to transfer the remaining funds of $5,259.27 and close the account. 2) Closed Session – under Personnel - add Discussion of County Attorney and County Administrator §2.2-3711 (A)(7) Consultation with Legal Counsel – Contract Negotiation; Commonwealth Attorney – Probable Litigation; and §2.2-3711 (A)(3) Acquisition of Property; it was also requested to add the minutes of the August 31, 2004 Continuation meeting to the consent agenda.

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

IN RE: MINUTES

Mr. Stone pointed out there was a misspelled word on page 11 in the September 21st Minutes. In the next to the last paragraph "he sated", should be "he stated". Mr. Moody commented on page 29 of the September 7th Minutes the "IN RE: for public hearing – A-04-11" was not completed. The County Administrator stated it should have been "Amendment to the Dinwiddie County Code Section 1-14-1 to increase and codify the County recordation tax."

Upon motion of Mr. Stone, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that approval of the August 31, 2004 Continuation Meeting, September 7, 2004 Regular Meeting, September 21, 2004 Continuation Meeting, September 21, 2004 Regular Meeting, and the September 27, 2004 Continuation Meeting are approved in their entirety, with the above corrections.

IN RE: CLAIMS

Upon motion of Mr. Stone, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway 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 1046292 through 1046478, (voided check number(s) 1046357 and 1046291).

FY – 04/05
Accounts Payable:

(101) General Fund	$ 254,995.72
(103) Jail Commission	$
(209) Litter Control	$

(222) E911 Fund	$ 1,949.51
(225) Courthouse Maintenance	$
(226) Law Library	$
(228) Fire Programs & EMS	$
(229) Forfeited Asset Sharing	$
(304) CDBG Grant Fund	$ 953.95
(304) Capital Projects Fund	$ 490.89
(401) County Debt Service	$
TOTAL	**$ 267,511.83**

PAYROLL 09/30/04

(101) General Fund	$ 465,297.88
(222) E911 Fund	$
(229) Forfeited Asset	$ 1,361.93
(304) CDBG Fund	$ 7,603.72
TOTAL	**$ 474,265.53**

IN RE: RESOLUTION – CUMBERLAND COUNTY REQUEST ON REBENCHMARKING THE STAFFING AND OPERATIONAL AND MAINTENANCE FUNDING FOR VIRGINIA STATE PARKS

Upon motion of Mr. Stone, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", the following resolution was adopted.

RESOLUTION

ON REBENCHMARKING THE STAFFING AND OPERATIONAL AND MAINTENANCE FUNDING FOR VIRGINIA STATE PARKS

WHEREAS, the Dinwiddie County Board of Supervisors commends Governor Warner and the Senate of Virginia and House of Delegates for working cooperatively with the Department of Conservation and Recreation in their support of Virginia's state park system; and

WHEREAS, Virginia's state parks were voted "America's best managed" in 2001 and became recipients of the National Gold Medal Award; and

WHEREAS, Virginia's state parks rank fiftieth in state funding among the fifty states in both per capita and proportion of the state budget dedicated to state parks; and

WHEREAS, our state parks system is a major component of Virginia's outdoor recreation and tourism offerings and contributes more than one hundred fifty million dollars annually to the state and local economies; and

WHEREAS, Virginia voters demonstrated both in 1992 and 2002 support for improving and expanding state parks with nearly seventy per cent support for general obligation bond referendums in state-wide elections; and

WHEREAS, the need for a major rebenchmarking of funding and staffing for state parks has been identified and supported by the former Commission on the Future of Virginia's Environment (2002 Senate Document 4); and

WHEREAS, preventive, cyclical and maintenance reserve projects have been deferred for many years as those funds have been by necessity redirected to operations resulting in hundreds of millions of dollars in deferred maintenance; and

WHEREAS, the expansion in facilities and responsibilities made possible by the 1992 and 2002 general obligation bond projects has placed unreasonable and extraordinary stress on our state park system and its staff; and

WHEREAS, the new facilities under construction and to be built by proceeds from the 2002 GOB will greatly exacerbate the current park staffing and operational unmet needs and may lead to delayed openings and indefinite land banking of new park land acquisitions; and,

THEREFORE BE IT RESOLVED, that the Dinwiddie County Board of Supervisors urges Governor Warner and the members of the Virginia Senate and House of Delegates to support budget amendments that address this critical need in the 2005 legislative session.

IN RE: LOCAL GOVERNMENT AGREEMENT BETWEEN THE COUNTY AND HEALTH DEPARTMENT - UPDATE FOR FY05 APPROPRIATION

Mrs. Margaret E. Hendrick, Administrator, Crater Health District, sent a letter requesting that the Board of Supervisors approve and authorize the execution of the Local Government Agreement between the County and the Health Department. This amendment in effect updates the FY04 appropriation figures to the current year FY2005. The terms of the agreement remain the same as FY04 except for the updated figures. The updated figure the Dinwiddie County Board of Supervisors will provide by appropriation and in equal quarterly payments is $191,508.00 for FY04-05 beginning July 1, 2004.

Upon motion of Mr. Stone, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia approved and authorized the execution of the Local Government Agreement between the County and the Health Department. The terms remain the same except for the updated figure the Dinwiddie County Board of Supervisors will provide by appropriation and in equal quarterly payments is $191,508.00 for FY04-05 beginning July 1, 2004.

IN RE: CONFERENCE TRAVEL REQUESTS – GIS DIRECTOR

Mr. David S. Thompson, GIS Director, requested authorization to attend the following conferences:

October 27 – 29, 2004 – *GIS For Local Governments* at Penn State University, PA at an estimated cost of $240.00.
November 8 –10, 2004 Roanoke, VA – *VAGIS Conference, Technology of Today & Tomorrow* at an estimated cost of $383.00.

Upon motion of Mr. Stone, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for the Director of GIS to attend the two conferences as presented above.

IN RE: APPOINTMENT – MS. DEBRA DEAN – ASSISTANT ANIMAL CONTROL OFFICER

Upon motion of Mr. Stone, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County,

Virginia that Ms. Debra Dean is appointed to the position of Assistant Animal Control Officer at Grade 10, Step A, at an annual salary of $25,827, effective October 1, 2004.

IN RE: GENERAL REASSESSMENT UPDATE – WINGATE AND ASSOCIATES

Mr. Harold Wingate, Wingate and Associates commented they were close to the windup of the General Reassessment process. He provided a copy of the reassessment notice that would be mailed out tomorrow to the public. He stated the notices listed the Assessor's hearings, which would start Monday, October 11, 2004 at the Old County Courthouse Building, even though it is a holiday for the County. When people call the office they will be given the opportunity to make an appointment with the Assessor, walk in, or have someone call them so they won't have to come into the office.

The following dates and times were listed on the notices for the Assessor's Hearings for all the districts and the town, and to walk-ins, as well as appointments:

Monday, October 11 - 1:00 - 7:00 P.M.
Tuesday, October 12 - 9:00 – 3:00 P.M.
Wednesday October 13 - 9:00 – 3:00 P.M.
Thursday October 14 - 9:00 – 2:00 P.M.
October 18 - 9:00 – 3:00 P.M.
October 19 - 1:00 - 7:00 P.M.
October 20 - 9:00 – 3:00 P.M.
October 21 - 9:00 – 2:00 P.M.

Mr. Wingate stated their intent was to make sure everyone would have the opportunity to discuss their concerns with the Assessors.

At the conclusion of the hearings there probably will be some cleanup work and rechecks necessary; but by the end of October basically everything should be completed and the reassessment books should be ready to turn over to the Commissioner of the Revenue.

He informed the Board that there was another contractual obligation he had to do and that was to bring all the building permits up to January 1, 2005, which would be completed after the first of the year.

He commented it is mandatory that the County have a Board of Equalization made up of 3 to 5 members. In most cases the Board of Supervisors makes the recommendations to the Judge of the Circuit Court who makes the appointments after January 1, 2005. He strongly advised the Board to get their recommendations to the Judge. Mr. Wingate told the Board that the law has changed since the last reassessment. The Code states that "*Thirty percent of the members of the board shall be commercial or residential real estate appraisers, other real estate professionals, builders, developers, or legal or financial professional, and at least one such member shall sit in all cases involving commercial, industrial or multi-family residential property, unless waived by the taxpayer.*" He commented the Board of Equalization could start the hearings anytime after January 1, 2005. The only restriction is that they have to advertise their hearings at least 10 days before they have the first hearing.

Mr. Haraway asked what the average tax rate increase or what the range people could expect from the reassessment. Mr. Wingate stated the difference in the 2004 land book and the 2005 land book is about 15% tax base on real estate. He cautioned that was not an average it was based on market value; and that was subject to the hearings and changes, which might have to be made. Land use assessments and tax relief for the elderly must also be deducted. Mr. Haraway remarked it has been 4 years since the last reassessment and if the 15% holds true that would be close to a 4% increase annually.

Mr. Wingate also informed the Board that tax books would be available for the public to see, in alphabetical order, in the Commissioner's Office and at the

Assessment Office. He commented the people had been exceptionally nice to work with and thanked the Board for giving them the opportunity to come back.

The County Administrator asked if a person had to appeal to the Assessor's hearings to get to the Board of Equalization. Mr. Wingate replied that was not a prerequisite. There are basically three steps the Assessor's Hearings, the Board of Equalization, and the Circuit Court in the State of Virginia; there are no prerequisites for a hearing. The members of the Board of Equalization do have to go through a training session with the Department of Taxation, which can be done before the first of the year.

IN RE: AUTHORIZATION TO ADVERTISE PUBLIC HEARING - FOR THE PURPOSE OF AMENDING AND REORDAINING ARTICLE 1 SECTION 9-19, TAXATION

Upon motion of Mr. Bowman, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Staff is authorized to advertise for a public hearing to amend Section 19-9 of the County Code to limit the time for the Equalization Board hearings.

IN RE: RESOLUTION – COURTHOUSE TREATMENT PLANT BOND REFUNDING AND SUPPORT AGREEMENT

Mr. Robert Wilson, Executive Director, Dinwiddie County Water Authority, stated the Water Authority is working with The Virginia Resources Authority to refinance the 1994 bond for the Courthouse Wastewater Treatment Plant. In 1994 when the bonds were issued the interest rates ranged from 5% to 5.375%; today they range from 1.76% to 3.75%. The preliminary estimate illustrates a savings of around $80,000 to $90,000 a year. He requested that the Board adopt the resolution and support agreement to authorize the Authority to refinance the 1994 bond.

Upon motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", the following resolution was adopted.

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT PROVIDING FOR A NON-BINDING OBLIGATION OF DINWIDDIE COUNTY, VIRGINIA, TO CONSIDER CERTAIN APPROPRIATIONS TO THE DINWIDDIE COUNTY WATER AUTHORITY, AND AGREEING TO CERTAIN MATTERS RELATED TO THE ISSUANCE AND SALE OF REVENUE BONDS OF DINWIDDIE COUNTY WATER AUTHORITY TO THE VIRGINIA RESOURCES AUTHORITY

WHEREAS, the Dinwiddie County Water Authority (the "Authority") has been duly created by the Board of Supervisors (the "Board of Supervisors") of Dinwiddie County, Virginia (the "County"), in accordance with the Virginia Water and Waste Authorities Act (Chapter 51, Title 15.2, Code of Virginia of 1950, as amended);

WHEREAS, the Board of Supervisors entered into a Support Agreement dated as of February 15, 1994 (the "Prior Support Agreement"), with the Authority and SunTrust Bank (successor to Crestar Bank), Richmond, Virginia, as holder of the Authority's $4,690,000 Water and Sewer System Revenue and

Refunding Bonds, Series of 1994 (the "Series 1994 Bonds"), the proceeds of which, together with other available funds, were used to refinance the costs of construction of certain water and sewer utility improvements, including sewer facilities in and around the courthouse area of the County;

WHEREAS, the Authority desires to effect debt service savings by the issuance of water and sewer system revenue refunding bonds in an estimated maximum principal amount of $1,900,000 (the "Series 2004 Bonds");

WHEREAS, the Authority has applied to the Virginia Resources Authority ("VRA") for the purchase of the Series 2004 Bonds, and VRA has indicated that its agreement to purchase the Series 2004 Bonds will be conditioned upon the Authority's entering into a new support agreement with the County and VRA;

WHEREAS, the Board of Supervisors desires to enter into a new support agreement with the Authority, providing for the Board of Supervisors to consider certain appropriations to the Authority, to improve the marketability of the Series 2004 Bonds and to reduce the Authority's cost of financing; and

WHEREAS, there has been presented to the Board of Supervisors at this meeting a draft of a Support Agreement to be dated as of November 1, 2004, between the Board of Supervisors, acting on behalf of the County, the Authority and VRA (the "Support Agreement"); and

WHEREAS, the Authority has applied to VRA to purchase the Series 2004 Bonds, and VRA has indicated its willingness to do so from the proceeds of its Infrastructure Revenue Bonds (Virginia Pooled Financing Program), Series 2004B;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA:

1. It is determined to be in the best interests of the County and its citizens for the Board of Supervisors to enter into the Support Agreement in connection with the issuance of the Series 2004 Bonds.

2. In consideration of the Authority's undertakings with respect to refunding the Series 1994 Bonds, the Chairman or Vice-Chairman, either of whom may act, is hereby authorized and directed to execute and deliver the Support Agreement. The Support Agreement shall be in substantially the form presented to this meeting, which is hereby approved, with such completions, omissions, insertions or changes not inconsistent with this resolution as may be approved by the Chairman or Vice-Chairman, the execution thereof by the Chairman or Vice-Chairman to constitute conclusive evidence of his approval of such completions, omissions, insertions or changes.

3. The County Administrator is hereby authorized and directed to carry out the obligations imposed by the Support Agreement on the County Administrator.

4. As provided by the Support Agreement, the Board of Supervisors hereby undertakes a non-binding obligation to appropriate to the Authority such amounts as may be requested from time to time pursuant to the Support Agreement, to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia. The Board of Supervisors, while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby states its intent to make such appropriations in future fiscal years, and hereby recommends that future Boards of Supervisors do likewise during the term of the Support Agreement.

5. The Board of Supervisors, on behalf of the County, hereby agrees to the issuance by the Authority of the Series 2004 Bonds, provided that the

original aggregate principal amount of the Series 2004 Bonds does not exceed $1,900,000.

6. All resolutions or parts thereof in conflict herewith are hereby repealed.

7. This resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of Dinwiddie County, Virginia, certifies that the foregoing constitutes a true and correct extract from the minutes of a regular meeting of the Board held on the 5th day of October, 2004, and of the whole thereof so far as applicable to the matters referred to in such extract. **WITNESS** my signature and the seal of the Board of Supervisors of Dinwiddie County, Virginia, this _____ day of October, 2004.

_____
Clerk of the Board of Supervisors, Dinwiddie County, Virginia

(SEAL)

SUPPORT AGREEMENT

THIS SUPPORT AGREEMENT, made as of November 1, 2004, between the **BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA** (the "Board"), acting as the governing body of Dinwiddie County, Virginia (the "County"), **DINWIDDIE COUNTY WATER AUTHORITY** (the "Authority"), a public body politic and corporate of the Commonwealth of Virginia, and **VIRGINIA RESOURCES AUTHORITY** ("VRA"), a public body corporate and a political subdivision of the Commonwealth of Virginia, as purchaser of the 2004 Bonds (as hereinafter defined), pursuant to a Financing Agreement dated as of November 1, 2004 (the "Financing Agreement"), between VRA and the Authority;

WITNESSETH:

WHEREAS, the Authority was created by the Board pursuant to the Virginia Water and Waste Authorities Act (Chapter 51, Title 15.2, Code of Virginia of 1950, as amended), and owns and operates water and sewer utility facilities in the County; and

WHEREAS, the Board, the Authority and SunTrust Bank (successor to Crestar Bank), Richmond, Virginia, entered into a prior Support Agreement dated as of February 15, 1994 (the "Prior Support Agreement"), in connection with the Authority's issuance of Water and Sewer System Revenue and Refunding Bonds, Series of 1994, in the original aggregate principal amount of $4,690,000 (the "1994 Bonds"), the proceeds of which refinanced the construction of additional water and sewer facilities, including sewer facilities to serve certain County-owned buildings (the "County Buildings") in and around the County seat at Dinwiddie, Virginia (the "Courthouse System"), and water and sewer facilities to serve proposed industrial sites (the "Industrial Projects");

WHEREAS, the Authority has determined that it is in its best interest to issue and sell water and sewer system revenue refunding bonds in the original aggregate principal amount not to exceed $1,900,000 (the "2004 Bonds") to VRA pursuant to the terms of the Financing Agreement, and use the net proceeds of the 2004 Bonds to refund the 1994 Bonds; and

WHEREAS, the Board adopted on October 5, 2004, a resolution agreeing to the Authority's issuance of the 2004 Bonds and authorizing the execution of an agreement providing for a non-binding obligation of the County to consider certain appropriations to the Authority;

NOW, THEREFORE, for and in consideration of the foregoing and of the mutual covenants herein set forth, the parties hereto agree as follows:

1. The Authority shall use its best efforts to issue the 2004 Bonds as soon as reasonably possible and use the net proceeds of the 2004 Bonds to refund the 1994 Bonds.

2. No later than March 15 of each year beginning March 15, 2005, the Authority's Executive Director shall notify the County Administrator of the amount (the "Annual Deficiency Amount") by which the sum of (a) Courthouse System operating expenses, (b) the principal of and interest coming due on the 2004 Bonds in the next ensuing fiscal year, (c) the amount, if any, required to be deposited to the Capital Reserve Fund or Borrower Reserve Fund, and (d) any other amounts due under the Financing Agreement, is expected to exceed Courthouse System operating revenues during the County's fiscal year beginning the following July 1.

3. The County Administrator shall include the Annual Deficiency Amount in the County budget submitted to the Board for the following fiscal year. The County Administrator shall deliver to VRA within ten days after the adoption of the County's budget for each fiscal year, but not later than July 15 of each year, a certificate stating whether the Board has appropriated an amount equal to the Annual Deficiency Amount to or on behalf of the Authority for such purpose in the adopted County budget for such fiscal year.

4. If at any time because of a deficiency in payments on the 2004 Bonds VRA is required to withdraw funds from the Capital Reserve Fund or CRF Credit Facility to make any payment of principal of or interest on the VRA Bonds, VRA shall promptly notify the Authority and the County. Promptly upon receipt of such notice, the Authority's Executive Director shall request an appropriation from the Board in the amount required under Section [6.1] of the Financing Agreement to pay the Supplemental Interest due or coming due in such year.

5. If at any time Revenues shall be insufficient to make the debt service payments to or for the account of VRA required by Section [6.1] of the Financing Agreement, the Executive Director shall notify the County Administrator of the amount of the deficiency and shall request an appropriation from the Board in the amount of such deficiency to increase the amount required to be deposited with or for the account of VRA under the Financing Agreement.

6. Upon receipt of each request for appropriation from the Authority pursuant to paragraph 4 or 5 above, the County Administrator shall present such request to the Board, and the Board shall consider such request, at its next regularly scheduled meeting at which it is possible to satisfy any applicable notification requirement. Promptly after such meeting, the County Administrator shall notify the VRA and the Authority as to whether the amount so requested was appropriated. If the Board shall fail to make any such appropriation, the Authority shall add the amount of such requested appropriation to the Annual Deficiency Amount reported to the County Administrator for the County's next fiscal year.

7. The County shall pay to or on behalf of the Authority the amount of any appropriation made pursuant to this Agreement. The County and the Authority acknowledge that any amounts received by the Authority from the County pursuant to this Support Agreement shall be deemed to constitute a portion of Revenues pledged under the Financing Agreement to the payment of principal of and, premium, if any, and interest on the 2004 Bonds.

8. The Board hereby undertakes a non-binding obligation to appropriate to the Authority such amounts as may be requested from time to time pursuant to paragraphs 3, 4 and 5 above, to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia. The Board, while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby states its intent to make such appropriations in future fiscal years, and hereby recommends that future Boards of Supervisors do likewise.

9. Nothing herein contained is or shall be deemed to be a lending of the credit of the County to the Authority or to any holder of any 2004 Bonds or to any other person, and nothing herein contained is or shall be deemed to be a

pledge of the faith and credit or the taxing power of the County. Nothing herein contained shall bind or obligate the Board to appropriate funds to the Authority for the purposes described herein, nor shall any provision of this Agreement give the Authority or any holders of the 2004 Bonds or any other person any legal right to enforce the terms hereof against the Board or the County.

10. The Authority agrees not to issue additional bonds relating to the Courthouse System, refunding bonds relating to the Courthouse System or subordinate debt relating to the Courthouse System, nor to amend the Financing Agreement, without the County's prior written consent. The Authority agrees to redeem the 2004 Bonds in such amounts and at such times as permitted by the Financing Agreement and as the County may request upon payment by the County of the applicable redemption price therefore.

11. The Authority shall deliver to the County a copy of each annual audit of the Authority's books and records promptly upon the Authority's acceptance of such audit.

12. The Authority shall operate and administer the Courthouse System and the Industrial Projects in accordance with its generally applicable rules and regulations, as the same may be in effect from time to time, including any mandatory connection policy that may be in effect from time to time.

13. The County's entry into this Agreement is in partial consideration for the Authority's continued operation of the Courthouse System and the Industrial Projects. The County understands that the Authority undertook the Courthouse System project and the Industrial Projects, solely at the County's request, because of their importance to the economic development of the County. The Courthouse System was designed with a limited treatment capacity, and serves a limited area, consistent with its limited purpose of providing service to the County Buildings. The Industrial Projects provide no operating revenues for payment of the 2004 Bonds. For these reasons, the Courthouse System and the Industrial Projects can not be made self-supporting unless usage rates are set many times higher than any rates charged by the Authority or by similar bodies for similar services. Annual appropriations by the County pursuant to this Agreement will therefore be essential for the Authority to pay the Courthouse System operating expenses and debt service on the 2004 Bonds. The Authority has nevertheless agreed to operate the Courthouse System because of its commitment to provide service to the County and to assist in the County's economic development efforts.

14. The Authority shall at all times retain its ability to set and collect rates and fees for its services. Except as the County and Authority may otherwise agree, the Authority intends to charge rates and fees for services provided by the Courthouse System and the Industrial Projects not less than the rates and fees charged to customers of the Authority's other operations, as the same may be in effect from time to time.

15. Any notices or requests required to be given hereunder shall be deemed given if sent by registered or certified mail, postage prepaid, addressed (a) if to the Authority, to 23008 Airpark Drive, Petersburg, Virginia 23803, Attention: Executive Director, with a copy to its Counsel, James F. Andrews, Esquire, at Shell, Johnson, Andrews & Baskervill, P.C., 43 Rives Road, Petersburg, Virginia 23803, (b) if to the County, to Dinwiddie County Administration Building, Dinwiddie, Virginia 23841, Attention: County Administrator, with a copy to the County Attorney, Daniel M. Siegel, Esquire, at Sands Anderson Marks & Miller, P. O. Box 1998, Richmond, Virginia 23219, and (c) if to VRA, to 707 East Main Street, Suite 1350, Richmond, Virginia 23219 (Attention: Executive Director). Any party may designate any other address for notices or requests by giving notice under this paragraph.

16. It is the intent of the parties hereto that this Agreement shall be governed by the laws of the Commonwealth of Virginia.

17. This Agreement shall remain in full force and effect until the 2004 Bonds have been paid in full.

18. All capitalized terms used herein and not otherwise defined shall have the meanings ascribed thereto in the Financing Agreement.

19. This Agreement may be executed in several counterparts each of which shall be an original and all of which together shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have each caused this Agreement to be executed in their respective names as of the date first above written.

BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA

By_____
Chairman

DINWIDDIE COUNTY WATER AUTHORITY

By_____
Chairman

VIRGINIA RESOURCES AUTHORITY

By_____
Executive Director

Dinwiddie County IDA Public Facilities Lease Revenue Note Series 2003.

Mr. Wilson commented the Courthouse Treatment Plant is rated for 50,000 gallons per day. Once it exceeds 95% of the design flow for 3 consecutive months DEQ requires that it be expanded. Unfortunately this happened in September so the Water Authority will be moving forward with the design for the expansion of the plant. The design cost would be needed in the present fiscal year but construction funds won't be needed until FY06. The County Administrator informed the Board that the savings from the refinance would cover the design costs. Mr. Wilson is working with the CIP to get the actual construction money.

Mr. Bowman asked Mr. Wilson if he would provide the Board with an update on the actual figures once the refinancing is completed. He replied there would be a formal document when the closing takes place and he would provide it to them.

IN RE: PUBLIC HEARING A-04-10 – AMENDMENT TO SECTION 22-24(b); TO PROVIDE FOR THE ACCEPTANCE OF ADDITIONAL ZONING PROFFERS INCLUDING BUT NOT LIMITED TO CASH PROFFERS, AS ALLOWED BY LAW

This being the time and place as advertised in the Monitor on September 21, 2004 and September 28, 2004, for the Board of Supervisors of Dinwiddie

County, Virginia to conduct a Public Hearing to solicit public comment on the following matter:

To amend Section 22-24(b) of the Zoning Ordinance of Dinwiddie County to provide for the acceptance of additional zoning proffers including but not limited to cash proffers, as allowed by state law.

Planning Summary Report

File #: A-04-10
Subject: Amendment, Cash Proffers

The Board of Supervisors has been reviewing various changes to the Dinwiddie County Code. One of the matters addressed was the ability of Dinwiddie County to accept, as part of a rezoning process, cash proffers. The High Growth Management Committee considers this matter as an important tool in attempting to capture part of the public's costs associated with residential growth. As a result of the interest shown by the Board and the Committee, staff prepared an amendment to the Zoning Code such that the Board of Supervisors may accept a cash proffer, if offered. The Planning Commission held a public hearing on this amendment at their September 8, 2004 public meeting. No one appeared in support of, or opposition to, the amendment. After a brief discussion, the Planning Commission unanimously voted to recommend approval of this amendment to the Board of Supervisors.
Additional information included for your consideration is:

1. existing County Code referencing cash proffers; and
2. newspaper advertisement;

Since this is a zoning matter, the standard statement must be read as part of your motion.

Mr. Haraway opened the public hearing.

The following persons spoke in support and/or in opposition to the amendment:

1) Sue Henshaw – 12526 Siding Road, Church Road, VA – was opposed to the amendment.
2) Michael Bratschi – 23500 Cutbank Road, McKenney, VA – said he supported the amendment.
3) David Dudley – 25907 Smith Grove Road, Petersburg, VA – spoke in support of the amendment.
4) Donald Henshaw -12526 Siding Road, Church Road, VA – made several comments regarding growth in the County but did not support or oppose the amendment.

Mr. Haraway closed the public hearing.

Mr. Moody commented cash proffers only affect future rezoning requests. If the property has already been rezoned it will not be affected. Mr. Scheid replied that is correct. Mr. Moody asked if a study had already been done on what the values should be. Mr. Scheid said a study was done but the figures were sketchy as to what the adopted CIP was going to be. Basically the schools were going to be the keystones that would drive what the fees would be. The figures are fairly reasonable. It is done by formulas, which is generally used by all jurisdictions that cannot be manipulated.

Mr. Stone 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 the Board of Supervisors approve amendment A-04-10 as contained herein. Ms. Moody

seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", motion carried.

AN ORDINANCE TO AMEND SECTION 22-24 (CONDITIONAL ZONING) OF THE CODE OF THE COUNTY OF DINWIDDIE, VIRGINIA TO PROVIDE FOR THE ACCEPTANCE OF ADDITIONAL ZONING PROFFERS AS ALLOWED BY THE CODE OF VIRGINIA, SECTION 15.2-2298.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Section 22-24(b) of the Code of Dinwiddie County, Virginia, be amended by deleting the existing section 22-24(b) and inserting a revised section 22-24(b) as follows:

Sec.22-24(b). Voluntary proffering permissible.

As provided by the Code of Virginia, sec. 15.2-2298, an applicant may make a voluntary proffering, in writing, of reasonable conditions, prior to a public hearing before the Board of Supervisors, in addition to the regulations provided for the zoning district by this chapter, as a part of a rezoning or amendment to the zoning map; provided that:

(1) The rezoning itself must give rise to the need for the conditions;
(2) The conditions shall have a reasonable relation to the rezoning;
(3) All conditions are in conformity with the Dinwiddie County Comprehensive Plan;
(4) Once proffered and accepted as part of the rezoning, such conditions shall continue in effect until a subsequent amendment changes the zoning on the property covered by the conditions, however the conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance;
(5) No proffer may be accepted by the County unless there is an adopted Capital Improvement Plan;
(6) In the event the proffered conditions include the dedication of real property or the payment of cash, such property shall not transfer and such payment of cash shall not be made until the facilities for which such property is dedicated or cash is tendered are included in the County's Capital Improvement Plan, however nothing in this section shall prevent the County from accepting proffered conditions which are not normally included in a capital improvement plan;
(7) If proffered conditions include the dedication of real property or the payment of cash, the proffered conditions shall provide for the disposition of the property or cash payment in the event the property or cash payment is not used for the purpose for which proffered.

This ordinance shall become effective upon the date of adoption by the Board of Supervisors.

IN RE: CITIZEN COMMENTS

1) Jeri Orton – 26727 Perkins Road, Petersburg, VA – spoke on behalf of the concerned citizens for the needed improvement on Halifax Road in Dinwiddie County. She requested that the Board approve the construction of the shoulders on the portion of Halifax Road between Reams Drive and Butler Branch Road as soon as possible.

2) Michael Bratschi - 23500 Cutbank Road, McKenney, VA – requested that the Board consider hiring a county attorney. He also commented it was time for the Board to take a hard look at the Sheriff's Department and get the

deputies wages up to an amount that they can live on and support their families. He questioned what the Rohoic Elementary School is going to be used for in the middle of an industrial park when the new elementary school is built.

IN RE: **ADOPTION OF A-04-8 – TO AMEND CHAPTER 9, EROSION AND SEDIMENTATION CONTROL, BY DELETING THE EXISTING ORDINANCE AND IN ITS STEAD ADOPT THE REVISED CHAPTER 9, EROSION AND SEDIMENTATION CONTROL**

Summary Staff Report

To: **Board of Supervisors**
From: **William C. Scheid**
Subject: **Amendment A-04-8**

Mr. Scheid read the following report. The Board of Supervisors held a public hearing on A-04-8 on September 7, 2004. During this meeting, staff mentioned to the Board that there was a conflict in ordinance provisions when reviewed by the Department of Conservation and Recreation and our County Attorney. The Board requested clarification on the matter regarding the ability of the Erosion Control Ordinance to contain both civil and criminal provisions. Several conversations have been held with DCR since the last evening meeting and my most recent conversation with them revealed that they were in agreement with our Attorney that the ordinance must provide for either civil or criminal penalties, but could not provide for both. In discussing the matter further with Mr. Art Kirby of DCR, it was felt that civil penalties would probably be the best course of action for the Board to take. It was pointed out that if problems arose in pursuing civil penalties, the Court system could be involved to help resolve the matter. With the above noted, it is recommended that the Ordinance be adopted as presented with the notation of those changes noted by our Attorney in his e-mail to the Planning Department dated September 7, 2004 be included in the motion.

Ms. Moody stated be it resolved, that in order to assure compliance with Virginia Code section 10.1-562(C), I move that the existing Chapter 9, entitled Erosion and Sedimentation Control, of the Dinwiddie County Code be deleted and in its stead adopt A-04-8 as the revised Chapter 9, entitled Erosion and Sedimentation Control, with the inclusion of the changes noted by Mr. John B. Catlett, Jr., County Attorney, in his memo to the Dinwiddie planning department dated September 07, 2004. Mr. Moody seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", motion carried.

AN ORDINANCE TO AMEND CHAPTER 9, EROSION AND SEDIMENTATION CONTROL, BY DELETING THE EXISTING ORDINACE AND IN ITS STEAD ADOPT THE REVISED CHAPTER 9, EROSION AND SEDIMENTATION CONTROL

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia that the existing Chapter 9, entitled Erosion and Sedimentation Control be deleted and in its stead adopt the following as Chapter 9, Erosion and Sedimentation Control

CHAPTER 9

EROSION AND SEDIMENTATION CONTROL

SECTION 9-1. TITLE.
This ordinance shall be known as the "Erosion and Sediment Control Ordinance of Dinwiddie County." The purpose of this chapter is to conserve the land, water, air and other natural resources of Dinwiddie County by establishing procedures whereby these requirements shall be administered and enforced.

SECTION 9-2. AUTHORITY FOR CHAPTER.

This Chapter is authorized by the Code of Virginia, Title 10.1, Conservation, Soil and Water Conservation Chapter 5, Article 4, Erosion and Sedimentation Control Law (10.1-560 et seq.), known as the Erosion and Sediment Control Law.

SECTION 9-3. DEFINITIONS

As used in this ordinance, unless the context requires a different meaning:

Agreement in lieu of a plan: A contract between the plan-approving authority and the owner that specifies conservation measures, which must be implemented in the construction of a single-family residence; the plan-approving authority or its designee in lieu of a formal site plan, may execute this contract.

Applicant: Any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.

Board: The Virginia Soil and Water Conservation Board.

Certified Inspector: An employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of project inspection or (ii) is enrolled in the Board's training program for project inspection and successfully completes such program within one year after enrollment.

Certified Plan Reviewer: An employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of plan review, (ii) is enrolled in the Board's training program for plan review and successfully completes such program within one year after enrollment, or (iii) is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (54.1-400 et seq.) of Chapter 4 of Title 54.1.

Certified Program Administrator: An employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of program administration or (ii) is enrolled in the Board's training program for program administration and successfully completes such program within one year after enrollment.

Clearing: Any activity, which removes the vegetative ground cover including, but not limited to, root mat removal or topsoil removal.

Conservation Plan Erosion and Sediment Control Plan or "Plan": A document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

County: The County of Dinwiddie.

Department: The Department of Conservation and Recreation.

Director: The director of the Department.

District or "Soil and Water Conservation District": A political subdivision of the Commonwealth organized in accordance with the provisions of Article 3 (Sec. 10.1-506 et. seq.) of Chapter 5 of Title 10.1. The County of Dinwiddie is served by the Appomattox River Soil & Water Conservation District.

Erosion Impact Area: An area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.

Excavating: Any digging, scooping or other methods of removing earth materials.

Filling: Any depositing or stockpiling of earth materials.

Grading: Any excavating of or filling with earth materials.

Land-Disturbing Activity: Any land change which may result in soil erosion from water or wind and the movement of sediments into State waters or onto lands in the State, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

1. Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;

2. Individual service connections;

3. Installation, maintenance, or repairs of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk provided such land-disturbing activity is confined to the area of the road, street or sidewalk, which is hard-surfaced;

4. Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;

5. Surface or deep mining;

6. Exploration or drilling for oil and gas including the well site, roads, feeder lines, and off-site disposal areas;

7. Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (10.1-1100 et seq.) of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in subsections B of 10.1-1163;

8. Repair or rebuilding of the tracks, right-of-way, bridges, communication facilities of a railroad company;

9. Agricultural engineering operations including but not limited to the construction of terraces, terrace outlets, check dams, de-silting basins, dikes, ponds, not required to comply with the provisions of the Dam Safety Act, Article 2 (10.1-604 et. seq.) of Chapter 6 of this title, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation;

10. Disturbed land areas of less than two thousand five hundred (2,500) square feet;

11. Installation of fence and signposts or telephone and electric poles and other kinds of posts or poles;

12. Shoreline erosion control projects on tidal waters when all of the land disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission, or the United States Army Corps of Engineers; however, associated land that is disturbed outside of this exempted area shall remain subject to this Chapter and the regulations set forth herein; and

13. Emergency work to protect life, limb or property, and emergency repairs; provided that if the land-disturbing activity would have required an approved erosion and sediment control plan
if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the certified plans reviewer.

Land Disturbing Permit: A permit issued by the County of Dinwiddie for the clearing, filling, excavating, grading, transferring or any combination thereof or for any purpose set forth herein.

Local Erosion and Sediment Control Program: An outline or explanation of the various elements or methods employed by the County of Dinwiddie to regulate land disturbing activities and thereby minimize erosion and sedimentation in compliance with the State program and may include such items as a local ordinance, policies and guidelines, technical materials, inspection, enforcement and evaluation.

Owner: The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

Permittee: The person to whom the permit authorizing land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the commonwealth, any interstate body, or any other legal entity.

Plan Approving Authority: The Certified Plan Reviewer responsible for determining the adequacy of a conservation plan submitted for land-disturbing activities on a unit or units of land and for approving plans.

Program Authority: The County of Dinwiddie, which has adopted the soil erosion, and sediment control program, which has been approved by the Board.

Responsible Land Disturber: An individual from the project or development team who will be in charge of and responsible for carrying out a land-disturbing activity covered by an approved plan or agreement in lieu of a plan, who (i) holds a Responsible Land Disturber certificate of competence, (ii) holds a current certificate of competence from the Board in the areas of Combined Administration, Program Administration, Inspection, or Plan Review, (iii) holds a current Contractor certificate of competence for erosion and sediment control, or (iv) is licensed in Virginia as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (Sec. 54.1-400 et seq.) of Chapter 4 of Title 54.1.

Single-Family Residence: A noncommercial dwelling that is occupied exclusively by one family and not part of a residential subdivision development.

Stabilized: An area that can be expected to withstand normal exposure to atmospheric conditions without incurring erosion damage.

State Erosion and Sediment Control Program or State Program: The program administered by the Virginia Soil and Water Conservation Board pursuant to the State Code including regulations designed to minimize erosion and sedimentation.

State Waters: All waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdictions.

Town: An incorporated town.

Transporting: Any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetation ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

SECTION 9-4. EROSION AND SEDIMENT CONTROL PROGRAM

A. The County of Dinwiddie hereby adopts the regulations, references, guidelines, standards and specifications promulgated by the Virginia Soil and Water Conservation Board pursuant to Section 10.1-562 of the Code of Virginia for the effective control of soil erosion, sediment deposition and nonagricultural runoff to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources. Said regulations, references, guidelines, standards, and specifications for erosion and sedimentation control are included in, but not limited to, the Virginia Erosion and Sediment Control Regulations, the Virginia Stormwater Management Handbook, and the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992,as amended periodically, are adopted as the standards, reference and guidelines for the County of Dinwiddie. The standards contained within these publications are to be used by the applicant when making a submittal under the provisions of this ordinance and in the preparation of an erosion and sediment control plan. The same regulations, references, guidelines, standards and specifications shall guide the plan approving authority, in considering the adequacy of a submitted plan. When the standards vary between the publications, the State regulations shall take precedence.

