

The minutes to Board of Supervisors meetings contained within this website are **unofficial** and are provided solely for the convenience of the website user. The **official** minutes to Board of Supervisors meetings are maintained on paper, bound and are available to the public Monday through Friday 8:30 a.m. - 5:00 p.m. in the office of the County Administrator, located in the Pamplin Government Center, 14016 Boydton Plank Road, Dinwiddie, Virginia. For further information, please contact the Clerk of the Board of Supervisors at (804) 469-4500 or by e-mail at arussell@dinwiddieva.us.

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

PRESENT: HARRISON A. MOODY (absent) ELECTION DISTRICT #1
DONALD L. HARAWAY ELECTION DISTRICT #2
ROBERT L. BOWMAN IV, Vice-Chair ELECTION DISTRICT #3
EDWARD A. BRACEY, JR., Chairman ELECTION DISTRICT #4
AUBREY S. CLAY ELECTION DISTRICT #5

OTHER: DANIEL SIEGEL COUNTY ATTORNEY

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

Mrs. Wendy Ralph, Interim County Administrator, called the regular meeting to order at 7:30 P.M. followed by the Lord’s Prayer and the Pledge of Allegiance.

IN RE: TERM OF CHAIRMAN AND VICE-CHAIRMAN

Upon Motion of Mr. Bracey, Seconded by Mr. Clay, Mr. Haraway, Mr. Bracey, Mr. Bowman, Mr. Clay voting “Aye”, the Chairman and Vice-Chairman for the Board of Supervisors will serve a one (1) year term of office.

IN RE: ELECTION OF CHAIRMAN - 2002

Upon Motion of Mr. Clay, Seconded by Mr. Haraway, Mr. Clay, Mr. Haraway, Mr. Bowman, voting “Aye”, Mr. Bracey “Abstaining”, Mr. Bracey was elected Chair for the Board of Supervisors for the year of 2002 or until his duly elected successor assumes office.

IN RE: ELECTION OF VICE-CHAIRMAN - 2002

Upon Motion of Mr. Clay, Seconded by Mr. Haraway, Mr. Clay, Mr. Haraway, Mr. Bracey, voting “Aye”, Mr. Bowman “Abstaining”, Mr. Bowman was elected Vice-Chair for the Board of Supervisors for the year of 2002 or until his duly elected successor assumes office.

IN RE: SCHEDULE OF MEETINGS AND DATES FOR 2002

Mrs. Ralph stated a proposed meeting schedule for 2002 had been included in the Board’s packet for their review and consideration.

<u>MONTH</u>	<u>FIRST WEDNESDAY</u>		<u>THIRD WEDNESDAY</u>	
	<u>7:30 P.M.</u>		<u>2:00 P.M.</u>	
-	-	-	-	-
JANUARY	2ND	_____	16TH	
FEBRUARY	6TH	_____	20TH	
MARCH	6TH	_____	20TH	
APRIL	3RD	_____	*17TH	

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MAY	1ST	_____	15TH
JUNE	5TH	_____	*19TH
JULY	3RD	_____	17TH
AUGUST	7TH	_____	21ST
SEPTEMBER	**4TH	_____	18TH
OCTOBER	2ND	_____	16TH
NOVEMBER	6TH	_____	20TH
DECEMBER	4TH	_____	18TH

Mrs. Ralph stated the proposed calendar included the days for special events being held in the County during the regular scheduled Board meeting times and dates. Those changes are April 17th, June 19th and September 4th meeting times. April 17th and June 19th meeting would be rescheduled for 10:00 A.M. and the September 4th meeting rescheduled to meet at 1:00 P.M.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the following meeting schedule is established for the regular meetings of the Board of Supervisors for the calendar year of 2002.

THE FIRST MEETING OF EACH MONTH, HELD ON THE FIRST WEDNESDAY, WILL BE AT 7:30 P.M.

*APRIL 17th AND JUNE 19th MEETINGS WILL BE HELD AT 10:00 A.M.

**SEPTEMBER 4th MEETING WILL BE HELD AT 1:00 P.M.

THE SECOND MEETING OF EACH MONTH, HELD ON THE THIRD WEDNESDAY, WILL BE AT 2:00 P.M.