B. The County of Dinwiddie designates the Certified Plan Reviewer as the plan approving authority.

The Department of Planning or a similar local government department may be the designated plan-approving authority, the County may hire a consultant to be the plan approving authority, or the district may be designated as the plan-approving authority for all or some conservation plans pursuant to Section 10.1-562.C of the Code of Virginia.

~~C. Pursuant to Section 10.1-561.1 of the Code of Virginia, (i) an erosion control plan shall not be approved until it is reviewed by a certified plan reviewer, (ii) inspections of land-disturbing activities shall be conducted by a certified inspector and; (iii) the Erosion Control Program of Dinwiddie~~

~~County shall contain a certified program administrator, a certified plan reviewer, and a certified inspector, who may be the same person.~~

D. The program and regulations provided for in this ordinance shall be made available for public inspection at the office of the Planning Department of Dinwiddie County.

SECTION 9-5. REGULATED LAND-DISTURBING ACTIVITIES; SUBMISSION AND APPROVAL OF PLANS

A. Except as provided herein, no person shall engage in any land-disturbing activity until he has submitted to the Director of Planning for Dinwiddie County an erosion and sediment control plan for land-disturbing activity and such plan has been approved by the plan approving authority. The plan shall be drawn to scale of not less than one hundred (100) feet to one (1) inch and shall detail those methods and techniques to be utilized in the control of erosion and sedimentation and, as a minimum, the plan shall comply with the state criteria, standard and specifications found in the Virginia Erosion and Sediment Control Handbook, as referenced in Section 9-4A of this Chapter. A minimum of four (4) copies of the erosion and sediment control plan shall be submitted to the Administrator. Where land-disturbing activities involve lands under the jurisdiction of more than one local control program, an erosion and sediment control plan, at the option of the applicant, may be submitted to the Board for review and approval rather than to each jurisdiction concerned. Where the land disturbing activity results from the construction of a single-family residence, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the County of Dinwiddie.

B. The plan approving authority shall, within 45 days, approve any such plan, if he determines that the plan meets the requirements of the Board's regulations, and if the person responsible for carrying out the plan certifies that he will properly perform the erosion and sediment control measures included in the plan and will conform to the provisions of this ordinance. In addition, as a prerequisite to engaging in land disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of an individual holding a certificate of competence to the program authority, as provided by 10.1-561, who will be in charge of and responsible for carrying out the land-disturbing activity. However, any plan approving authority may waive the certificate of competence requirement for an agreement in lieu of a plan for construction of a single-family residence. If a violation occurs during the land-disturbing activity, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of an individual holding a certificate of competence, as provided by 10.1-561. Failure to provide the name of an individual holding a certificate of competence prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this article.

~~C. The plan shall be acted upon within 45 days from receipt thereof by either approving said plan in writing or by disapproving said plan in writing and giving specific reasons for its disapproval. When a plan is determined to be inadequate, the plan approving authority shall specify such modifications, terms and conditions that will permit approval of the plan. If no action is taken within 45 days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.~~

~~D. An approved plan may be changed by the plan approving authority when:~~

1. The inspection reveals that the plan is inadequate to satisfy applicable regulations; or

2. The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent

with the requirements of this ordinance, are agreed to by the plan approving authority and the person responsible for carrying out the plan.

E. In order to prevent further erosion, the County of Dinwiddie may require approval of a conservation plan for any land identified in the local program as an erosion impact area.

F. When a land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.

G. State agency projects are exempt from the provisions of this Ordinance, pursuant to section 10.1-564 of the Code of Virginia.

H. Electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies and railroad companies shall file general erosion and sediment control specifications annually with the Board for review and written comments. The specifications shall apply to:

1. Construction, installation or maintenance of electric, natural gas and telephone utility line, and pipelines; and;

2. Construction of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of the railroad company.

~~The Board shall have 60 days in which to approve the specification. If the board takes no action within 60 days, the specifications shall be deemed approved. Individual approval of separate projects within subdivisions 1 and 2 of this subsection is not necessary when Board approved specifications are followed, however, projects included in subdivisions 1 and 2 must comply with Board approved specifications. Projects not included in subdivisions 1 and 2 of this subsection shall comply with the requirements of the Dinwiddie County erosion and sediment control program. The board shall have the authority to enforce approved specifications.~~

SECTION 9-6. LAND-DISTURBING PERMITS; FEES; BONDING; ETC.

A. No person shall engage in any land-disturbing activity until he has acquired a land-disturbing permit, unless the proposed land-disturbing activity is specifically exempt from the provisions of this ordinance, and has paid the fees and posted the required bond.

B. Fees:

1. A plan review fee shall be paid by check or money order payable to Treasurer, Dinwiddie County by the owner or their designee in such amount necessary for the County to hire a consultant qualified as a Certified Plan Reviewer to review the plan for compliance with the County Erosion and Sedimentation Control Ordinance; and,

2. A plan inspection fee of $150.00 plus $10.00 per acre shall be paid by check or money order made payable to the Treasurer, Dinwiddie County at the time of filing an erosion and sediment control plan. This fee will cover the costs associated with up to ten (10) visits to the site. If additional visits are required, then a charge of $20.00 per site visit will be charge to the developer and /or property owner. All fees are non-refundable.

~~C. No land-disturbing permit shall be issued until the applicant submits with his~~

~~application an approved erosion and sediment control plan and certification that the plan will be followed. An approved plan is required for issuance of grading, building or other permits.~~

D. Bond: All applicants for permits shall provide to the County of Dinwiddie a performance bond, cash escrow, or an irrevocable letter of credit acceptable to the Program Administrator, to ensure that measures could be taken by the County of Dinwiddie at the applicant's expense should the applicant fail within the time specified to initiate or maintain appropriate conservation measures required of him as a result of his land disturbing activity. Should it be necessary for the County of Dinwiddie to take such conservation action, the County of Dinwiddie may collect from the applicant any costs in excess of the amount of the surety held. The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in Dinwiddie County with a reasonable allowance for estimated administrative cost and inflation, which shall not exceed twenty-five (25) percent of the estimated cost of the conservation action.

Within sixty (60) days of the achievement of adequate stabilization of the land disturbing activity in any project or sections thereof, as determined by the Program Administrator, the bond, cash escrow or letter of credit, or the unexpended or unobligated portion thereof shall be either refunded to the applicant or terminated based upon the percentage of stabilization accomplished in the project or section thereof. Adequate stabilization will consist of at least 85% vegetative cover. The program Administrator shall have the sole authority to determine whether adequate vegetation exists.

These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

SECTION 9-7. MONITORING, REPORTS, AND INSPECTIONS

A. The certified inspector shall provide for periodic on-site inspections as set forth in VESCR 4 VAC 50-30-60B and require that an individual holding a certificate competence, as provided by regulations of the board, or other competent individual pursuant to 82-35(b)(1), be in charge of and responsible for carrying out the land-disturbing activity. Pursuant to Code of Virginia, 10.1-566(A), the owner, permittee or person responsible for carrying out the plan shall be provided an opportunity to accompany the official. Notice of the right of inspection shall be included in all land disturbing permits issued. The certified inspector shall be responsible for developing and implementing a filing system for land disturbing projects. The individual holding a certificate of competence, as required under the State program, who will be in charge of and responsible for carrying out the land-disturbing activity shall be required by the certified inspector to periodically inspect the land-disturbing activity.

~~If the Certified Inspector determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land disturbing activities to the agent or employee supervising such activities.~~

The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this ordinance and, upon conviction shall be subject to the penalties provided by the ordinance.

B. Upon receipt of a sworn complaint of a violation of this ordinance or section 10.1-563 or 10.1-564 the Program Administrator or his designee, either may, in conjunction with or subsequent to a notice to comply as specified in this ordinance, issue a stop work order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken or, if land-disturbing activities have commenced without an approved plan require that all of the land-disturbing activities be stopped until an approved plan or any required permits are obtained.

Where an alleged noncompliance is caused or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, or where the land-disturbing activities have commenced without an approved plan or any required permits, a stop work order may be issued whether or not the alleged violator has been issued a notice to comply. Otherwise, such a stop work order may be issued only after the alleged violator has failed to comply with a notice to comply. The stop work order shall be served in the same manner as a notice to comply, and shall remain in effect for seven days from the date of service pending application by the enforcing authority or alleged violator for appropriate relief to the circuit court of Dinwiddie County.

If the alleged violator has not obtained an approved plan or any required permits within seven days from the date of service of the order, the Administrator, or his designee, may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained.

A stop work order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of the County of Dinwiddie. The owner may appeal the issuance of an order to the Circuit Court of the County of Dinwiddie.

Any person violating or failing, neglecting or refusing to obey an order issued by the Administrator or his designee may be compelled in a proceeding instituted in the Circuit Court of the County of Dinwiddie to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.

Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted.

Nothing in this section shall prevent the Administrator or his designee from taking any other action authorized by this ordinance.

SECTION 9-8. PENALTIES, INJUNCTIONS, AND OTHER LEGAL ACTIONS

A. Any person who violates any provision of this ordinance shall upon a finding of the District Court of the County of Dinwiddie, be assessed a civil penalty. In any civil trial for a violation of this ordinance, the County of Dinwiddie shall have the burden of showing, by the preponderance of the evidence the liability of the violator. The civil penalty for any one violation shall be $100, except that the civil penalty for commencement of land-disturbing activities without an approved plan shall be $1,000. Each day during which the violation is found to have existed shall constitute a separate offense.

In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of $3,000, except that a series of violations arising from the commencement of land disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of $10,000.

B. The Administrator, or his designee or the owner of property which has sustained damage or which is in imminent danger of being damaged may apply to the Circuit Court of the County of Dinwiddie to enjoin a violation or a

threatened violation of this ordinance, without the necessity of showing that an adequate remedy at law does not exist; however, an owner of property shall not apply for injunctive relief unless (i) he has notified in writing the person who has violated the local program, and the program authority, that a violation of the local program has caused, or creates a probability of causing, damage to his property, and (ii) neither the person who has violated the local program nor the program authority has taken corrective action within fifteen days to eliminate the conditions which have caused, or create the probability of causing damage to his property.

C. In addition to any other penalties provided under this ordinance, any person who violates any provision of this ordinance may be liable to the County of Dinwiddie in a civil action for damages.

D. Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus, or other remedy obtained pursuant to this section, shall be subject, in the discretion of the court, to a civil penalty not to exceed $2,000 for each violation. The County of Dinwiddie may bring a civil action for such violation or failure.

E. Any civil penalties assessed by a court shall be paid into the treasury of the County of Dinwiddie, except that where the violator is Dinwiddie County, itself or its agent, the court shall direct the penalty to be paid into the State Treasury.

F. With the content of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this ordinance, the County of Dinwiddie may provide for the payment of civil charges in violation in specific sums set forth in Paragraph J, not to exceed the limit specified in Paragraph E of this section. Such civil charges shall be instead of any appropriate civil penalty, which could be imposed under Paragraphs B or E of this section.

G. The Commonwealth's Attorney shall, upon request of the County of Dinwiddie or the permit issuing authority, take legal action to enforce the provisions of this ordinance.

H. Compliance with the provisions of this ordinance shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

I. The following charges shall apply for violation of specific minimum standards (MS) set forth in the State Code:

Land Disturbing (without a permit)..... 100.00 per day
MS-01...Permanent seeding req'd ..... 100.00 per day
MS-02...Stabilize stock piles ..... 100.00 per day
MS-03...Vegetation established ..... 100.00 per day
MS-04...Sediment basin/traps ..... 100.00 per day
MS-05...Stabilization of dams, etc. ..... 100.00 per day
MS-06...Basin required over 3 acres ..... 100.00 per day
MS-07...Slope stabilization ..... 100.00 per day
MS-08...Temporary flume, channel ..... 100.00 per day
MS-09...Slope face-provide drainage ..... 100.00 per day
MS-10...Storm sewer inlet protection..... 100.00 per day
MS-11...Conveyance channel protection ..... 100.00 per day
MS-12...Work in watercourse ..... 100.00 per day
MS-13...Temporary stream crossing..... 100.00 per day
MS-14...Fed/State regs - watercourse ..... 100.00 per day
MS-15...Bed and bank stabilization ..... 100.00 per day
MS-16...Underground utility work..... 100.00 per day

MS-17...Construction entrance ..... 100.00 per day

SECTION 9-9. APPEALS AND JUDICIAL REVIEW

A. Any applicant under the provision of this ordinance who is aggrieved by any action of the County of Dinwiddie or its agent in disapproving plans submitted pursuant to this ordinance shall have the right to apply for and receive a review of such action by the Board of Supervisors. In reviewing the agent's actions, the Board of Supervisors shall consider evidence and opinions presented by the aggrieved applicant and agent. After considering the evidence and opinions, the Board of Supervisors may affirm, reverse or modify the action. The Board of Supervisors' decision shall be final, subject only to review by the Circuit Court of the County of Dinwiddie in accordance with the provisions of the Administrative Process Act. Any applicant may seek an appeal hearing before the Board of Supervisors provided that the applicant file a written notice requesting review by the Board of Supervisors within 30 days of the County of Dinwiddie's or its agent's actions.

B. Final decisions of the County of Dinwiddie under this ordinance shall be subject to review by the Circuit Court, provided an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties or privileges of the person engaging in or proposing to engage in land-disturbing activities.

IN RE: COMMUNICATIONS EQUIPMENT REQUISITION #8 – DINWIDDIE COUNTY IDA PUBLIC FACILITIES LEASE REVENUE NOTE SERIES 2003

The following invoice from Motorola, for expenses from the Dinwiddie County IDA Public Facilities Lease Revenue Note Series 2003, was submitted for payment:

Change Order #7	1,763.00
Change Order #8	4,889.00
TOTAL DUE	**$6,653.00**

The County Administrator stated this requisition was discussed at the last meeting and consists of two change orders because the Board approved one change order at the last meeting. Documentation was provided in the Board packets showing where Change Order #8 was approved previously. When Change Order #4 was approved the Board actually approved a higher amount than the actual $5,022.00, based on review of the Buildings and Grounds Director. In Change Order #4 there was a provision for an inclement weather day if necessary, which was needed; so that is the purpose of Change Order #7. It does not exceed the amount the Board previously authorized for Change Order #4. She commented the Buildings and Grounds Director, Mr. Gene Jones, would explain the need for the extra day and the inclement weather clause that is an industry standard in most construction jobs.

Mr. Jones explained that the company installing the towers for Motorola was from out of town and they had to rent all of the equipment and pay the salaries for the employees and stay an extra night in motel. He said that it is not uncommon to have the "rainy day" provision in contracts. He commented they were held over two days and he was surprised they only charged the County for one. The County Administrator commented they were getting ready to pull their equipment out and leave, so Change Order #8 was approved after consulting with the Chairman that day. However, it was also discussed with the Board at the next meeting and no action was offered to disapprove it. Mr. Jones commented soil borings were supposed to be done at the sites and they should have caught the organic material at the landfill.

There was a lengthy discussion between the Board members, staff, and attorney regarding the charges for the rain day, moving the organic materials, test boring charges, and the materials for the extra footing.

Mr. Haraway called for a motion. Mr. Bowman requested that the attorney take a look at the contract to see if the cost of the soil borings were included in the contract.

Mr. Bowman made a motion to postpone payment of Requisition #8 until the County Attorney had an opportunity to investigate whether or not the soil borings were included in the contract. Mr. Stone seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Haraway voting "Aye", Mr. Moody, voting "Nay", motion carried.

IN RE: COUNTY ADMINISTRATOR COMMENTS

The County Administrator pointed out that the VACo Legislative Packet was included in their packets. She suggested that they might want to start thinking about the County's legislative issues also.

IN RE: BOARD MEMBER COMMENTS

Mr. Moody stated there were two items that needed to be put on the legislative list, - the Six-Year Plan Money and to try to persuade the General Assembly to change what they did with the PPTRA.

Ms. Moody commented the County needed to have a public works department and a civil engineer. The Growth Management Committee is scheduled to meet Thursday October 7th at 7:30 P.M. at the Eastside Enhancement Center and the public is invited to comment at this meeting.

Mr. Bowman thanked the Board for working together on the Six-Year Road Plan. He commented by basing it according to vehicle travel per day it would put the money where it really would benefit the most people. He said he appreciated all the time and effort Mr. Ray Varney and VDOT had put in the plan too.

Mr. Stone stated beginning in the spring of 2005 the Dixie Youth League will start a new girls fast pitch softball league with 4 different age groups: 7 – 10 year olds; 11-12 years old; 13 – 15 year olds; and ages 16 – 18; he encouraged all the civic organizations, the Ruritians, the Lion Clubs, and the VFW's to contact Ms. Cousins at the High School or Tammy Morgan who is heading up the committee. He said the Sheriff's Department contacted him regarding moving the observation of the children's holiday "Trick or Treat " from Sunday the 31st to Saturday, October 30th. The County has not done it in the past but he understood other jurisdictions have and he wanted to discuss it with the Board. Mr. Haraway commented the only problem would be that if the word did not get out the residents would have children both nights. Mr. Bowman requested that staff look into what the surrounding localities are going to do. Mr. Stone stated a public planning committee meeting for the new high school design would be held on Monday night October 18, 2004 at 6:30 P.M. at the Dinwiddie County High School Cafeteria. He said his District 5 meeting would be moved to October 25, 2004 at 7:00 P.M. because he felt it would be more important for citizens to attend the design meeting at the High School. He commented he had received several emails and phone calls from residents after the newscast on NBC concerning curfews and increased violence within several subdivisions in the northern end of the County. He requested that staff investigate curfews in other localities for Board discussion and possibly a public hearing in November or December.

Mr. Haraway stated he agreed with Mr. Stone; there is a behavioral problem with teenagers in several subdivisions off River Road. In the spring of the year he and the Assistant County Administrator visited the area and talked with several

parents and at that time the Sheriff's Department increased patrolling of the area but the problems still exist there. He requested that the County Administrator look into drafting an ordinance for a curfew so the Board could hold a public hearing to get citizens input. He stated he thought the Boys Scout Troop was here to address the issue also. He asked if anyone from the group would like to speak on this issue. Ms. Janet Hedrick, spokesperson, with the Boys Scout Troop 125 located on River Road stated they were here tonight because they were also concerned about people's safety in the area. She commented they were also concerned about the article in the Monitor about the under staffing problems in Sheriff's Department. She commented they were in favor of a curfew for that area. He informed the Board that the Sheriff's Department had recommended a curfew and he felt that was a serious matter that needed to be looked into. Mr. Moody stated he was not sure that it should be a countywide ordinance. The County Administrator was requested to look into a curfew for the populated areas in the County. Mr. Haraway asked the Board members if they had received an invitation and schedule from the School Board for the planning meetings for the design of the new elementary and high schools. He stated the Superintendent of Schools contacted him and wants to make certain the Board of Supervisors attend the meetings because they want the Board's input on the projects.

IN RE: BOARD MEMBER COMMENTS – 2004-2005 SIX-YEAR ROAD PLAN

Mr. Moody commented he looked at the two proposals and he was in agreement to get more projects done and save costs for the County in doing so. The only problem he had was the order in which the roads were switched around from the old to the new "Alternative B" plan. He said he knew that Halifax Road was a concern and there is a lot of traffic out there and something really does need to be done; but there were two roads that got booted down and Halifax Road was put in its place and he never had been in agreement to doing a plan that way. He commented he was in agreement with the concept that Mr. Varney had taken to stretch the money as far as he can. It is not fair to the citizens to come up here year after year and present their problems and finally get their road on the Six-Year Plan and then have it booted down or even out. He reiterated he was in agreement with the concept but not with skipping around on the plan as the Board pleased.

Mr. Haraway commented that was the way it has been done for a number of years when the road was put on the list it was in cement until that time came. This new way gives some weight to situations as they change and the Board can give roads a higher priority if the criteria changes.

Mr. Moody stated again he had a problem switching them around. Baltimore Road has had many accidents and problems with traffic and it is being moved out a couple of years on the plan. On the old plan it could be started on this year and probably Halifax Road too if the funds could be stretched. He said he did not think it was the proper thing to do because he wanted to be fair to all of the citizens. He commented he could see he didn't have the support of the Board and as a compromise he would go along with the plan if they put Coleman Lake Road back on the plan as Priority #7, even though it wasn't in his district.

Mr. Haraway asked Mr. Moody if he would make that a motion.

Mr. Moody made the motion to add Coleman Lake Road on the plan as Priority #7 for public hearing purposes and to ask Mr. Varney to provide new estimated costs as he did for the other projects. Mr. Stoned seconded the motion. Mr. Bowman voting "Nay", Mr. Stone, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", motion carried.

Mr. Bowman stated the reason he voted "no" was because he did not understand why Coleman Lake Road was not included in the plan because

funding was shown on the plan in 2009-2010. It just didn't make a lot of sense and VDOT needed to explain.

IN RE: CLOSED SESSION

Mr. Bowman stated I move to close this meeting in order to discuss matters exempt under section: §2.2-3711 (A)(1) – Personnel – Environmental Land Technician; Procurement; Public Safety; Appointments; Discussion of County Attorney and County Administrator §2.2-3711 (A)(7) Consultation with Legal Counsel – Contract Negotiation; Commonwealth Attorney – Probable Litigation;
§2.2-3711 (A)(3) Acquisition of Property;

Mr. Moody seconded the motion. Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 9:26 P.M.

The meeting reconvened into Open Session in the Board Meeting Room at 12:04 A.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under: §2.2-3711 (A)(1) – Personnel – Environmental Land Technician; Procurement; Public Safety; Appointments; Discussion of County Attorney and County Administrator §2.2-3711 (A)(7) Consultation with Legal Counsel – Contract Negotiation; Commonwealth Attorney – Probable Litigation; §2.2-3711 (A)(3) Acquisition of Property;

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

IN RE: AUTHORIZATION TO PROCEED WITH SOIL BORINGS – FOR PROPOSED PARKING LOT AT EASTSIDE ENHANCEMENT CENTER

Upon motion of Mr. Bowman, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia authorized Staff to secure bids for soil borings for the proposed parking lot at the Eastside Enhancement Center and to proceed with the contract after the County Administrator consults with the Chairman.

IN RE: AMENDMENT TO THE COUNTY PERSONNEL POLICY TO ALLOW COUNTY ADMINISTRATOR TO HIRE EMPLOYEES BELOW THE DEPARTMENT HEAD LEVEL

Upon motion of Mr. Bowman, Seconded by Mr. Stone, Mr. Stone, Ms. Moody, Mr. Moody, Mr. Bowman, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County,

Virginia that the personnel policy is hereby amended to allow the County Administrator to take personnel action that includes hiring employees that are below the department head level.

IN RE: ADJOURNMENT

Upon Motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the meeting adjourned at 12:08 A.M. to be continued until 6:30 P.M. on Monday, October 18, 2004 to attend the public planning committee meeting for the new high school design at the Dinwiddie County High School Cafeteria

Donald L. Haraway

Donald L. Haraway, Chairman

ATTEST: Wendy Weber Ralph

Wendy Weber Ralph
County Administrator

/abr

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 19TH DAY OF OCTOBER, 2004, AT 12:30 P.M.

PRESENT:	DONALD L. HARAWAY – CHAIRMAN	ELECTION DISTRICT #2
	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5
OTHER:	PHYLLIS KATZ	COUNTY ATTORNEY

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RE: ADJOURNMENT

Upon Motion of Mr. Bowman, Seconded by Mr. Moody, Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the October 18, 2004 meeting adjourned at 12:34 P.M.

IN RE: CLOSED SESSION

Mr. Bowman stated I move to close this meeting in order to discuss matters exempt under section: §2.2-3711 (A)(1) – Personnel – Procurement; Appointments; §2.2-3711 (A)(5) – Industrial; §2.2-3711 (A)(3) – Acquisition of Property; add: 2.2-3711 (A) (7) - Consultation with Legal Counsel – Commonwealth Attorney-actual or probable litigation; add 2.2-3711 (A) 30 – Discussion of contracts – Constitutional Officers; Parking Lot

Mr. Moody seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 12:37 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 2:14 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under §2.2-3711 (A)(1) – Personnel –Procurement; Appointments; §2.2-3711 (A)(5) – Industrial; §2.2-3711 (A)(3) – Acquisition of Property; add: 2.2-3711 (A) 7 Consultation with Legal Counsel – Commonwealth Attorney-actual or probable litigation; add 2.2-3711 (A) 30 – Discussion of contracts – Constitutional Officers; Parking Lot;

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

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

Mr. Donald L. Haraway, Chairman, called the regular meeting to order at 2:15 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA



The County Administrator requested that the agenda be amended to Remove: Appointments – communications officers under the consent agenda; and under Action Items - add #4 Discussion of Tax Relief for the Elderly for the Commissioner of the Revenue #5 Eastside Parking Lot; continue the Closed Session for §2.2-3711 A. 1 – Personnel – §2.2-3711 A. 1. Mr. Stone and Mr. Moody requested that appointments be added under the consent agenda for the Appomattox Regional Library and the Appomattox River Water Authority.

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

IN RE: CLAIMS

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway 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 1046480 through 1046641 (void check(s) numbered 1046479, 1046081, and 1046565):

FY – 04/05
Accounts Payable:

(101) General Fund	$	371,537.63
(103) Jail Commission	$	
(209) Litter Control	$	980.00
(222) E911 Fund	$	2,911.94
(223) Self Insurance Fund	$	
(225) Courthouse Maintenance	$	1,836.11
(226) Law Library	$	637.30
(228) Fire Programs	$	4,461.42
(229) Forfeited Asset Sharing	$	525.00
(304) CDBG Grant Fund	$	66.81
(305) Capital Projects Fund	$	143.67
(401) County Debt Service	$	58,272.81
TOTAL	**$**	**441,372.69**

IN RE: RESOLUTION FOR FY-04 HOMELAND SECURITY GRANT

Mr. David Jolly, Director of Fire Safety, sent a memo to the Board requesting that they adopt the FY-04 Homeland Security Funds Resolution. The County is slated to receive $97,398.61 that would be utilized to address the equipment, training and program development requirements that have been developed by the State and Federal agencies.

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", the following resolution was adopted.

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Wendy Weber Ralph, County Administrator, is hereby authorized to execute for and in behalf of a public entity established under the laws of the State of Virginia, this application and to file it in the appropriate State Office for the purpose of obtaining certain Federal financial assistance hinder the OJP, National Domestic Preparedness Office Grant Program(s) administered by the Commonwealth of Virginia.

IN RE: LIVESTOCK CLAIM – CURTIS WHEELER

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to pay Mr. Curtis Wheeler for a claim submitted for one (1) Hampshire hog, reportedly killed and/or maimed by dogs, with a total value of $80.00.

IN RE: LIVESTOCK CLAIM – B.E. MORGAN, JR.

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to pay Mr. B. E. Morgan, Jr., for a claim submitted for two (2) pigs, reportedly killed and/or maimed by dogs, with a total value of $168.00.

IN RE: TRAVEL REQUEST - FINANCIAL DIRECTOR & ASSISTANT PAYROLL CLERK/HUMAN RESOURCES

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for Anne Howerton and Barbara McKitrick to attend the 2004 Human Resource Leadership Conference December 8 – 9, 2004, in Williamsburg, Virginia at an estimated cost of $553.25.

IN RE: RESOLUTION – MRS. EZLEN ERGENTINE PEMBERTON RONEY – "CENTENARIAN"

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", the following resolution was adopted.

MRS. EZLEN ERGENTINE PEMBERTON RONEY "CENTENARIAN"

WHEREAS, Mrs. Ezlen Ergentine Pemberton Roney was born the eldest of fourteen children to her parents Samuel and Laura Macon Pemberton on November 25, 1904 in Tunstall, Virginia; and

WHEREAS, on November 25, 2004, Mrs. Roney will celebrate her 100th birthday; and

WHEREAS, Mrs. Roney in her early career was a schoolteacher for Dinwiddie County and retired from Central State Hospital as a Psychiatric Aide. She was married to Leroy Roney for nearly 47 years; and the majority of her life was spent as a resident of Dinwiddie County; and

WHEREAS, Mrs. Roney is a life long member of Little Zion Baptist Church of Carson, Virginia and has dedicated timeless energy and hours helping out in the church and community; serving as a Deaconess and Mother of the Church and volunteering with the Senior Citizen Program in the community; and

WHEREAS, Mrs. Roney has touched the lives of many in a kind and loving way and her untiring dedication is an inspiration to all that know her; she is fondly described by many as an "Angel on Earth"; and

WHEREAS, the Board of Supervisors of Dinwiddie County, Virginia desires to acknowledge Mrs. Ezlen Ergentine Pemberton Roney on her 100th birthday.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia joins with family and friends to wish Mrs. Roney a very blessed 100th birthday and the enjoyment of health and prosperous days to come.

IN RE: APPOINTMENT – MR. ROY CRITTENDON – APPOMATTOX REGIONAL LIBRARY

Upon motion of Mr. Stone, Seconded by Mr. Moody, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Roy Crittendon is appointed to the Appomattox Regional Library Board, to fill the unexpired term of Mr. Claude R. Mayfield, which runs until June 30, 2008.

IN RE: APPOINTMENTS – MR. ROBERT B. WILSON & MR. DANIEL BEN-YISRAEL – APPOMATTOX RIVER WATER AUTHORITY

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Robert Wilson and Mr. Daniel Ben-Yisrael are hereby appointed to serve on the Appomattox River Water Authority for a term ending November 30, 2008.

IN RE: CITIZEN COMMENTS

1. Michael Bratschi - 23500 Cutbank Road, McKenney, VA –commented on the following issues: The curfew should be countywide not just in a certain area. He felt the Homeland Security Grant funds should be used to supplement law enforcement personnel salaries. He questioned how the Board made their choices for board/commissions/authority appointments.
2. David Dudley – Smith Grove Road, Petersburg, Virginia, 23803 – spoke on the hazards from the usage of biosolids. He asked why the Board would not pass the biosolids resolution that Prince Edward County adopted.
3. Anne Scarborough – Boydton Plank Road, Dinwiddie, Virginia – requested that the Board hire a county attorney that would be located in Dinwiddie County. She commented the City of Colonial Heights hired a new city manager. They received 91 applications that city counsel members reviewed. She commented she didn't know why this Board had to pay thousands of dollars to a firm from Atlanta, Georgia to review applications for the county administrator position. Mrs. Scarborough also asked how much it cost the citizens in the County for salaries when the offices are closed for State holidays?

IN RE: VDOT REPORT

Mr. Tim Overton, Assistant Resident Engineer, Virginia Department of Transportation, provided the following update:

1. Mr. Varney met with residents that have the water and ditch problem on Rt. 604 and was working to resolve the problem.

2. U.S. Route1 paving - a letter was sent to the contractor informing him that if he does not proceed with the project immediately another contractor would be hired to rectify the problem at his expense.
3. The inclusion of Coleman Lake Road in the Six-Year Plan is being worked on.
4. Right of ways from citizens are being dealt with for the ditching issues on Rt. 600.
5. Mowing for sight distance problems on the secondary roads will be completed soon.

IN RE: SOCIAL SERVICES MEDICAL ASSISTANCE SERVICES GRANT SUMMARY

Grant Presentation for DSS Retention

"Ms. Sandy Mason – Dinwiddie DSS -
I appreciate the opportunity to share our experiences and successes this past year with a Grant Award primarily funded to develop and test innovative strategies to increase retention of Medicaid eligible children. The Grants were funded through the Dept. of Medical Assistance Services and awarded on a competitive basis for one year. Thanks to a team effort and to our Director, Kim Willis, who wrote the grant proposal, Dinwiddie DSS was one of 14 local agencies, statewide, who won the award. We were awarded $24,000.00. This funding allowed for the employment of a part-time Health Ins. Coordinator who had the responsibilities of developing outreach strategies, creating activities and enlisting community partners to ensure the enrollment and retention of eligible children in the Family Access to Medical Insurance Security; referred to as FAMIS and the Medically Indigent Medicaid for Children; referred to as FAMIS Plus. This grant award was also used to purchase office supplies/equipment, and marketing materials used for incentives.

To give you a little background & history of this project, one of Governor Warner's goals for Virginia was to increase children's enrollment in Health Insurance and to retain our eligible children. This effort was also a nationwide focus to "KEEP EM COVERED" which was used as our Motto throughout this project.

As mentioned earlier, we employed Debbie Knowles as our Health Ins. Coordinator, who has done an extraordinary job this past year with this project. Her skills and creativity has contributed to the overall success toward our goals. We also developed an Advisory Board made up of members from our Department, the Health Dept., Dinwiddie School Board, SRMS, a member who is Hispanic, and a parent. The advisory Board was established to oversee and monitor the activities involved with the retention grant. We met monthly and exchanged tips and ideas in order to implement strategies to improve retention. Our Advisory Board has been committed to the support of these goals.
The entire collaborative effort was focused on retaining eligible children on Medicaid, many of which were being closed primarily for not following through with the annual review process. Although there were other reasons for case closures, our statistics showed the majority of our children were being closed because parents were not committed to or lacked the understanding in completing the review process. This problem area was where we focused the majority of our energies and funding. This area was also where the incentives were brought forward. We began by designing colorful flyers that were enclosed in the review letters stating your child or children would receive a free gift each time you complete your entire Medicaid re-determination packet on time. A subsequent flyer went out the next few months offering free books to children when reviews were completed. The free books were donated to us by Becky Baskerville in the School Board office funded by a Grant she was working with. We also mailed bright, colorful review reminder notices each month to clients with preventive health information. This was our means to peak the interest among our clients to follow through with policy guidelines to complete reviews.

We made every effort into making the renewal process easier on the client. Debbie Knowles also designed two three fold brochures: one with tips on filling out a Medicaid application, income limits, advisory board member names and contact numbers and the other brochure included the number of children covered under health insurance and retention grant goals. We distributed informational flyers, TWICE, to over 4000 children in Dinwiddie Schools. These flyers also contained preventative health issues. We also mailed informational flyers to the Faith Communities.

Our retention team became very visible in the community in a wide range of activities. Our director spoke at a state conference. We participated in PTO meetings at the area schools, sport events, community day at Southpark Mall, we participated in the Summer Health Fair at Eastside Enhancement Center, visited area businesses passing out applications, and answering questions, participated in the "National Uninsured Week with a host of activities, and most recently we had the Poster Art Contest for grades K thru 5. All participants will receive the FAMIS brochure provided by the State.

Unfortunately, our grant expires October 31st; however we are very proud that our team has been successful. Our enrollment is up and the retention rate has shown significant improvement. At the present time, Dinwiddie County as approximately 1500 children enrolled in FAMIS or FAMIS Plus.

We have learned many lessons throughout this process, and one of the most important lesson learned is that continued communication with families, promoting awareness and demonstrating the importance of keeping children covered will improve the health, safety and well-being of all children of Dinwiddie. We recognize the importance of health insurance and the benefits that a healthy society can provide to the County's economy and work force. This is imperative to the livelihood and prosperity of our County and Community.

Although the Grant funding will expire, Dinwiddie DSS will continue its dedicated effort to enroll uninsured children and retain the eligible children.

Now, last but not least, we would like to conclude this presentation with these "very special art awards" and with that I would like to turn it over to our Health Ins. Coordinator, Debbie Knowles."

"Mrs. Debbie Knowles stated "this Poster Art Contest was designed to promote art and as a preventative health measure in ways to educate the children on the importance of eating healthy.

There were 5 judges from the county who had a tough job. She thanked Mr. Harrison Moody and his wife Debbie, Ms. Mary Williams from the Health Department, Mr. Chad Knowles and Ms. Jennie Parks from Dinwiddie High School for taking time out of their busy schedule to come and help with the project.

There were 139 participants who all did a wonderful job. She extended a special thanks to Tim Smith for allowing them to display the artwork at Eastside Enhancement Center thru the end of October."

She presented the top 3 finalists with the following awards:

1st Place: Alexis Richardson 2nd grader Sunnyside Elementary School
Received: Family Pass for 1 year to Pamplin Historical Park
$50 Savings Bond
Art Kit and framed Certificate

2nd Place Hannah Potts 4th grader Midway Elementary School
Received: $50 Savings Bond
$50 Gift Certificate Books A Million

Art Kit and framed Certificate

3rd Place Trevor Spain 1st grader Rohoic Elementary School
Received: $25 American Express Gift Check
Art Kit and framed Certificate

She congratulated all the participants and stated they are all "Finalists" in their eyes."

IN RE: PROPANE BIDS – AWARD OF CONTRACT

Mrs. Anne Howerton, Financial Director, provided the following information for the propane bids.

PROPANE BID RESULTS - 10/13/04 2:30 pm

Company	**Fixed $/gal**	**Fluctuating $/gal**
Parker Oil Co	1.23	1.22
Ferrellgas (depending on delivery location)	1.31 - 1.36	1.26 - 1.31
Suburban Propane (depending on delivery location)	no bid	1.26 - 1.31

Analysis	**2003/04**	**Projected 2004/05**				
Contract price	0.959	1.22	1.23	1.26	1.31	1.36
Gallons purchased	59,444	61,350	61,350	61,350	61,350	61,350
Annual expenditure	$57,007	$74,847	$75,461	$77,301	$80,369	$83,436
Variance from 2003/04		$17,840	$18,454	$20,294	$23,362	$26,429

Recommendation: Parker Oil Co -- Fixed Price of $1.23/gal

Upon motion of Mr. Moody, Seconded by Ms. Moody, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Parker Oil Company was awarded the propane bid at the fixed price of $1.23 per gallon for FY04-05.

IN RE: DISCUSSION OF CHANGE OF DATE FOR "TRICK OR TREATING"

The County Administrator stated staff was requested to contact other localities to see if they were changing the date for children to participate in "trick or treating" because Halloween falls on Sunday this year. A list of the localities that responded was included in the packets. Those closest to Dinwiddie that changed to Saturday were Petersburg, Prince George and Colonial Heights; Chesterfield and Hopewell are going to leave it on Sunday. The only comment she got back from the research as to why they didn't change the date was because some of them had the experience where when they changed it, the result was they ended up having two Halloweens; because the word didn't get out to everyone. The Sheriff indicated he would support changing it to Saturday if that's the desire of the Board.

The Board took no action to change the date for "trick or treating" to Saturday.

IN RE: CURFEW ORDINANCE

Mrs. Anne Howerton, Director of Finance, stated she received copies of curfew ordinances from Mathews County, James City County, and the Cities of Petersburg, Colonial Heights, and Emporia. She briefly summarized the ordinances she received copies of and commented all of them where countywide not a specific area.

The County Administrator stated the County Attorney advised that the ordinance couldn't specify a particular subdivision, street, etc. However, it could specify a region of the county, rather than apply countywide. The Attorney also advised Staff that statistics would be needed to back up a regional application. Mrs. Ralph commented if the Board would like to move forward with a curfew, staff would need to have an idea of what the Board would like under some of the general headings.

Mrs. Howerton pointed out some of the headings of the ordinance and stated the Board would have to make a decision on what the penalties would be if the provisions of the ordinance were violated, if they wanted to go forward with it.

Mr. Haraway commented he certainly was interested in having a curfew in his part of the county; but he really wanted some input from the citizens in his district. Ms. Moody stated she was interested in a curfew but she would like to see it countywide instead of regional and she would also like to hear from the citizens.

Sheriff Samuel Shands commented nine years ago he came to the Board requesting that a curfew be initiated because of the behavioral problems of children in the County. At that time the Board said they were going to have the County Attorney look into it but no action was taken. He stated he supported a countywide curfew and he felt the Board needed to do something about it before something really bad happens. It will protect the children in the County and the sooner the better. Mr. Moody asked if the Sheriff if the curfew ordinance was adopted would he have the manpower to enforce it and would the State Police be able to help out also. Sheriff Shands replied the yes if it is a County ordinance all the law officials could enforce it. He pointed out if would make the parents more accountable.

The County Administrator stated there might be some grant opportunities to help supplement the Sheriff's efforts if it was all right with the Board. She commended the Sheriff stating, with the limited manpower he has been to some of the problem areas and talked with the communities. With some support with some of these other programs in addition to the curfew it would help him with the enforcement.

Mr. Haraway requested that the County Administrator set up a countywide meeting to discuss the curfew within the next 30 days to get citizens input regarding implementing the curfew ordinance. He also asked her to share the information Mrs. Howerton prepared for the Board with the Sheriff.

IN RE: TAX RELIEF STATE CHANGES

The County Administrator informed the Board that the Commissioner of the Revenue brought to her attention today, that there have been changes in the State Code so far as Tax Relief for the Elderly and Handicapped. When there are changes in the State Code it is important to take a look at the County Code to see if the Board would like to raise those limits as well. Staff would like to

check those changes and bring back a recommendation to you at the next meeting if that would be agreeable with the Board. After the recommended changes are discussed the Board then can make a decision of whether or not a public hearing should be advertised.

IN RE: AUTHORIZATION TO PROCEED WITH EASTSIDE PARKING LOT CONTRACT

The County Administrator commented Staff has been working on the location of the parking lot at Eastside since the last Board meeting. Staff has found out by revising the dimensions of it they were able to stay within the same contract proposals. She requested authorization to enter into a contract with Pro-Construction at a cost not to exceed $47,879 to install a gravel parking lot next to the area proposed for the pavilion.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

Mr. Stone asked if the not to exceed cost of $47,879 language was in the contract? Mrs. Ralph replied yes.

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Administration was authorized to enter into a contract with Pro-Construction at a cost not to exceed $47,879 to install a gravel parking lot at Eastside.

IN RE: BOARD MEMBER COMMENTS

Mr. Stone stated the District 5 community meeting would be held next Monday night October 25th, at 7:00 – 9:00 P.M. here in the Boardroom. He thanked all the parents who came out last night for the school design-planning meeting at the High School. He invited the Board members, parents and Administrative Staff to the next meeting scheduled for December 6, 2004 at 7:00 P.M. at the High School in the cafeteria.

Mr. Haraway requested that a "Laundry List" workshop be scheduled at 4:00 P.M. on November 2, 2004.

The County Administrator introduced Mr. Dennis Hale, Division Chief of Public Safety, and Ms. Deborah Dean, Assistant Animal Control Officer to the Board and citizens. Mr. Haraway welcomed them to the County.

IN RE: CLOSED SESSION

Mr. Moody stated I move to close this meeting in order to discuss matters exempt under section: *§2.2-3711 (A)(7)* of the Code of Virginia – Consultation with Legal Counsel for personnel issues;

Mr. Bowman seconded the motion. Mr. Stone, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 3:13 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 3:55 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under *§2.2-3711 (A)(7)* of the Code of Virginia – Consultation with Legal Counsel for personnel issues;

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

IN RE: INFORMATION IN BOARD PACKET OR DISTRIBUTED

1. A new schedule for the Virginia Department of Rail and Public Transport was included in the packets.
2. Flyer for the *Household Hazardous Waste Collection Day* Saturday, October 30, 2004 8:00 A.M. – 12:00 Noon at Southern States Parking Lot for residents of Dinwiddie and Petersburg.
3. Letter from the Department of Game and Inland Fisheries requesting input from the County regarding the development and use of model ordinances that would lead to an easier understanding by the public of the hunting laws.
4. Letter to Mr. Haraway from J. Randy Forbes thanking him for expressing his concerns regarding the Southeast High Speed Rail project.

RE: ADJOURNMENT

Upon Motion of Mr. Moody, Seconded by Ms. Moody, Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the meeting adjourned at 4:03 P.M. to be continued until 4:00 P.M. on Tuesday, November 2, 2004 for a workshop to discuss the laundry list.

Donald L Haraway
Donald L. Haraway, Chairman

ATTEST: Wendy Weber Ralph
Wendy Weber Ralph
County Administrator

/abr

VIRGINIA: AT THE CONTINUATION 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 2ND DAY OF NOVEMBER, 2004, AT 4:00 P.M.

PRESENT:	DONALD L. HARAWAY – CHAIRMAN	ELECTION DISTRICT #2
	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5
OTHER:	ANN NEIL-COSBY	COUNTY ATTORNEY

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Mr. Donald L. Haraway, Chairman, called the continuation meeting to order at 4:08 P.M.

IN RE: LAUNDRY LIST WORKSHOP

The Board members and Staff met to discuss the items on the Board's *Projects in Progress* list. The County Administrator provided a summary of what staff has done and what is being done in regard to the items and issues on the list. After a lengthy discussion of some of the issues, Mr. Haraway stated the remaining items could be completed at the next meeting because the Board needed to go into closed session.

IN RE: CLOSED SESSION

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

§2.2-3711 (A)(1) – Personnel – Environmental Land Technician; Public Safety; Appointments; Procurement; and County Personnel; §2.2-3711 (A)(7) Consultation with Legal Counsel – Contract Issues; §2.2-3711 (A)(3) Acquisition of Property; and §2.2-3711 (A)(5) – Industrial;

Mr. Moody seconded the motion. Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 5:02 P.M.

The meeting reconvened into Open Session in the Board Meeting Room at 7:34 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under: §2.2-3711 (A)(1) – Personnel – Environmental Land Technician; Public Safety; Appointments; Procurement; and County Personnel; §2.2-3711 (A)(7) Consultation with Legal Counsel – Contract Issues; §2.2-3711 (A)(3) Acquisition of Property; and §2.2-3711 (A)(5) – Industrial;

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

IN RE: ADJOURNMENT

Upon Motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the continuation meeting adjourned at 7:37 P.M.

Donald L. Haraway, Chairman

ATTEST: Wendy Weber Ralph
Wendy Weber Ralph
County Administrator

/abr

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 2ND DAY OF NOVEMBER, 2004, AT 7:30 P.M.

PRESENT:	DONALD L. HARAWAY – CHAIRMAN	ELECTION DISTRICT #2
	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5
OTHER:	ANN NEIL-COSBY	COUNTY ATTORNEY

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

Mr. Donald L. Haraway, Chairman, called the regular meeting to order at 7:36 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

The County Administrator stated the Closed Session needed to be continued at the end of the meeting for Personnel - County personnel, Environmental Land Technician, Public Safety, Procurement, and Appointments; §2.2-3711 (A)(7) Consultation with Legal Counsel – Contract Issues; §2.2-3711 (A)(3) Acquisition of Property.

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

IN RE: MINUTES

Mr. Stone stated the October 5, 2004 minutes needed to be amended to reflect that Tammy Morgan with the Dixie Youth was the contact person not Wendy Morgan. He also said he made the motion for the appointment to the Appomattox Regional Library and Mr. Moody seconded it in the October 19, 2004 minutes.

Upon motion of Mr. Stone, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that approval of the October 5, 2004 Regular Meeting and the October 19, 2004 Regular Meeting Minutes are approved in their entirety, with the above corrections.

IN RE: CLAIMS

Upon motion of Mr. Stone, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway 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 1046642 through 1046855, (voided check number(s) 1032073, 1039326, 1046580, 1046363, 1046718 and 1046643).

FY – 04/05
Accounts Payable:

(101) General Fund	$ 181,933.95

(103) Jail Commission	$ 130.40
(209) Litter Control	$ 650.25
(222) E911 Fund	$ 4,274.25
(225) Courthouse Maintenance	$ 5,147.70
(226) Law Library	$
(228) Fire Programs & EMS	$ 102.68
(229) Forfeited Asset Sharing	$
(304) CDBG Grant Fund	$ 863.94
(304) Capital Projects Fund	$ 4,423.70
(401) County Debt Service	$ 244,814.95
TOTAL	**$ 442,341.82**

PAYROLL 10/30/04

(101) General Fund	$ 494,728.33
(222) E911 Fund	$ 461.47
(229) Forfeited Asset	$ 927.81
(304) CDBG Fund	$ 7,733.43
TOTAL	**$ 503,896.04**

IN RE: PURCHASE OF SIX LAW ENFORCEMENT VEHICLES

RE: Purchase of six law enforcement vehicles

Request from Sheriff Shands

In the Sheriff's Office 2004-2005 budget, $140,000 was allocated for the purchase of six law enforcement vehicles consisting of five police cars and one 4X4 vehicle.

Sheehy Ford Richmond, Virginia was awarded state contract #3100-50. This is a competitive bid conducted by the State of Virginia for police vehicles. State bid price for police vehicles is $20,561.

Base price	$ 20,561
3.27 ration limited slip rear	$ 122
Fabric protection	$ 27
TOTAL ($20,710 x 5)	$103,550

The State of Virginia does not have a state contract for the 2005 Ford Expedition (4x4) vehicle. The following bids were received for it:

Petersburg Ford	$26,989
Sheehy Ford	$26,594
Owen Ford	$26,235

Sheriff Shands requested authorization to purchase the five (5) Crown Victoria police vehicles off the state contract with Sheehy Ford at a cost of $103,550 and the 2005 Ford Expedition (4x4) vehicle from Owen Ford for $26,235."

Upon motion of Mr. Stone, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Sheriff's Department was authorized to purchase the five (5) Crown Victoria police vehicles off the state contract with Sheehy Ford at a cost of $103,550 and the 2005 Ford Expedition (4x4) vehicle from Owen Ford for $26,235.

IN RE: APPOINTMENT – MS. NANCY PECKHAM – CUSTODIAN I

Upon motion of Mr. Stone, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Ms. Nancy Peckham is appointed to the position of Custodian I, at Grade 1, Step G, with an annual salary of $14,983, effective November 15, 2004.

IN RE: APPOINTMENTS – MS. DARLENE GORHAM, MS. LEE ANGELINE SEYMORE, MR. WILBUR FRANKLIN SHEPPARD – COMMUNICATIONS OFFICERS I

"Memorandum

TO: Wendy Weber Ralph
County Administrator

FROM: David M. Jolly
Director of Fire

DATE: October 27, 2004

SUBJECT: Communication Personnel

Please be advised that we have conducted interviews for the ten communication officer positions for the new dispatch center. After interviews we were able to select three individuals that we offered positions to. Unfortunately, one of the selected candidates did not accept our offer therefore effective November 1, 2004 we will only have two individuals beginning employment.

The selected individuals are:

Mary Darlene Gorham, starting at Grade 10, Step A at a beginning salary of 25,827.
Lee Angeline Seymore, starting at Grade 10, Step A at a beginning salary of 25,827.

In addition to the above individuals we also were able to select one individual that also tested with the Sheriff's Office along with our process. That individual will begin employment with the County on November 4, 2004. I am happy to report Mr. Wilbur Franklin Sheppard will begin at Grade 10, Step A at a beginning salary of 25,827."

Upon motion of Mr. Stone, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Ms. Mary Darlene Gorham and Ms. Lee Angeline Seymore are appointed to the position of Communications Officers I at Grade 10, Step A, with an annual salary of $ 25,827,effective November 1, 2004; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Wilbur Franklin Sheppard is appointed to the position of Communications Officers I, at Grade 10, Step A, with an annual salary of $ 25,827, effective November 4, 2004.

IN RE: PUBLIC HEARING – VDOT FY04-05 THROUGH FY09-10 SECONDARY SIX-YEAR PLAN AND FY-04-05 CONSTRUCTION BUDGET

This being the time and place as advertised in the Progress-Index on October 19, 2004 and in the Dinwiddie Monitor on October 26, 2004 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comments on and to propose for adoption the six (6) year road improvement plan for the 2004-2010 period and the FY2004-2005 Budget.

Mr. D. Ray Varney, VDOT, Resident Engineer, gave an overview of the proposed Secondary Six Year Plan. He briefly described the format for the columns used by VDOT on the plan and the scope of work in the each project. He also pointed out that the unpaved road costs would be higher because projects now have to be contracted out due to State cutbacks in employees.

Mr. Haraway opened the public hearing for citizen comments.

1) Deborah Roddenberry – 26203 Sawmill Road – stated there are safety and maintenance issues on three tenths of a mile on Sawmill Road and she had been trying since 1998 to get on the 6-year plan.

2) Thayer T. Baird – 14810 Brick Road, Carson, VA –spoke on behalf of approximately 50 residents who were present requesting that the Board keep Halifax Road on the Six-Year Plan.

3) Vernon D. Andrews – 19019 Carter Road, Dinwiddie, VA – commented that the section of U.S. Route 1, which was recently paved, the striping that was done on several sections was done incorrectly; also the road has a rougher ride now than it did before it was repaved.

4) N. B. Ingram, III – 8321 Brills Road, McKenney, VA – requested that the funding for Brills Road in the Six Year Plan be used for other road projects because no one on the road wanted it paved.

Mr. Haraway closed the public hearing. He asked Mr. Varney if he would like to respond to the citizen's issues.

Mr. Varney stated he apologized if the maintenance on Sawmill Road was not being done and he would personally take care of it. He said the passing lane striping on Route 1 is incorrect but it would be fixed. Mr. Varney pointed out there was a very bad section on Brills Road and it really does need to be paved and many of the residents on the road do want it to be done.

Mr. Bowman voiced his concerns regarding the condition of Halifax Road and noted if the Board went strictly by the traffic count it should come before Baltimore Road. He stated he certainly would like for the funds from that project be put towards Halifax Road and move it up on the priority list.

Mr. Varney replied if the Board decided to move Halifax Road to priority #2 the funds would be available in the upcoming FY05-06 to VDOT in August 2005. However, VDOT could use some countywide incidental funds prior to that time to do some of the things that are necessary to prepare for that contract. It might be that it could be added to the project that is already out there that's currently funded and do it all at one time and get it out of the way.

Mr. Stone asked if the Board would be open to taking $250,000 out of the funds for priority #2 for FY05-06, which would leave $259,000 for the Squirrel Level Road project. Mr. Varney responded if the Board wanted to fund Squirrel Level Road fully in FY07-08 that would change some of the things below it.

Mr. Bowman stated when you drive Halifax and Squirrel Level Roads the surface is so uneven it really does throw you a lot more than Baltimore Road. Mr. Varney agreed and stated it was not built on a railroad but Halifax Road was.

Mr. Bowman pointed out the difference in the traffic count between Squirrel Level Road (1100 VPD) and Baltimore Road (790 VPD).

Mr. Moody commented he knew Mr. Bowman was trying to work on getting Halifax Road moved up a little bit; but this plan was a compromise plan that the Board has worked on for a couple of months. Roads have been switched around and dropped off and he felt it was a good compromise. Sometimes it's easy to forget that people were here at these meetings several years ago pushing for these roads, Squirrel Level, Halifax, Baltimore, and River. He stated he was in favor of leaving the plan the way it was presented. Mr. Haraway asked if he would like to make that a motion. Mr. Moody responded yes. Mr. Stone stated, for the purpose of discussion, he seconded the motion.

Mr. Bowman commented in response to Mr. Moody. In looking at the history of the Six Year Plan; politics played a great part in Halifax Road not being put on it in the past and he could not vote for this plan.

Mr. Stone stated he agreed with Mr. Bowman because he travels on Halifax Road; but his question was, could the Board take the money out of the Squirrel Level Road project and move the entire project back a year and leave Baltimore Road at priority # 5? He explained, just take the $250,000 Mr. Bowman is seeking for Halifax Road, which is currently priority # 6 out of the FY05-06 - $509,225 funding scheduled for Squirrel Level Road priority # 2 and move it to the second Halifax Road (priority # 6) project; so basically all it would do is move the Squirrel Level Road project out one year.

Mr. Bowman stated Squirrel Level Road is so uneven with the crown being so steep it is dangerous just like Halifax Road. Baltimore Road does not have the rough surface or crown in the middle of it like Halifax and Squirrel Level Roads do and they are the most dangerous roads in Dinwiddie County. He said if the Board could help him with this he would appreciate it.

Ms. Moody stated Halifax Road is not in her district but her constituents travel Halifax Road a lot and she supported moving whatever needed to be moved around so that the project could be started as soon as possible.

Mr. Varney stated just for clarification sake and to explain it to everyone so they understand what the ramifications would be if the $250,000 is taken out of the FY05-06 Squirrel Level Road project. That would mean that if we fund it and continue to fund it fully in its last year FY07-08; that would mean we would need an additional $250,000 in FY07-08. Mr. Stone replied that wasn't what he was saying; he said we would just add a year to that project. Mr. Varney commented that would work if the $250,000 was moved out to the 2008-2009 Fiscal Year.

Mr. Bowman stated he would go along with that if both of them were not in his district; which puts him in a terrible spot; and even if they weren't in his district he couldn't because of the traffic count.

Mr. Bowman, Ms. Moody, Mr. Stone, voting "Nay", Mr. Moody voting "Aye", Mr. Haraway "Abstaining", motion did not carry.

Mr. Stone made the motion to adopt the plan with the following changes - move the current project, priority #6 Halifax Road, with approximately $250,000 funding, to FY05-06, to priority #2, which would bump the current Squirrel Level Road project priority #2 second phase of the project to completion in FY08-09 instead of FY07-08. Mr. Moody seconded the motion. Mr. Bowman, voting "Nay", Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", motion carried.

Mr. Varney recommended combining the two Halifax Road projects so VDOT could get a better price on the construction costs for the project.

It was brought to the attention of the Board that the resolution provided by VDOT should be adopted with the above stated amendments.

Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", the following resolution was adopted.

RESOLUTION

At a regular meeting of the Board of Supervisors of the County of Dinwiddie, held at the Pamplin Administration Building on November 2, 2004 at 7:30 P.M.

Present were Supervisors: Mr. Donald L. Haraway, Mr. Harrison A. Moody, Mr. Robert Bowman, IV, Ms. Doretha E. Moody, and Mr. Michael W. Stone

On motion by Mr. Stone, seconded by Mr. Moody and carried:

WHEREAS, Sections 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan,

WHEREAS, this Board had previously agreed to assist in the preparation of this plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed plan (2005/06 through 2010/11) as well as the Construction Priority List (2005/06) on October 21, 2004 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List,

WHEREAS, Ray D. Varney, Resident Engineer, Virginia Department of Transportation, appeared before the board and recommend approval of the Six Year Plan for Secondary Roads (2005/06 through 2010/11) and the Construction Priority List (2005/06) for Dinwiddie County,

NOW, THEREFORE, BE IT RESOLVED that since said Plan appears to be in the best interest of the Secondary Road System in Dinwiddie County and to the citizens residing on the Secondary System, said Secondary Six-Year Plan (2005/06 through 20010/11) and Construction Priority list (2005/06) are hereby approved with the priority changes as amended during the public hearing, to wit:

Priority 1 - Project 0613-026-177 UPC 10861 Priority 2 - Project 0604-026-119 UPC 14872 Priority 3 - Project 0604-026 UPC Not Currently Assigned (Asphalt overlay of Halifax Road beginning at Route 606 S to 0.75 mi N of Route 672) Priority 4 - Project 0613-026-249 UPC 10860 Priority 5 - Project 0601-026 UPC Not Currently Assigned (Construct Right Turn Lane on Route 601 at the intersection of Route 601 and Route 600) Priority 6 - Project 0622-026-252 UPC 12557 Priority 7 - Project 0624-026 UPC Not Currently Assigned (Pavement Stabilization, shoulder restoration and Spot Improvements) Priorities for Unpaved Roads remained the Same.

IN RE: PUBLIC HEARING – SC-04-1 – MR. CHUCK JOHNSON – STREET NAME CHANGE REQUEST

This being the time and place as advertised in the Dinwiddie Monitor on October 19, 2004 and October 26, 2004 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comments on a request from Mr. Chuck Johnson to change a private street name from Ocean View Drive to C.J. Johnson Lane.

Planning Summary Report

File: SC-04-1

Applicant: Chuck Johnson

The applicant, Chuck Johnson, is seeking a private street name change from Ocean View Drive to C. J. Johnson Lane. The private road is accessed by way of Williamson Road. While there are a few land parcels served by this private road, all of the land parcels are owned by Mr. Johnson and are vacant lots except the parcel upon which Mr. Johnson's home is located. Since there is not a conflict with other road names in the County it is recommended that the Board approve the road name change as requested. The following motion is offered to assist the Board in taking action.

Mr. Haraway opened the public hearing. No one spoke on the request for the street name change. Mr. Haraway closed public hearing SC-04-1.

Mr. Moody moved that the application SC-04-1 seeking to change the street name of Ocean View Drive to C. J. Johnson Lane be approved. Mr. Bowman seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", motion carried.

IN RE: PUBLIC HEARING – TRANSFER OF COUNTY LAND TO WPVA – WEST PETERSBURG SUBDIVISION – LOTS 318-329 GREENSVILLE AVENUE

This being the time and place as advertised in the Dinwiddie Monitor on October 19, 2004 and October 26, 2004 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comments on the transfer of three (3) lots owned by the County in West Petersburg Subdivision to WPVA for construction of homes for LMI families.

"MEMORANDUM

TO: BOARD OF SUPERVISORS
WENDY W. RALPH, COUNTY ADMINISTRATOR
KEVIN MASSENGILL, ASSISTANT COUNTY ADMINISTRATOR

FROM: WILLIAM SCHEID, COUNTY PLANNER

SUBJECT: TRANSFER OF LAND TO WPVA
WEST PETERSBURG SUBDIVISION – GREENSVILLE AVENUE

DATE: OCTOBER 26, 2004

As a result of previous meetings regarding the transfer of land to WPVA, I have prepared this memo with a proposed resolution for the Board's information. The State has certified WPVA as a Community Housing Development Organization (CHDO) eligible to assist Low/Moderate Income (LMI) families in obtaining housing within the West Petersburg subdivision. WPVA has expressed a desire to construct homes for LMI families on the remaining three (3) lots owned by the County on Greensville Avenue under similar terms imposed by an agreement between the County and the Tri-Cities Habitat for Humanity. In view of the above, staff supports the transfer of the remaining three (3) lots on Greensville Avenue to WPVA for construction of homes for LMI families as contained in the resolution below."

Mr. Haraway opened the public hearing. No one spoke on the issue. Mr. Haraway closed the public hearing.

Upon motion of Mr. Bowman, Seconded by Ms. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, following a duly noticed and called public hearing for November 2, 2004, hereby approves the **Agreement for Transfer of Land** of Lots 318 through 329 situated on Greensville Avenue in West Petersburg Subdivision, Rohoic District, Dinwiddie County, Virginia, as shown on the plat prepared by Ronald H. Gordon dated January 12, 1995, to West Petersburg Vicinity and Awareness, Inc., for construction of three (3) single-family homes to be built for the benefit of Low to Moderate Income families;

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the County Administration and County Attorney be authorized to act on behalf of the Board to execute and deliver such deed, instrument, agreement and/or other papers as deemed necessary to carry out the purpose and effect of this resolution to include authorization to issue a check made payable to the Clerk of Circuit Court in order to record the deed conveying the property to West Petersburg Vicinity and Awareness, Inc., if deemed necessary.

AGREEMENT FOR TRANSFER OF LAND

This agreement is made this, the 2nd day of November, 2004 by and Between the County of Dinwiddie, Virginia (the "County") and West Petersburg and Vicinity Awareness, Inc. a Virginia corporation ("WPVA").

W I T N E S S E T H:

WHEREAS the County is the owner of Lots 318 through 329 in West Petersburg Subdivision in the Rohoic District of Dinwiddie County, Virginia, as shown on the plat prepared by R. H. Gordon dated January 12, 1995 recorded in plat book 2 page 19 in the Circuit Court for the County of Dinwiddie and a copy of which is attached hereto as Exhibit A (the "Property"); and

WHEREAS the County received a grant from the Department of Housing and Community Development ("DHCD") for the purpose of developing these and other lots in the West Petersburg Subdivision under certain terms and conditions including the requirement that the property be developed for the benefit of Low to Moderate Income families ("LMI"); and

WHEREAS DHCD has advised the county that it has complied with all of the grant requirements and is accordingly free to transfer these properties to those organizations as allowed by the Code of Virginia; and

WHEREAS WPVA is an organization committed to the Dinwiddie community that wishes to continue the development work initiated by the County, and to pursue the goals of the County to develop the remaining lots for the citizens of the Dinwiddie community and has presented a plan to the Board of Supervisors of Dinwiddie County to this end; and

WHEREAS WPVA is a charitable institution serving the residents of Dinwiddie County and is not controlled in whole or in part by any church or sectarian society;

NOW, THEREFORE, in recognition of the foregoing, the County and WPVA agree as follows:

The County, after public hearing as required by law, will transfer the Property by a Deed of Gift to WPVA subject to the following conditions:

1. Receipt by the county of a resolution of the Board of WPVA authorizing the transfer of the Property to them and their agreement to the terms contained herein.
2. WPVA will construct homes on the property for LMI families and will submit to the County, documentation establishing that the families meet LMI income eligibility criteria as established by DHCD.
3 The homes will be built within 24 months of the transfer of the property.
4 WPVA will report every six (6) months to the Board of Supervisors of Dinwiddie County on the progress being made by appearing before the Board at its first monthly meeting in November and May.
5 If the houses are not built within the time frame allowed, plus any reasonable extensions secured in writing from the County, the lots will revert to the County.
6 This agreement will be recorded with the Deed of Gift from the County to WPVA.

WITNESS the following signatures:

County of Dinwiddie, Virginia

_____

By:

West Petersburg Vicinity and Awareness, Inc.

_____

By:

Department of Housing and Community Development

_____

By

IN RE: PUBLIC HEARING – P-04-3 – MR. RICHARD BOGESE, JR. – REZONING REQUEST

This being the time and place as advertised in the Dinwiddie Monitor on October 19, 2004 and October 26, 2004 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comment on the following matter:

The applicant, Richard Bogese, Jr., is seeking a rezoning for land map/parcel 45-14 from Agricultural, general A-2 to Residential, rural RR-1.

Staff Summary Report

File: **P-04-3**
Applicant: **Richard Bogese, Jr.**

Address: **Turkey Egg Road, Dinwiddie, VA 23841**
Acreage: **70 acres**
Tax Map/Parcel: **45-14**
Zoning: **Agricultural, general A-2**

The applicant, Richard Bogese, Jr., is seeking a rezoning for land map/parcel 45-14 from Agricultural, general A-2 to Residential, rural RR-1. Said parcel contains approximately 70 acres and is located on the north side of Turkey Egg Road approximately ¼ mile west of Boydton Plank Road. The applicant wishes to develop the property for approximately 24 single-family homes on lots two (2) acres or greater in size. Proffers have been offered by the applicant as a condition if the rezoning is granted.

The information included for your review:

- Proffer letter
- Planning Commission minutes from previous meetings
- Rezoning Application with various maps
- Various studies required of the applicant (school, traffic, wetlands & soils)

The Planning Commission heard this request in their August 11, 2004 meeting. Several citizens appeared and asked questions regarding the rezoning request. Upon concluding the public hearing portion of the meeting, the Chairman appointed a study committee of citizens, planning commissioners and staff to research the concerns raised. After a few meetings, the planning commission was advised of the progress of the committee. In view of the committee's report and the resolution of citizen concerns, the Planning Commission voted unanimously at their October 13, 2004 meeting to recommend approval of the rezoning application with the proffers to the Board of Supervisors.

Since this is a zoning matter, the standard statement regarding your action must be read. In order to assist you in this matter, the statement is attached."

Mr. Haraway opened the public hearing.

Mr. Derrick Johnson with J.K. Timmons Group spoke on behalf of the applicant Mr. Richard Bogese. He read the list of proffers offered with the rezoning request.

With reference to the rezoning request for 69 acres on Tax Map Parcel Number 45-14 the owner proffers the following:

1. A minimum 25-foot buffer consisting of the existing tree cover (if any) and open space shall remain on the lands adjacent to State Route 740 and Chigger Creek Road. In open areas this buffer area will be supplemented with a landscape berm. This area shall consist of a 4 foot high earthen berm with evergreen plantings including white pines spaced 30' apart and at least 5' tall at time of planting. These plantings shall be maintained by the Home Owners Association and replaced if diseased or dying.

2. A minimum 25-foot buffer consisting of the existing tree cover (if any) and open space shall remain on the land in any undisturbed state along the eastern property line of the subdivision.

3. The subdivision road will access the property from Route 740. All lots shall front and have driveway access to this subdivision road, only. No driveways will be allowed to enter Chigger Creek Road or Turkey Egg Road.

4. Installation of a Dry Hydrant into the existing pond with adequate access for fire vehicles. During the subdivision design process if the

county determines that this pond will not support a hydrant then this proffer will not be enforced.

5. The radius of pavement in the cul-de-sac of the main road to be a 45' radius for school bus and emergency vehicle turn around.

6. A 12-foot right of way strip shall be dedicated along the entire length of Turkey Egg Road for future road widening improvements.

7. A 25-foot ingress egress easement will be dedicated along the western property line known as Chigger Creek Road. This easement will be exclusive of the 25 foot buffer in proffer 1.

8. Any existing cemetery on this site will be fully enclosed within an easement and an adequate access granted. Limits of cemetery will be determined by a qualified mortician.

9. No structure shall be erected on any parcel of land in the subdivision other than dwellings for single-family occupancy and necessary appurtenant outbuildings, which said outbuildings may be used only for ancillary residential purposes. No dwellings or buildings will be used for commercial purposes other than home occupations, as approved by the appropriate governing body of the county of Dinwiddie shall be allowed.

10. No one-story residence containing less than 1750 square feet exclusive of porches, decks, carport, or garage shall be constructed in the subdivision. All other residences shall not contain less that 2000 square feet exclusive of porches, decks, carport, or garage in the subdivision.

11. No trailer, shack, garage, barn or other outbuildings erected on the property shall at any time be used as a residence temporarily or permanently, nor shall any residence of a temporary character be permitted.

12. No manufactured homes, no mobile homes, no modular homes, shall be allowed on any parcel.

13. No inoperable vehicles or unlicensed vehicles be allowed on any lot for over 30 days, unless stored in a fully enclosed garage and subject to applicable county code.

14. No noxious or offensive trade or activity shall be permitted on any lot that shall become an annoyance or nuisance to a residential neighborhood.

15. All foundations will be bricked however that portion under the porches or decks that will be covered with latticework need not be bricked.

16. All fences shall enclose the rear yard only and shall be no closer to the road than the rear corners of the home. Property owners may attach a fence to any fence on the adjoining property this is to prevent two fences along a common line.

17. No live horses, cattle, hogs, pigs, goats, sheep, poultry, or any livestock shall be allowed on any lot.

18. Pets such as cats and dogs may be kept and maintained at an occupants residence provided such pets are not kept or maintained for commercial purposes, and no more than (4) four pets will be allowed on any single lot or family residence.

19. Prior to recording of any subdivision plat for the property, the developer shall furnish satisfactory evidence to the County Health Department that their exists on each lot an effective site for a well and an effective site for a septic system of sufficient capacity to service the proposed improvements on such lot.

20. Lots are to have a minimum of 2 acres and in no case shall the subdivision contain more than 24 lots.

21. Developer will clear cut the development areas in preparation for the subdivision. These development areas will include the public road, private driveways, necessary utility easements, home site, and required well and drain field. All other wooded areas will be preserved in a natural state.

22. No living trees with a diameter of 6" or greater will be allowed to be removed after completion of the development. Such trees may be removed if diseased or they pose a threat to the home site or accessory structure but only after consulting with and obtaining the approval of the Home Owners Association.

23. An adequate roadside ditch channel and culvert will be constructed along Turkey Egg Road to preclude drainage entering the roadway from the subdivision street. This design will be approved by the Virginia Department of Transportation during the subdivision review process.

24. Installation of a street light at the entrance to the subdivision on Turkey Egg Road, shall be provided by and maintained by the developer until such time that the Home Owners Association takes control of the development at which time it will be the Home Owners Associations responsibility to maintain the light and pay for the electric charges.

25. A Home Owners Association with articles of incorporation and bylaws shall be established for this subdivision and membership by homeowners shall be mandatory. This association shall be responsible for maintenance of the shrubbery, buffer area and security light at the intersection.

Richard Bogese Builder, Inc.

By,_____

The following persons spoke on issues concerning the P-04-3 rezoning request.

1) Michael Bratschi – 23500 Cutbank Road, McKenney, VA – commented the contractor should be offering cash proffers to help offset some of the costs associated with services that the County would have to provide to the new residents.

2) George Whitman – 13010 Old Stage Road, Petersburg, VA – stated development of subdivisions in the County should include parallel roads not just dead end streets coming off another dead end street. He expressed concerns about the high volume of traffic already on Turkey Egg Road; the wetlands on the property; and the ability of the soil to sustain septic systems.

Mr. Haraway closed public hearing P-04-3.

Mr. Johnson informed the Board that the U.S. Army Corps of Engineers has been contacted regarding the wetlands on the property and if the rezoning is approved they will work with them on the site development. VDOT did the traffic impact analysis and the report concluded that there would be minimal impact on the existing traffic flow. Larry Madison, Sr., a Virginia Certified Soil Scientist, prepared a soil feasibility study for septic tanks and his report indicates that there are suitable soil groupings on the property to support this type of residential development. Dr. Charles Maranzano, Superintendent of Schools, indicated that this development would have minimal impact on the schools with a range of 17 to 38 students. The Sheriff's Office indicated there would be no noticeable impacts to that department other than potential increase in alarm system responses due to the size and cost of the homes. The Public Safety Officer's concern was in providing for a water source to fight potential fires in this area. However, since there is an existing pond on this property the suggestion has been to provide an onsite dry hydrant.

Ms. Moody indicated she would like to postpone action on the rezoning until the High Growth study is completed.

Mr. Bowman asked how much money would it cost the citizens for the 17 students. He also asked if any drillings had been done to test for uranium in the wells. Mr. Johnson stated no drillings had been done because the wells would be the responsibility of the owners not the County. Mr. Bowman stated the developer should be required to post a bond in case it did occur then it would not fall back on the County.

Mr. Haraway stated he knows Mr. Bogese and he has built many excellent homes in his district.

Ms. Moody made the motion to postpone action on the rezoning application P-04-3 until after the High Growth Committee finishes developing the growth plan for the County. Mr. Bowman seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", motion carried.

IN RE: PUBLIC HEARING A-04-12 – AMENDMENT TO COUNTY ZONING CODE TO ADD THE DEFINITION OF CONCESSION STAND, LAKE BOAT

This being the time and place as advertised in the Monitor on October 19, 2004 and October 26, 2004, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comment on the following matter:

An Ordinance to amend the Zoning Ordinance of Dinwiddie County, Virginia, by adding the definition of Concession Stand Lake Boat, to Section 22-1, Definitions.

Mr. Scheid stated there has been some doubt expressed as to whether the Planning Commissioners took a vote on conditional use case A-04-13. It is suggested that the Board proceed with the public hearing tonight and take action at a later date so that staff can listen to the minutes for the Planning Commission meeting tape to ascertain that the members did vote on the next conditional use case. Mr. Scheid continued with the following amendment.

Staff Summary

File: A-04-12 & 13

Applicant: John Bottoms

The applicant, John Bottoms, is seeking an amendment to the County zoning code such that a definition for concession stand, lake boat is adopted and such use be permitted in an R-R (Rural Conservation) district.

The Planning Commission and Board of Supervisors were advised of Mr. Bottom's situation. Both bodies indicated to staff a willingness to consider the proposed amendments. Staff checked with other counties in which such a use was established. Lake Gaston allows this use but it must be noted that Mecklenburg does not have a provision addressing this use in their ordinance. The Army Corps of Engineers does not allow the use on Lake Gaston within the portion of the lake under their control. Smith Mountain Lake has such a use. Franklin County does not address the issue in their zoning code whereas Bedford County permits the use as a 'home occupation'. In regard to Lake Chesdin, Chesterfield County and Dinwiddie County do not address this use in the zoning code. Since Mr. Bottoms resides in Dinwiddie County, it was determined most appropriate for Dinwiddie County to address the issue.

The Planning Commission heard this case at their October 13, 2004 meeting. There were no public comments received on either the definition of the lake boat concession stand or permitting the use in an R-R district. As noted during the planning commission meeting, it appears other jurisdictions have not experienced a problem with such a use. It does appear than such a use may actually provide a service for the citizens using Lake Chesdin. The commission believes our ordinance should address this use through the conditional use permit procedure. Considerations involving music, lighting, boat location, and hours of operation were discussed. In view of the above, the Planning Commission unanimously voted to recommend to the Board of Supervisors approval of A-04-12 (definition) and approval of A-04-13 (lake boat concession stand with conditional use permit in R-R district).

Since the Planning Commission meeting, staff has received a letter dated October 18, 2004 signed by Richard D. Hartman of the Appomattox River Water Authority. The letter is attached for your review. Essentially, the Authority does not object to the use on Lake Chesdin.

Since this is a zoning matter, the standard statement for zoning matters must be read and is attached for your reference. While the two (2) amendments have been discussed as a single matter, separate motions on the amendments must be made.

Mr. Haraway asked several questions regarding the period of time for the location of the boat in front of someone's property; what kind of boat it would be and where it would be kept.

Mr. John Bottoms 11913 Walkers Lane, Ford, Virginia, stated he had no intention of parking his boat in front of anyone's property for an extended period of time. His said he had a 22' pontoon boat and he would take it home with him at night.