ALL REGULAR AND MAKEUP MEETINGS WILL BE HELD IN THE PAMPLIN ADMINISTRATION BUILDING, BOARD MEETING ROOM, 14016 BOYDTON PLANK ROAD, DINWIDDIE, VIRGINIA 23841.

IN RE: AUTHORIZATION FOR COUNTY TO ADOPT STATE HOLIDAYS APPROVED BY THE GOVERNOR

Mrs. Ralph passed out a copy of the approved State holidays. In order to simplify things for the year, she asked the Board to adopt the State calendar to include authorizing any additional holidays the Governor may designate. The holidays are the same as last year. This calendar includes Friday, January 18, for Lee-Jackson Day and Monday, January 21, for Martin Luther King Day. Those two- (2) holidays were incorporated into the Personnel Policies last year so long as the State holidays remain that way. If the Friday holiday is at any time eliminated by the State, the County will also eliminate it. We would like to get those holidays approved along with any other days the Governor might declare. Then we can do our planning for the County Offices and we won't have to wait and bring them back to you for approval each time.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the County employees will be allowed to observe State holidays, along with days granted by the Governor in addition to the approved State Holidays.

MR. EDWARD A. BRACEY, JR., ASSUMED THE CHAIR.

IN RE: ACCEPTANCE BY CHAIRMAN

Mr. Bracey thanked the Board for their vote of confidence and stated he would try to do the best job he could during the coming year.

IN RE: AMENDMENTS TO THE AGENDA

Mr. Bracey asked if there were any amendments to the agenda.

Mrs. Ralph stated she would like to move Item 9 – Public Safety Building Bids after Closed Session and add, under Agenda Item 12, Closed Session the following:

- **Personnel Matters, § 2.21-344 A.1 of the Code of Virginia**
(Candidates for employment OR the assignment, appointment, promotion, performance, demotion, discipline, salaries, compensation, resignation of employees) **Administration and Public Safety**
- **Consultation with legal counsel, § 2.21-344 A. 7 of the Code of Virginia,**
(consultation with legal counsel and briefings by staff members and consultants about actual or probable and public discussion would adversely affect the negotiating or litigating posture of the County or Town – OR – consultation with legal counsel regarding specific legal matters that require legal advice) **Public Safety Building Bids**
- **Real Property - §2.2-3711 A. 3 of the Code of Virginia**
Acquisition of real property for public purpose OR the disposition of government owned property where public discussion would jeopardize the County's or Town's bargaining or negotiating position

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the above amendments to the Agenda are hereby approved.

IN RE: MINUTES

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the minutes of the December 19, 2001 Continuation Meeting and the December 19, 2001 Regular Meeting are approved in their entirety.

IN RE: CLAIMS

Mr. Bracey questioned why a payment to Wheel Service on page 4 would be charged for "investigative supplies" and under the description it is for

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“wrecker service”. He asked the County Administrator to check to see if the charge had been miscoded. Mrs. Ralph stated she would look into it.

Upon Motion of Mr. Haraway, Seconded by Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Clay, Mr. Bracey voting “Aye”,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following claims are approved and funds appropriated for same using checks numbered 1028726 through 1028929 (void check(s) numbered 1028725, 1028807, 1028876, 1028895, and 1028898) for:

Accounts Payable:

(101) General Fund	\$ 320,477.49
(103) Jail Commission	\$ 190.62
(104) Marketing Fund	\$.00
(222) E911 Fund	\$ 450.81
(223) Self Insurance Fund	\$.00
(225) Courthouse Maintenance	\$ 5,108.69
(226) Law Library	\$ 186.38
(228) Fire Programs & EMS	\$ 69.00
(229) Forfeited Asset Sharing	\$ 401.95
(304) CDBG Grant Fund	\$ 33.78
(305) Capital Projects Fund	\$ 68,644.77
(401) County Debt Service	\$ <u>.00</u>
TOTAL	\$ 407,565.31

PAYROLL 12/21/01

(101) General Fund	\$ 382,252.87
(222) E911 Fund	\$.00
(304) CDBG Fund	\$ <u>3,390.42</u>
TOTAL	\$ 385,643.29