Mr. Haraway opened the public hearing. No one spoke in opposition or support of the amendment. Mr. Haraway closed the public hearing.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF DINWIDDIE COUNTY, VIRGINIA, BY ADDING THE DEFINITION OF CONCESSION STAND, LAKE BOAT, TO SECTION 22-1, DEFINITIONS.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the zoning ordinance be amended as follows:

Section 22-1, Definitions, be amended by adding the following definition:

Concession stand, lake boat. Any boat from which, for compensation, food and/or beverages are dispensed for consumption off-premises.

This Ordinance shall become effective immediately upon adoption by the Board of Supervisors. If any portion of this Ordinance shall be declared null and void, the remaining portions shall remain in full force and effect.

No action was taken by the Board on this amendment.

IN RE: CITIZENS COMMENTS

1) Michael Bratschi - 23500 Cutbank Road, McKenney, VA – commented on the following issues: a) Some residents were turned away at McKenny and weren't given a provisional ballot by the election officials. He stated the election officials should be trained before they are allowed to work in the precincts.
b) The Director of Finance should not have done the researching of the curfew ordinances; that should have been handled by the county attorney or assistant county administrator.

2) Anne Scarborough – Boydton Plank Road, Dinwiddie, VA – agreed with Mr. Bratschi regarding the director of finance dealing with the curfew and asked what was in her job description to justify her presenting the information. She commented she too thought the assistant county administrator would have handled it.

The County Administrator asked the Chairman if she could respond to that? Mr. Haraway commented before she did, he wondered about that also. He said he asked Mrs. Howerton why she did the research for the curfew and he could understand where these people were coming from. Mrs. Ralph responded she would take full responsibility for Mrs. Howerton providing that report and she did an excellent job. When the time comes that the county has enough people so that we can only do one job she would like to be here when that day comes. She commented it has not happened since she has been here and the employees help each other in whatever area that they can at the time. Mrs. Howerton willingly agreed to do that and she did an excellent job. The County is not at the point staff wise where the employees can only do what is on their job descriptions. If the Board was directing her not to do these types of things in the future, then staff would need to do that; but we share in the workload to get things done and that means most of the time going outside of job descriptions. But if the Board wants it done differently then please direct staff. Mr. Stone commented he had spoken to the Chairman about it after his district meeting last week and it was one of the issues that the Board hoped to discuss in the 5:00 P.M. closed session; but there wasn't enough time to deal with it. However, the Board would be discussing it.

IN RE: COUNTY ADMINISTRATOR COMMENTS

The County Administrator stated the Board had requested a Community meeting for the curfew and a date needed to be scheduled for the meeting. Mr. Haraway stated he would provide a report at the next meeting and then the Board could decide at that point when to schedule the community meeting.

IN RE: BOARD MEMBER COMMENTS

Ms. Moody stated it had been brought to her attention that Louisa County has asked and is receiving the assistance of the State Police to inspect trucks hauling biosolids into the County. She requested that Administrative Staff call and see if the State Police could lend Dinwiddie County a helping hand also. The Chairman instructed Mrs. Ralph to do that. Mr. Moody commented that he had not heard that there were any problems with the hauling of biosolids from the Planning Department and he was not aware of any problems at this time. He stated if staff was having any problems with it they should contact the Sheriff's Department. The Board directed the County Administration to call the State Police and ask them to assist with the inspection of trucks hauling biosolids.

Mr. Bowman thanked the Board for working with him on the Six-Year Road Plan.

Mr. Haraway stated the Board was told by Davenport that they would receive the fixed pricing book for the bond issue and he couldn't understand why the Board had to wait six weeks for the information. It is normal procedure to have this report within a couple weeks of the bond sale. He explained that the book shows what other bonds sold for that same day and what the interest rate were. Mr. Bowman stated he would also like the interest rates on the Dinwiddie County Water Authority bonds.

IN RE: CLOSED SESSION

Mr. Stone moved to close the meeting in order to discuss matters exempt under section: §2.2-3711 (A)(1) – Personnel – Environmental Land Technician; Procurement; Public Safety; Appointments; and County Personnel and §2.2-3711 (A)(3) Acquisition of Property; §2.2-3711 (A) (7) - Consultation with Legal Counsel – Legal Services; Contract Issues;

Mr. Moody seconded the motion. Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 9:39 P.M.

The meeting reconvened into Open Session in the Board Meeting Room at 11:36 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under: §2.2-3711 (A)(1) – Personnel – Environmental Land Technician; Procurement; Public Safety; Appointments; and County Personnel and §2.2-3711 (A)(3) Acquisition of Property; §2.2-3711 (A) (7) - Consultation with Legal Counsel – Legal Services; Contract Issues;

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

IN RE: APPROVAL OF SUPPLEMENTAL PAYMENT FOR EMS FOR DUCK'S UNLIMITED EVENT

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the supplemental payment for the paid EMS providers for the Duck's Unlimited Event on September 17 – 19, 2004 in the amount of $4,619.91 is hereby approved.

IN RE: AUTHORIZATION TO ADVERTISE ENVIRONMENTAL PLANNER/INSPECTOR POSITION

The County Administrator stated the County had been trying for some time to fill the part-time position for the Environmental Land Technician. It had been recommended not only because of the needs in that area but also in the storm water management, erosion and sediment control that the County

combine those duties into one Environmental Planner/Inspector full time position. She commented staff felt it would be easier to fill a full time position and requested authorization to advertise the position.

Upon motion of Mr. Stone, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", Staff was authorized to advertise the Environmental Planner/Inspector full time position.

IN RE: APPROVAL TO ISSUE CHECK FOR THE BOARD'S DINNER

Upon motion of Mr. Bowman, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", Staff was authorized to issue a manual check in the amount of $97.61 to That's A Burger for the Board's dinner.

IN RE: ADJOURNMENT

Upon Motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the meeting adjourned at 11:43 P.M. to be continued until 9:00 A.M. on Friday, November 12, 2004 for Closed Session in the Administration Conference Room.

Donald L. Haraway, Chairman

ATTEST: Wendy Weber Ralph
Wendy Weber Ralph
County Administrator

/abr

VIRGINIA: AT THE CONTINUATION 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 12TH DAY OF NOVEMBER, 2004, AT 9:00 A.M.

PRESENT:	DONALD L. HARAWAY – CHAIRMAN	ELECTION DISTRICT #2
	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5

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Mr. Donald L. Haraway, Chairman, called the continuation meeting to order at 9:00 A.M.

IN RE: CLOSED SESSION

Mr. Stone moved to close the meeting in order to discuss matters exempt under section: §2.2-3711 (A)(1) – Personnel;

Ms. Moody seconded the motion. Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 9:00 A.M.

The meeting reconvened into Open Session at 11:56 A.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under: §2.2-3711 (A)(1) – Personnel;

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

IN RE: ADJOURNMENT

Upon Motion of Ms. Moody, Seconded by Mr. Stone, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the continuation meeting adjourned at 11:57 A.M. to be continued till 9:00 A.M. Tuesday, November 16th for a Closed Session in the Administration Conference Room.

Donald L. Haraway

Donald L. Haraway, Chairman

ATTEST:_____
W. Kevin Massengill
Assistant County Administrator

/abr

VIRGINIA: AT THE CONTINUATION MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE ADMINISTRATION CONFERENCE ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 16TH DAY OF NOVEMBER, 2004, AT 9:00 A.M.

PRESENT:	DONALD L. HARAWAY – CHAIRMAN	ELECTION DISTRICT #2
	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5

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Mr. Donald L. Haraway, Chairman, called the continuation meeting to order at 9:00 A.M.

IN RE: CLOSED SESSION

Mr. Bowman moved to close the meeting in order to discuss matters exempt under section: §2.2-3711 (A)(1) – Personnel –County Administrator; Public Safety; County Personnel; and Appointments; 2.2-3711 (A)(5) – Industrial; §2.2-3711 (A)(3) – Acquisition of Property; §2.2-3711 (A) (7) - Consultation with Legal Counsel – Legal Services; Contract Issues;

Mr. Bowman seconded the motion. Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 9:00 A.M.

The meeting reconvened into Open Session in the Board Meeting room at 2:00 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under: §2.2-3711 (A)(1) – Personnel –County Administrator; Public Safety; County Personnel; and Appointments; 2.2-3711 (A)(5) – Industrial; §2.2-3711 (A)(3) – Acquisition of Property; §2.2-3711 (A) (7) - Consultation with Legal Counsel – Legal Services; Contract Issues;

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

IN RE: ADJOURNMENT

Upon Motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the continuation meeting adjourned at 2:01 P.M.

Donald L. Haraway

Donald L. Haraway, Chairman

ATTEST: Wendy Weber Ralph

Wendy Weber Ralph
County Administrator

/abr

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 16TH DAY OF NOVEMBER, 2004, AT 2:00 P.M.

PRESENT:	DONALD L. HARAWAY – CHAIRMAN	ELECTION DISTRICT #2
	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5
OTHER:	ANN NEIL COSBY	COUNTY ATTORNEY

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

Mr. Donald L. Haraway, Chairman, called the meeting to order at 2:01 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

The County Administrator requested that the agenda be amended to add Recreation Grant under the action items as item number 5; and that a Closed Session be added at the end of the meeting for §2.2-3711 (A)(1) – Personnel – County Administrator; Public Safety; and County Personnel; §2.2-3711 (A)(5) – Industrial; §2.2-3711 (A)(3) – Acquisition of Property; §2.2-3711 (A) (7) - Consultation with Legal Counsel – Contract Negotiations; Mr. Moody requested appointments be added to the closed session also.

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

IN RE: MINUTES

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the minutes of the November 2, 2004 Continuation Meeting are approved in their entirety.

IN RE: CLAIMS

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway 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 1046856 through 1047084 (void check(s) numbered 1046868, 1046645, 1046861, 1046737, 1046876 and 1047061,)

FY – 04/05
Accounts Payable:

(101) General Fund	$ 119,273.69
(103) Jail Commission	$ 75.43
(209) Litter Control	$ 282.00
(222) E911 Fund	$ 2,367.51
(223) Self Insurance Fund	$
(225) Courthouse Maintenance	$ 1,270.39

(226) Law Library	$	68.35
(228) Fire Programs	$	1,382.48
(229) Forfeited Asset Sharing	$	
(304) CDBG Grant Fund	$	3,847.83
(305) Capital Projects Fund	$	8,234.94
(401) County Debt Service	$	60,998.75
TOTAL	**$**	**197,801.34**

IN RE: REQUISITION #1 – COST OF ISSUANCE – SCHOOL BONDS – IDA SERIES 2004B

The following invoices were submitted for payment:

Moody's Investors Service (Professional Services)	$19,000.00
RR Donnelley Receivables, Inc. (Printing Services)	$ 8,332.30
TOTAL	**$27,332.30**

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number #1 in the amount of $27,332.30 be approved and funds appropriated for expenses from the Dinwiddie County IDA Lease Revenue and Refunding Bonds, Series 2004B.

IN RE: FY 03-04 AUDIT PRESENTATION – ROBINSON, FARMER, COX, ASSOCIATES

Mr. Paul Lee, Robinson, Farmer, Cox, Associates, noted this was the second year the County has been under the GASB 34 format. He reminded the Board that he had previously explained that it would take a year or so to see how these statements move to really know a lot about them to get the history in with the full accrual. He pointed out the overall Governmental activities decreased the County's net assets, not including the School Board, by about $40,488. The change in the beginning net assets was due to a change in capital assets from $32,177,729 million to about $32,077,241 million. At the end of the current fiscal year, unreserved fund balance for the general fund was $17,062,058 or 72% of total general fund expenditures. So the County is in good shape.

Tax collections remain pretty strong. In the previous year, it was reported that there were no collections on the Public Service Corporation Tax. However, this year there was almost two years worth in one period of time.

There was one reportable condition which was the Jail inmate trust fund which was not adequately monitored. The situation has been addressed and they are moving forward on it. He commented there was one management comment and that dealt with the Social Services Department not attaching receipts to revolving account payments. We recommend that all expenditure receipts be attached to any statement being paid to ensure payments are not made by statements alone.

Mr. Lee stated the audit went very well here and commended the Administrative Staff, Treasurer's Office, School Board, and Social Services Department for opening up to them when they come in to do the audit.

Mr. Haraway thanked Mr. Lee for providing the audit in a timely manner this year.

IN RE: CITIZEN COMMENTS

1. Michael Bratschi – 23500 Cutbank Road, McKenney, VA – made the following requests: a) that the Board adopt a resolution opposing gay marriages b) take action to hire personnel to fill existing positions c) to ask the School Board to submit a report on gang activity in the schools d) inform the citizens as to what the proposed use is going to be for the Rohoic Elementary School when the new elementary school is built.

2. David Dudley – Smith Grove Road, Petersburg, Virginia, 23803 – thanked Ms. Moody for requesting that the State Police help monitor trucks hauling biosolids in the County. He also requested that the Board ask VDOT to do a study for a flashing light at the intersections of Surry Avenue and U.S. Route 1.

3. Geri Barefoot – 7411 Frontage Road, Petersburg, VA – stated she didn't know how the Planning Department could monitor the application of biosolids when some of the applications are done outside of the normal work week.

4. Margie Flowers – 14919 Wilkerson Road – questioned why it takes so long to hire people for County positions. She asked the Board when they were going to hire a full time county attorney. At the present rate they would be way over budget before the end of the year. She stated at the last meeting there was a rezoning request from a developer who wanted to build a subdivision on Turkey Egg Road which the Board postponed and there were no cash proffers offered. She told the Board that cash proffers should be required by the County not voluntarily.

IN RE: VDOT REPORT

Mr. Ray Varney, Resident Engineer, Virginia Department of Transportation, stated at the public hearing for the Six-Year Secondary Road Plan an issue came up on Sawmill Road. There is three tenths of a mile section which is unpaved. The residents along the road wanted to get the road paved and they donated the right-of-ways to get it done. However, the people who owned this section of road did not feel it was in their best interest at that time. He said it was his understanding now that the family is now interested in donating the remaining property for the right-of-way so the project can be completed. He suggested that the Board accept that right-of-way and take a look at how the project could be funded without changing the Six-Year Plan, maybe with some leftover funds from another project, if he could get the State to reopen the project.

He provided the following update:

1. Brills Road rock issue – a backhoe with a ram rod was used to break up the rock where there was a dip in the road.
2. Wilson and Springston Road dumpster site – VDOT will be spreading rock on the shoulders and the right of ways this afternoon.
3. Wilkinson Road – there is a rock in the road bed near the bridge close to Courthouse Road; rather than remove it VDOT is intends to backfill the area with asphalt and smooth it out.
4. White Oak Road – in the sharp curve where the Spencer's own the property, if they will give a right of entry to VDOT, we will be cutting the bank back to open the sight distance up in the curve.
5. Mr. Varney stated he had some information on the High Speed Rail and

asked the Board if they would prefer to hold a special meeting to discuss it. The Board agreed to the workshop for the next night meeting and the School Board was invited also.

1. Route 1 and Surry Avenue flashing light issue would be addressed.
2. Cutbank – Church Road a couple of culverts need to be replaced. Plats were sent to the district office a couple of weeks ago for them to contact the property owners to see if they could obtain right of ways for the installation of the pipes.

Board Member Request/comments

Mr. Moody commented there was a big rock on Tranquility Road near the bridge at the bottom of the hill too. Mr. Varney stated he felt that was a good project for the Secondary Six-Year Plan because the bridge may have to be replaced and also the low road count, which is about 50 vehicles per day. He suggested it might be good to do a "spot improvement" there too.

The County Administrator stated that the road that comes off Courthouse Road to the government building parking lot, the structural support around the culvert is in bad shape. She commented Staff was contacting the superintendent about fixing it and she wanted him to be aware of it. It has to be repaired either way but if VDOT could help with the situation it would be appreciated. Mr. Varney stated it was not a publicly maintained street.

Mr. Haraway stated the School Board is looking into building a new elementary school and one of the sites would require building a road approximately 1/3 to ½ mile. He commented he knew there were a lot of advantages of building the road to state specifications and approving it; but were there any advantages to not having the state take it over? Mr. Varney replied it could be gated.

IN RE: AUTHORIZATION TO IMPLEMENT STERILIZATION PROGRAM AND ESTABLISH ACCOUNT

"TO: DINWIDDIE COUNTY BOARD OF SUPERVISORS

FROM: MARY ELLISON, ANIMAL CONTROL

DATE: NOVEMBER 8, 2004

RE: STERILIZATION PROGRAM

I would like to purpose an adoption fee of $75.00 for dogs and $40.00 for cats. The fee will cover the sterilization of the animal, rabies shot, DHL/feline shot and adoption fee. Upon adoption of the animal, an appointment will be made for sterilization at least 7 days later at Chesdin Animal Hospital. In the event the animal does not work out for the adopter within 7 days, it may be returned it to the shelter for a refund. No refunds after 7 days.

In the case of puppies and kittens that are too young to be sterilized, the sterilization agreement will be used and when the sterilization is complete, the veterinarian cost will be paid from our sterilization fund.

In the event we adopt an animal that is already sterilized, I propose to keep the adoption fee the same and put it in the sterilization account for promoting spay/neuter in our County. Funds from Animal Friendly Plates that are received yearly could then be kept for County use in promoting sterilization. This amount averages about $350.00 per year and has been given to the Tri-City S.P.C.A. in the past due to not having a program in our County.

Similar programs are in effect in other areas such as Petersburg and Prince George and working well."

Upon motion of Ms. Moody, Seconded by Mr. Bowman, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization was granted for Animal Control to implement the sterilization program and to establish an account to keep adoption fees for the program.

IN RE: AUTHORIZATION TO REJECT BIDS AND REBID PARKING LOT AT EASTSIDE

The County Administrator stated the Board previously awarded the contract to Pro-Construction for the parking lot at Eastside. Unsuitable materials were found at the sight and the location had to be adjusted. Pro-Construction based upon the adjustment in the location, came back with an increased cost in their bid to do that work. Staff feels it would be in the best interest of the County to re-bid the job. Staff recommends that the Board take action to rescind the approval of the contract with Pro-Construction and authorize staff to re-bid the project.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the contract with Pro-Construction was rescinded and staff was authorized to re-bid the parking lot at Eastside.

IN RE: SCHOOL BOARD SUPPLEMENTAL APPROPRIATION #1 FY 04-05

"TO: Wendy Ralph

FROM: Jim Lanham

CC: Dr. Charles Maranzano

DATE: November 10, 2004

Supplemental Appropriation #1 – we request that an additional $372,031.28 in increased federal funds be appropriated to the School Board's instructional budgets. As you know, we prepare the annual budget using the current year's federal budgets, as we do not get new federal allocations until the summer and fall. We have now received all of our updated allocations that represent an overall increase of $372,031.28. No local match is required.

November 3, 2004

SUBJECT: Supplemental Appropriation #1

BACKGROUND INFORMATION: The FY2005 budget was approved using estimated revenue for all federal grants. These numbers were based on FY2004 funding.

ADMINISTRATIVE CONSIDERATION(S): Attached you will see a spreadsheet for the FY2005 federal grants including NCLB. There is an additional $135,635.56 in new federal money to be allocated to the FY2005 budget, the bulk of this coming from Title VIB funds.

In addition, there is $236,395.72 in carryover funds. This money is part of the 2003 – 2004 grant allocations and is carried over due to timing of expenditures and the difference between the federal grant period and our fiscal year (ex. Summer Institute). Most of these funds have already been expended over the summer and beginning of school.

The money would be appropriated as follows:

$ 372,031.28 Instruction Category

RECOMMENDATIONS: Amend the FY2005 School Board budget and authorize us to request the Board of Supervisors to appropriate an additional $372,031.28 to the FY2005 budget due to increased federal funding and carryover funds.

ACTION REQUIRED: Board Approval

CONTACT PERSON: Christie Fleming
James Lanham

FY2005 FEDERAL GRANT INFORMATION

SUPPLEMENTAL APPROPRIATION #1

GRANT	FY2005 BUDGET	FY2005 ACTUAL GRANT AWARD	FY2004 CARRYOVER	DIFFERENCE
Title I	$657,655.00	$612,919.00	$51,435.83	$6,699.83
Carl Perkins	$77,790.00	$69,342.00	$0.00	($8,448.00)
Title VI - B - Flow Through	$555,966.00	$769,438.00	$39,684.55	$253,156.55
Preschool	$31,132.00	$29,838.00	$0.00	($1,294.00)
Title II - Part A - Teacher Quality	$195,501.00	$190,892.00	$104,233.87	$99,624.87
Title II - Part D - Technology	$19,151.00	$17,305.56	$0.00	($1,845.44)
Title V - Innovative Programs	$43,380.00	$27,577.00	$31,016.00	$15,213.00
Title IV - Safe and Drug Free	$24,982.00	$23,881.00	$10,025.47	$8,924.47
TOTAL	$1,605,557.00	$1,741,192.56	$236,395.72	$372,031.28

Upon motion of Mr. Moody, Seconded by Ms. Moody, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia appropriated an additional $372,031.28 to the FY2005 School Board's instructional budgets as presented. No local match is required.

IN RE: SCHOOL BOARD UTILITIES REIMBURSMENT REQUEST

"TO: Wendy Ralph

FROM: Jim Lanham

CC: Charles Maranzano, Christie Fleming

DATE: November 3, 2004

RE: Request for Utilities Reimbursement

As you recall, in a memorandum dated August 17, 2004 we requested that the Board of Supervisors reimburse Dinwiddie County Public Schools $35,088.13 for our overage in utilities for FY04. This request was based on an agreement with the Board of Supervisors that they would cover up to $100,000 in overage for FY04.

Subsequently, the question was raised as whether or not this overage was compared to the FY04 budget for utilities or to the actual FY03 expenditures for utilities. Of course, the school division employees who were party to this discussion (Dr. Wise and Dr. Morris) are no longer here. The rest of our staff clearly believed that the agreement was to cover the excess expenditure over the budgeted amount. In fact, when I began reporting this potential overage to you each quarter, all of my worksheets compared the projected expenditures to the budget. At no time in our discussions with you was there any mention of us projecting potential costs using incorrect figures.

When compared to FY03, the overage amount reduces to $295.11. Since we are still within our budget without either amount being reimbursed, we do not see this as a major issue. However, we had hoped to request that the utilities reimbursement of $35,088.13 be added to our projected ending balance of $72,446.45 and be reappropriated to the school division in November so that we could use the funds for the three refrigerator replacement/upgrade projects required by changes in the health code and projected to cost $102,000. We could then rescind our request for these funds from the CIP process.

I will plan to attend the November 16, 2004 Board of Supervisors Meeting to answer questions regarding this matter."

Mr. Bowman asked for staff's recommendation. The County Administrator stated the conservative recommendation would be to include the $35,088.13 in the $72,446.45 ending fund balance reappropriation.

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Stone, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", Mr. Bowman voting "Nay",

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia appropriated $102,000 from the fund balance to the School Capital Fund for the purchase of three refrigerator replacement/upgrade projects required by changes in the health code as presented.

IN RE: RECESS

The Chairman called for a recess at 3:11 P.M. The meeting reconvened at 3:24 P.M.

IN RE: AUTHORIZATION TO ADVERTISE PUBLIC HEARING – TAX RELIEF FOR THE ELDERLY AND DISABLED

Mrs. Lori Stevens, Commissioner of the Revenue, explained that the General Assembly adjusted the levels for tax relief for the elderly and disabled in the State. Since the current ordinance has not been changed since January 1999, and the scale has not changed since 1996 or before she recommended the following changes to the Board:

Recommendations:

Change due date from March 1 to April 1

INCOME	TAX EXEMPTION
$0 – $19,000	100%
$19,001 - $20,000	90%

$20,001 - $21,000	80%
$21,001 - $22,000	70%
$22,001 - $23,000	60%
$23,001 - $24,000	50%
$24,001 - $25,000	40%
$25,001 - $26,000	30%
$26,001 - $27,000	20%
$27,001 - $28,000	10%

Total combined income from all sources of the owner of the dwelling and the owner's relatives – not to exceed $28,000; provided the first $5,000 of income of each relative other than spouse of the owner, who is living in the dwelling not be included.

Total net combined financial worth, including equitable interests, excluding the value of the dwelling and the land, not exceeding 5 acres, upon which it is situated does not exceed $75,000.

Mr. Haraway asked if her recommendations were in line with the surrounding localities. She replied Petersburg and Prince George are at the $30,000 plus level. Petersburg does not do the stair stepping; they offer $30,000 and some percentage but they don't give 100 percent at all. One locality was really low at $18,000 and that was at the top. Mr. Haraway asked how much revenue it would cost the County. The Commissioner commented she really did not know what the variables would be so she couldn't give an accurate figure.

Mrs. Stevens reminded the Board that the ordinance would also change the due date from March 1st to April 1st.

Upon motion of Mr. Bowman, Seconded by Mr. Stone, Mr. Stone, Ms. Moody, Mr. Bowman Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia the County Attorney was authorized to draft the amendment and advertise the public hearing for January 4, 2005.

Mr. Haraway stated when the tax assessor was here he indicated the book value was only going to increase 15%. He said he had a hard time believing it is only going to increase 15% when he had citizens telling him that they had anywhere from 30, 40 to 80% increase in their assessments. He asked if there were a lot of people out there that were getting big decreases that he had not heard about. The Commissioner stated not that she was aware of and she felt it was going to be more than a 15% increase based on what she heard from folks coming in and calls. She stated by January the numbers would be in and she could run the books and she should have accurate percentage increase. Mr. Haraway asked if the assessor had something to base that 15% figure on. She replied she thought he was using the sales ratio from where the County was to where he felt it would end up and doing a rough estimation it was 15%.

IN RE: AUTHORIZATION TO UTILIZE RECREATION FUND BALANCE FOR GRANT MATCH FOR PLAYGROUND EQUIPMENT

Mr. Tim Smith, Recreation Director, commented several weeks ago the recreation department was presented a Healthy Kids Initiative Grant opportunity to purchase playground equipment. GameTime is the playground company that is sponsoring the grant. After doing some research he approached Administration about utilizing up to $17,330 of the Recreation fund balance to purchase about $27,000 of playground equipment. It would be installed at the recreation center in conjunction with the pavilion and hopefully with the parking lot. He requested authorization to use the $17,330 as a match for the grant. He commented first of all he wanted to make sure the County would be receiving the

Healthy Kids Grant Initiative; that the County would, in fact, be getting the equipment through the U.S. Communities contract so as not to violate any procurement requirements; and that we would not expend over $17,330.

He commented in order to save additional funds it would be a community build project, under the supervision of a GameTime contractor. The nice thing about it is that it is a build on set so it could be added to when funds become available.

Mr. Stone asked Mr. Smith how much money is in the recreation fund balance. Mr. Smith replied $17,330.

Upon motion of Mr. Bowman, Seconded by Ms. Moody, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", Mr. Stone "Abstaining",

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia authorized the Recreation Director to utilize the $17,330 Recreation fund balance for playground equipment contingent upon meeting all procurement requirements and that the grant meets legal requirements.

IN RE: COUNTY ADMINISTRATOR COMMENTS

The County Administrator informed the Board that the money that was expended for the industrial property has been refunded to the County by the Tobacco Commission.

IN RE: BOARD MEMBER COMMENTS

Mr. Stone requested that staff look into the possibility of adding an ordinance for the removal of political signs promptly after elections to the County Code. Mr. Moody commented there is already a sign ordinance that they have to be removed within a period of time. The County Administrator stated the Registrar does have the authorization to demand it. Mr. Stone commented she was driving around in the County now but it would take her a long time to drive around the whole county. Mr. Bowman stated it is a State Code and the Registrar has the authority to notify the political party in the County and give them a deadline for removal and if not they would be in court. He suggested that the County Attorney investigate it and the Board could write a letter to them.

Mr. Bowman reiterated he still had not received the information on the cost of the bonding for the water project for Chaparral Steel. The County Administrator commented it had been requested but she did not have a date from them.

Ms. Moody commented a few of the citizens living in the White Oak Road area called her complaining of bad odors during the days the trucks were delivering biosolids in that area. That led her to believe that a truck had a leakage problem. She instructed the Administrative Staff to immediately research whether or not the State Police could help monitor the trucks.

Mr. Moody reported that the Board attended the VACo Conference and several members were able to attend many of the concurrent sessions and he felt it was a good conference. VACo prepared a legislative package for the counties and the Board needed to take a look at it to endorse it or add issues so it could be forwarded to our legislators.

Mr. Haraway stated that the financial statements were included in the Board package and this is one of the things he had harped about. He pointed out the statement of revenues, expenditures and changes in the general fund balance report and commented the financial director after this current year the report would be on a year to date basis. He commented he had only one question and that was about the large amount spent on insurance. Mrs. Howerton informed him that it was an annual policy. He said the County might want to consider in

the future having a prepaid insurance account and then write off a certain portion each month to give us an even expenditure on that account.

IN RE: COMMONWEALTH ATTORNEY UPDATE

Mr. George Marable, III, Commonwealth Attorney, stated December 20th is the deadline for the Governors budget to apply for a fulltime status for his position. He commented that the Board had been very supportative of that and asked them for their continued support.

IN RE: CLOSED SESSION

Mr. Moody moved to close the meeting in order to discuss matters exempt under section: §2.2-3711 (A)(1) – Personnel – County Administrator; Public Safety; Appointments and County Personnel; §2.2-3711 (A)(5) – Industrial; §2.2-3711 (A)(3) – Acquisition of Property; §2.2-3711 (A) (7) - Consultation with Legal Counsel – Contract Negotiations;

Ms. Moody seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 3:42 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 5:26 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under §2.2-3711 (A)(1) – Personnel – County Administrator; Public Safety; Appointments and County Personnel; §2.2-3711 (A)(5) – Industrial; §2.2-3711 (A)(3) – Acquisition of Property; §2.2-3711 (A) (7) - Consultation with Legal Counsel – Contract Negotiations;

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

IN RE: HURRICANE ISABEL 2003 COMPENSATION FOR EMPLOYEES

The County Administrator said the employees under the Board of Supervisors control have not been compensated for time they put in during hurricane Isabel when the offices were closed. The other agencies such as the school board and social services have compensated their employees for their time but the County has not. Staff was waiting to see what FEMA was going to reimburse the County but it is no secret they did not cover the costs for any agency fully. The Financial Director stated the period of time the employees worked when the offices were closed was from September 18, 2003 at 1:00 P.M. until 8:30 A.M. Thursday, September 25, 2003. The total amount for the hours worked was $22,751.00 prorated down to what FEMA reimbursed the County the total was $16,576.00.

Mr. Moody made the motion to compensate the employees at the prorated rate within the $16,576.00 which FEMA reimbursed the County. Ms.

Moody seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody voting "Aye", Mr. Haraway, voting "Nay", motion carried.

IN RE: COMPENSATION FOR VOLUNTEERS – DUCKS UNLIMITED EVENT

The Financial Director presented the request from Alvin L. Langley, Chief, Ford Volunteer Fire and EMS. Mr. Langley requested that the volunteers that staffed the Ducks Unlimited event be paid $3,315.00 for covering the event. Six volunteers covered the three day event for a total of 60.5 hours at $30.00 per hour which brought the total to $3,315. The monies will be distributed to the companies according to the number of hours worked during the three day event.

Upon motion of Mr. Bowman, Seconded by Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the supplemental payment for the volunteer Fire/EMS for the Duck's Unlimited Event on September 17 – 19, 2004 in the amount of $3,315.00 is hereby approved. The monies will be distributed to each volunteer department so they can distribute it to the other volunteers according to the number of hours worked.

IN RE: INFORMATION IN BOARD PACKET OR DISTRIBUTED

1. GIS report, new address assignments.
2. Letter from DRPT to Board regarding Citizen Information Meetings in November to present proposed alternatives that address the transportation needs within the study area.
3. Appomattox Regional Library Report.

RE: ADJOURNMENT

Upon Motion of Mr. Moody, Seconded by Mr. Stone, Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the meeting adjourned at 5:39 P.M. to be continued until 5:00 P.M. on Monday, November 29, 2004 for a Closed Session for Personnel.

Donald L. Haraway, Chairman

ATTEST:
W. Kevin Massengill
Assistant County Administrator

/abr

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VIRGINIA: AT THE CONTINUATION 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 7TH DAY OF DECEMBER, 2004, AT 4:00 P.M.

PRESENT:	DONALD L. HARAWAY – CHAIRMAN	ELECTION DISTRICT #2
	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5

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IN RE: ADJOURNMENT

Upon Motion of Mr. Bowman, Seconded by Mr. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the November 29, 2004 continuation meeting adjourned at 4:01 P.M.

Mr. Donald L. Haraway, Chairman, called the continuation meeting to order at 4:01 P.M.

IN RE: LAUNDRY LIST WORKSHOP

The Board members and Staff met to continue the discussion on the items on the Board's *Projects in Progress* list. The County Administrator provided a summary of what staff has done and what is being done in regard to the items and issues on the list. After a lengthy discussion of some of the issues, Mr. Haraway stated the Board would have to continue the work on the list at a later time because there was a need to go into closed session.

IN RE: CLOSED SESSION

Mr. Stone moved to close the meeting in order to discuss matters exempt under section: §2.2-3711 (A)(1) – Personnel –County Personnel; Sheriff; Public Safety; §2.2-3711 (A)(7) - Consultation with Legal Counsel - Legal Advice on Potentially Privileged Communication; Legal Issues Relating to Offenses Against the Public Peace; and §2.2-3711 (A)(3) Acquisition of Property;

Ms. Moody seconded the motion. Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 5:11 P.M.

The meeting reconvened into Open Session at 7:39 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under: : §2.2-3711 (A)(1) – Personnel –County Personnel; Sheriff; Public Safety; §2.2-3711 (A)(7) - Consultation with Legal Counsel - Legal Advice on Potentially Privileged Communication; Legal Issues Relating to Offenses Against the Public Peace; and §2.2-3711 (A)(3) Acquisition of Property;

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

IN RE: ADJOURNMENT

Upon Motion of Mr. Stone, Seconded by Mr. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the continuation meeting adjourned at 7:41 P.M.

Donald L. Haraway, Chairman

ATTEST:
Wendy Weber Ralph
County Administrator

/abr

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 7TH DAY OF DECEMBER, 2004, AT 7:30 P.M.

PRESENT:	DONALD L. HARAWAY – CHAIRMAN	ELECTION DISTRICT #2
	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5
OTHER:	PHYLLIS KATZ	COUNTY ATTORNEY

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

Mr. Donald L. Haraway, Chairman, called the regular meeting to order at 7:44 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

The County Administrator stated the Closed Session needed to be continued at the end of the meeting for Personnel - County Administrator and Appointments; §2.2-3711 (A) (7) Consultation with Legal Counsel - Legal Advice on Potentially Privileged Communication; Legal Issues Relating to Offenses Against the Public Peace; and §2.2-3711 (A)(3) Acquisition of Property; also add Diversified Ambulance billing and Hurricane Isabel compensation for County employees under Action Items.

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

IN RE: MINUTES

Mr. Stone stated Michael Bratschi's address is McKenney, VA not Dewitt as reflected in the Minutes for the November 16, 2004 meeting.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that approval of the November 2, 2004 Regular Meeting, November 12, 2004 Continuation Meeting, November 16, 2004 Continuation Meeting, and the November 16, 2004 Regular Meeting Minutes are approved in their entirety, with the above correction.

IN RE: CLAIMS

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway 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 1047086 through 1047326, (voided check number(s) 1047085, and 1047239).

FY – 04/05
Accounts Payable:

(101) General Fund	$ 332,157.04
(103) Jail Commission	$ 1.90

(209) Litter Control	$
(222) E911 Fund	$ 3,527.14
(225) Courthouse Maintenance	$ 7,126.88
(226) Law Library	$ 146.05
(228) Fire Programs & EMS	$ 3,947.35
(229) Forfeited Asset Sharing	$
(304) CDBG Grant Fund	$ 211.00
(304) Capital Projects Fund	$ 64,986.40
(401) County Debt Service	$
TOTAL	**$ 412,103.76**

PAYROLL 11/30/04

(101) General Fund	$ 482,499.13
(222) E911 Fund	$ 8,097.21
(229) Forfeited Asset	$ 1,199.80
(304) CDBG Fund	$ 7,650.27
TOTAL	**$ 499,446.41**

IN RE: APPROPRIATIONS RESOLUTION FY 05

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", the following Appropriations Resolution was adopted.

Appropriations Resolution
For FY 2004-2005

WHEREAS, the final 2004-2005 budget has been adopted by the Board of Supervisors; and

WHEREAS, in order for the various departments and agencies to make expenditures within this budget, an appropriation of funds must be authorized by the Board of Supervisors;

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the General Fund budget in the amount of $28,826,248 be appropriated beginning July 1, 2004; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following funds are appropriated beginning July 1, 2004:

Law Library - $6,500; Fire Programs Fund - $43,000; School Textbook Fund - $284,040; School Cafeteria Fund - $1,475,576; Virginia Public Assistance Fund - $2,689,194; CSA Fund - $785,812; E911 Fund - $658,639; Meals Tax Fund - $400,000; School Capital Projects - $257,534; VJCCCA/Grants Fund - $3,222,697; Jail Phone Commission - $5,000; Courthouse Maintenance Fees - $18,000; County Debt Service - $2,027,068; Head Start Fund - $197,462; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the CDBG Fund and IPR Fund, as State funds become available, be appropriated on a monthly basis as claims are presented; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the School Board budget be appropriated by category as follows, and transferred on a monthly basis beginning July 1, 2004:

Instruction	$26,638,835
Administration, Attendance & Health Services	1,522,192
Pupil Transportation Services (includes $550,000 for school buses)	2,887,225

Operation and Maintenance of Services	3,668,650
Facilities	9,200
School Food	33,226
School Debt Service (includes $400,000 transfer from Meals Tax); and	2,707,244

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the FY 03 CIP fund balance in the amount of $709,855 and the $1,000,000 for the FY 04 undesignated fund balance be reappropriated to the CIP Fund effective July 1, 2004; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following transfers and appropriations from the undesignated FY 04 fund balance be approved:

1. $4,200,000 transfer and appropriate to County Debt Service
2. $254,269 in savings from bond refunding transfer and appropriate to School Debt Service for 2004 A & B Lease Revenue Note & Bonds
3. $16,576 appropriate for personnel expenses related to Hurricane Isabel
4. $376,512 transfer and appropriate to County Capital Fund for digital upgrade to E911 communications system
5. $45,000 appropriate for 2003 hail damage repair to Sheriff's vehicles
6. $5,859 appropriate for Dept of Forestry FY 04 payments
7. $1,000,000 transfer to County Capital Fund for FY 04 CIP
8. $72,447 transfer to School Fund the FY 04 School Fund balance
9. $35,088 transfer to School Fund for reimbursement of FY 04 utility expenditures
10. $550,000 transfer from School Capital Fund to Pupil Transportation for school bus purchases

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that all funding for fiscal year 2004-05 is subject to further action by the Board as dictated by the availability of State or other sources of funds.

IN RE: COMMUNICATIONS EQUIPMENT REQUISITION #9 – DINWIDDIE COUNTY IDA PUBLIC FACILITIES LEASE REVENUE NOTE SERIES 2003

The following invoice from InterAct Public Safety Systems, for expenses from the Dinwiddie County IDA Public Facilities Lease Revenue Note Series 2003 was submitted for payment:

CAD, GIS and RMS System (PS000618)	$27,175.23
CAD, GIS and RMS System (PS000399)	$54,350.47
TOTAL DUE	**$81,525.70**

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number #9 in the amount of $81,525.70 be approved and funds appropriated for expenses from the Dinwiddie County IDA Public Facilities Lease Revenue Note Series 2003.

IN RE: AUTHORIZATION TO PURCHASE TRUCK FOR BUILDINGS AND GROUNDS DEPARTMENT

Mr. Gene Jones, Director of Buildings and Grounds Department, received the following quotes on the F350 Ford Truck with a 7 ½ foot snow plow for his department:

Haley Ford	$27,182.90
Sheehy Ford	$22,656.00
Owen Ford	$22625.00
Petersburg Ford	$22,420.00

Mr. Jones recommended purchasing the truck from the low bidder Petersburg Ford.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Director of Buildings and Grounds Department was authorized to purchase the F350 Ford Truck with a 7½ foot snow plow installed from Petersburg Ford at a cost of $22,420.00.

IN RE: AUTHORIZATION TO HIRE COMMUNICATIONS OFFICER - MS. AMBER HARRELL - E911 CENTER

TO: Board of Supervisors
FROM: David Jolly, Director of Fire Safety
DATE: December 1, 2004
RE: Dispatchers for E911 Center

Ms. Amber Harrell of Dewitt, Virginia has currently been offered and accepted the position with Dinwiddie County as Dispatcher/Communications Officer in the E911 Center. With the filling of this position, it leaves another three positions needing to be occupied.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Ms. Amber Harrell is appointed to the position of Communications Officer I at Grade 10, Step A, with an annual salary of $ 25,827, effective December 1, 2004.

IN RE: APPROVAL OF SEXUAL/WORKPLACE HARASSMENT TRAINING FOR EMPLOYEES

"MEMORANDUM
TO: Board of Supervisors
FROM: Anne Howerton
DATE: 11/29/04

SUBJ: Sexual/Workplace Harassment Training for employees

I have contacted the Department of Human Resource Management about conducting a Sexual/ Workplace Harassment training for County employees. George Gardner, Director of the Office of Equal Employment Services from DHRM has agreed to conduct a training for managers on January 10, 2005 from 9-12 in the Administration building. He & his assistant will also conduct two ½ day training sessions in February for staff. Once the February date has been confirmed, he will send a Memorandum of Understanding for signature at a total cost of $1,688. This is a discounted price as the usual fee is $700 per ½ day session."

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", Administration was authorized to sign the Memorandum of Understanding with the Department of Human Resource Management to conduct the training for the Sexual/Workplace Harassment training for County employees at a cost of $1,688.

IN RE: PUBLIC HEARING – P-04-4 – MR. RANDY HERRING – REZONING REQUEST

This being the time and place as advertised in the Dinwiddie Monitor on November 16, 2004 and November 23, 2004 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comments for a rezoning request by Randy Herring for a 0.593 acre portion of Tax Map/Parcel 69(4)1 containing a total of 3.72 acres from Agricultural, general A-2 to Business, general B-2.

Staff Summary Report

File:	**P-04-4**
Applicant:	**Randy Herring**
Address:	**16001 Hamilton Arms Road, DeWitt, VA**
Acreage:	**.59 acre portion of 3.72 acre tract**
Tax Map/Parcel:	**69(4)1**
Zoning:	**Agricultural, general A-2 to Business, general B-2**

The applicant, Randy Herring, is seeking a rezoning of a 0.593 acre portion of Tax Map/Parcel 69(4)1 containing a total of 3.72 acres from Agricultural, general A-2 to Business, general B-2. The property is located at 16001 Hamilton Arms Road in DeWitt near its intersection with I-85. The Comprehensive Land Use Plan places this property within the Rural Conservation area.

Several years ago Mr. Herring purchased the 3.72 acre tract of land and built a home on the property. Approximately three (3) years ago, Mr. Herring purchased 6.1 acres of an 11.3 acre tract of land which was adjacent to his 3.72 acre tract. The property did not have frontage on Route 650 and was zoned business, general, B-2 when purchased. Mr. Herring wished to use the land for residential purposes therefore he applied for a rezoning of this land parcel from business B-2 to agricultural, general A-2. The Planning Commission recommended approval of the request to the Board of Supervisors. The Board heard the case shortly thereafter and granted the rezoning request. (Note: The remaining portion of the original land parcel [5.18 acres] that actually fronts onto Route 650 is owned by Mr. Joel Mazyck and it retained its commercial zoning. This commercially zoned parcel is in close proximity to the .59 acre parcel under consideration). Now, Mr. Herring wishes to operate a commercial business on a portion of his property fronting on Hamilton Arms Road (Route 650).

The Planning Commission heard this request on October 13, 2004. No one appeared in opposition to the request. Due to the nature of the request, the Planning Commission formed a committee to review the proffers. The committee met with Mr. Herring and addressed the concerns raised during the Planning Commission meeting. Prior to the November 10, 2004 meeting of the Planning Commission, the Planning Department received two (2) letters of opposition from neighbors. The neighbors submitted the notarized letters of opposition since they could not attend the November 10th public meeting. The Planning Commissioners serving on the committee gave their report to the Commission during the November 10th meeting. In their opinion, the request appeared reasonable and the proffers offered covered the areas of concern raised by the Planning Commissioners. In view of the material presented, the Planning Commission voted unanimously to recommend approval of the rezoning request with proffers offered by Mr. Herring.

Since this is a zoning matter, the standard statement regarding your action must be read. In order to assist you in this matter, the statement was provided in your packets.

Mr. Scheid also read the list of proffers offered by Mr. Herring.

Mr. Randy Herring stated he offered the proffers to address the issues raised by the Planning Commission and neighbors and requested that the Board approve his rezoning request.

Mr. Haraway opened the public hearing for P-04-4.

Ms. Connie Manuel – 16011 Hamilton Arms Road, DeWitt, VA – commented she was opposed to the rezoning request.

Mr. Haraway closed the public comment period for P-04-4.

Ms. Moody 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 rezoning application P-04-4 be approved with proffers by the Board of Supervisors.

The motion was seconded by Mr. Moody. Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway "voting "Aye", Mr. Stone, "voting "Nay", rezoning application P-04-4 was approved with the following proffers offered by Mr. Herring.

1. The only use that will be located on the property, if rezoned, is mini-warehouse storage units.
2. The hours of operation will be as follows:
   Summer – 7:00 A.M. - 8:00 P.M.
   Winter - 7:00 A.M. – 5:30 P.M.
3. Security lights will be installed in various locations, such that there will not be glare off site or direct downward such that light will mostly be contained to site.
4. A 6 foot chain linked fencing to be installed on perimeter of property.
5. Landscaping will be installed across the front in a 10 foot wide area and a short distance on each property sideline.
6. All areas in between buildings and at the end of the buildings will be paved.
7. Entrance will be located in the left front corner of property with a minimum of 30 foot wide, VDOT approved entrance.
8. The mini storage facility will have 54 units consisting of 10 X 10 units to be constructed in numerous stages.
9. The buildings will be constructed with masonry block with stick built shingled roofing, vinyl sided gables, and metal garage doors.
10. The mini storage sign will be no more than 6 foot tall and no sign will be placed on top of the buildings.
11. The pond adjacent to the site will be made available to the county if they wish to install a dry fire hydrant.

IN RE: PUBLIC HEARING – A-04-14 – AMENDMENT TO THE COUNTY CODE TO ADOPT CHAPTER 17.3 TO ESTABLISH MINIMUM STORM WATER MANAGEMENT REQUIREMENTS

This being the time and place as advertised in the Dinwiddie Monitor on November 16, 2004 and November 23, 2004 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comment to amend the County Code to adopt Chapter 17.3 to establish minimum storm water management requirements.

Mr. Scheid stated the code before the Board is to amend the County Code to adopt Chapter 17.3 to establish a minimum storm water management plan as allowed by State code. This code will go hand in hand with the County's subdivision ordinance. The subdivision ordinance right now does provide for a storm water plan to be developed but at this point it does not give any standards

to go by. The storm management plan will provide technical provisions to the subdivision ordinance if adopted by the Board.

Mr. Haraway opened the public hearing. No one spoke in support or in opposition of the amendment. Mr. Haraway closed the public hearing.

Upon motion of Mr. Moody, Seconded by Ms. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT ORDAINED BY THE BOARD OF SUPERVISORS of the County of Dinwiddie, that the Code of the County of Dinwiddie, Virginia shall be amended as follows:

AN ORDINANCE TO AMEND THE CODE OF DINWIDDIE COUNTY, VIRGINIA BY ADDING CHAPTER 17.3 (STORM WATER MANAGEMENT) TO IMPLEMENT A STORM WATER MANAGEMENT PROGRAM AS ALLOWED BY STATE LAW.

Chapter 17.3
Storm water Management

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Introduction

The Board of Supervisors desires to protect and preserve the physical beauty, historical heritage and environmental integrity of the County. The Board recognizes that development may degrade the waters through increasing flooding, stream channel erosion, and the transport and disposition of waterborne pollutants. Therefore, the County finds it is in the public interest to adopt a Storm water management program.

Section 1. General Provisions

1.1. Statutory Authority

The Virginia Storm water Management Law (the "Act"), Title 10.1, Chapter 6, Article 11 of the Code of Virginia, enables localities to adopt, by ordinance, a Storm water management program consistent with state regulations promulgated pursuant to the Act.

1.2 Purpose

The purpose of this ordinance is to establish minimum Storm water management requirements and controls to protect properties, safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction, and protect aquatic resources. This ordinance seeks to meet that purpose through the following objectives:

1. Require that land development and land conversion activities control the after-development runoff characteristics, as nearly as practicable, as the pre-development runoff characteristics in order to reduce the magnitude and frequency of flooding, siltation, stream bank erosion, and property damage;

2. Establish minimum design criteria for the protection of properties and aquatic resources downstream from land development and land conversion activities from damages due to increases in volume, velocity, frequency, duration, and peak flow rate of storm water runoff;

3. Establish minimum design criteria for measures to minimize nonpoint source pollution from Storm water runoff which would otherwise degrade water quality;

4. Establish provisions for the long-term responsibility for and maintenance of Storm water management control devices and other techniques specified to manage the quality and quantity of runoff and

5. Establish certain administrative procedures for the submission, review, approval, and disapproval of Storm water plans, and the inspection of approved projects.

6. To reduce flood damage in an effort to safeguard public health, safety and property.

1.3. Applicability

This ordinance shall be applicable to all subdivision, site plan, or land use conversion applications, unless eligible for an exception by the Board of Supervisors or its designee. The ordinance also applies to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development that meets the applicability criteria, even though multiple separate and distinct land development activities may take place at different times on different schedules. In addition, plans may also be reviewed by third-party consultants retained by the County to ensure that established water quality standards will be maintained during and after development of the site and that post construction runoff levels are consistent with any local and regional watershed plans.

To prevent the adverse impacts of Storm water runoff, the County has developed a set of performance standards that must be met at new development sites. These standards apply to any land development or land use conversion activity disturbing one (1) acre or more of land, except that these standards shall apply to all commercial and/or industrial development activity disturbing 2,500 square feet or more.

The following activities are exempt from these Storm water performance criteria:

1. Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Act;

2. Tilling, planting or harvesting of agricultural, horticultural, or forest crops;

3. Single-family residences separately built and not part of

subdivision, including additions or modifications to existing single-family detached residential structures;

4. Land development projects that disturb less than 2,500 square feet ;

5. Linear development projects, provided that (i) less than one acre of land will be disturbed per outfall or watershed, (ii) there will be insignificant increases in peak flow rates, and (iii) there are no existing or anticipated flooding or erosion problems downstream of the discharge point; and

6. Family transfers.

When a site development plan is submitted that qualifies as a redevelopment project as defined in Section 2 of this ordinance, decisions on permitting and on-site Storm water requirements shall be governed by the Storm water sizing criteria found in the current Virginia Storm water Management Handbook. This criteria is dependent on the amount of impervious area created by the redevelopment and its impact on water quality. Final authorization of all redevelopment projects will be determined after a review by the County.

1.4. Compatibility with Other Permit and Ordinance Requirements

This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, stature, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other or ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

1.5. Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this ordinance.

1.6. Storm water Management and Erosion and Sediment Control Handbooks

The County will utilize the policy, criteria and information including specifications and standards of the Virginia Storm water Management Handbook, for the proper implementation of the requirements of this ordinance. This Handbook includes a list of acceptable Storm water treatment practices, including the specific design criteria for each Storm water practice. The County will also utilize the policy, criteria and information including the specifications and standards in the Virginia Erosion and Sediment Control Handbook. These handbooks may be updated and expanded from time to time, based on improvements in engineering, science, monitoring and local maintenance experience. Storm water treatment practices that are designed and constructed in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards. The criteria in these handbooks are minimum criteria and the County retains the right to require greater standards when deemed necessary.

1.7 Program Administration

The Board of Supervisors designates the Director of Planning or his designee as the Program Administrator.

Section 2. Definitions:

"Accelerated Erosion" means erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action.

"Act" means Article 1.1 (10.1-603.1 et seq.) of Chapter 6 of Title 10.1 of the Code of Virginia.

"Adequate Channel" means a channel with a defined bed and banks, or an otherwise limited flow area that will convey the designated frequency storm event without overtopping the channel banks nor causing erosive damage to the channel bed or banks.

"Applicant" means any person submitting a Storm water management plan for approval.

"Aquatic Bench" means a 10- to 15- foot wide bench around the perimeter of a permanent pool that ranges in depth from zero to 12 inches, Vegetated with emergent plants, the bench augments pollutant removal, provides habitats, conceals trash and water level fluctuations, and enhances safety.

"Average Land Cover Condition" means a measure of the average amount of impervious surfaces within a watershed (assumed to be 16 %), unless the County opts to calculate actual watershed-specific values for the average land cover condition based upon 4VAC 3-20-101.

"Best Management Practice (BMP)" means a structural or nonstructural practice which is designed to minimize the impacts of development on surface and groundwater systems.

"Bioretention Basin" means a water quality BMP engineered to filter the water quality volume through an engineered planting bed, consisting of a vegetated surface layer (vegetation, mulch, ground cover), planting soil, and sand bed, and into the in-situ material.

"Bioretention Filter" means a bioretention basin with the addition of a sand filter collection pipe system beneath the planting bed.

"Board" or "**Board of Supervisors**" means the Board of Supervisors of Dinwiddie County, Virginia.

"Building" means any structure, either temporary or permanent, having wails and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

"Channel" means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

"Constructed Wetlands" means areas intentionally designed and created to emulate the water quality improvement function of wetlands for the primary purpose of removing pollutants from Storm water.

"**County**" means Dinwiddie County, Virginia.

"Dedication" means the deliberate appropriation of property by its owner for general public use.

"Detention" means the temporary storage of storm runoff in a Storm water management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

"Detention Facility" means a detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

"Developer" means a person who undertakes land disturbance activities.

"Development" means Land Development or Land Development Project as those terms are defined herein.

"Drainage Easement" means a legal right granted by a landowner to a grantee allowing the use of private land for storm water management purposes.

"Erosion and Sediment Control Plan" means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

"Flooding" means a volume of water that is too great to be confined within the banks or walls of the stream, water body or conveyance system and that overflows onto adjacent lands, causing or threatening damage.

"Grassed Swale" means an earthen conveyance system which is broad and shallow with erosion resistant grasses and check dams, engineered to remove pollutants from storm water runoff by filtration through grass and infiltration into the soil.

"Hotspot" means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm water.

"Hydrologic Soil Group (HSG)" means a Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from A soils, with high permeability and little runoff production, to D soils, which have low permeability rates and produce much more runoff.

"Impervious Cover' means a surface composed of any material that significantly impedes or prevents natural infiltration of water into soil. Impervious surfaces include, but are not limited to, roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

"Industrial Storm water Permit" means a National Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial storm water discharges or specifies onsite pollution control strategies.

"Infiltration" means the process of percolating storm water into the subsoil.

"Infiltration Facility" means any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above grade or below grade.

"Jurisdictional Wetland" means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

"Land Conversion Activities" means any activity that results in a modification to the current or natural condition.

"Land Development" or **"Land Development Project"** means a manmade change to the land surface that potentially changes its runoff characteristics.

"Land Disturbance Activity" means any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

"Landowner" means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

"Linear Development Project" means a land development project that is linear in nature such as, but not limited to, (i) the construction of electric and telephone utility lines, and natural gas pipelines; (ii) construction of tracks, rights-of-way, bridges, communication facilities and other related structures of a railroad company; and (iii) highway construction projects.

"Maintenance Agreement" means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

"Nonpoint Source (NPS) Pollution" means pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

"Nonpoint Source Pollutant Runoff Load" or **"Pollutant Discharge"** means the average amount if a particular pollutant measured in pounds per year, delivered in a diffuse manner by Storm water runoff.

"Offset Fee" means a monetary compensation paid to the County for failure to meet pollutant load reduction targets.

"Off-Site Facility" means a Storm water management measure located outside the subject property boundary described in the permit application for land development activity.

"On-Site Facility" means a Storm water management measure located within the subject property boundary described in the permit application for land development activity.

"Owner" means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

"Percent Impervious" means the impervious area within the site divided by the area of the site multiplied by 100.

"Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the Commonwealth, any interstate body or any other legal entity.

"Plan-approving Authority" means the Board of Supervisors or its designee responsible for determining the adequacy of a submitted Storm water management plan.

"Planning Area" means a designated portion of the parcel on which the land development project is located. Planning areas shall be established by delineation on a master plan. Once established, planning areas shall be applied consistently for all future projects.

"Post-development" refers to conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land.

"Pre-development" refers to the conditions that exist at the time that plans for the land development of a tract of land are approved by the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time *prior to* the first item being approved or permitted shall establish predeve1opment conditions.

"Program Administrator" means the Director of Planning or his designee.

"Program Authority" means Dinwiddie County which has adopted a Storm water management program.

"Recharge" means the replenishment of underground water reserves.

"Redevelopment" means the process of developing land that is or has been previously developed.

"Regional (watershed-wide) Storm water Management Facility" or **"Regional Facility"** means a facility or series of facilities designed to control storm water runoff from a specific watershed, although only portions of the watershed may experience development.

"Regional (watershed-wide) Storm water Management Plan" or **"Regional Plan"** means a document containing material describing how runoff from open space, existing development and future planned development areas within a watershed will be controlled by coordinated design and implementation of regional storm water management facilities.

"Runoff" or **"storm water runoff"** means that portion of precipitation that is discharged across the land surface or through conveyances to one or more waterways.

"Sand Filter" means a contained bed of sand which acts to filter the first flush of runoff. The runoff is then collected beneath the sand bed and conveyed to an adequate discharge point or infiltrated into the in-situ soils.

"Shallow Marsh" means a zone within a storm water extended detention facility that exists from the surface of the normal pool to a depth of six to 18 inches, and has a large surface area and, therefore requires a reliable source of base flow, groundwater supply, or a sizeable drainage area to maintain the desired water surface elevations to support emergent vegetation.

"Site" means the parcel of land being developed, or a designated planning area in which he land development project is located.

"State Waters" means all waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdiction.

"Stop Work Order" means an order issued which requires that all construction activity on a site be stopped.

"Storm water Detention Basin" or **"Detention Basin"** means a storm water management facility which temporarily impounds runoff and discharges it

through a hydraulic outlet structure to a downstream conveyance system. While a certain amount of outflow may also occur via infiltration through the surrounding soil, such amounts are negligible when compared to the outlet structure discharge rates and are, therefore, not considered in the facility's design. Since a detention facility impounds runoff only temporarily, it is normally dry during non-rainfall periods.

"Storm water Extended Detention Basin" or **"Extended Detention Basin"** means a storm water management facility which temporarily impounds runoff and discharges it through a hydraulic structure over a period of time to a downstream conveyance system for the purpose of water quality enhancement or stream channel erosion control. While a certain amount of outflow may also occur via infiltration through the surrounding soil, such amounts ate negligible when compared to the outlet structure discharge rates and, therefore, are not considered in the facility's design. Since an extended detention basin impounds runoff only, temporarily, it is normally dry during non-rainfall periods.

"Storm water Extended Detention Basin-Enhanced" or **"Extended Detention Basin- Enhanced"** means an extended detention basin modified to increase pollutant removal by providing a shallow marsh in the lower stage of the basin.

"Storm water Management Facility" means a device that controls storm water runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

"Storm water Management" means the use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.

"Storm water Management Plan" or **" SWM Plan"** means a document containing material for describing how existing runoff characteristics will be affected by a land development project and methods for complying with the requirements of the this ordinance.

"Storm water Retention Basin" see **"Wet Pond."**

"Storm water Retrofit" means a storm water management practice designed for an existing development site that previously had either no storm water management practice in place or a practice inadequate to meet the storm water management requirements of the site.

"Storm water Runoff' means flow on the surface of the ground, resulting from precipitation.

"**Storm water Treatment Practices (STPs)"** means measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or non-point source pollution inputs to storm water runoff and water bodies.

"Storm water Management Plan" or **"Plan"** means a document containing material for describing how existing runoff characteristics will be affected by a land development project and methods for complying with the requirements of this ordinance.

"Subdivision" means the division of a parcel of land as defined by Section 18-3 of the Code of Dinwiddie County.

"Town" means an incorporated town.

"Vegetated Filter Strip" means a densely vegetated section of land engineered to accept runoff as overland sheet flow from upstream development. It shall adopt any vegetated form, from grassy meadow to small forest The vegetative

cover facilitates pollutant removal through filtration, sediment deposition, infiltration and absorption, and is dedicated for that purpose.
'Water Quality Volume (WQV)" means the volume equal to the first ½ inch of runoff multiplied by the impervious surface of the land development project

"Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

"Watershed" means a defined land area drained by a river, stream, drainage ways or system of connecting rivers, streams, or drainage ways such that all surface water within the area flows through a single outlet.

"Wet Pond" or **"Retention Basin"** means a man-made basin which contains a permanent pool of water like a lake or a natural pond. The wet pond is designed to hold a permanent pool above which storm runoff is stored and released at a controlled rate. The release is regulated by an outlet device designed to discharge flows at various rates similar to the methods employed in an extended detention pond.

Section 3. Storm water Management Program Permit Procedures and Requirements

3.1. Permit Required.

No land owner or land operator shall receive any of the building, grading or other land development permits required for land disturbance activities without first meeting the requirements of this ordinance prior to commencing the proposed activity. Should a land-disturbing activity associated with an approved SWM Plan not begin during the 180-day period following approval thereof or cease for more than 180 days, the County may evaluate the existing approved SWM Plan and erosion and sediment control plan to determine whether the SWM Plan still satisfies the requirements of this ordinance and to verify that all design factors are still valid. If the County finds the previously filed SWM Plan inadequate, a modified SWM Plan shall be submitted and approved prior to the resumption of land-disturbing activities and a new performance bond shall be posted. The Program Administrator, at his sole discretion, may grant an extension of the 180-day requirement for unique circumstances.

3.2. Permit Application Requirements

Unless specifically excluded by this ordinance, any land owner or operator desiring a permit for a land disturbance activity shall submit to the County a permit application on a form provided by the County for that purpose.

Unless otherwise excepted by this ordinance, a SWM Plan must be submitted to the County accompanied by the following in order for a land disturbing permit to be issued:

1. Storm water management plan in accordance with Section 3.3;
2. Maintenance agreement in accordance with Section 3.4;
3. Performance bond in accordance with Section 3.5; and
4. Permit application and Plan review fee in accordance with Sections 3.6 and 3.7.

3.3. Storm Water Management Plan Required.

No application for land development, land use conversion, or land disturbance will be approved unless it includes a storm water management plan, as required by this ordinance, detailing how runoff and associated water quality impacts resulting from the activity will be controlled or managed.

A storm water management plan shall consist of a *concept plan* to ensure

adequate planning for the management of storm water runoff, and *a final plan.* Both plans shall be in accordance with the criteria established in this section.

No building, grading, or sediment control permit shall be issued until a satisfactory final storm water management plan, or a waiver thereof, shall have undergone a review and been approved by the Program Administrator after determining that the plan or waiver is consistent with the requirements of this Ordinance. The Program Administrator may retain a consultant to review and comment upon the SWM Plan. All costs associated with such review shall be borne by the applicant pursuant to Section 3.6.

1. Storm Water Management Concept Plan

A storm water management concept plan or proof of prior approval of a concept plan shall be required with all permit applications and will include all information from the submittal checklist to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing storm water generated at the project site. The Program Administrator may determine that a concept plan is not required if a preliminary plan or rezoning is not required.

The concept plan should be prepared at the time of the preliminary plan of subdivision or other early step in the development process to identify the type of storm water management measures necessary for the proposed project. The intent of this conceptual planning process is to ensure adequate planning for management of storm water runoff from future development To accomplish this goal the following information shall be included in the concept plan:

A. A map (or maps) indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural storm water management and sediment control facilities. The map(s) will also clearly show proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading; A written description of the site plan and justification of proposed changes in natural conditions may also be required.

B. Sufficient engineering analysis to show that the proposed storm water management measures are capable of controlling runoff from the site in compliance with this ordinance.

C. A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site. Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.

D. A written description of the required maintenance burden for any proposed storm water management facility.

E. The Program Administrator may also require a concept plan to consider the maximum development potential of a site under existing zoning, regardless of whether the applicant presently intends to develop the site to its maximum potential.

F. The applicant may be required to include within the storm water

concept plan measures for controlling existing storm water runoff discharges from development or redevelopment occurring on a previously developed site in accordance with the standards of this Ordinance to the maximum extent practicable.

2. Storm Water Management Final Plan

After review of the storm water management concept plan, and modifications to that plan as deemed necessary by the Plan Administrator, a final storm water management plan must be submitted for approval. All storm water management plans shall be appropriately sealed and signed by a professional in adherence to all minimum standards and requirements pertaining to the practice of that profession in accordance with Chapter 4 (54.1-400 et seq.) of Title 54.1 of the Code of Virginia and attendant regulations certifying that the plan meets all submittal requirements outlined in this ordinance and is consistent with good engineering practice.

The final storm water management plan, in addition to the information from the concept plan, shall include all of the information required in the Final Storm Water Management Plan checklist found in the Virginia Storm water Management Manual. This includes:

A. Contact Information

The name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected.

B. Topographic Base Map

A 1" = 200' topographic base map of the site which extends a minimum of 200 feet beyond the limits of the proposed development and indicates existing surface water drainage including streams, ponds, culverts, ditches, and wetlands; current land use including all existing structures; locations of utilities, roads, and easements; and significant natural and manmade features not otherwise shown.

C. Calculations

Hydrologic and hydraulic design calculations for the pre-development and post- development conditions for the design storms specified in this ordinance. Such calculations shall include (i) description of the design storm frequency, intensity and duration, (ii) time of concentration, (iii) Soil Curve Numbers or runoff coefficients, (iv) peak runoff rates and total runoff volumes for each watershed area, (v) infiltration rates, where applicable, (vi) culvert capacities, (vii) flow velocities, (viii) data on the increase in rate and volume of runoff for the specified design storms, and (ix) documentation of sources for all computation methods and field test results.

D. Soils Information

Geotechnical properties for the hydrologic and structural properties of soils, especially for dam embankments, shall be described in a soils report. The submitted report shall include boring depth, sampling frequency and types and associated laboratory testing with results and conclusions and follow the criteria in the Virginia Storm water Management Manual.

Soil properties for infiltration facilities shall also conform to the guidance and specification outlined in the Virginia Storm water Management Manual. Information shall include depth to water table and permeability (in/hr) three (3) feet below trench bottom. Information shall be provided and certified by a qualified professional.

E. Maintenance Plan

The design and planning of all storm water management facilities shall include detailed maintenance procedures to ensure their continued function. These plans will identify the parts or components of a storm water management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

F. Landscaping plan

The applicant must present a detailed landscaping plan describing the woody and herbaceous vegetative stabilization and management techniques to be used within and adjacent to the storm water practice. The landscaping plan must also describe who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a qualified individual familiar with the selection of emergent and upland vegetation appropriate for the selected BMP.

G. Maintenance Easements

The applicant must ensure access to all storm water treatment practices at the site for the purpose of inspection and repair by securing all the maintenance easements needed on a permanent basis. These easements will be recorded with the plan and will remain in effect even with transfer of title to the property. See Section 3.4

All storm water management facilities must be located within a drainage easement (i.e., ten (10) feet from the toe of slope and/or periphery) and shall be maintained by the landowner, an Owners or Homeowners Association, or other legal entity approved by the Board. Maintenance responsibilities shall be established in the required Deed of Dedication, in a form acceptable to the County Attorney.

In subdivisions, all SWM/BMP facilities shall be placed in a common area unless prior approval has been obtained from the Program Administrator.

H. Maintenance Agreement

The applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site storm water management measure in accordance with the specifications of this ordinance. See Section 3.4.

I. Erosion and Sediment Control Plans for Construction of Storm water Management Measures

The applicant must prepare an erosion and sediment control plan in accordance with Chapter 9, of the Code of Dinwiddie County (Erosion and Sediment Control) for all construction activities related to implementing any on-site storm water management practices.

J. Other Environmental Permits

The applicant shall assure that all other applicable environmental permits have been acquired for the site prior to approval of the final storm water design plan. This may include, but is not limited to the Virginia Department of Environmental Quality, the Corps of Engineers, the Virginia Marine Resources Commission, the Virginia Department of Conservation and Recreation, and the Virginia Department of Soil and Water Conservation.

K. Floodplain Study

Any construction associated with a storm water management/BMP facility must comply with the provisions of Chapter 11, Flood Protection, of the Dinwiddie County Code.

L. Redevelopment

All redevelopment projects not served by an existing water quality BMP shall either reduce existing site impervious areas by 20% or implement water quality BMPs to reduce pre-redevelopment pollution load of the existing site by 10%.

M. Embankments and Water Impoundments

Embankments and water impoundments shall be in accordance with 3.01 through 3.08 of the Virginia Storm water Management Control Handbook.

The Program Administrator may require additional information and/or calculations greater than those included in the Virginia Storm water Management Manual in a final storm water management plan as he may deem reasonably necessary.

3.4. Storm Water Facility Maintenance Agreements

Prior to the issuance of any permit that has a storm water management facility as one of the requirements of the permit, the applicant or owner of the site must execute a Maintenance Easement Agreement and a Formal Maintenance Agreement that shall be binding on all subsequent owners of land served by the storm water management facility.

1. Maintenance Easement Agreement

The Maintenance Easement Agreement shall provide for access to the storm water management facility at reasonable times for periodic inspection by the County, or its contractor or agent, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this ordinance. The easement agreement shall be recorded by the applicant or owner of the site in the land records.

When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system, the property owner shall grant, after given notice and the opportunity to accompany the inspection, to the County the right

to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.

2. Maintenance Agreement

Maintenance of all storm water management facilities shall be ensured through the creation of a formal Maintenance Agreement that must be approved by the County and recorded into the land record prior to final plan approval. The agreement shall identify by name or official title the person(s) responsible for carrying out the maintenance. Responsibility for the operation and maintenance of storm water management facilities shall remain with the property owner and shall pass to any successor or owner. If portions of the land are to be sold, legally binding arrangements must be made to pass the basic responsibility to successors in title. These arrangements shall designate for each property owner or other legally established entity to be permanently responsible for maintenance. As part of the agreement, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the storm water management facility. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and should also include "failure to maintain" provisions.

The County shall require the submittal of a maintenance performance security or bond with surety, cash escrow, letter of credit or such other acceptable legal arrangement prior to issuance of a permit in order to insure that the storm water management facilities are properly maintained. The criteria for the maintenance performance security shall be the same as for performance bonds as set forth in Section 3.5.

In the event that maintenance or repair is neglected, or the storm water management facility becomes a danger to public health or safety, the County reserves the authority to draw upon the maintenance performance security to perform the work and to recover any additional costs from the owner.

3.5 Performance Bonds

The County shall require the submittal of a performance security or bond with surety, cash escrow, letter of credit or such other acceptable legal arrangement prior to issuance of a permit in order to insure that the storm water practices are installed by the permit holder as required by the approved storm water management plan.

1. The amount of the installation performance security shall be the total estimated construction cost of the storm water management practices approved under the permit, plus 25%.

2. The performance security shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain appropriate actions which may be required of the applicant in accordance with the approved storm water management plan.

3. If the County takes such action upon such failure by the applicant, the County may collect from the applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held.

4. Within sixty (60) days of the completion of the requirements of the approved storm water management plan in the form of certified as-built report and survey, and upon approval by the County, such bond, cash escrow, letter of credit or other legal arrangement, except for the landscaping survivability shall be refunded to the applicant or terminated.

5. The landscaping portion of the storm water management plan shall be inspected one (1) year after installation with replacement in accordance with the final plans and specifications prior to final release.

6. These requirements are in addition to all other provisions of the County ordinances relating to the issuance of such plans and are not intended to otherwise affect the requirements for such plans.

7. The County reserves the right to re-evaluate the bond associated with any project for which an extension is requested to ensure that the bond adequately reflects current market conditions.

3.6. Permit Application Review Fees

Applicants shall submit a permit review fee to the County in the amount of $250.00 plus $10.00 per gross acre within the project area at the time of acceptance of the application. The permit review fee may be increased in the future to include the cost of plan review by an outside consultant. If payment is made by check, the check must be made payable to the Treasurer, Dinwiddie County.

3.7. Permit Application Procedure

1. Applications for land disturbance activity permits must be filed with the Department of Planning.

2. Permit applications shall include the following: two copies of the storm water management concept plan, two copies of the final storm water management plan, two copies of the Maintenance Agreement, and any required review fees.

3. Within sixty (60) calendar days of the receipt of a complete permit application, including all documents as required by this ordinance, the County shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved.

4. If the permit application, storm water management plan or Maintenance Agreement is disapproved, the County shall communicate the decision to the applicant in writing. The applicant may then revise the storm water management plan or agreement. If additional information is submitted, the County shall have forty-five (45) calendar days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.

5. If the permit application, final storm water management plan and maintenance agreement are approved by the County, the following conditions apply:

A. The applicant shall comply with all applicable requirements of the approved plan and this ordinance and shall certify that all land clearing, construction, land development and drainage will be done according to the approved plan.

B. The land development project shall be conducted only within the area specified in the approved plan.

C. The County shall be allowed, after giving notice to the owner, occupier or operator of the land development project, to conduct periodic inspections of the project.

D. The person responsible for implementing the approved plan shall conduct monitoring and submit reports as the County may require to ensure compliance with the approved plan and to determine whether the plan provides effective storm water management.

E. No changes may be made to an approved plan without review and written approval by the County.

F. A certified inspection of all aspects of the BMP, including surface As-Built surveys, and geotechnical inspections during subsurface or backfilling and compaction activities shall be required.

Section 4. Exceptions to Storm Water Management Requirements

4.1. Exceptions for Providing Storm Water Management

Every applicant shall provide for storm water management, unless they file a written request to waive this requirement. Requests to waive the storm water management plan requirements shall be submitted in writing to the County for approval. An exception from the storm water management regulations may be granted, provided that: (i) exceptions to the criteria are the minimum necessary to afford relief and (ii) reasonable and appropriate conditions shall be imposed as necessary upon any exception granted so that the purpose and intent of this Ordinance are preserved.

The minimum requirements for storm water management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

1. It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this ordinance.

2. Alternative minimum requirements for on-site management of storm water discharges have been established in a storm water management plan that has been approved by the County.

3. Provisions are made to manage storm water by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of Storm water control that is equal to or greater than that which would be afforded by on-site practices and has a legally obligated entity responsible for long-term operation and maintenance of the storm water practice.

4. The County finds that meeting the minimum on-site management requirements is not feasible due to the natural or existing physical characteristics of a site.

5. Economic hardship is not sufficient reason to grant an exception from the requirements of this chapter.

In instances where one of the conditions above applies, the County may grant a waiver from strict compliance with storm water management provisions that are not achievable, provided that acceptable mitigation measures are provided. However, to be eligible for a variance, the applicant must demonstrate to the satisfaction of the County that the immediately downstream waterways will

not be subject to:

1. Deterioration of existing culverts, bridges, dams, and other structures;

2. Deterioration of biological functions or habitat;

3. Accelerated stream bank or streambed erosion or siltation;

4. Increased threat of flood damage to public health, life and property.

Section 5. General Criteria for Storm Water Management

The following technical criteria shall be applied on all applicable land development and land conversion activities.

5.1 General

1. Determination of flooding and channel erosion impacts to receiving streams due to land development projects shall be measured at each point of discharge from the development project and such determination shall include any runoff from the balance of the watershed which also contributes to that point of discharge.

2. The specified design storms shall be defined as either a 24-hour storm using the rainfall distribution recommended by the U.S. Soil Conservation Service when using U.S. Soil Conservation Service methods or as the storm of critical duration that produces the greatest required storage volume at the site when using a design method such as the Modified Rational Method. Pre-development and post-development runoff rates shall be verified by calculations that are consistent with good engineering practices.

SCS Hydrology. SCS Hydrology consists of Technical Release Number 20 (TR-20) and Technical Release Number 55 (TR-55) including the COE HED-1 software, SCS applications. This hydrology is preferred and acceptable for all applications.

Other Hydrologic Methods. It is recognized that there are many hydrologic methods available, especially in the form of computer software. Other hydrologic methods may be approved by the Program Administrator for specific applications provided it is demonstrated that the alternatives are appropriate for the purpose intended.

3. All development occurring within the County shall provide Storm water management facilities and BMP adequate to reduce increased runoff rates and non-point pollution as outlined herein. The design shall include control of stream flow rates, water surface levels, and runoff rates. This does not preclude demonstration of compliance with Minimum Standard 19 and TB-1 as a method of quantity control.

4. For purposes of computing runoff, all pervious lands in the site shall be assumed prior to development to be in good condition (if the lands are pastures, lawns, or parks), with good cover (if the lands are woods), or with conservation treatment (if the lands are cultivated), regardless of conditions existing at the time of computation.