IN RE: CITIZEN COMMENTS

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

The following citizens came forward to address the Board:

1. Ms. Merlin Howerton, McKenney, Virginia, came forward and voiced her concerns about the Board adopting the Revenue Recovery Program. She commented there are a lot of elderly citizens in the McKenney area and this extra expense would be a hardship on them. She stated there were ways the County could cut costs and not charge citizens for ambulance service. She also presented the Board a petition with 300 names in opposition to it.
2. Mrs. Anne Scarborough came forward and commented on the following issues:
 - a. The cost of removal and demolition of the mobile units at the old Northside Elementary School.
 - b. The charges for the Board members rooms for the VACo Convention at The Homestead.

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There being no additional names Mr. Bracey closed the Citizen Comments and moved forward.

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 public’s 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, locational 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-01-9 – HANS SPOHR
– REZONING REQUEST**

This being the time and place as advertised in the Dinwiddie Monitor on December 19, 2001 and December 26, 2001, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comment on a rezoning application submitted by Hans Spohr. Mr. Hans Spohr, is seeking a rezoning of approximately 1.6 acres of his 11 acre tract of land from Agricultural, general A-2 to Business, general, B-2. The applicant is requesting the rezoning for the purpose of re-establishing a restaurant (The Georgian Rathskeller) on the property.

Mr. Scheid read excerpts from the following Summary Staff Report on P-01-9:

Planning Staff Summary

File Number:	P-01-9
Applicant:	Hans W. Spohr
Property Address:	9222 Boydton Plank Road, Petersburg, VA 23803
Acreage:	1.6 acres
Tax Map Parcel:	33A-(1)-12
Zoning:	Agricultural, general A-2

The applicant, Mr. Hans Spohr, is seeking a rezoning of approximately 1.6 acres of his 11 acre tract of land from Agricultural, general A-2 to Business, general, B-2. The portion of the land sought for rezoning is more specifically defined as lot #17 and a 25’ strip of lot #18 adjacent to lot #17 as shown by a plat entitled “Map showing subdivision of the Gregory Farm”, recorded March 16, 1984. The property address is 9222 Boydton Plank Road and is designated as tax map/parcel 33A(1)12 by the Commissioner of the Revenue’s maps. This parcel contains the restaurant, only. The applicant is requesting the rezoning for the purpose of re-establishing a restaurant (The Georgian Rathskeller) on the property. This use is not permitted under the current zoning. While Mr. Spohr is refurbishing the restaurant, he intends to temporarily locate a modular (mobile) food cart on site. The Planning Commission heard this request at their November 11th public meeting. During the meeting several issues were raised. In view of the concerns raised, Mr. Spohr agreed to meet with planning staff on site to address the concerns. A meeting was held at the property of Mr. Spohr shortly thereafter. On November 26th Mr. Spohr submitted a letter in which he offered proffers addressing the issues raised (a copy of the letter is attached to this report). The Planning Commission reviewed the rezoning request with proffers at

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their December 12th public meeting. After a brief discussion involving the temporary modular food structure, the Planning Commissioners voted 7-0 to recommend approval of the rezoning with proffers to the Board of Supervisors.

No one came forward to address the Board during the Public Hearing on P-01-9:

There being no citizens wishing to speak Mr. Bracey closed the Public Hearing.

Mr. Bowman stated, be it resolved, that in order to assure compliance with the Virginia Code Section 15.2286 (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 fiscal practice. I move to approve, rezoning request P-01-9.

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

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that rezoning request P-01-9, as stated above, is hereby approved, with the following proffers and conditions recommended by the Planning Commission.

(65) lot #17 and a 25' strip of lot #18 adjacent to lot #17 - This property contains the large structure (restaurant and a few attached motel rooms)

(66) With the following proffers to limit the use of this property to the two (2) uses contained in section 22-185 as follows:

- (65) restaurants; and
- (66) hotels and motels

IN RE: PUBLIC HEARING – A-01-1 & A-01-12 AMENDMENT – GROUP HOMES

This being the time and place as advertised in the Dinwiddie Monitor on December 19, 2001 and December 26, 2001, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comment on an ordinance to amend the Code of Dinwiddie County to revise the definition of family and adopting definitions for a group home, family day care and a day care center and to place them in the appropriate zoning districts.

Mr. Scheid read excerpts from the following Summary Staff Report on A-01-1 and A-01-12:

File Number:	A-01-1 & A-01-12
Applicant:	Planning Department
Property Address:	N/A
Acreage:	N/A
Tax Map Parcel:	N/A
Zoning:	This is a zoning code (text) amendment

These amendments are "house keeping" matters addressing a revised definition of family and adopting definitions for a group home, family day care and a day care center. Additionally, these uses are placed in the appropriate zoning districts. The matter was thoroughly reviewed by legal counsel and is compliant with federal and/or state regulations. The

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Planning Commission has reviewed this matter for many months and voted to recommend approval to the Board of Supervisors.

Mr. Bracey stated this is a Public Hearing and asked if any citizens wished to speak for or against A-01-1 and A-01-12.

No one came forward to address the Board.

Mr. Bracey closed the Public Hearing for A-01-1 and A-01-12.

Mr. Clay stated, be it resolved, that in order to assure compliance with the Virginia Code Section 15.2286 (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 fiscal practice. I move that zoning ordinance amendments A-01-1 and A-01-12 be approved.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia that the ordinance amendments A-01-1 and A-01-12, as stated above, are hereby amended as follows:

BE IT ORDAINED BY THE BOARD OF SUPERVISORS of the County of Dinwiddie, that Chapter 22 of the Code of the County of Dinwiddie, Virginia, as amended, be amended and reenacted to read as follows:

Section 22-1. Definitions shall read as follows:

Family: One or more persons **related by blood, marriage and / or adoption** occupying a premises and living in a single dwelling unit, as distinguished from an unrelated group occupying a boarding house, lodging house, tourist home or hotel. **The term "Family" shall also include unrelated persons occupying a single unit so long as the number of such persons does not exceed four (4).**

Group Home: A residential facility in which no more than eight (8) mentally ill, mentally retarded, developmentally disabled, or handicapped persons (as handicap is defined in the Federal Fair Housing Amendments Act of 1988, 42 U.S.C. – 3601, et seq.) reside, with one or more resident counselors or other staff persons. For the purposes of this section, mental illness, developmental disability and handicap shall not include current, illegal use of or addiction to a controlled substance as such substances are defined in Virginia Code section 54.1-3401 and/or 21 U.S.C. – 3601. For purposes of this section, and unless otherwise required pursuant to 42 U.S.C. – 3601, et seq., the term "residential facility" means any group home or other residential facility for which the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services, and the Virginia Department of Social Services, the Virginia Department of Medical Assistance Services, or any other duly-authorized state or federal agency, is the licensing authority.

Family Day Care: A dwelling unit in which the provider resides that is used to provide care for no more than six (6) children exclusive of the provider's children and children who reside in the home for a portion of the 24-hour day, only.

Day Care Center: Any facility, other than a family day care, operated for the purpose of providing care, protection and guidance to a group of six (6) or more individuals separated from their parents or guardians during a part of the day, only.

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The following shall be permitted uses in the appropriate zoning districts:

Section 22-59, (A-1)	Group Home
Section 22-71. (A-2)	Group Home Family Day Care
Section 22-83. (R-R)	Group Home Family Day Care
Section 22-96. (RR-1)	Group Home Family Day Care
Section 22-114. (R-1)	Group Home Family Day Care
Section 22-127 (R-1A)	Group Home Family Day Care with conditional use permit
Section 22-140 (R-2)	Group Home Family Day Care with conditional use permit
Section 22-154 (PRD)	Group Home Family Day Care with conditional use permit Day Care Center with conditional use permit

This ordinance shall become effective immediately. In all other respects said zoning ordinance shall remain unchanged and in full force and effect.

IN RE: PUBLIC HEARING – A-01-10 & A-01-11 – CEMETARY AND CREMATORY DEFINITION

This being the time and place as advertised in the Dinwiddie Monitor on December 19, 2001 and December 26, 2001, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comment on zoning code amendments to define cemetery, pet cemetery and crematory (pet) as well as providing for their use (with the issuance of a conditional use permit) in the agricultural, general and limited districts, A-1 and A-2.