5. Construction of storm water management facilities or modifications to channels shall comply with all applicable laws and regulations. Evidence of approval of all necessary permits, such as the United States Army

Corps of Engineers and Virginia Department of Environmental Quality Wetland or VPDES Permits, etc., shall be presented.

6. Impounding structures that are not covered by the Impounding Structure Regulations (4 VAC 50-20-10 et seq.) shall be engineered for structural integrity during the 100-year storm event.

7. Pre-development and post-development runoff rates shall be verified by calculations that are consistent with good engineering practices. Storm water management facilities shall be designed to regulate the two (2) and ten (10) year storm such that the post-development peak flows do not exceed pre-development peak flow and safely pass the 100 year storm event.

8. Outflows from a storm water management facility shall be discharged to an adequate channel, and velocity dissipaters shall be placed at the outfall of all storm water management facilities and along the length of any outfall channel as necessary to provide a non-erosive velocity of flow from the basin to a channel.

9. Proposed residential, commercial, or industrial subdivisions shall apply these storm water management criteria to the land development as a whole. Individual lots in new subdivisions shall not be considered separate land development projects, but rather the entire subdivision shall be considered a single land development project. Hydrologic parameters shall reflect the ultimate land development and shall be used in all engineering calculations.

10. All storm water management facilities shall have a maintenance plan which identifies the owner and the responsible party for carrying out the maintenance plan.

11. Construction of storm water management impoundment structures within a Federal Emergency Management Agency (FEMA) designated 100-year floodplain shall be avoided to the extent possible. When this is unavoidable, all Storm water management facility construction shall be in compliance with all applicable regulations under the National Flood Insurance Program, 44 CFR Part 59 and shall be engineered for structural integrity during the 100 year storm event by the primary flooding source or secondary source, whichever yields the most conservative design.

12. Natural channel characteristics shall be preserved to the maximum extent practicable. Storm water management quality and quantity shall be addressed within each drainage area.

13. Land development projects shall comply with the Virginia Erosion and Sediment Control Law and attendant regulations and the County's Erosion and Sediment Control Ordinance.

14. SWM and BMP facilities shall not be located in required buffer areas unless authorized by the Zoning Administrator.

15. All SWM/BMP ponds must be constructed prior to 70% completion (based on performance bond) of the approved project. When ponds are used as temporary sediment controls, the facility must be converted once 90% permanent stabilization has been established.

16. Conveyance Issues. All storm water management conveyance practices shall be designed to convey storm water to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include, but not be limited to:

(A). Maximizing of flow paths from inflow points to outflow points;
(B). Protection of inlet and outfall structures; and
(C). Elimination of erosive flow velocities.

The Virginia Storm Water Management Manual and Virginia Erosion and Sediment Control Handbook provide detailed guidance on the requirements for conveyance for each of the approved Storm water management practices.

Storm water drainage easements shall be extended where necessary to upstream property lines to permit future development reasonable access to on-site drainage ways or drainage systems for connection.

Residential lots in which lot size is less than thirty thousand (30,000) square fee shall be graded in such a manner that surface runoff does not cross more than three (3) lots before it is collected in a storm sewer system or designed storm water conveyance channel. All surface drainage must be contained in an adequate easement once it is discharged form the third residential lot. Any concentrated Storm water must be contained in an adequate easement.

Hydrologic and hydraulic design calculations to demonstrate ten (10) year overland relief, with storm sewer plugged, shall be provided. Calculations for over lot drainage practices shall be provided, where appropriate.

17. Pretreatment Requirements.

Every storm water treatment practice shall consider accepting forms of water quality pretreatment. The applicability of pretreatment will be at the description of the review agent.

18. Landscaping Plans Required.

All storm water management practices must have a landscaping plan detailing both the vegetation to be in the practice and how and who will manage and maintain this vegetation. This plan must be prepared by a qualified individual familiar with the selection of emergent and upland vegetation appropriate for the selected BMP.

19. Safety.

All wet facilities shall have an aquatic bench at least 10' wide with slopes not to exceed 1:10 (V:H) slope or 1' water depth. No facility shall have slopes and/or embankments steeper that 3:1 (H:V) without prior approval of the program administrator.

20. Maintenance Agreements.

A legally binding covenant specifying the parties responsible for the proper maintenance of all storm water treatment practices shall be secured prior to issuance of any permits for land disturbing activities.

21. No more than one penetration shall be allowed through a dam structure without prior approval of the program administrator.

22. Storm water management facilities may be either above grade or below grade design, however, underground facilities shall only be permitted within non-residential areas.

23. No storm water conveyance pipe shall be less than 15" in diameter.

24. Principal outlet control structures shall be RCP unless prior approval is obtained by the County.

25. Storm sewer design calculations shall be performed in accordance with the practices presented in the current edition of the VDOT drainage manual.

26. Non-Structural Storm Water Practices designed to reduce the volume of Storm water runoff are encouraged to reduce the amount of Storm water runoff that must be managed. This will help to minimize the reliance on structural practices which require ongoing maintenance in order to be effective.

5.2 Structural Storm Water Management Practices

1. Minimum Control Requirements

All storm water management practices shall be designed so that the specific storm frequency storage volumes (e.g., water quality, channel protection, 10 year, 100 year) as identified in the current Virginia Storm Water Management Handbook are met, unless the County grants the applicant a waiver or the applicant is exempt from such requirements.

In addition, if hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the County reserves the right to impose any and all additional requirements deemed necessary to protect downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of storm water runoff.

2. Site Design Feasibility

Storm water management practices for a site shall be chosen based on the physical conditions of the site. Among the factors that should be considered:

A. Topography
B. Maximum Drainage Area
C. Depth to Water Table
D. Soils
E. Slopes
F. Terrain
G. Hydraulic Head
H. Location in relation to environmentally sensitive features or ultra-urban areas

Applicants shall consult the Virginia Storm Water Management Handbook for guidance on the factors that determine site design feasibility when selecting a Storm water management practice.

3. Conveyance Issues

All storm water management practices shall be designed to convey storm water to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include, but not be limited to:

A. Maximizing of flow paths from inflow points to outflow points
B. Protection of inlet and outfall structures
C. Elimination of erosive flow velocities
D. Providing of under drain systems, where applicable

The Virginia Storm Water Management Manual provides detailed guidance on the requirements for conveyance for each of the approved Storm water management practices.

4. Pretreatment Requirements

Every storm water treatment practice shall have an acceptable form of water quality pretreatment, in accordance with the pretreatment requirements found in the current Virginia Storm water Management Handbook. Storm water infiltration practices, or practices having an infiltration component, as specified in the Virginia Storm Water Management Handbook, are prohibited, even with pretreatment, in the following circumstances:

A. Where storm water is generated from highly contaminated source areas known as "hotspots"

B. Where storm water is carried in a conveyance system that also carries contaminated, non-Storm water discharges

C. Where storm water is being managed in a designated groundwater recharge area

D. Under certain geologic conditions (e.g., karst) that prohibit the proper pretreatment of storm water

5. Treatment/Geometry Conditions

All storm water management practices shall be designed to capture and treat storm water runoff according to the specifications outlined in the Virginia Storm Water Management Handbook. These specifications will designate the water quality treatment and water quantity criteria that apply to an approved Storm water management practice (see Sections 5.4, 5.5, and 5.6 of this Ordinance for specific criteria).

6. Landscaping Plans Required

All storm water management practices must have a landscaping plan detailing both the vegetation to be in the practice and how and who will manage and maintain this vegetation. This plan must be prepared by a qualified individual familiar with the selection of emergent and upland vegetation appropriate for the selected BMP.

7. Maintenance Agreements

A legally binding covenant specifying the parties responsible for the proper maintenance of all storm water treatment practices shall be secured prior to issuance of any permits for land disturbance activities. In addition, all Storm water treatment practices shall have an enforceable operation and maintenance agreement to ensure the system function as designed. This agreement will include any and all maintenance easements required for the County to access and inspect the storm water treatment practices. (See Section 3.4 of this Ordinance for specific maintenance provisions).

5.3 Water Quality

Unless judged by the County for a project to be exempt, the following criteria shall be addressed for storm water management at all sites:

1. All storm water runoff generated from land development and land use conversion activities shall not discharge untreated storm water runoff

directly into a jurisdictional wetland or local water body without adequate treatment.

2. Annual groundwater recharge rates shall be maintained, by promoting infiltration through the use of structural and non-structural methods. At a minimum, annual recharge from the post development site shall mimic the annual recharge from pre-development site conditions.

3. Land development projects shall comply with any and all water quality Performance-based or Technology-based criteria adopted by the Plan Approving Authority.

5.4 Stream Channel Erosion

To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the Virginia Storm water Management Handbook and Virginia Sediment and Erosion Control regulations.

1. Properties and receiving waterways downstream of any land development project shall be protected from erosion and damage due to increases in volume, velocity and frequency of peak flow rate of Storm water runoff in accordance with the minimum design standards set out in this section.

2. The plan approving authority shall require compliance with subdivision 19 of 4 VAC 50-30-40 of the Erosion and Sediment Control Regulations, promulgated pursuant to Article 4 (10.1-560 et seq.) of Chapter 5 of Title 10.1of the Code of Virginia.

3. The plan approving authority may determine that some watersheds or receiving stream systems require enhanced criteria in order to address the increased frequency of bank full flow conditions brought on by land development projects. Therefore, in lieu of the reduction of the 2-year post-developed peak rate of runoff as required in subsection 2 of this section, the land development project being considered shall provide 24-hour extended detention of the runoff generated by the 1 -year, 24-hour duration storm.

5.5 Flooding

The calculations for determining peak flows as found in the Virginia Storm Water Management Handbook shall be used for sizing all storm water management practices.

1. Downstream properties and waterways shall be protected from damages from localized flooding due to increases in volume, velocity and peak flow rate of storm water runoff in accordance with the minimum design standards set out in this section.

2. The 10-year post-developed peak rate of runoff from the development site shall not exceed the 10-year pre-developed peak rate of runoff.

3. Linear development projects shall be required to control post-development storm water runoff for flooding on site, except if a County approved watershed or regional storm water management plan indicates otherwise.

5.6 Regional Storm Water Management Plans

Applicants are directed to communicate with the County prior to submitting an application for storm water management plan approval in accordance with Section 3 of this ordinance to determine if a Regional Storm Water Management

Plan has been developed for the applicable watershed. If such a plan is in existence, the applicant must provide storm water management water quality treatment on-site in accordance with the provisions of the regional plan, and other management provisions as specified by the County.

Section 6. Construction Inspection

Storm water management construction inspection shall utilize the final approved plans and specifications for compliance. In addition, the inspection shall comply with latest version of the Erosion and Sediment Control Regulations, promulgated pursuant to Article 4 of Chapter *5* of Title 10.1 of the Code of Virginia.

6.1. Notice of Construction Commencement

The applicant must notify the County in advance before the commencement of construction. In addition, the applicant must notify the County in advance of construction of critical components of the storm water management facility. Periodic inspections of the storm water management system construction shall be conducted by the staff of the County or a professional engineer or their designee who has been approved by the jurisdictional storm water authority. Upon completion, the applicant is responsible for certifying that the completed project is in accordance with the approved plans and specifications (refer to As-built Plans - Section 6.2) and shall provide regular inspections sufficient to adequately document compliance. All inspections shall be documented and written reports prepared that contain the following information:

1. The date and location of the inspection;
2. Whether construction is in compliance with the approved storm water management plan;
3. Variations from the approved construction specifications; and
4. Any violations that exist.

If any violations are found, the property owner shall be notified in writing of the nature of the violation and the required corrective actions. No additional work shall proceed until any violations are corrected and all work previously completed has received approval by the County. In addition, the person responsible for carrying out the plan may be required to provide inspection monitoring and reports to ensure compliance with the approved plan and to determine whether the measures required in the plan provide effective storm water management.

If the County determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan in accordance with Section 8 of this Ordinance.

6.2. Post-Construction Final Inspection and As-Built Plans

All applicants are required to submit actual "as built" plans for any storm water management practices located on-site after final construction is completed. The plan must show the final design specifications for all storm water management facilities and must be certified by a professional engineer. A final inspection by the County is required before the release of any performance securities can occur. A certified inspection of all aspects of the BMP construction is required, including surface As-Built surveys, and geotechnical inspections during subsurface or backfilling, riser and principal spillway installation, bioretention soil placement and compaction activities.

Section 7. Maintenance Inspection and Repair of Storm Water Facilities

7.1. Maintenance Inspection of Storm Water Facilities

All Storm water management facilities must undergo inspections to document maintenance and repair needs and ensure compliance with the requirements of this ordinance and accomplishment of its purposes. These needs may include but are not limited to the removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation and any repair or replacement of structural features.

A storm water management facility may be inspected by the County. In the event that the Storm water management facility has not been maintained and/or becomes a danger to public safety or public health, the County shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the address specified in the maintenance covenant. The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. If the responsible party fails or refuses to meet the requirements of the maintenance covenant, the County, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition, and recover the costs from the owner.

7.2 Records of Maintenance and Repair Activities.

Parties responsible for the operation and maintenance of a storm water management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least three (3) years. These records shall be made available to the County Administrator during inspection of the facility and at other reasonable times upon request.

Section 8. Enforcement and Penalties.

8.1. Violations

Any development activity that is commenced or is conducted contrary to this Ordinance or the approved plans and permit may be subject to the enforcement actions outlined in this section and the Virginia Storm Water Management Law.

8.2. Notice of Violation

When the County determines that an activity is not being carried out in accordance with the requirements of this Chapter, it shall issue a written notice of violation delivered by registered or certified mail to the applicant. The notice of violation shall contain:

1. The name and address of the applicant;

2. The address when available or a description of the building, structure or land upon which the violation is occurring;

3. A statement specifying the nature of the violation;

4. A description of the remedial measures necessary to bring the development activity into compliance with this ordinance and a time schedule for the completion of such remedial action;

5. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and

6. A statement that the determination of violation may be appealed to the

municipality by filing a written notice of appeal within thirty (30) days of service of notice of violation.

8.3. Stop Work Orders

Persons receiving a notice of violation will be required to halt all construction activities. This "stop work order" will be in effect until the County confirms that the development activity is in compliance and the violation has been satisfactorily addressed. Upon failure to comply within the time specified, the permit may be revoked and the applicant shall be deemed to be in violation of this article and upon conviction shall be subject to the penalties provided by Section 9.4 of this Chapter.

8.4. Civil and Criminal Penalties

Any person who violates any provision of this Chapter or any permit issued there under shall be guilty of a Class 1 misdemeanor and shall be subject to a fine not exceeding $1,000 or up to thirty days imprisonment, or both, for each violation. In addition the County may pursue the following actions:

1. The County may apply to the circuit court to enjoin a violation or a threatened violation of the provisions of this ordinance without the necessity of showing that an adequate remedy at law does not exist.

2. Without limiting the remedies which may be obtained in this section, the County may bring a civil action against any person for violation of this ordinance or any condition of a permit. The action may seek the imposition of a civil penalty of not more than $2,000 against the person for each violation.

3. With the consent of any person who has violated or failed, neglected or refused to obey this ordinance or any condition of a permit, the County may provide, in an order issued by the County against such person, for the payment of civil charges for violations in specific sums, not to exceed the limit specified in subdivision 2 of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subdivision 2.

8.5. Restoration of Lands

Any violator may be required to restore land to its undisturbed condition or in accordance with a Notice of Violation, Stop Work Order, or Permit requirements. In the event that restoration is not undertaken within a reasonable time after notice, the County may take necessary corrective action, the cost of which shall be covered by the performance bond, or become a lien upon the property until paid, or both.

8.6. Holds on Occupation Permits

Occupation permits shall not be granted until corrections to all storm water practices have been made in accordance with the approved plans, Notice of Violation, Stop Work Order, or Permit requirements, and accepted by the County.

This ordinance shall be in full force and effect upon the date of adoption by the Board of Supervisors.

IN RE: PUBLIC HEARING – A-04-17 – ORDINANCE TO ESTABLISH APPLICATION AND DISPOSITION OF DEADLINES FOR EQUALIZATION OF REAL ESTATE ASSESSMENTS

This being the time and place as advertised in the Dinwiddie Monitor on November 23, 2004 and November 30, 2004 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comment on the following matter:

Ordinance to establish application and disposition of deadlines for equalization of real estate assessments.

The County Administrator pointed out that this ordinance amendment was brought to them by Mr. Harold Wingate as a suggestion and one that was adopted during the last reassessment. This is to establish a deadline when the equalization board sits and if you don't establish a deadline it is subject to be in service for a whole year. So the suggestion was that the deadline for receipt of applications to the county board of equalization shall be February 1, 2005. The deadline for disposition of timely applications by the county board of equalization shall be March 1, 2005, which would give them 30 days to complete the hearings.

Mr. Haraway asked the County Administrator if she felt this would give them enough time. Mrs. Ralph stated Mr. Wingate felt it was but it was at the discretion of the Board if they wanted to extend the deadline to a later date. Mr. Haraway commented he wished the Board had some input from that board from the last time. The County Attorney confirmed that the Board could hold the public hearing and take action at the next meeting; or they could extend the deadline for the real estate hearings today. Mr. Moody suggested that the date be extended to April 1, 2005 and if they finished early it would be okay.

Mr. Haraway opened the public hearing for citizen comments. No one spoke on issues concerning the amendment A-04-17. Mr. Haraway closed the public hearing.

Upon motion of Mr. Stone, Seconded by Mr. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that Section 19-9 of the Code of the County of Dinwiddie be amended and reordained as follows:

AN ORDINANCE TO AMEND SECTION 19-9 OF THE CODE OF THE COUNTY OF DINWIDDIE, VIRGINIA TO ESTABLISH APPLICATION AND DISPOSITION DEADLINES FOR EQUALIZATION OF REAL ESTATE ASSESSMENTS

Sec. 19-9 Application and Disposition Deadlines for the Processing of Equalization of Real Estate Assessments.

(a) The deadline for receipt of applications to the county board of equalization shall be ~~April 20, 2001~~ February 1, 2005.

(b) The deadline for disposition of timely applications by the county board of equalization shall be ~~June 1, 2001~~ April 1, 2005.

* * *

This Ordinance shall become effective immediately upon its adoption by the Board of Supervisors.

IN RE: DINWIDDIE AIRPORT – RESOLUTION & EASEMENT FOR OBSTRUCTION REMOVAL

The County Administrator stated after the board packets were sent out the County Attorney received from the Airport Authority and Mr. Ploeger a revised easement which expands the length of the easement not the width. Therefore it required some clarification in the Resolution. The new resolution adds some language to indicate that a second purpose of the amendment is to clarify the location of the easement (as well as the terms of it). Since the easement already existed there was no need to hold a public hearing. However, the Progress-Index printed two articles about a public hearing tonight and if the Board wanted to allow anyone to speak it certainly would be okay; but the County is not legally required to hold one. The Deputy Clerk stated there were two persons who wished to speak on the issue. Continuing the County Administrator commented that the enclosed version incorporates both plats into the easement as they both have slightly different information on them, all of which is applicable to the easement. Mr. David Ploeger the Director of the Airport is present if the Board has any specific questions regarding what the changes are on the plat. She recommended since there were persons present to speak on the issue that they be allowed to address the Board.

Mr. Haraway commented this would be a good time for those two persons to speak.

Mr. Robert Colvin – 23509 Old Cox Road, Petersburg, VA – was basically concerned with the amount of property that would be cleared and what the County was going to do with it. He also stated he understood that it was 85 acres that was purchased not 5 acres. The County Administrator explained that the issue tonight is to expand an easement on property which did belong to Mrs. Brown which already existed at the airport and Mr. Ploeger would address what needs to be done with the trees on that easement. What you are asking about is the 81 acres the County purchased from Mrs. Brown. The County has not solidified what that property is going to be used for. Mrs. Ralph asked Mr. Ploeger to explain the easement.

Mr. Ploeger stated he did not know the exact amount of property being discussed, but it wasn't the entire size of the Brown property; it falls under the approach corridor into the airport as designated by the FAA for the runway. The easement that exists out there is wider than this piece we are talking about modifying. It goes out to the edges of what is called the transition zone which is a slope off the side of the approach corridor of the runway. This easement request is narrower than that but it goes back almost to the house on the Brown property (but not as wide as her property). The reason behind it is the current easement allows the airport to remove trees that have grown too tall; and in the past the FAA grants has given grants to remove the trees in the flight path. However, the FAA changed their policy and they will no longer pay to go on the same piece of property twice to remove the trees. Now all the trees have to be removed from the property. The stumps have to be grubbed and the land seeded and kept mowed. So that is the idea behind the easement from the County now that it owns the property. The airport has federal funds for this piece of property and also for the other end of the runway between the raceway and the airport.

Mr. Stone asked if the trees are being removed now. Mr. Ploeger replied no. The only trees that have been removed are the trees on the Airport's property where the dumpsters are located. The trees that will be removed are located behind that parcel.

Mr. Bob Colvin adjacent property owner commented his concern was where the land is going to be cleared. He stated he has an undeveloped piece of property with approximately 25 lots which he hoped to develop in the future. He was concerned that this would be detrimental to his property. Mr. Ploeger

explained that the approach path is a narrow piece of property located at each end of the landing strip at the airport and it has existed since 1940 when the airport was built. This path runs from the center line of the runway and extends out ten thousand feet. It is on a slope of 34 to 1, for every 34 feet, you go past the end of the runway it goes up one foot. The area which has been designated to be cleared, we believe, once you have cleared the end of the runway, the slope is so high in the air at that point no tree can grow that tall in that area. The approach path has been in existence since the airport was built. There is no change to that at all; we are simply clearing out an area once the trees have grown too tall and need to be removed. Mr. Colvin stated you are not planning to expand the airport at this time. Mr. Ploeger replied no, this has nothing to do with an expansion; it is simply to remove trees that are in the approach path.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the following resolution and deed of easement was adopted.

RESOLUTION

WHEREAS, the Board of Supervisors of the County of Dinwiddie, Virginia **(the "Board")** is the owner of that certain tract of land located on Airport Road, State Route 460, described in and conveyed to the County by Gladys M. Brown by Deed dated September 17, 2004, recorded September 22, 2004, in the Clerk's Office of the Circuit Court of Dinwiddie County, as Deed #04-4369 **(the "Property")**; and

WHEREAS, the Property is subject to a perpetual aviation easement benefiting the Dinwiddie Airport and Industrial Authority **(the "Authority")** and conveyed to it by Gladys M. Brown by Deed of Easement dated January 22, 1985, recorded February 1, 1985, in the Clerk's Office aforesaid in Deed Book 233, Page 21 **(the "Deed of Easement")**; and

WHEREAS, the Authority has requested the Board to amend the Deed of Easement as provided for hereafter in order to clarify the location of the easement conveyed thereby and certain rights of the Authority granted thereunder; and

WHEREAS, the Board believes it to be in the best interest of Dinwiddie County **("the County")** to so amend the Deed of Easement; and

WHEREAS, the Board has been presented with an instrument titled "Amendment to Deed of Easement" to accomplish such amendment and desires to approve the adoption and execution of such instrument;

NOW, THEREFORE, BE IT RESOLVED that the amendment of the Deed of Easement by the County is hereby deemed to be in the best interests of the County and is approved by the Board in accordance with the terms and provisions of the Amendment to Deed of Easement; and

FURTHER RESOLVED, that the Chairman and Vice-Chairman of the Board, the County Administrator and the Assistant County Administrator are each authorized and directed to execute and deliver the Amendment to Deed of Easement with such changes as they deem appropriate and to take all such actions as they deem necessary or expedient to fulfill the Board's obligations thereunder and to carry out the purposes and intents of this resolution, including without limitation, the execution and recordation in the Clerk's Office of the County of the Amendment to Deed of Easement and all such other documents as may be deemed necessary in their sole discretion to effectuate such obligations, purposes and intents (the approval of which shall be conclusively evidenced by their execution thereof).

Adopted this 7th day of December, 2004.

AMENDMENT TO DEED OF EASEMENT

THIS AMENDMENT TO DEED OF EASEMENT, made this 7th day of December, 2004, by and between the **BOARD OF SUPERVISORS OF DINWIDDIE COUNTY (the "County")**, a political subdivision of the Commonwealth of Virginia, party of the first part, and the **DINWIDDIE AIRPORT AND INDUSTRIAL AUTHORITY, formerly known as the Petersburg-Dinwiddie County Airport and Industrial Authority (the "Authority")**, also a political subdivision of the Commonwealth of Virginia, party of the second part, recites and provides as follows.

RECITALS.

1. The County is the owner in fee simple absolute of that certain tract of land located on Airport Road, State Route 460, described in and conveyed to the County by Gladys M. Brown by Deed dated September 17, 2004, recorded September 22, 2004, in the Clerk's Office of the Circuit Court of Dinwiddie County, as Deed #04-4369 **(the "Property")**.

2. The Property is subject to a perpetual aviation easement benefiting the Authority and conveyed to it by Gladys M. Brown by Deed of Easement dated January 22, 1985, recorded February 1, 1985, in the Clerk's Office aforesaid in Deed Book 233, Page 21 **(the "Deed of Easement")**.

3. The Authority has requested the County to amend the Deed of Easement as provided for hereafter in order to clarify certain rights of the Authority granted thereunder.

4. The Board of Supervisors has determined that it is in the best interests of the County to consent to such amendment, and the County and the Authority desire to amend the Deed of Easement as provided for in this agreement and to record a copy of this agreement in the Clerk's Office to evidence such amendment.

AGREEMENT.

Now, therefore, for and in consideration of the foregoing recitals, the mutual benefits to be gained by the parties by entering into this agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto covenant and agree as follows.

1. The following is hereby added at the end of the last sentence of the second paragraph of page 1 of the Deed of Easement after the words "...of this deed as Exhibit A:"

   ... and as shown on that certain plat of survey by Townes Site Engineering dated October 18, 2004, revised November 30, 2004, entitled "Aviation Easement Across the Property of Robert L. Brown and Gladys M. Brown, Rohoic District, Dinwiddie County, Virginia," a copy of which is attached to and recorded with this Amendment to Deed of Easement. In the event of any conflict in the information depicted on the Pritchett plat attached as Exhibit A and the Townes plat referred to above, the Townes plat shall control and take precedence.

2. The second and last sentence of the fifth paragraph of the Deed of Easement, which is on page 2 thereof, is hereby deleted in its entirety and the following is substituted therefore:

   The party of the first part further grants and conveys to the party of the second part a continuing right and easement to take such action as it may

deem necessary or advisable, including without limitation, the cutting, grubbing and removal of trees growing under the Surfaces or whose tops are above, at, or within three (3) feet below the Surfaces, to prevent the erection or growth of any structure, tree, or other object into the air space above the Clear Zone Approach and Transition Zone Surfaces, and to remove from such airspace, or mark or light as obstructions to air navigation, any and all structures, trees, or other objects that may extend above such Surfaces, together with the right of ingress and egress over its lands to exercise such rights.

3. The sixth paragraph of the Deed of Easement, which is on page 2 thereof, hereby is deleted in its entirety and the following is substituted therefore:

The party of the first part further grants unto the party of the second part, for the use and benefit of the public, a right for the free and unobstructed passage of aircraft in the airspace above the Clear Zone Approach and Transition Surfaces, together with the right to cause in said airspace such noise, light, fumes, and vibration as may be inherent in the operation of aircraft using said airspace for landing at, taking off from, or operating at, or near, the aforementioned Airport.

All references in the Deed of Easement to Gladys M. Brown and the party of the first part shall be deemed to refer to the County, its successors and assigns. Except as expressly set forth herein, the Deed of Easement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the County and the Authority have caused this agreement to be executed by their duly authorized officers as of the day, month and year first written above.

IN RE: CITY OF PETERSBURG REQUEST FOR RESOLUTION OF SUPPORT FOR THE MAINTENANCE DREGGING OF THE APPOMATTOX RIVER

The County Administrator commented the City of Petersburg has requested that the Board adopt a resolution of support for the maintenance dredging of the Appomattox River in Petersburg. She stated they all felt it would benefit the surrounding localities especially in the area of tourism and possibly economic development that it might bring. Mr. Haraway commented he was in the meeting where this was presented and all the localities verbally approved it. He pointed out if it does materialize it would be a great asset to the region.

Mr. Stone moved to adopt the resolution of support. The motion was seconded by Mr. Bowman. Mr. Moody asked if they were asking for any financial support. Mr. Haraway and the County Administrator replied no, just the resolution of support.

Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the following resolution of support was adopted.

RESOLUTION OF SUPPORT FOR THE MAINTENANCE DREDGING OF THE APPOMATTOX RIVER

WHEREAS, the Appomattox River is tidal and historically was navigable to its Fall Line in South Central Virginia; and

WHEREAS, the navigability of the Appomattox River was an important factor in the historical development of South Central Virginia, enabling early Virginia colonists to explore the territory now comprising that section of Virginia,

to conduct extensive trade with Native Americans, and to establish a settlement at the Fall Line, such settlement eventually incorporating under the laws of the Commonwealth of Virginia as the City of Petersburg and becoming a major transshipment point for agricultural goods and manufactured products of the farmers and mercantilists of South Central Virginia; and

WHEREAS, the U. S. Congress, recognizing the importance of the navigability of the Appomattox River to the development of South Central Virginia, authorized, in 1871, a navigation channel, to be maintained by the U. S. Army Corps of Engineers, in the Appomattox River from its confluence with the James River at what is now the City of Hopewell to a harbor in the City of Petersburg; and

WHEREAS, the navigation channel was utilized extensively by river traffic until around 1960, about which time siltation in the channel first restricted and eventually precluded river access to the harbor in Petersburg, thereby discontinuing the historical navigability of the Appomattox River to its Fall Line; and

WHEREAS, reopening the authorized channel in the Appomattox River will improve the environmental condition of the Appomattox River, serve as a catalyst for the commercial revitalization of historic downtown Petersburg, enhance local and regional tourism, expand local and regional recreational opportunities, and return the River to its historical navigability to the City of Petersburg.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County, Virginia strongly supports the maintenance dredging of the existing federally-authorized navigation channel in the Appomattox River to restore the historical access to the harbor in the City of Petersburg at the Fall Line of the River, and encourages the State and federal governments to provide the requisite funding to implement this project.

IN RE: VACO – CONTRIBUTION REQUEST FOR ANNUAL CONFERENCE

The County Administrator informed the Board that Virginia will be hosting the Annual NACO Conference in July of 2007 and they are requesting that the County contribute a minimum of $1,000 to help cover the cost of the conference. They have created a non-profit corporation (Conferences, Inc.) to raise funds and carry out their duties. They expect the cost of their responsibilities to be around $1 million dollars. There was a brief discussion between the Board members and the County Administrator regarding the amount of the contribution and what it would cover. The County Administrator stated this is a cost to cover the promotion of the event. It doesn't cover the actual cost of the speakers or other related items. Mr. Moody stated it is a National Conference and it takes a lot of preparation. Mr. Stone asked if the County's national dues covered any of the costs. The County Administrator recommended that action be deferred so she could get some answers to their questions. The Board agreed.

IN RE: APPOINTMENT – MICHAEL MCGOWAN – SOCIAL SERVICES BOARD

Upon motion of Mr. Moody, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Michael McGowan is hereby appointed to fill the unexpired term of Mrs. Patsy Cansler, District 2 representative, ending June 30, 2008 on the Dinwiddie County Social Services Board.

IN RE: APPOINTMENT RECOMMENDATIONS FOR BOARD OF EQUALIZATION – RENNIE BRIDGMAN, JR, FRANKIE FRANCK, COLONEL HOBBS

Upon motion of Mr. Stone, Seconded by Mr. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Rennie Bridgman, Jr., District 5, Ms. Frankie Franck, District 2, and Mr. Colonel Hobbs, District 1 are hereby recommended to the Circuit Court Judge for appointment to the Board of Equalization for the 2005 Real Estate Reassessment.

IN RE: REAPPOINTMENT RECOMMENDATION FOR BOARD OF ZONING APPEALS – THELMA JONES

Upon motion of Mr. Moody, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Ms. Thelma Jones, District 1, is recommended to the Circuit Court Judge to be re-appointed to the Board of Zoning Appeals for a term ending December 31, 2009.

IN RE; DIVERSIFIED AMBULANCE UNCOLLECTABLE DEBTS

Mrs. Anne Howerton, Finance Director, stated the ambulance billing company, Diversified Ambulance, has uncollected accounts on the books for February 2003 – October 2004 which they have deemed bad debts. They would like the County to decide whether to let them write them off as bad debts or send them back to the County for disposition. The billing analysis is as follows:

Diversified Ambulance Billing Analysis

Dates of Service	Charges	Collections	% Collected	Bad Debt	% Bad Debt
02–12/03	663,388	219,422	33.08	49,639	7.48
01-10/04	612,670	312,690	51.04	34,769	5.67
Totals	1,276,058	532,112	41.70	84,408	6.61

Mr. Haraway asked if $84,408 was the amount that had been written off as bad debts. Mrs. Howerton stated yes, that is the amount they would like to write off as bad debt. Mr. Haraway asked if the remaining approximately $600,000 was contractual adjustments. She replied yes and the remaining 99% are self pay accounts. The Financial Director stated 4 bills were sent and samples were distributed to the Board. Mr. Haraway asked if the Board does not agree to write them off what was the alternative. She replied they would just sit on the books because DAB has exhausted all means for collection. Mr. Haraway commented the bad debt at 6.61% was low and he felt the company had done a good job.

There was a short discussion regarding the contractual adjustments and whether the bad debts would be reported to the credit bureau. Mr. Stone asked if the accounts would be sent to a collection agency. The County Administrator pointed out that DAB would not take any further action. Mrs. Howerton said the County would have to turn the accounts over to a collection agency which would charge a percentage of the funds they collected if that was what the Board decided.

Mr. Haraway asked what the surrounding jurisdictions that use DAB were doing with the bad debt accounts. Mr. Jolly reported that the jurisdictions that replied were writing them off as bad debts, because the debt ratio was less than 10% which was considered acceptable. He also commented that at the onset of the ambulance billing one of the things that was made quite clear by the Board was that the accounts would not be sent to a collection agency. Insurance companies normally pay for ambulance transportation and the County was looking to collect those funds from persons who were covered on their policies which had not been collected in the past by the County. The County was not looking to try to collect from persons to pay out of their pockets to be transported to the hospital for an emergency. The County was looking to recoup those funds from the insurance companies that were already charging in their premiums for this service. Mr. Moody stated he agreed with Mr. Jolly and that was the direction that the Board took at that time. He did not agree with reporting them to a credit bureau and possibly ruining their credit.

Mr. Jolly also stated that about 90% were probably self pay and financially they couldn't afford insurance premiums. Mr. Haraway stated he was on the Board at that time but to follow along the lines that Mr. Bowman was thinking, if there was a self pay patient who has the resources to pay and they don't pay then the County should go after those accounts. Mr. Bowman asked how many accounts were involved. Mrs. Howerton replied approximately 252.

Mr. Haraway directed Staff to ask DAB for an electronic list of the delinquent accounts to investigate whether they were repeat offenders and to see if the accounts could be collected in future years.

Upon motion of Mr. Moody, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the ambulance billing company is authorized to write off the uncollected accounts for February 2003 – October 2004 as bad debts in the amount of $84,408 which represents 6.61% of gross charges for ambulance services.

IN RE: HURRICANE ISABEL 2003 COMPENSATION FOR EMPLOYEES

The County Administrator distributed copies of the revised list of the proposed compensation for employees who worked during Hurricane Isabel with the FEMA payment received. Mr. David Jolly was requested to walk through how the Federal government considers an emergency situation and how they reimburse the localities so the public could understand what happens when an emergency situation has been declared.

Mr. Jolly went through the scenario of the differences between a local emergency and a state wide or county wide emergency. The laws allow for the jurisdictions to declare local emergencies for local events that may impact the entire county or a portion thereof. In those cases the County implements its local emergency operations plan and can exercise certain authorities that it normally can't, to include bringing personnel in to fill other job roles that are not typically staffed on day to day operations. If that emergency spreads outside the County or impacts the County significantly enough that the State meets certain thresholds the Governor can proclaim a "State of Emergency" for the Commonwealth; at that point our emergency management plan then becomes part of the state wide emergency operations plan. At that point personnel and staff that are part of that plan are now working in unison with the state plan. If the majority of the Commonwealth is affected or a sizeable portion of it, then the Governor's Office can ask the President to declare a Federal disaster for the State; or a portion of the State, at which time if it is declared FEMA then starts to pick up the ball and the State works with the Federal plan. In essence local works to state; state works to FEMA; so our local resources become an operational piece of a bigger puzzle of your State and Federal guidelines. During the Hurricane Isabel event obviously that affected several states and the majority

of the Commonwealth and therefore it was declared a Federal Disaster. At that point our local jurisdiction accountability operations has to be presented to both the State and Federal Government for their review for expenses incurred, salaries, with cost for delivering services, restoring damaged property, mitigating issues and so on. Those reports go all the way up to the Federal level and at some point the County recoups Federal dollars back into the localities through the State. For every disaster FEMA has a different set of guidelines that have been tweaked or changed based on the previous disaster and what they saw as a need to update or change policies. For this particular disaster the personnel expenses were only figured if they were specifically outlined in the County Policy or the Emergency Operations Policy as being essential personnel. In our policy certain positions are listed but the majority is not listed as essential personnel. We are not unlike most of the counties, cities and even at the State level during Isabel there were personnel who worked, that could have stayed home because the offices were closed; however, some of them were called in to work during the emergency. Therefore, their time was accounted for at the local, State, and Federal levels. Because they were not specifically designated, before the disaster in the emergency plan, the County was only compensated for those designated positions by FEMA for overtime, which is anything worked over 40 hours.

Mrs. Anne Howerton, Financial Director, stated based on the information provided by Mr. Jolly FEMA reimbursed the County a total of $16,576.00 for the personnel who worked during the disaster. The amount already paid out from that sum is $3,650 which leaves a total of $12,913 to be paid out to specific employees that worked during Hurricane Isabel.

The County Administrator pointed out that because it is Federal money the County's options are to pay the money that has not been paid to the designated persons on the list who worked or send the FEMA money back. At the last meeting there was some confusion that everyone was being paid from the undesignated fund balance and that was not the case. There are specific people that Mr. Jolly indicated that were working for the Federal government and recognized at that point in the County's plan and received the money from FEMA as outlined.

Mr. Bowman restated, the $16,576 the County received from FEMA, if it is not given to the employees then it will have to be sent back? Mrs. Howerton replied that is correct. The County has to give the money to the specific employees that were turned in to FEMA.

The County Administrator commented action was taken at the last meeting to take the FEMA money and compensate everyone that worked. However, after review, that is not allowed by FEMA. The Sheriff's personnel have already been paid for their time. The money being discussed now is the other positions that were reimbursed by FEMA which is $12,913.

Mrs. Ralph said now to move to the positions that worked but were not covered under FEMA reimbursements because they were not designated in the County Emergency Plan. The plan will be corrected, but it was not in effect at that time. The Financial Director presented three options to the Board to pay (thank you pay) the employee who worked while the offices were closed: Option 1 (would pay everyone who worked) total - $16,675; Option 2 (excludes exempt employees) – $10,176; Option 3 (capped amount) - $10,355; and this would be in addition to the FEMA money. The County Administrator stated the overall concern that we have as Administrative Staff is that the next time staff has to be called out, (who have not been designated in the emergency plan) when they could have stayed at home, they will not be here. She pointed out over a year ago now the other agencies paid their personnel who came out whether they got reimbursed by FEMA or not. It is only the people under the Board of Supervisors who have not been paid anything.

Mr. Haraway asked what amount staff recommended. The County Administrator replied the second option which is $10,176, so everyone would receive something.

Mr. Bowman stated FEMA sent the money for senior administrative staff for their overtime. Would they receive any compensation? The Finance Director stated they would receive their FEMA money but they would not receive any additional thank you pay.

Mr. Haraway stated the amount approved by the Board at the last meeting was $15,398.05; staff is recommending that amount be decreased to $10,176.29, out of the general fund, and basically what that is doing is not paying the exempt senior administrative staff. The County Administrator commented it is also approving the FEMA money that needs to be paid or sent back. The County Administrator advised the Board that a motion needed to be made to rescind the action taken at the previous meeting to compensate the employees.

Mr. Bowman made the motion to rescind the action taken by the Board to compensate the employees at the prorated rate within the $16,576.00 which FEMA reimbursed the County. Ms. Moody seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", motion carried.

Mr. Bowman made the motion, recommended by Staff, to pay the non-exempt employees $10,176.29 out of the general fund for the hours they worked during the storm when the offices were closed. Ms. Moody seconded the motion.

Mr. Haraway stated he voted no the first time, but he was going to vote for this plan, although he still has a few questions the majority had been satisfied by this action.

Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", motion carried.

Mr. Bowman made the motion to pay the exempt employees the balance of the designated FEMA money in the amount of $12,913.10.

Mr. Haraway commented this includes payment to exempt people; but if the County does not pay them; the money would have to be returned to FEMA, and it is not costing the County anything to pay them. The Finance Director replied that is correct; this is reimbursement money from FEMA.

Mr. Haraway commented there was a statement made that there would be some changes made to the County's Emergency Plan to designate essential personnel so this would not be necessary in the future. The County Administrator stated she was going to make that point. Staff will be going back and revising the personnel policy naming the essential personnel so that when the list is submitted, unless FEMA changes their rule, all the funds will be reimbursed.

Mr. Moody seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", motion carried.

IN RE: COMMUNICATIONS CENTER UPDATE ON RADIO SYSTEM

Mr. David Jolly, Director of Fire Safety, stated "with the new Communication center approaching completion, I would like to provide an update and timeline for the staged opening of the center. In addition, I would like to address key points that need consideration by the Board of Supervisors.

The infrastructure for the new radio has been installed at all three tower sites and the public safety building. The County was divided into approximately 2100 grids each measuring ½ x ½ mile square. Of these grids we tested approximately 1458 grids with all but 5 passing on both the digital and analog systems. This resulted in pass rate of 99.8% of the grids tested. The remaining grids were not tested due to large tracks of timber land or fields without adequate access. We have prepared a map of the testing for presentation at the upcoming Board meeting. Also, the microwave link between the public safety building and the prime tower site (Dinwiddie Fire Station) has been moved, tested and is operating without any errors. All communication personnel have been trained on the radio and phone equipment. The new personnel have been working on data entry of all pertinent information into the system. This has allowed us to perform quality checks on each contact name and number that was being utilized by either the current dispatch center or other information that had been developed over time.

The installation of mobile radios has been completed for all Fire, Rescue, and Sheriff's vehicles and each agency has been invited to attend train-the-trainer classes for the equipment. In addition, we have distributed all portable radios to the agencies along with the training material for them to prepare for the implementation onto the new system.

The CAD system has been installed in the Public Safety Building and training of all current communication personnel will be completed on December 10, 2004. The installation of the Records Management and Jail Management has been delayed until a server can be installed in the Sheriff's Office. The CAD vendor, InterAct, at no cost to the County, is providing this server. We are also working on the connectivity between the two buildings and have prepared some options for consideration.

Phase In of New Center

With the equipment now in place, we have adopted the following phase in dates to bring the new center on line. With this approach we have the necessary timeline to train personnel, move equipment and test system prior to implementation. I have included a timeline chart for your review at the end of the report.

- Cutover Meeting on December 3rd with Motorola, InterAct, Verizon, Sheriff's Office, and Public Safety.
- Cutover 911 functions during the early morning hours of December 15th.
- New Communication Center to go in-service December 15, 2004. VCIN and Record Management to stay in Sheriff's Office. This will require that we staff both facilities until approximately March 2005. This is needed in order to allow for the training of Sheriff's office employees (desk sergeants) currently in school that are graduating by March 1, 2005.
- Connectivity between Sheriff's Office and Public Safety by the end of February 2005.
- Installation of the server, records management and jail management software by InterAct by March 2005.
- Training for Sheriff's Office personnel during late March and early April 2005.
- Up to eight dispatchers in dispatcher school for three weeks from late February through early March 2005.
- Emergency Medical Dispatch training for all personnel during May 2005.
- Activate EMD protocols on July 1, 2005.

Conclusion

After more than 24 months the end is in sight. With the vision from the Board of Supervisors we were able to bring to a reality a state of the art facility that each member can be proud of. In spite of the many roadblocks that have been

experienced during the project we have positioned the County to serve the 9-1-1 requests of the citizens for several years to come.

The radio system has room to grow and is compatible with the Commonwealths "STARS" project that is now in the develop stages. Based on the latest information, we will be one of the first jurisdictions that the new radio system will be installed in. This will allow us the opportunity to make the necessary upgrades, at the States expense, to allow for the direct inoperability with the State Police and other state agencies."

IN RE: CHANGE ORDER FOR INTERACT– SERVER FOR SHERIFF'S DEPARTMENT

Mr. Jolly commented the server he mentioned that InterAct has provided to the County at no cost; the Board needs to approve the change order. This is for the installation of the Records Management and Jail Management in the Sheriff's Office. The CAD vendor is providing this server at no cost to the County.

Mr. Stone requested that Mr. Jolly provide him a copy of the radio coverage map and a cut-sheet for the server to be installed in the Sheriff's Office. Continuing he thanked Mr. Jolly for taking this project on by the exiting of an employee and the radio update.

The County Administrator stated for the record, staff would like approval of the Board for Mr. Jolly to sign the change order for the server.

Upon motion of Mr. Bowman, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Director of Fire Safety was authorized to sign the change order for the server for the installation of Records Management and Jail Management in the Sheriff's Office by InterAct at no cost to the County.

The County Administrator also thanked Mr. Jolly for all his assistance with this project.

IN RE: COMMUNICATIONS CENTER AGREEMENT - BOARD OF SUPERVISORS AND SHERIFF

Mr. Jolly commented after working with County Administration, Sheriff's Office, County Attorney and Public Safety staff, a resolution and agreement are provided for your review and consideration. In order to ensure State Compensation Board funding for the five positions, we need to have the resolution and agreement in place prior to the transfer of day-to-day management for those positions. The Sheriff has agreed to both by the indication of his signature.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the following Resolution and Agreement between the Board of Supervisors and Sheriff were approved.

RESOLUTION

BE IT RESOLVED that the Sheriff and the Board of Supervisors of Dinwiddie County, Virginia have agreed that the residents of the County would be best served if the emergency fire and rescue and the public safety dispatching services were merged into one central dispatch center;

AND BE IT FURTHER RESOLVED that the best means of assuring the proper operations and management of such a dispatch center would be through an agreement between the Sheriff and the Board of Supervisors;

AND BE IT FURTHER RESOLVED that the attached Agreement between the Board of Supervisors and the Sheriff of Dinwiddie County Virginia is hereby approved;

AND BE IT FURTHER RESOLVED that the Chairman of the Board is hereby authorized and directed to execute the AGREEMENT on behalf of the Board.

COUNTY OF DINWIDDIE

_____
CHAIRMAN OF THE BOARD
Donald L. Haraway

ATTEST:

_____
COUNTY CLERK/COUNTY ADMINISTRATOR
Wendy Weber Ralph

AGREEMENT

This Agreement is made and entered in this ___ day of _____ by and between the Dinwiddie County Sheriff (the "SHERIFF") and the Board of Supervisors of Dinwiddie County, Virginia (the "BOARD"), collectively the PARTIES, for the purpose of establishing the relationship between the Parties regarding the management control of the Dinwiddie County Emergency and Public Safety Communications Center (the "Communications Center").

WITNESSETH

WHEREAS, the Board maintains and operates an Enhanced 911 service to receive telephone requests and dispatch emergency medical and fire protection services; and

WHEREAS, the Sheriff maintains a public safety dispatch center for the receipt of telephone requests for law enforcement services; and

WHEREAS, the Parties acknowledge that a single contact point for emergency and public safety dispatch requests will improve the delivery of these services in the County; and

WHEREAS, Parties have existing communications compatibility via radio, telephone and computer; and

NOW, THEREFORE, in consideration of the mutual understandings, covenants, and conditions set forth herein, the Parties agree as follows:

(1) The County will provide Virginia state certified dispatchers who will be trained and under the direction and control of the Chief, Division of Public Safety.

(2) The County will provide the public safety telephone answering point for all emergency requests for police, fire or rescue services.

(3) The Parties will ensure that all personnel having access to computer, radio, telephone, or terminal equipment used to process, store, or transmit criminal justice information will:

(a) Be at least eighteen years of age:

(b) Have at least a high school education;

(c) Not have been convicted of a misdemeanor involving moral turpitude, a felony, or use or have used controlled substances;

(d) Be fingerprinted, photographed, and submitted to a complete background investigation which will be conducted by the Sheriff's Office;

(e) Be under the direct control of the Sheriff or his designee, whenever operating any law enforcement related applications;

(f) Not divulge any information acquired from VCIN/NCIC terminal to any one not having an legal right to such information; and

(g) Will sign the Criminal Justice Information Systems Confidentiality Statement.

(h) Will abide by the Standard Operating Procedures developed respectively by the Communications Manager and the Sheriff; and

(i) Any other requirements deemed necessary by each Party.

(4) The Sheriff will have general oversight and develop rules for the use of the Law Enforcement Dispatch Frequency which is has been granted for such purposes by the Federal Communications Commission.

(5) The Sheriff will assign at least five deputies to serve as dispatchers in the Communications Center and will make all efforts to assure, including making an annual application, that the positions so assigned will be funded fully by the Virginia Compensation Board including all increases in compensation, salaries, and other benefits that the Compensation Board appropriates for dispatchers throughout the state.

(6) The Sheriff will retain management control over all computer, terminal equipment and law enforcement radio frequencies used to process, store, or transmit criminal justice information. For the purposes of this paragraph "Management Control" is defined as the ultimate authority to set and enforce: (1) establishing the standards for the selection, supervision, evaluation, and termination of Compensation Board personnel; and (2) monitoring the operations of computers, radio frequencies relating to law enforcement communications circuits and telecommunications terminals used to process criminal history information.

(7) Either Party may terminate this Agreement by providing the other Party with written notice ninety days in advance of the termination date.

IN WITNESS WHEREOF, these parties have executed this Agreement on the day and year first above written in two (2) counterparts, each of which is to be deemed an original Agreement.

COUNTY OF DINWIDDIE

BY:_____
CHAIR BOARD OF SPERVISORS
Donald L. Haraway

BY:_____
SHERIFF
Samuel H. Shands

IN RE: CITIZENS COMMENTS

1) Ms. Gloria Jones – representing the Citizens for a Better Dinwiddie presented the Dinwiddie Monitor and its Staff with a plaque of thanks for providing the citizens of the County with fair, prompt, and reliable news coverage.

2) Michael Bratschi - 23500 Cutbank Road, McKenney, VA – commented on the following issues: a) when citizens ask questions in the meetings that the Board have key administrative staff to respond or send a written response b) he felt it was a disgrace for the Board to go after citizens who can't afford to pay for ambulance service c) requested that the Board adopt an ordinance which would require a person driving under the influence and caused a serious accident, if convicted in court, that the County under civil action could recover the costs provided by EMS/Fire coverage.

3) David Dudley – 25907 Smith Grove Road, Petersburg, VA – asked if Administrative Staff had contacted the State Police about monitoring the trucks hauling biosolids which had been requested by Ms. Moody.

IN RE: LEAVE TIME BUY DOWN FOR EMS & SHERIFF'S DEPARTMENT

The County Administrator stated there is a considerable amount of accumulated leave time especially in the Public Safety area that Staff would like for the Board to consider offering a buy down option to the employees. A proposal was prepared by Mrs. Glenice Townsend which offers the employees a 75% buy down if they wish to participate.

Mrs. Anne Howerton, Financial Director, explained how the time was accrued. If everyone in the Sheriff's Department opted to accept the cash buy out at 75% the total would be $13,000. It is not anticipated that all of the employees would participate. The possible pay out for the EMS personnel would be $20,000.

Upon motion of Mr. Bowman, Seconded by Mr. Stone, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Administrative Staff was authorized to offer an optional plan to the Sheriff's Department and EMS employees to buy down holiday time at 75%.

IN RE: AUTHORIZATION TO EXTEND ANNUAL LEAVE TIME - COUNTY EMPLOYEES & CONSTITUTIONAL OFFICER'S EMPLOYEES

The County Administrator commented the Board directed its employees to work down their leave time to a maximum of 80 hours by the end of December 2004 which is what staff has been trying to do. But some of them have not been able to work it down and would lose it. In our discussions that have been held in considering allowing the Constitutional Officer's employees to come under the County policies, Staff realized that there would be a difference in County policy for accumulated leave time as well as other areas in what the Constitutional

development plans needed to c[illegible] the County industrial park.

Officers have been following which is the State policies; which allows for more time to be accumulated. She requested that the Board allow the County employees as well as the Constitutional Officer's employees to carry over their annual leave time to July 1, 2005.

Mr. Haraway stated one reason for this is that most employers allow their employees to carry over more than 80 hours annual leave. When the changes are made in the personnel policy next year that figure will probably increase.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia extended the deadline for the County employees as well as the Constitutional Officer's employees to carry over their annual leave time to July 1, 2005.

IN RE: REQUEST TO NEGOTIATE CONTRACT WITH TOWNES AND ASSOCIATES – FINAL DEVELOPMENT OF INDUSTRIAL SITE

Mr. Scheid addressed the Board of Supervisors regarding the development of a site plan schematic and construction plans for the Dinwiddie County Industrial Park known as the Rohoic site. It was stated that the County entered into a contract with Townes Site Engineers over a year ago after following the contractual procedures outlined by State Code. As part of the contract, the company assisted the County in reviewing several available sites and developing a site selection procedure to choose the site most desirable to accomplish the goals of the County. Now we are at the stage of completing the transfer of ownership of the property. The next step is to develop construction plans for the industrial park, infra-structure and design specifications for uses permitted in the industrial park. The contract previously awarded to Townes Site Engineers provided for the original contract to include the noted services above. Mr. Scheid requested that the Board of Supervisors authorize the Staff to enter into negotiations with Townes Site Engineers for accomplishing the remaining development plans needed to construct the County industrial park.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Staff is authorized to enter into negotiations with Townes Site Engineers for the development plans needed to construct the County industrial park.

IN RE: REQUEST FOR RABIES CLINICS - 2005

The County Administrator informed the Board that under State Code rabies clinics must be held in counties that veterinarians are inadequate to meet the needs in the County. The Code requires that the Health Department approve the rabies clinics as well as the governing body. She presented the following dates and locations for consideration to the Board.

Chesdin Animal Hospital	Saturday, January 15	2:00 – 4:00 P.M.
Hawk's Pharmacy Sutherland	Sunday, January 16	2:00 – 4:00 P.M.
Wallace's Supermarket McKenney	Saturday, January 22	2:00 – 4:00 P.M.
J.B.'s Grocery	Sunday, January 23	2:00 – 4:00 P.M.

Poole Siding

Dinwiddie Administration Building Parking Lot	Saturday, January 29	2:00 – 4:00 P.M.

Rabies shots for dogs and cats $6.00 each. Call Chesdin Animal Hospital at 732-6420 for more information.

Upon motion of Mr. Bowman, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Chesdin Animal Hospital is hereby authorized to hold rabies clinics as outlined above.

IN RE: COUNTY ADMINISTRATOR COMMENTS

The Assistant County Administrator stated he had a conversation with Delegate Fenton Bland today to review the Dinwiddie County Legislative package. There were two items of interest he felt the Board should be made aware of 1) The VCBR Program which houses the Sexual Violent Predator Program; there is legislation patroned by Delegate Bland to have that moved out of Dinwiddie County. He is coming up with a plan for that for the General Assembly. 2) He is also patroning legislation for full time commonwealth attorney status for Dinwiddie County. Mrs. Ralph, myself and Commonwealth Attorney Marable will be going to the Governor's Office next week to lobby him and the Secretary of Administration's Office to see if there are any funds available within his budget to provide for this. If there are funds available in his budget the County stands a better chance. But at the same time we recognize that the money committees both in the House and the Senate are very tight this year and would urge every citizen that has a voice in Dinwiddie County to please contact their local legislator and the Senate Finance Committee and House Committee to try and get this passed; specifically for the need of the full-time commonwealth attorney in the County.

A meeting is scheduled for Thursday with the High Speed Rail folks who are coming in at 10:00 A.M. in the multi-purpose room. This will be one of our last chances to speak with them in regards to the High Speed Rail before they come up with the recommendations they have. He encouraged everyone to attend.

Mr. Bowman requested that Mr. Massengill provide a list of the key people to lobby on the committees. Mr. Massengill stated he had the list with the address and telephone numbers.

Mr. George Marble, III, Commonwealth's Attorney, stated he would like to echo Mr. Massengill. He requested that the Board ask their constituents to send letters, or contact their delegates. Delegate Bland contacted him today because of a letter that was sent to him from a business owner in the County regarding this issue. Mr. Marable stated this was going to be an uphill battle just to get the legislation presented but it may not get the County where it needed to be, so please encourage the citizens to contact their delegates stressing the importance of this issue in Richmond. Mr. Bowman suggested that the caseloads compared to other counties might be helpful also.

IN RE: REPORT ON CURFEW ORDINANCE

Mr. Haraway stated he attended a meeting with the other localities and Dinwiddie County is the only locality in the Tri-City area that does not have a curfew. The localities that have the curfews are not planning on eliminating them. The Board members agreed to hold a public comment period sometime

in January to discuss the issues for the curfew before it was drafted by the County Attorney.

IN RE: BOARD MEMBER COMMENTS

Mr. Stone stated the District 5 community meeting would be held December 20, 2004 at 7:30 P.M. in the Board Room. He said starting in January 2005 he would be holding monthly meetings rotating between the three precincts in District 5.

Mr. Moody commented he had a discussion with Mr. Denny King, Waste Management Director, about the misfortune with the trash truck burning up at the landfill; and a gentleman sitting near them overheard the conversation and told them he had a good used trash truck he wanted to sell. Mr. King took a look at the truck and found it to be in very good condition. The insurance company has issued a check for the County's truck. The County Administrator interjected the check was for the cash value. Mr. Moody requested that the Board give the County Administrator and Mr. King authorization to negotiate the purchase of the trash truck as a back up if it checked out okay but not to exceed the amount of the insurance check. The County Administrator stated they would follow the procurement act and get three bids before purchasing any truck. But under the assumption that this is the lowest bid the cost would not exceed the insurance check issued for the burned trash truck.

Mr. Moody made the motion to authorize the County Administrator to purchase a replacement trash truck for the landfill at a cost not to exceed the amount issued by the insurance company. Ms. Moody seconded the motion. Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", motion carried.

Ms. Moody stated at a previous meeting she requested that Staff contact the State Police to see if they would help with the monitoring of trucks hauling biosolids in the County. She stated a meeting has been scheduled this week with the State Police and Administrative Staff and she would keep the citizens updated. Continuing she stated at the November 2nd Board meeting I made a motion to postpone action on the rezoning application P-04-3 (Referred to as the Turkey Egg Road Rezoning). I asked that a vote not take place until the Committee on Growth Management finished developing the growth plan for the County. This motion was seconded by Mr. Bowman who sets with me on the Growth Management Committee; and the other members unanimously agreed.

Following the November 2nd meeting, the Committee on Growth Management has met on two separate occasions and discussed specific areas of concern with this rezoning. After such discussions, I feel compelled to ask the technical arm of the Board of Supervisors, the Planning Commission, to review the following areas of concern by both the Committee on Growth Management and me personally.

1. Potential wetlands on this property need to be identified and appropriately delineated by the U.S. Army Corp of Engineers or a licensed wetlands scientist. This delineation could have extreme impacts on the potential design of the proposed development by affecting the lot size, road network, Erosion and Sedimentation Plan, and the Storm Water Management Plan. Further, the impacts to the wetlands and bordering resource areas need to be assessed.

2. Proffers statement (8) states that "Any existing Cemetery on this site will be fully enclosed within an easement and an adequate access granted. Limits of cemetery will be determined by a qualified mortician". The applicant and his engineer have informed the Planning Commission and the Board of a cemetery that is believed to be located on this property. Before rezoning the cemetery location needs to be

identified and the historical significance, if any, determined. Its location and size may have an effect on the development.

3. There are growing concerns, and noteworthy cases of high levels of Uranium in drinking water throughout residential areas in Dinwiddie County. In addition, the County Courthouse that is located only a few miles from the site has high levels of Uranium. Water quality tests should be conducted before the property is rezoned from an agricultural to residential use. Without such tests, the County is approving a development whose residents may experience a hardship that could have been prevented.

4. Two of the most traveled roads in Dinwiddie County are U.S. Route 1 and Courthouse Road. Many citizens use Turkey Egg Road as a connector between these two roadways. As the county continues to development, surely the demands of Turkey Egg Road will enlarge and may potentially create safety concerns for those constituents residing on and using Turkey Egg Road. Furthermore, with the demands on this road increasing, a detailed analysis of the proposed ingress and egress of the proposed subdivisions may be warranted.

5. Finally, growth and the demand for crucial government services is something dear to me and has been an issue that I have followed very closely during the development of a growth management plan. I would like to see the financial impacts associated with the approval of this subdivision. Certainly, more children will be in our schools. But, what are the capitol and operational costs? How many more school buses, more teachers, more administrators, etc., will be required? What, if any, are the capitol and operational costs to the County to deliver EMS and Fire services?

With these concerns noted. I am making a motion to send the rezoning application P-04-3 (Refereed to as the Turkey Egg Road Rezoning) back to the Planning Commission for further review of the items I have just noted. In addition I expect the Planning Commission will expeditiously work this into their schedule. Mr. Bowman seconded the motion.

Mr. Moody stated he felt the Planning Commission had worked diligently on this rezoning request and he would not be in favor of setting precedence by sending it back to them. Mr. Stone commented he would not speak for all of the Planning Commissioners but this case was held over for two meetings. The proffers were more than they expected; but if it is the will of the Board to return this to the Planning Commission they would like a copy of Ms. Moody's request so they would know exactly what she was looking for but he felt those issues had been addressed. Mr. Haraway commented he understood what Ms. Moody was saying but he was impressed with the presentation and type of houses they are going to build. He said it would be an asset to Dinwiddie County and something they could be proud of. The developer has built homes in his district and it is a first class development. Mr. Bowman stated he agreed that he is an excellent builder and the kind of houses he would like to see built in the County. But he felt the burden of proof should be on the developers not on the County. Many times they are allowed to move forward then they come back with all these problems with uranium in the water and other issues and he felt they should be addressed before the rezoning is approved. Mr. Moody stated there are homes being built all over the County and if there are problems with the wells they have to deal with them and he did not feel the developer should be tied down with some possible problem that might happen. There was a lengthy discussion between the Board members regarding who should be responsible for the well water. The Chairman called for a vote.

Mr. Stone, Mr. Moody, Mr. Haraway voting "Nay", Ms. Moody, Mr. Bowman, voting "Aye" motion did not carry.

Mr. Moody commented that the rezoning case needed to be placed on the agenda because the case had been held up for some time already. The Board members also requested that the Planning Director make his recommendations for the case at the next meeting.

Mr. Haraway requested that the Board members provide a list of changes they felt needed to be made to the Personnel Policy to Staff by Tuesday.

IN RE: CLOSED SESSION

Mr. Moody moved to close the meeting in order to discuss matters exempt under section: §2.2-3711 (A)(1) – Personnel –Appointments; and County Administrator and §2.2-3711 (A)(3) Acquisition of Property; §2.2-3711 (A) (7) - Consultation with Legal Counsel – Legal Advice on Potentially Privileged Communication; Legal Issues Relating to Offenses Against the Public Peace;

Mr. Bowman seconded the motion. Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 10:28 P.M.

The meeting reconvened into Open Session in the Board Meeting Room at 12:06 A.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under: §2.2-3711 (A)(1) – Personnel –Appointments; and County Administrator and §2.2-3711 (A)(3) Acquisition of Property; §2.2-3711 (A) (7) - Consultation with Legal Counsel – Legal Advice on Potentially Privileged Communication; Legal Issues Relating to Offenses Against the Public Peace;

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

IN RE: COUNTY ADMINISTRATOR COMMENTS

The County Administrator stated it was suggested by the Board that a committee be comprised to meet with the Constitutional Officers to work out an agreement for them to come under the County Policies. She asked if any of the Board members would like to be included in the committee. Mr. Haraway agreed to meet with them.

Mrs. Ralph requested authorization to issue a special payroll for the FEMA/thank you pay in December 2004 before Christmas.

Upon motion of Mr. Moody, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", Staff was authorized to pay the employees for the FEMA/thank you pay in December 2004 before Christmas.

IN RE: ADJOURNMENT

Upon Motion of Mr. Moody, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the meeting adjourned at 12:21 A.M. to be continued until 10:00 A.M. on Thursday, December 9, 2004 in the Multi-Purpose Room.

Donald L. Haraway, Chairman

ATTEST: Wendy Weber Ralph
Wendy Weber Ralph
County Administrator

/abr

VIRGINIA: AT THE CONTINUATION MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE MULTI-PURPOSE ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 9TH DAY OF DECEMBER, 2004, AT 10:00 A.M.

PRESENT:	DONALD L. HARAWAY – CHAIRMAN	ELECTION DISTRICT #2
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5
(Absent)	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1

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Mr. Donald L. Haraway, Chairman, called the continuation meeting to order at 10:09 A.M.

IN RE: HIGH SPEED RAIL WORK SESSION

The Board of Supervisors, Representatives of the School Board, several Town of McKenney Council members, and Chris Caulkins with the Petersburg National Park Service met with Mr. David Foster, Mr. Alan Tobias, Mr. Winston Phillips and other representatives of the North Carolina and Virginia Department of Transportation (Rails Division) to discuss the potential impacts of the proposed High Speed Rail route on County roads, bridges, battlefields, and Civil War Earthworks.

Mr. Tobias and Mr. Foster stated if the Board had any questions or concerns to feel free to contact them.

As a follow up of the meeting Mr. William Scheid, Director of Planning, sent the following letter to the representatives of the North Carolina and Virginia Department of Transportation (Rails Division).

"It has been stated that the Board of Supervisors have gone on record as opposing the S-line route and recommended the A-line for several reasons. I will not pursue this issue since you specifically asked for comments on the maps submitted for comments (these maps will be kept in the Planning Office for future reference).

A few general comments must be made at this time. It is our understanding that the proposed road improvements and road/bridge relocations are an intricate part of the High Speed Rail line and will be constructed at the same time that the rail line is built. The rail line will not extend north of the Burgess intersection area but will proceed east toward the Collier Railroad Yard. Impacts on the Civil War Battlefield sites will be negligible since the rail line will remain within the existing rail line right-of-way. Efforts will be made to assist the County in locating/developing a trail system along the rail line.

The following comments are site specific:

1. on map 10 of 125, it appears that the relocation of Dabney Mill Road will have minimum impact on adjacent property owners; and
2. on map12 of 125, it appears there is a major road/bridge relocation. There is a concern about the impact associated with severing land owners land parcels; and
3. on map 14 of 125, the same concern expressed in #2 is applicable; and
4. on maps 15,16 and 17 there is a major rail line relocation from the existing rail bed. Several issues arose from this regarding impacts on home owners as well as the use of the unused portion of the rail bed. Certainly, the County may be interested in a trail system on the unused portion of rail bed; and

5. on map 18 of 125 there are concerns with wetlands located in this area, the road relocation and how the grade separation will be accomplished; and
6. on map 19 of 125 there is some concern regarding the conversion of Blessings Lane (F-855) to a through road. Access to Route 1 is important to the citizens living on Glebe Road and other interior roads connecting to Glebe Road; and
7. on map 20 of 125 there is a major reworking of the roadway alignment and construction of a bridge to obtain grade separation with the rail line and Route 1. It is important that the citizens living to the west of the rail line be given access to Route 1 and I-85; and
8. on map 25 of 125 there is considerable concern with the rail line and its impacts on the Town of McKenney, Route 40 and Sunnyside Elementary School. It is our understanding that the rail line will be lowered into the ground and special bridge improvements are needed where Route 40 crosses the rail line. Also, sound impacts on the Elementary School will be minimized due to the depression of the rail line below ground elevation and the use of earth berms.

I hope that the comments are of benefit to you. It is our expectation that our concerns will be included in any future documents developed on the high speed rail proposal."

IN RE: CLOSED SESSION

Mr. Stone moved to close the meeting in order to discuss matters exempt under section: §2.2-3711 (A) (7) - Legal - Public Safety;

Ms. Moody seconded the motion. Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 12:03 P.M.

The meeting reconvened into Open Session at 12:34 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under: §2.2-3711 (A) (7) - Legal - Public Safety;

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

IN RE: ADOPTION OF EMERGENCY ORDINANCE RELATED TO OFFENSES AGAINST PEACE AND ORDER

The County Administrator gave a summary of the details associated with the emergency ordinance. She stated that the emergency ordinance would be in effect for only 60 days and if the Board wanted to make it permanent a public hearing would have to be held to adopt it as an amendment to the County Code.

Upon motion of Mr. Bowman, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Haraway, voting "Aye", the following emergency ordinance was adopted.

AN EMERGENCY ORDINANCE TO AMEND CHAPTER 15 OF THE CODE OF THE COUNTY OF DINWIDDIE, VIRGINIA BY ADOPTING AND ENACTING SECTIONS 15-7 THROUGH 15-11 RELATED TO OFFENSES AGAINST PEACE AND ORDER

WHEREAS, the Board finds that offenses against peace and order are threatening to the health, safety, and welfare of the public; and

WHEREAS, the Code of Virginia permits localities to enact ordinances making such conduct unlawful; and

WHEREAS, an emergency exists due to an increasing number of offenses against the peace and order in the County and the resulting increase in the danger to the health and safety of the public;

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors of Dinwiddie County pursuant to the authority granted to it under §§ 15.2-926, 15.2-1427, 18.2-404, 18.2-415, and 18.2-416 of the *Code of Virginia* and in order to promote the public health, safety, and public welfare that Sections 15-7 through 15-11 of the Code of the County of Dinwiddie, Virginia be enacted to read as follows:

Sec. 15-7. Loitering.

(a) No person shall loiter, lounger or sleep in or upon any street, park or public place or in any public building.

(b) For the purposes of this section, the term "loiter" shall encompass, but shall not necessarily be limited to, one or more of the following acts:

(1) Molesting or interfering with any person lawfully upon any street, park or other public place.

(2) Remaining idle in essentially one location without a legitimate business or purpose in so remaining idle.

(3) Refusing to move on when so requested by a peace officer; provided that the peace officer has exercised his discretion and reasonably under the circumstances in order to preserve or promote public peace and order.

(4) For the purpose of this section, the term "other pubic place" shall be deemed to include the quasipublic area in front of or adjacent to any store, shop, restaurant, luncheonette or other place of business and shall include also any parking lot or other vacant private property not owned or under the dominion of the person charged with a violation of this section.

(c) Any person who violates any of the provisions of this section shall be guilty of a Class 1 misdemeanor.

Sec. 15-8. Obstructing free passage of others.

(a) Any person or persons who, in any public place or on any private property open to the public, unreasonably or unnecessarily obstructs the free passage of other persons to and from or within such public place or private property and who shall fail or refuse to cease such obstruction or move on when requested to do so by the owner or lessee or agent or employee of such owner or lessee or by a duly

authorized law enforcement officer shall be guilty of a class 1 misdemeanor.

(b) Lawful picketing shall not be construed as a violation of subsection (a) of this section.

15-9. Disorderly conduct generally.

(a) A person is guilty of disorderly conduct if, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he:

(1) In any street, highway, public building, or while in or in a public conveyance, or public place engages in conduct having a direct tendency to cause acts of violence by the person or persons at whom, individually, such conduct is directed; provided, however, such conduct shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under this chapter; or

(2) Willfully or being intoxicated, whether willfully or not, and whether such intoxication results from self-administered alcohol or other drug of whatever nature, disrupts any meeting of the governing body of any political subdivision of this state or a division or agency thereof, or of any school, literary society or place of religious worship, if such disruption (i) prevents or interferes with the orderly conduct of such meeting or (ii) has a direct tendency to cause acts of violence by the person or person at whom, individually, such disruption is directed; provided, however, such conduct shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under this chapter.

(3) Willfully or while intoxicated, whether willfully or not, and whether such intoxication results from self-administrated alcohol or other drug of whatever nature, disrupts the operation of any school or any activity conducted or sponsored by any school, if the disruption (i) prevents or interferes with the orderly conduct of the operation or activity or (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed; provided, however, such conduct shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable by this chapter.

(b) The person in charge of any such building, place, conveyance, meeting, operation, or activity may eject there from any person who violates any provision of this section, with the aid, if necessary, of any persons who may be called upon for such purpose.

(c) For the purposes of this section a public place shall include any place to which the general public has access and a right to resort for business, entertainment or other lawful purpose, not necessarily a place devoted solely to the uses of the public. Public place also includes the front and immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks.

(d) A person violating any provision of this section shall be guilty of a class 1 misdemeanor.

15-10. Abusive language.

(a) It shall be unlawful for any person in the county, in the presence or hearing of another, to curse or abuse such person, or use any violent, abusive language to such person concerning himself or any of his relations, under circumstances reasonably calculated to provide a breach of the peace.

(b) Any person violating the provisions of this section shall be guilty of a class 3 misdemeanor.

15-11. Permitted conduct.

Acts authorized as an exercise of a person's constitutional right to picket, protest, or speak shall not constitute unlawful activity under this chapter.

BE IT FURTHER RESOLVED that if any section, sentence, paragraph, term, or provision of this Ordinance is determined to be illegal, invalid, or unconstitutional by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such determination shall have no effect on the validity of any other section, sentence, paragraph, term, or provision of this Ordinance, all of which will remain in full force and effect.

This Ordinance shall become effective immediately upon its adoption by the Board of Supervisors.

IN RE: ADJOURNMENT

Upon Motion of Mr. Bowman, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Haraway voting "Aye", the continuation meeting adjourned at 12:36 P.M. to be continued to Wednesday, December 15, 2004 at 5:00 P.M. for a Closed Session - Personnel for County Administrator.

Donald L. Haraway, Chairman

ATTEST:
W. Kevin Massengill
Assistant County Administrator

/abr

VIRGINIA: AT THE CONTINUATION MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE ADMINISTRATION CONFERENCE ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 15TH DAY OF DECEMBER, 2004, AT 5:00 P.M.

PRESENT:	DONALD L. HARAWAY – CHAIRMAN	ELECTION DISTRICT #2
	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5
Absent	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3

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Mr. Donald L. Haraway, Chairman, called the continuation meeting to order at 5:01 P.M.

IN RE: CLOSED SESSION

Mr. Stone moved to close the meeting in order to discuss matters exempt under section: §2.2-3711 (A)(1) – Personnel – County Administrator; §2.2-3711 (A)(3) - Acquisition of Property;

Ms. Moody seconded the motion. Mr. Stone, Ms. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 5:02 P.M.

Mr. Moody arrived at 5:16 P.M.

The meeting reconvened into Open Session at 8:16 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under: §2.2-3711 (A)(1) – Personnel – County Administrator; §2.2-3711 (A)(3) - Acquisition of Property;

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. Stone, Seconded by Mr. Moody, Mr. Stone, Ms. Moody, Mr. Moody, Mr. Haraway, voting "Aye", this Certification Resolution was adopted.

IN RE: ADJOURNMENT

Upon Motion of Mr. Stone, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", the continuation meeting adjourned at 8:17 P.M. to be continued till 11:00 A.M. Tuesday, December 21, 2004 in the Multi-Purpose Room.

Donald L. Haraway, Chairman

ATTEST:
W. Kevin Massengill
Assistant County Administrator

/abr

VIRGINIA: AT THE CONTINUATION MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE MULTI-PURPOSE ROOM MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 21ST DAY OF DECEMBER, 2004, AT 11:00 A.M.

PRESENT:	DONALD L. HARAWAY – CHAIRMAN	ELECTION DISTRICT #2
	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5

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Mr. Donald L. Haraway, Chairman, called the continuation meeting to order at 11:06 P.M.

IN RE: LAUNDRY LIST WORK SESSION

The Board members and Staff met to continue discussions of the items on the Board's *Projects in Progress* list. A summary of what staff has done and what is being done in regard to the items and issues, was provided by the County Administrator. After a lengthy discussion between the Board members and staff regarding items on the list the County Administrator stated the laundry list would be updated and provided to them.

INRE: RECESS FOR LUNCH

The Board recessed for lunch at 12:23 P.M. The meeting reconvened at 12:43 P.M.

IN RE: CLOSED SESSION

Mr. Bowman moved to close the meeting in order to discuss matters exempt under section: §2.2-3711 (A) (1) – Personnel –County Personnel; §2.2-3711 (A) (7) Consultation with Legal Counsel – Offenses Against Peace & Order; Actual or Probable Litigation; §2.2-3711 (A) (5) – Industrial; §2.2-3711 (A)(3) Acquisition of Property;

Ms. Moody seconded the motion. Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 12:44 P.M.