Mr. Scheid read excerpts from the following Summary Staff Report on A-01-10 & A-01-11:

Planning Staff Summary

File Number:	A-01-10 & A-01-11
Applicant:	Planning Department
Property Address:	N/A
Acreage:	N/A
Tax Map Parcel:	N/A
Zoning:	This is a zoning code (text) amendment

These amendments define cemetery, pet cemetery and crematory (pet) as well as providing for their use (with the issuance of a conditional use permit) in the agricultural, general and limited districts, A-1 and A-2. A resident of Dinwiddie County requested this matter for review several months ago. The Planning Commissioners have discussed the matter at several meetings and a few members visited a crematory operation in November. After a brief discussion in

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their November and December meetings, the Planning Commission voted unanimously to recommend approval to the Board of Supervisors.

Mr. Bracey opened the Public Hearing on A-01-10 and A-01-11. There being no citizens signed up to speak for or against A-01-10 and A-01-11, Mr. Bracey closed the Public Hearing.

Mr. Bracey called for a Motion.

Mr. Haraway stated, be it resolved, that in order to assure compliance with the Virginia Code Section 15.2286 (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 fiscal practice. I move that zoning ordinance amendments A-01-10 and A-01-11 be approved.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia that the ordinance amendments A-01-10 and A-01-11, as stated above, are hereby adopted as follows:

BE IT ORDAINED BY THE BOARD OF SUPERVISORS of the County of Dinwiddie, that Section 22-1 of the Code of the County of Dinwiddie, Virginia, as amended, be amended and reenacted to read as follows:

Section 22-1. Definitions

Cemetery: A place where human dead and/or human remains are interred whether above or below ground and whether or not in burial plots or a mausoleum.

Cemetery, pet (limited): A place where animal dead and/or remains are interred whether above or below ground and whether or not in a burial plot or a mausoleum. If cremation is performed on site, only one (1) cremation unit shall be permitted, and said unit shall not be capable of exceeding two hundred (200) pounds of animal dead at one time.

In the Agricultural, General, A-2 district, add the following permitted use.

Section 22-71. Permitted Uses.

(65) Cemetery, pet (limited) with a conditional use permit.

This ordinance shall become effective immediately. In all other respects said zoning ordinance shall remain unchanged and in full force and effect.

IN RE: VDOT – ESTABLISHMENT OF A SNOW REMOVAL REIMBURSEMENT ACCOUNT

Mrs. Ralph stated she received a letter from Mr. Richard L. Caywood, Resident Engineer, VDOT, about establishing an accounts receivable with the County to cover the expense of snow removal and minor maintenance items at County facilities. VDOT can no longer provide these services to the County at no cost. VDOT will continue to provide emergency snow removal at County facilities from which emergency vehicles are deployed such as firehouse entrances. This will be done on a request basis.

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If the County is open to this arrangement, Mr. Caywood would like to establish a standing accounts receivable for all "off-system" requests for maintenance that VDOT performs at County owned facilities. The work that is performed for the County will be completed at the lowest practical cost. VDOT's primary goal is to be in full compliance with policy and State law, not to generate revenue. The billing will only be for the immediate cost of the work that is performed.

Mrs. Ralph commented if the Board is agreeable to the establishment of this account, she would write a letter of agreement to Mr. Caywood. The account will function in the same manner as the account that was recently established for the paving work at the new County Recreational facility except that the new account will be a standing account. VDOT will generate billings on an as needed basis since the account will not be utilized on a monthly basis.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the County Administrator is authorized to write a letter to VDOT to establish a standing accounts receivable for all "off-system" requests for maintenance that VDOT performs at County owned facilities.

IN RE: AUTHORIZATION FOR SHERIFF'S DEPARTMENT TO ACCEPT GRANT FOR CRIMINAL JUSTICE RECORD SYSTEM IMPROVEMENT

Mrs. Ralph stated the Sheriff's Department has been awarded a grant in the amount of \$24,750 in Federal Funds for the Criminal Justice Record System Improvement Program. The Sheriff's Department will be responsible for the \$8,250 local cash match. She requested authorization to sign the grant.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the County Administrator is authorized to sign the above stated grant request for the Sheriff's Department. The Sheriff's Department will be responsible for the \$8,250 local cash match within his existing FY02 budget.