The meeting reconvened into Open Session at 2:06 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under: §2.2-3711 (A)(1) – Personnel –County Personnel; §2.2-3711 (A)(7) Consultation with Legal Counsel – Offenses Against Peace & Order; Actual or Probable Litigation §2.2-3711 (A)(5) – Industrial; §2.2-3711 (A)(3) Acquisition of Property;

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

IN RE: ADJOURNMENT

Upon Motion of Mr. Stone, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", the continuation meeting adjourned at 2:08 P.M.

Donald L. Haraway, Chairman

ATTEST: Wendy Weber Ralph
Wendy Weber Ralph
County Administrator

/abr

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 21ST DAY OF DECEMBER, 2004, AT 2:00 P.M.

PRESENT:	DONALD L. HARAWAY – CHAIRMAN	ELECTION DISTRICT #2
	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5
OTHER:	PHYLLIS KATZ	COUNTY ATTORNEY

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

Mr. Donald L. Haraway, Chairman, called the meeting to order at 2:09 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

The County Administrator requested that the agenda be amended to add a Closed Session at the end of the meeting for §2.2-3711 (A)(1) – Personnel – County Administrator; and County Personnel; §2.2-3711 (A) (7) - Consultation with Legal Counsel – Offenses Against Peace & Order;

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

IN RE: MINUTES

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the minutes of the December 7, 2004 Continuation Meeting are approved in their entirety.

IN RE: CLAIMS

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway 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 1047327, 1047365 through 1047501 (no voided check(s).

FY – 04/05
Accounts Payable:

(101) General Fund	$ 210,218.27
(103) Jail Commission	$ 151.91
(209) Litter Control	$
(222) E911 Fund	$ 3,665.92
(223) Self Insurance Fund	$
(225) Courthouse Maintenance	$ 1,442.71
(226) Law Library	$ 1,316.54
(228) Fire Programs	$
(229) Forfeited Asset Sharing	$

(304) CDBG Grant Fund	$ 789.94
(305) Capital Projects Fund	$ 12,863.39
(401) County Debt Service	$ 65,450.06
TOTAL	**$ 295,898.74**

PAYROLL SUPPLEMENT
12/17/04

(101) General Fund	$ 24,406.44
(222) E911 Fund	
(229) Forfeited Asset	
(304) CDBG Fund	
TOTAL	**$ 24,406.44**

IN RE: EMS PROVIDER APPOINTMENTS

Date: November 12, 2004

To: Wendy Ralph, County Administrator

From: Dennis Hale, Division Chief of Public Safety

Subject: Job Offers for New EMS Employees

As you are aware interviews for the position of EMS Provider were conducted on November 10, 2004.

Ten candidates were interviewed for one full- time position and for three part-time positions. We were fortunate to get several highly qualified applicants. Based on the results of our testing and interview process, I would like to move forward with the following job offers. These offers would be contingent upon receiving acceptable driving records and background checks on each person.

Full-Time EMS Provider - Ms. Anna Cheek (ALS)

Part-Time EMS Provider - Mr. Andrew Modrall (ALS)
Mr. Justin Burch (ALS)
Mr. Justin Bulifant (BLS & currently in Paramedic class)

The start date for each candidate has not been determined and again would depend on receiving the necessary paperwork. I would be able to bring on the full-time position and probably one part-time position immediately for precepting. The other two part-time positions would be brought on sometime in December or January as precepting slots were available. If you have any questions or need additional information please let me know.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Ms. Anna Cheek is appointed to the full time position of EMS Provider at Grade 12, Step A, at an annual salary of $30,125;

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Andrew Modrall (ALS), Mr. Justin Burch (ALS), Mr. Justin Bulifant (BLS & currently in Paramedic class) are appointed to part time positions of EMS Provider at Grade 12, Step A, with an hourly rate of $14.48.

IN RE: WASTE MANAGEMENT CONTRACT EXTENSION

TO: Board of Supervisors
FROM: Anne Howerton
DATE: 12/15/04
SUBJ: Waste Management Contract Extension

Please find attached an amendment to extend our contract with Waste Management for another 6 months from January 1, 2005 through June 30, 2005. This amendment is supported by Denny King and Waste Management in accordance with our agreement with Waste Management (Solid Waste Transportation Agreement, Commencing march 22, 1999, Section II, Terms of Agreement).

With your approval, we will extend our current agreement with Waste Management for 6 months which will allow us enough time to finalize an RFP for Refuse Collection Services.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia Staff was authorized to sign the current agreement with Waste Management to extend the contract for 6 months to allow the County enough time to finalize an RFP for Refuse Collection Services.

IN RE: REQUISITION #1 – ELEMENTARY SCHOOL – IDA SERIES 2004-B

The following invoices were submitted for payment for requisition #1 for the Elementary School:

AMOUNT	TO	PURPOSE
$8759.91	Sands Anderson Marks & Miller	Legal Services – Elementary Site Acquisition Invoice 133831
$9,750.00	Moseley Architects	Schematic Design Invoice # 441080-00001
$29,250.00	Moseley Architects	Schematic Design Invoice # 441080-00002
$3072.36	Dinwiddie County Public School	Reimbursement for payments made Dinwiddie County Water Authority for Engineering Consulting Services for proposed elementary site
$ 50,832.27	TOTAL OF THIS REQUISITION	

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number #1 for the Elementary School in the amount of $50,832.27 be approved and funds appropriated for expenses from the Dinwiddie County IDA Lease Revenue and Refunding Bonds, Series 2004-B.

IN RE: REQUISITION #1 – HIGH SCHOOL – IDA SERIES 2004-B

The following invoice for the requisition #1 for the High School was submitted for payment:

AMOUNT	TO	PURPOSE
$35,925.00	Moseley Architects	Schematic Design Invoice # 441100-00001
$35,925.00	TOTAL OF THIS REQUISITION	

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number #1 for the High School in the amount of $35,925.00 be approved and funds appropriated for expenses from the Dinwiddie County IDA Lease Revenue and Refunding Bonds, Series 2004-B.

IN RE: REAPPROPRIATION OF SCHOOL BOARD FY04 ENDING BALANCES

TO: Mrs. Wendy Ralph, County Administrator

FROM: Dr. James W. Lanham, III

CC: Dr. Charles Maranzano
Dinwiddie County School Board

REF: Reappropriation of FY04 Ending Balances

DATE: December 15, 2004

At their regular meeting on December 14, 2004, the Dinwiddie County School Board approved our request to ask the Board of Supervisors to re-appropriate the ending balances from FY04 from certain accounts that carry over from year to year. This request includes:

Fund 203 - Head Start	$ 20,873.99
Fund 270 – Textbooks	$205,227.50
Fund 240 – Cafeteria	$ 70,313.84
Fund 302 – School Capital	$110,954.90
Fund 230 – OYCS/VTSF	$ 1,067.60

We ask that the Board of Supervisors take action to re-appropriate these funds to Dinwiddie County Public Schools at their next meeting on December 21, 2004. I plan to attend this meeting to answer any questions they might have regarding this matter. Thanks for your continued cooperation.

Upon motion of Ms. Moody, Seconded by Mr. Bowman, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for the re-appropriation of the ending balances to the Dinwiddie County Public Schools from FY04. This request includes:

Fund 203 - Head Start	$ 20,873.99
Fund 270 – Textbooks	$205,227.50
Fund 240 – Cafeteria	$ 70,313.84
Fund 302 – School Capital	$110,954.90

Fund 230 – OYCS/VTSF $ 1,067.60

IN RE: COMPREHENSIVE TRAVEL AND TOURISM INITIATIVE – BRAC FUNDING

"TO: Alan Archer, Brenda Garton, David Canada, Lane Ramsey, Richard Anzolut, and Wendy Ralph
FROM: Mr. Denny K. Morris, Executive Director
SUBJECT: Reallocation of BRAC Funding to the Comprehensive Travel and Tourism Initiative

I have enclosed a draft letter for your consideration concerning our agreed upon approach to funding the regional tourism and travel initiative. The dollar amount is based upon your BRAC pro rata share percentage applied to the cost of the tourism effort.

Mr. Dennis K. Morris
Crater Planning District Commission
Post Office Box 1808
Petersburg, Virginia 23805

Dear Denny,

Please allow this correspondence to serve as official authorization for the Crater Planning District Commission to reallocate up to $10,000 from funds that Dinwiddie County has previously contributed to the Crater Commission for the Tri-Cities Area BRAC Policy Initiative to the Crater Commission's Comprehensive Travel and Tourism Research and Strategic Planning Initiative, December, 2005. Dinwiddie County looks forward to the positive results of this tourism and travel initiative."

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization was granted for the Crater Planning District Commission to reallocate up to $10,000 from funds that Dinwiddie County has previously contributed to the Crater Commission for the Tri-Cities Area BRAC Policy Initiative to the Crater Commission's Comprehensive Travel and Tourism Research and Strategic Planning Initiative, which will commence during December, 2005.

IN RE: AUTHORIZATION TO PURCHASE TRASH TRUCK WASTE MANAGEMENT

"December 16, 2004
From: Landfill
To: Wendy
Re: Used Trash Truck

We had one truck burn completely and two older trucks are out with major motor problems. We received $33,000 from the insurance company on behalf of a "total loss" of our truck destroyed by fire. Presently, we have no back up trucks to allow repairs or extra dumping capacity on holidays or heavy periods. As one might imagine, there are not many "dealerships" for used trash trucks. We have found some trucks for sale on the East Coast from Florida to Ohio and the prices for similar trucks accompany this report. We have surprisingly located an ex-Shoosmith truck in Carson that has an excellent '91 Heil body on an '89 Peterbuilt chassis in reasonable shape. The truck comes with very detailed maintenance records and less than 300,000 miles. The truck would serve as a backup truck.

Here are some of the trucks I've found:

Company Name	Type & Year of Truck	Body Company	Price
Johnny's Towing	89 Peterbuilt	Heil	21,500
Trucks & Parts	94 Peterbuilt	McNeilus	35,900
Roll-Offs etc.	93 Peterbuilt	McNeilus	26,900
RDK Truck Sales	91 Peterbuilt	EZ Pack	33,900

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Staff was authorized to purchase the 1989 Peterbuilt trash truck from Johnny's Towing at a cost of $21,500.

IN RE: CITIZEN COMMENTS

1. Michael Bratschi – 23500 Cutbank Road, McKenney, VA – made the following comments: a) A County business has barred him from going into it and he requested that the County stop doing business with it. b) He stated he thought it was inappropriate for a Board member to try and get the County to purchase the trash truck from a buddy without going out for bids. c) He commented he didn't feel the Board was acting in the best interest of the citizens of County when they purchased the land for $800,000 that was valued at $69,000 d) Also wanted the Board to inform the citizens why they adopted the Emergency Peace Ordinance.

2. David Dudley – Smith Grove Road, Petersburg, Virginia, 23803 – thanked Ms. Moody, Mrs. Ralph, Mr. Massengill and Mr. Scheid for attending the meeting December 16th with the State Police requesting their assistance with the monitoring of trucks hauling biosolids in the County. He also requested that the Board adopt the BioSolids Ordinance that the Citizens for a Better Dinwiddie presented to help protect the citizens.

3. Anne Scarborough – Boydton Plank Road, Dinwiddie, VA – gave the Board her end of the year grades on how they handled issues.

4. Geri Barefoot – 7411 Frontage Road, Petersburg, VA – thanked Ms. Moody for her initiatives for biosolids monitoring. She stated most of the waterways in the County are now becoming polluted. According to a report by DEQ in Blackstone the Nottoway River is polluted. Beaver Dam is also is more polluted than the little Nottoway. Mrs. Barefoot told the Board if we don't start doing something to start regulating what goes on the land and stop soil erosion the County was going to be in a lot of trouble.

IN RE: VDOT REPORT

Mr. Ray Varney, Resident Engineer, Virginia Department of Transportation, stated snow removal has already begun and provided the following update:

1. I-85 bridge project is underway and would be ongoing for the next 12 to 18 months.

Board Member Request/comments

Mr. Moody commented there was a back up of traffic on I-85 almost to the Dinwiddie exit and he asked if a sign could be posted forewarning people of the construction work on the bridge. Mr. Varney stated he would look into it.

IN RE: TURKEY EGG ROAD REZONING RECOMMENDATIONS – DIRECTOR OF PLANNING

Mr. William Scheid, Director of Planning, stated a memorandum was included in the Board packet in response to the motion made at the Board of Supervisors' meeting regarding the rezoning case P-04-3. He commented that he believed the Board desired a response to the inquiries cited by Mrs. Moody that prompted her desire to return the rezoning case to the Planning Commission. He addressed the following issues cited in her letter:

"Wetlands. This issue has concerned the staff and Planning Commissioners on previous subdivisions and land development proposals. The Planning Commission proposed an amendment (A-00-5) several years ago limiting the percentage of wetlands that could be located on any single building lot. The amendment was tabled by the Board and eventual deleted from any further consideration. The U. S. Army Corps of Engineers is aware of this development proposal and, as with all other development proposals containing wetlands; have done a preliminary review and will require detailed wetlands delineation for their field verification and approval prior to any earthmoving activity on site. But it may be in the best interest of the County that a proffer be offered that all land parcels containing wetlands will contain a notation in the deed referencing the limitations placed upon the use and development of wetlands. Additionally, the developer may wish to limit the maximum amount of wetlands on any single lot to 20% of the gross lot acreage (this wetlands calculation should not include the area contained within the pond). Consideration should be given, in the future, to setting aside wetlands under unified ownership (ie Homeowners Association, etc.) and not include the wetlands in any building lot. In some cases, the wetlands could become part of a buffer area. If this is done, perhaps a density bonus can be given to the developer to offset the loss of a building lot(s).

Cemetery. The cemetery should be located before any more effort is expended on this proposal. No matter what determination is reached on this matter, the property owner has an obligation to identify where the gravesites are located. Under the proffer conditions by the developer he offered proffer #8 which does make reference to the cemetery. Mr. Stone pointed out he recalled at one of the Planning Commission meetings that one family member felt the cemetery was located across the road, not on this property. Mr. Scheid stated that was correct but the cemetery issue would be addressed.

Wells. This is a difficult situation to address since the type of well (bored versus drilled) and location for each well will be different thus giving test results that can differ tremendously throughout this site. It may be prudent to suggest to the developer that it would be in the best interest of everyone if he approached some adjacent property owners with an offer to test their existing wells for water quality. The actual results could be held in confidence but general results disclosed as to the suitability of the water as a potable water supply. By doing this, the developer and the Board may be able to make an assumption regarding the quality of water that will be obtained from future well sites. If a few wells are deemed necessary to be placed on this site, they should be so located that they can be used by the future landowner thus enhancing the building lot value. It is recommended that testing of existing wells is the most logical course of action. Proffer # 19 addressed this issue. Prior to recording of any subdivision plat for the property, the developer shall furnish satisfactory evidence to the County Health Department that their

exists on each lot an effective site for a well and an effective site for a septic system of sufficient capacity to service the proposed improvements on such lot.

Deceleration lane, traffic concerns (west bound). The transportation report prepared by the applicant was reviewed by the VDOT. While their minimum standards may reveal that it is questionable if a west bound deceleration lane is needed, it is staff's determination that a deceleration is necessary because of all the traffic issues raised previously. VDOT has been requested to provide this office with the minimum deceleration/taper design that would be acceptable to VDOT yet meet our safety concerns. Hopefully, they will provide the data to staff prior to the Board meeting. It must be emphasized that VDOT applied their minimum standards to this situation but it must be noted that all citizens in the area noted to the Planning Commission their experiences with the traffic problems already existing in this area.

Cash proffers. This issue is currently under consideration by the County. As mentioned in the staff report to the Planning Commission, cash proffers are an acceptable method whereby a developer reimburses the County for expenses that will be incurred in providing services for future homeowners. It is noted that a study report regarding impact on public services was submitted and a conclusion was reached that the effects of this development on our public system would be minimal. But it must be noted that there will be an effect. There will be more students, more people, more cars, more emergency services, etc. It is the cumulative affect of several small developments that will produce the effects of a large scale development. Unfortunately, Dinwiddie County does not have a cash proffer figure in place at this time but if such a figure is available prior to the approval of this rezoning, the County should make this information available to the developer for his consideration in the rezoning case.

Mr. Scheid pointed out that hopefully he was conveying the thoughts of the Planning Commissioners have but he had not consulted with them. He stated he strictly addressed the issues as to his feelings on the matter as he saw it play out.

Mr. Bowman commented as a member of the Growth Committee they would like to see those issues addressed, plus have the developer add another turn lane from the opposite direction mentioned.

IN RE: INFORMATION TECHNOLOGY UPDATE – CATHY CARWILE

Ms. Cathy Carwile, Information Technology Manager, provided the following information as an overview of possible connectivity solutions for county buildings in the vicinity of the Pamplin Building. We have gathered preliminary information on several options addressing immediate and future needs. The cost estimates provided are based on information obtained from several sources and is not vendor specific.

Part of the rollout of the new E-911 Communications Center requires connectivity between the Public Safety Building and the Sheriff's Office/Jail. A projected timeline has been worked out between Public Safety and the Sheriff's Department to have this portion of the project completed by the end of February. We have researched several options and feel that the wireless solution recommended below will best meet our needs. Before proceeding, I wanted to give you an opportunity to review the information and to solicit your input. If you find the recommendation to be satisfactory, I request your authorization to proceed with obtaining quotes.

Short Term Objective (2 Months):

- Connection between Public Safety and Sheriff's Office
- Vendor recommends connection speed as close to 100 Mbps as possible
    - Data Sharing – CAD, Records Management, Jail Management

Recommended Solution:

- Wireless / Point to Point to Point
    - Approximate bandwidth 65 Mbps
    - Pamplin Building will serve as the relay point – No direct line of site between Public Safety and Sheriff's Office
    - Requires backup power (generator) in the Pamplin Building which is already funded through the CIP
    - Roof mount antenna on the Public Safety and Pamplin Buildings and tower mounted antenna at the Sheriff's Office
    - Estimated Cost: $30,000 - $35,000 plus annual maintenance

Considerations:

- VPN / Site to Site
    - Typical access utilizing T1, Cable, or DSL does not provide the necessary bandwidth
    - DS3 lines provide transmission speeds up to 45 Mbps but are very expensive and may require 36 or 60 month contracts. **Annualized line costs only** over contract terms are shown below:
        - 36 months @ $2,900 = $104,000 $34,800 Annually
        - 60 months @ $2,100 = $126,000 $25,200 Annually
        - Installation and hardware costs are not included.
- Laser – Point to Point to Point
    - Another form of wireless utilizing infrared laser beam
    - Estimated Cost: $70,000
- Fiber
    - Fast, reliable and secure
    - Can be used in conjunction with wireless
    - Building block for access to the Regional Internet Broadband project
    - Can be incorporated into CIP for inclusion in long term objectives
    - Estimated cost: $70,000 - $100,000

Long Term Objectives (12-18 Months)**

- Infrastructure improvements
    - Wired and/or wireless
- Access to the Regional Internet Broadband Project fiber backbone
- Courthouse
    - Connectivity / VPN
- Digitize Clerk's Records
    - Available On-Line / Mandated for 2006
- Data Sharing Clerk / Commissioner
- Online Land Records
- Digitize Board Minutes
- Online payment options

**Some of these items will be addressed in the FY06 budget request. Other will be incorporated into the CIP.

Ms. Carwile stated before proceeding, she wanted to give the Board an opportunity to review the information and to solicit their input. The turnaround time would be approximately 30 to 45 days. If you find the recommendation to be satisfactory, I request your authorization to proceed with obtaining quotes."

Ms. Carwile stated the need is there because of the records management in the Public Safety Office and the Jail management system that is a part of the entire package with the Communications Center. The Sheriff's Office needs access to that data. This would allow that to take place. Mr. Bowman asked for more details. Ms. Carwile stated at this point the server is housed in the Public Safety Building (E-911 Communications System); there is a data base that is a part of that server application that keeps records of Jail management issues and records that the Sheriff's Office keeps on the inmates. They also have records associated with law enforcement that are a part of that. The Public Safety Office needs access to a portion of that information that will be pulled from the dispatch center; but the Sheriff's Office also needs to be able to access that information to update and change records and for investigative purposes. The County Administrator pointed out in this process with this connection other

buildings could also be connected to the system. Ms. Carwile agreed and commented that there are some options available to establish communications with the other buildings. Ms. Carwile stated this is just a process of the roll out of the entire E-911 Communications Center and it is time to complete this portion of it and different options are being looked at to finalize it.

Mr. Haraway stated you are not asking for approval today. Ms. Carwile stated not for a specific vendor; she wanted input from the Board on some of the solutions that were outlined in the memo. She stated she was addressing the costs associated with setting up the connection between the Communications Center and Sheriff's Office. The County Administrator stated this is the last phase that was not included in getting the initial E-911 system up and running. The connectivity piece was not a part that the vendor was doing when the County bought the system. She commented she would like to proceed with getting bids on the wireless solution if that is what the Board would be interested in. Ms. Carwile recommended the wireless system because it could be deployed quickly now and could be used for expansion in future growth.

Mr. Bowman stated he did not understand the need for the connection between the Sheriff's Office and Communications Center. Are the dispatchers going to be doing updates for the Sheriff and Jail? Mr. Hale stated a single server has been purchased in the Communications Center and the Sheriff's Office and with the wireless connection they can tap into it and get information they need. When the 911 calls come in to the dispatchers the information is entered in the CAD system and when the deputies need to get that information to do their reports they can access the system. This is a way to make sure all the data which is entered in by the dispatchers can be accessed by the Sheriff's Department.

Mr. Stone stated he would rather go the hard fiber route rather than wireless for security reasons; it isn't affected by the weather; and it is faster for connections. It can also be used in connection with wireless. Mr. Haraway asked the Board members if they would agree to allow Ms. Carwile to obtain bids on the wireless and hard fiber. The Board agreed.

IN RE: AUTHORIZATION TO NEGOTIATE CONTRACT - PARKING LOT AT EASTSIDE WITH PAYNE & PAYNE

The County Administrator stated bids were received for the Eastside Parking Lot Expansion on December 13, 2004 at 2:00 P.M. in the Board Room. The following bids were received and recorded:

B.P. Short & Son Paving Co., Inc.	$84,314.00
Colony Construction, Inc.	69,185.00
Powers Paving	62,475.00
E.F. Brown Construction	60,000.00
Wellvilla Construction, Inc.	57,756.00
Payne & Payne Construction	46,860.00

Mr. Gene Jones, Director of Buildings & Grounds has reviewed the bids and recommended that he be allowed to negotiate the contract with the lowest bidder Payne & Payne Construction at a cost not to exceed $46,860.00.

Previously the contract had been awarded to Pro-Construction Services for a cost not to exceed $47,879. However, with an adjustment in the parking lot location, Pro-Construction Services increased their original bid, resulting in the re-bidding of the project.

Mr. Stone asked if Payne and Payne Construction had a history of requesting change orders. The County Administrator commented there was no history with them and she could not speak on that but it could be part of the negotiations.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Staff was authorized to negotiate the contract with the low bidder Payne & Payne Construction at a cost not to exceed $46,860.00.

IN RE: REQUEST FOR PURCHASE ORDER FOR VOTING EQUIPMENT - REGISTRAR

Mrs. Linda Brandon, Registrar, stated she was here today to give notification to the Board that she and the Electoral Board have entered into a contract with Advanced Voting Systems to purchase the new DRE machines. She commented they hoped to have the machines in prior to the June elections.

In accordance with the Help America Vote Act (HAVA), a purchase order has been requested by the State Board of Elections to complete the contract with Advanced Voting Systems.

Dinwiddie County should complete the purchase order to be included with the package to be sent to the State Board of Elections along with their notification to the Department of Justice. Total funding for this expense will be provided by federal monies allocated to replace all voting equipment per HAVA. No local match is required. Two years maintenance and upgrades are included with the 42 machines. This would provide for each precinct to have four machines.

Mr. Stone asked the Registrar if technical support for the equipment was located in Virginia. She replied that at this time they are headquartered in Texas; however, they are presently building in Chesterfield.

Upon motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia authorized Staff to issue a purchase order requested by the State Board of Elections to complete the contract with Advanced Voting Systems for 42 voting machines at a cost of $142,000 of Federal money and at no cost to the County.

Mrs. Brandon stated there would be 2 demo machines in her office by January 2005 so citizens could come in and get familiarized with the machines. Training sessions will also be done at the High School, several churches and civic organizations.

IN RE: PUBLIC SAFETY PROPOSED POLICY CHANGES

Mr. Dennis Hale, Division Chief of Public Safety, informed the Board that a memo was sent to them in their Board packets regarding the proposed changes needed in the Employee Policies Manual. In a review of current policies relating to work hours and overtime (Section 8 of Employee Policies Manual), it has been noted that all county employees shall receive compensatory time in lieu of cash overtime. (Sub Section 8.4) This includes the essential, 24 hour positions of the Division of Public Safety. Both the EMS Division and the Emergency Communications Center have minimum staffing requirements. The EMS Division has a mandated minimum staffing of 4 personnel and the ECC has a minimum staffing of 3 positions. These Minimum Staffing requirements do not allow for positions to be left vacated when someone is on leave. Therefore, whenever these divisions have a leave opening, off duty personnel are brought back to insure the staffing level is maintained. Currently by policy, these persons are paid in compensatory time. This creates a cycle where the leave from one

staff member is effectively transferred to another staff member at a rate of 1.5 times. If that staff member now chooses to use that Comp Time one of two things happens; they are denied the leave and the time builds leave liability(cash value) or the leave is granted and the position is filled with another off duty person who gets Comp Time (the original leave is now multiplied by 2.25 times).

Example from EMS Division

If the average employee makes $15.00 per hour, the following are examples of the costs in the current staffing system.

1) 1 employee OFF for 24 hours filled by Part-Time staff = $360.00 salary +$347.52 part-time **$707.52 Total**

2) 1 employee OFF for 24 hours filled by Comp Time = $360.00 salary + 36 hours Comp Time which eventually becomes 1 employee off 36 hours filled by part-time = $540.00 salary +$521.28 part-time **$1421.28 Total**

3) 1 employee off 24 hours filled by overtime= $360.00 salary + $540.00 overtime = **$900.00 Total**

The above example demonstrates the cost savings that are available by using cash overtime when part-time personnel are not available in the EMS Division. This example can be applied with the ECC as well, and because it does not have part-time personnel to utilize, the leave liability multiplies each time a leave slot is filled. This will eventually be recognized as a cash expense when the comp time has to be bought out.

Example from ECC

If the employee makes $12.00/ hr. these are sample costs in the current system

1) 1 employee off 12 hours = salary + employee filling gets 18 hrs Comp Time

2) Employee takes 18 hours Comp Time= Salary + employee filling gets 27 hours Comp Time

3) If the cycle were to stop here, the one leave slot now costs **$324** to pay off.

If overtime had been paid initially it would have cost **$216**.

Based on the above examples, I would like to recommend that the policy of using Compensatory Time in lieu of cash overtime be eliminated with the essential positions of the Public Safety Division. The payment of cash overtime within these positions is actually recovered in the long term savings produced for the county.

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia approved the amendment of the County Policy (Sub Section 8.4) to allow paying essential positions of the Public Safety Division cash overtime in lieu of allowing compensatory time. This includes the essential, 24 hour positions of the Division of Public Safety, EMS Division and the Emergency Communications Center, which have minimum staffing requirements.

IN RE: MOTOROLA CHANGE ORDER # 13 – COMMUNICATIONS SYSTEM

Mr. David Jolly, Fire Safety Director, commented before you is a change order with Motorola, at no cost to the County, to hold the pricing for all the radio equipment through September 30, 2005 which does two things for the County. It allows us in the upcoming FY05-06 budget year to purchase additional radio equipment at the present purchase price. It allows for neighboring jurisdictions that might want to purchase equipment to outfit their vehicles to be able to be on our channels that they currently don't have to hold pricing. It also allows other governmental agencies (Counties, Cities, Towns, etc) within the Commonwealth of Virginia to utilize the County's communication contract as a purchasing vehicle to obtain "like equipment and service" for a period of (1) year from contract signing. He informed the Board that several jurisdictions were looking at the system.

Mr. Bowman stated this change order included change orders 1-12 and there were two change orders that were in question with Motorola which were change orders 7 and 8. If this is approved would that include those two change orders. The County Administrator stated the bottom figure had not changed and she didn't think it included those two change orders. She commented she would verify that with Motorola.

Upon motion of Mr. Bowman, Seconded by Mr. Stone, Mr. Stone, Ms. Moody, Mr. Bowman Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia Change Order #13 was approved at no cost to the County, subject to the verification by the County Administrator that change orders #7 and #8 were not included in the overall contract amount.

Mr. Stone stated he requested the information on the "gift" server and he had not received it. Mr. Jolly replied he was working on it.

Mr. Jolly stated since the cutover six day ago the phones had rung 2257 times; that includes both the administration line and 911 calls. Out of those 273 22% were 911 calls. He reported all of the employees have worked extremely hard to make it work and they should be commended for their efforts by the Board and Staff. He invited the Board over to see them at work and to look at the system.

IN RE: APPOINTMENT – JOSEPH PATTERSON - DINWIDDIE COUNTY WATER AUTHORITY

Upon motion of Mr. Stone, Seconded by Mr. Moody, Ms. Moody, Mr. Stone, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia that Mr. Joseph Patterson is hereby reappointed to serve on the Dinwiddie County Water Authority for a term ending December 31, 2008.

IN RE: APPOINTMENT – JOHN CLEMENTS- DINWIDDIE COUNTY WATER AUTHORITY

Upon motion of Mr. Bowman, Seconded by Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. John H. Clements is hereby reappointed to serve on the Dinwiddie County Water Authority for a term ending December 31, 2008.

IN RE: APPOINTMENT – MRS. CATHY YOUNG - COMMUNITY POLICY AND MANAGEMENT TEAM (CPMT)

MEMORANDUM

TO: Wendy W. Ralph
County Administrator

FROM: Marie A. Grant
Director of Comprehensive Services

RE: Community Policy and Management Team (CPMT)

The CPMT would like to recommend Mrs. Cathy Young for the position of County Administrator's Designee on CPMT. Mrs. Young is a longtime resident of Dinwiddie County and a retiree of Dinwiddie County Public Schools. Through her career with this school system she gained a general familiarity with the Family Assessment and Planning Team (FAPT) and is eager to become an active member of the CPMT.

Upon motion of Mr. Moody, Seconded by Ms. Moody, Ms. Moody, Mr. Stone, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mrs. Cathy Young is hereby appointed to serve as the County Administrator's Designee on the Dinwiddie County Community Policy and Management Team (CPMT).

IN RE: COUNTY ADMINISTRATOR COMMENTS

The County Administrator informed the Board that a full-time commonwealth's attorney and staff have been included in the Governor's budget and we want to continue to support that with the legislators and make sure it stays in the budget. Also the funding for the planning phase for a new facility for the Sexual Violent Predator program is in the Governor's budget and we want to make sure to continue to support it along with the City of Petersburg.

IN RE: BOARD MEMBER COMMENTS

Mr. Moody wished all the Board members a Merry Christmas and a Happy New Year. He also wished Mrs. Ralph and Mrs. Townsend best wishes in their new venture.

Ms. Moody stated the Monitor at one time included pictures of animals up for adoption in the paper. She urged the citizens to call the owners of the Monitor and ask them to put the pictures back in the paper.

Mr. Bowman wished everyone a Merry Christmas and stated he appreciated the teamwork of the Board and their achievements this year. He stated he looked forward to working with them in the upcoming year.

Mr. Stone requested that Mr. Jolly provide the 95% radio coverage map for the County. He also asked the Finance Director for a revenue report on the cellular tax which was passed by the County this year.

He stated with the prolonged agony of trying to fill certain key positions in the County he felt it was prudent for the Board to consider the following proposed timeline for a County Attorney to be put into place:

Proposed Timeline for Dinwiddie County Attorney

December 21, 2004 –

-Board Reviews and Discusses the Plan. Board's decision on plan.

January 18, 2005 –

-County Administrator and/or Assistant County Administrator presents to Board the RFP/Job Description/Salary Scale for County Attorney's Position at the January 18, 2005 meeting. Board discusses the RFP and reviews proposal.

New date to be determined - ~~January 18, 2005~~ -

-Board discusses the RFP and County Attorney's Job Description/Salary Scale. Board approves the RFP, job description, and salary scale for the position of County Attorney.

-Daniel Siegel presents to Board the exit plan for Sands-Anderson law-firm.

-County Administrator will incorporate the new position of County Attorney into the FY05/06 budget process, including the necessary office equipment, salary/benefits, pc, etc.

February 25 – March 4th –

-Board interviews County Attorney Candidates; Candidates may need 30 + days notice to their current firm depending upon their contract.

End of April – First week of May –

-New County Attorney meets with Daniel Siegel to begin reviewing county's current caseload

May 25, 2004 –

-Sands, Anderson deadline for any outstanding invoices for FY04/05 to be submitted.

Mr. Stone stated he realized the Board was in the process of looking for a county administrator and it is time for a new budget but he felt it could not wait any longer.

Mr. Bowman stated it has been discussed for a number of years and he felt it was time to make a decision and move forward with hiring a county attorney.

Ms. Moody stated she brought this up twice before and she was in favor of it also.

Mr. Moody commented he did not feel a single attorney would be as cost effective as a group and he would be in favor of an RFP.

Mr. Haraway said he thought when this was discussed during the budget session that the fees would decrease the first six months of this year, but they did not. He stated it could be said it was based on the volume of work; but he was disappointed in the amount of money that has been spent on attorney fees the first six months of this year.

He said during the interview session for a new county administrator the Board has been educated on the subject now that they had heard what other counties do. He stated he didn't know if the timing was right for this now but it may never be right and he would vote for it. He also stated he didn't think they would be able to meet the timeline. Mr. Stone agreed but as a teacher he found

that if you set the bar low, you generally hit it. So let's shoot for the moon and see if the Board can get there.

Mr. Moody reiterated if a single attorney was hired he would need to give the County an RFP for outsourcing. He stated other counties who have a county attorney have to hire other attorneys for legal help.

Mr. Haraway stated he wondered if the Board was being fair to the County Administrator by asking her to have an RFP/job description by January 4th due to the holidays. Mr. Stone revised his timeline to January 18th. Mr. Bowman suggested that Prince George County might have a job description. Mr. Stone commented that New Kent went through the process but didn't hire one. Mr. Haraway stated he felt January 18th would be better. The County Administrator stated she felt it would be a little difficult to get a recommendation ready for January 4th but in all fairness she felt more time would be needed.

The Assistant County Administrator asked the Board which one they were looking for either a job description for a county employee or a contractual employee. Mr. Stone stated that was the reason for the RFP/job description it was for discussion from the Board.

Mr. Stone made a motion for Administration to prepare a job description for a full time county attorney who would be a County employee and change the date from January 4 to January 18, 2005 to present to the Board. Ms. Moody seconded the motion. Mr. Moody stated he could not support that motion. Mr. Stone amended his motion to include an RFP/job description for a county attorney. Ms. Moody agreed to the amendment. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", motion carried.

Mr. Stone thanked everyone for working with him and stated this has been an educational process.

Mr. Haraway thanked Staff for the Christmas parade. Everyone he heard said it was the best parade the County has held. He complimented Staff for their enthusiasm and participation especially on a Saturday two weeks before Christmas. He also asked the County Administrator if she had received a report on the bond issue report from Davenport. She replied she had not received it yet and she would contact them again. He thanked the Board members for working with him this past year. He said he felt they could be proud they had the approval of the bond issue for the schools and of the relationship they had created this year with the School Board. Having lunch with them certainly helped improve their relationship.

IN RE: CLOSED SESSION

Mr. Moody moved to close the meeting in order to discuss matters exempt under section: §2.2-3711 (A)(1) – Personnel – County Administrator; and County Personnel; §2.2-3711 (A) (7) - Consultation with Legal Counsel – for Offences against Peace and Order;

Mr. Bowman seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 3:42 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 3:40 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under §2.2-3711 (A)(1) – Personnel – County Administrator; and County Personnel; §2.2-3711 (A) (7) - Consultation with Legal Counsel – for Offences against Peace and Order;

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

IN RE: EMERGENCY PROCUREMENT AUTHORIZATION TO REPLACE THE HEAT/AIR SYSTEM IN THE BOARD MEETING ROOM

Mr. Gene Jones, Buildings and Grounds Director, stated the HVAC unit that serves this meeting room was 30 years old and the Freon needed for the system is no longer available. Honeywell bought a bottle of it many years ago but the system has been springing leaks all over and it has been depleted. It cost $1,700 just to put Freon in the system one time and there is the possibility that it would spring another leak even if we did put more in it. The County Administrator stated Mr. Jones would get two more bids for the unit and requested authorization to replace the unit at a cost not to exceed $9,597.00 for an emergency procurement.

Upon motion of Ms. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the Buildings and Grounds Director was authorized to proceed with the replacement of the HVAC unit in the Board Meeting Room as an emergency procurement at a cost not to exceed $9,597.00.

IN RE: AUTHORIZATION FLEXIBLE SPENDING ACCOUNT FOR EMPLOYEES

Mr. Haraway requested that the Board allow the Financial Director to inquire about a flexible spending employee account. He explained that this is for employees to withhold money from their check for medical expenses and dependent child care and not pay taxes on that amount. An employee could receive a 20 to 25% discount on paying medical bills if they set aside money for this program because they don't pay taxes on it.

Upon motion of Mr. Moody, Seconded by Ms. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the Financial Director was authorized to inquire about a flexible spending employee account for medical expenses and dependent child care.

IN RE: AUTHORIZATION TO WRITE OFF DAB HARDSHIP CASES

The County Administrator explained that there were 11 hardship cases with DAB who were trying to work out a payment plan to pay for ambulance service. So DAB set those cases aside and did not put them on the list to be written off at the last Board meeting. Staff recommends that they be added to the list and write them off also.

Upon motion of Mr. Stone, Seconded by Ms. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", DAB, the ambulance billing company is authorized to include the 11 hardship cases in the write off of the uncollected accounts for February 2003 – October 2004 as bad debts.

IN RE: INFORMATION IN BOARD PACKET OR DISTRIBUTED

1. Crater Regional Partnership news update.
2. Letter from Martha Burton, Crater Planning District Commission, reporting on the Tourism Strategic Planning session held in South Boston sponsored by the Virginia Tobacco Indemnification and Community Revitalization Commission and the Virginia Tourism Corporation.
3. VACO's 2005 Legislative Program.

RE: ADJOURNMENT

Upon Motion of Mr. Stone, Seconded by Mr. Moody, Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the meeting adjourned at 5:11 P.M.

Donald L. Haraway, Chairman

ATTEST: Wendy Weber Ralph
Wendy Weber Ralph
County Administrator

/abr