IN RE: COUNTY ADMINISTRATOR COMMENTS

1. Mrs. Ralph stated that the County Attorney has reviewed the Historical Society's Agreement to display the flag at Pamplin Park and there is nothing that will legally prevent the County from entering into this agreement. The agreement contains a blank space for the amount of insurance coverage the County may want Pamplin Historical Park to obtain on the flag while it is in its possession.

Mrs. Ralph stated there is only one concern that should be noted. The only role that the Historical Society will have will be to contribute up to \$4,500 for the cost of the restoration. The care, possession, and management of the restoration of the flag will be in the hands of Pamplin Historical Park. If the Board wishes to entrust the flag to the Historical Society instead of Pamplin Park modifications will have to be made to the agreement. The Board concurred that the agreement is to be with the Historical Society and the County Administrator may sign the agreement.

2. Mrs. Ralph stated Mr. Bowman has requested certificates of appreciation be given to citizens who serve on committees and volunteer their time to the County. She asked whether all the Board members wanted to sign

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the certificates or if they wanted the Chairman and County Administrator to sign them. The Board replied it would be ok for the Chairman and County Administrator to sign the certificates.

IN RE: BOARD MEMBER COMMENTS

Mr. Bowman He asked Mr. Scheid, Director of Planning if he had an opportunity to check on the conditional use permit for Edgehill Car Wash to see if there was a requirement for a fence. Mr. Scheid replied he had and there was no requirement for fencing at the car wash. However, the owner was going to replace the section of fence that had been removed. Mr. Bowman thanked Mr. Scheid for looking into the matter.

Mr. Clay No Comments

Mr. Haraway No Comments

Mr. Bracey No Comments

IN RE: CLOSED SESSION

Mr. Clay stated I move to close this meeting in order to discuss matters exempt under section: **§ 2.1-3711 A.1; § 2.1-3711 A.7; §2.2-3711 A. 3**

The purpose of the closed meeting is to discuss subject matters identified as Personnel, Consultation with Legal Counsel and Acquisition of Real Property. Matters to include Administration, Public Safety, Appointments and Public Safety Building Bids.

Personnel Matters, § 2.1-3711 A.1 of the Code of Virginia, (candidates for employment OR the assignment, appointment, promotion, performance, demotion, discipline, salaries, compensation, resignation of employees) Administration, Public Safety, and Appointments;

Consultation with Legal Counsel, § 2.1-3711 A.7 of the Code of Virginia,

(consultation with legal counsel and briefings by staff members and consultants about actual or probable and public discussion would adversely affect the negotiating or litigating posture of the County or Town – OR – consultation with legal counsel regarding specific legal matters that require legal advice) Public Safety Building

Real Property - §2.2-3711 A.3 of the Code of Virginia

Acquisition of real property for public purpose OR the disposition of government owned property where public discussion would jeopardize the County's or Town's bargaining or negotiating position

Mr. Haraway seconded the motion. Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey voting "Aye" the Board moved into the Closed Meeting at 8:40 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 10:09 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under § 2.2-3711 A.1, for the purpose of Personnel – County Administration; Public Safety, and

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Appointments; § 2.2-3711 A.7 – Legal Counsel – Public Safety, and § 2.2-3711 A.3 – Real 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. Clay, Seconded by Mr. Bowman, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey voting “Aye”, this Certification Resolution was adopted.

IN RE: PUBLIC SAFETY BUILDING BIDS

Action on the Public Safety Building bids was postponed to investigate other options and to provide additional information to the Board.

IN RE: ADJOURNMENT

Upon Motion of Mr. Clay, Seconded by Mr. Haraway, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey voting “Aye”, the meeting adjourned at 10:13 P.M. to be continued until 11:00 A.M. on Wednesday, January 16, 2002 in the Multi-purpose Room of the Pamplin Administration Building.

Edward A. Bracey, Jr., Chairman

ATTEST: _____
Wendy Weber Ralph
Interim County Administrator

/abr