

The minutes of Board of Supervisors meetings contained within this website are **unofficial** and are provided solely for the convenience of the website user. The **official** minutes of 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](mailto: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 1<sup>ST</sup> DAY OF FEBRUARY, 2005, AT 6:00 P.M.

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

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**IN RE: CLOSED SESSION**

Mr. Haraway 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) Legal Issues –Actual or Probable Litigation; §2.2-3711 (A)(30) – Contract Negotiations;

Mr. Bowman seconded the motion. Mr. Haraway Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody voting “Aye”, the Board moved into the Closed Meeting at 6:10 P.M.

The meeting reconvened into Open Session in the Board Meeting Room at 7:29 P.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. Haraway, Seconded by Mr. Moody, Mr. Haraway Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody voting “Aye”, this Certification Resolution was adopted.

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

Mr. Harrison A. Moody, Chairman, called the regular meeting to order at 7:30 P.M. followed by the Lord’s Prayer and the Pledge of Allegiance.

**IN RE: MINUTES**

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that approval of the January 18, 2005 Continuation Meeting, and the January 18, 2005 Regular Meeting Minutes are approved in their entirety.

**IN RE: CLAIMS**

Upon motion of Mr. Haraway, Seconded by Mr. Bowman, Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody, 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 1047847 through 1048045, (voided check number(s) 1047589, 1047800, 1047850, 1047921, 1047979, 1047982, 1047985 and 1047920).

**FY – 04/05**

**Accounts Payable:**

(101) General Fund	\$ 264,114.81
(103) Jail Commission	\$ 14.76
(209) Litter Control	\$
(222) E911 Fund	\$ 4,372.61
(225) Courthouse Maintenance	\$
(226) Law Library	\$ 71.50
(228)	\$ 8,247.00
(228) Fire Programs & EMS	\$ 32,285.00
(229) Forfeited Asset Sharing	\$
(304) CDBG Grant Fund	\$ 378.15
(304) Capital Projects Fund	\$ 38,880.00
(401) County Debt Service	\$

**TOTAL \$ 348,363.83**

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**PAYROLL 01/31/05**

(101) General Fund	\$ 526,581.94
(222) E911 Fund	\$ 14,728.21
(229) Forfeited Asset	\$
(304) CDBG Fund	\$ 7,896.69
<b>TOTAL</b>	<b>\$ 549,206.84</b>

**IN RE: COMMUNICATIONS EQUIPMENT REQUISITION #10 –  
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 (PS000820)	\$27,175.23
<b>TOTAL DUE</b>	<b>\$27,175.23</b>

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number #10 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: COMMUNICATIONS EQUIPMENT REQUISITION #11 –  
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 (PS000812)	\$81,525.70
<b>TOTAL DUE</b>	<b>\$81,525.70</b>

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

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BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number #11 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 TWO (2) VEHICLES – PUBLIC SAFETY**

Mr. Haraway requested that this request be removed from the consent agenda for discussion.

“Date: January 26, 2005

To: Dinwiddie County Board of Supervisors

From: Dennis Hale, Division Chief of Public Safety

Subject: Purchase of Vehicles for McKenney VFD & Dinwiddie VFD

This memorandum is written to request the authorization to purchase two vehicles for the use by the Mckenney and Dinwiddie Volunteer Fire Departments.

The funding for the two vehicles comes from two sources. The vehicle for the McKenney VFD was funded through the FY03 Capital Improvement Plan in the amount of \$35,000. This vehicle will be placed into service as Responder 3. The vehicle for Dinwiddie VFD will be funded by the FY03 Homeland Security Grant Part I in the amount of \$35,100. This vehicle will be placed into service as Haz Mat 1 and will tow the counties’ hazardous materials response trailer.

The two vehicles will be identical Ford F-350 pick up trucks. The vehicles have been through the appropriate procurement process. The written quotes are from: Sheehy Ford, Richmond, Va., Petersburg Ford, Petersburg, Va. and Owen Ford, Jarrat, Va. The lowest written quote is from Sheehy Ford for \$29,017 for each truck. At this time, I would like authorization to make the purchase of the vehicles from Sheehy Ford. I would also request the authorization to spend the remaining funds for each vehicle to purchase the needed radio equipment from our existing Motorola contract, the lettering/marketing, warning/lighting package and camper shells. Each of these items has also been put through proper procurement and will be purchased after delivery of the vehicles.”

Mr. Haraway asked Mr. Hale to clarify where the funds for the two vehicles were coming from and to explain the request for the radio equipment, lettering/marketing, warning/lighting package and camper shells. Mr. Hale pointed out the vehicle for the Dinwiddie VFD would be funded by the FY03 Homeland Security Grant (Part I) in the amount of \$35,100. The actual cost of the truck is \$29,017 and the remaining funds of \$6,083 would cover the cost of the aftermarket products. The McKenney VFD response vehicle was included in the

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FY03 Capital Improvement Plan in the amount of \$35,000 and the remaining funds would cover the lettering, light package, and radio equipment.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Public Safety Division was authorized to purchase the two (2) F350 Ford Trucks from Sheehy Ford at a cost of \$29,017 per vehicle. The truck for McKenney VFD will be funded through the FY03 Capital Improvement Plan in the amount of \$35,000. The vehicle for Dinwiddie VFD will be funded by the FY03 Homeland Security Grant Part I in the amount of \$35,100.

BE IT FURTHER RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia authorized the Public Safety Division to spend the remaining funds from each vehicle to purchase the radio equipment from the existing Motorola contract, for the lettering/marketing, warning/lighting package and camper shells as presented above.

**IN RE: CO-PURCHASE OF SCHOOLS AND COUNTY PROPERTY**

Dr. Charles Maranzano, Superintendent of Schools, extended his heartfelt appreciation for the dedication and unending efforts of the school board, parents, students and school personnel of Dinwiddie County to provide quality school facilities and an excellent educational experience for all of our young citizens. He said they appreciated the Board's work in providing necessary funding in order to make the Schools capital projects come to fruition. He acknowledged that on January 11<sup>th</sup> the School Board, Board of Supervisors, and Industrial Development Authority joined together for a press conference at the Dinwiddie County Airport to proudly reveal the purchase of a tract of land on Route 460 consisting of 190 acres for the purpose of shared use by three distinct agencies of this County. The overall development potential of this land includes an elementary school, a possible emergency services facility, and a system of active and passive field and hiking trails for parks and recreation. The response of this vision was well received by the school parents and the community at large. The informal exchanges between our boards indicated a willingness and desire to mutually benefit from the purchase of this site for the public we all serve. He stated tonight he was approaching the Board to request their consideration for the possible shared cost of this parcel of land. The 190 acres far exceed the exclusive use for an elementary school and the School Board looks forward to having other agencies share this beautiful property. The initial funds have been expended from the \$55 million dollar capital fund; and with the Board of Supervisors assistance on the excess acreage for County use, would allow the School Board to apply many of the available dollars directly toward the

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construction of the two new planned school buildings, mainly the elementary school on this site, and the new high school on a site to be announced in the near future. Dr. Maranzano asked the Board to please give this request their consideration. He commented on behalf of the School Board he would appreciate any assistance they could lend to the ambitious project for the future of Dinwiddie County. He thanked them for allowing them to dream and plan together for the efficient and effective use of County resources.

Mr. Moody stated there was a willingness of this Board and Administration to work with the School Board on this issue.

**IN RE: PUBLIC HEARING – A-05-1 – AMENDMENT TO THE COUNTY CODE – QUALIFICATION REQUIREMENTS FOR TAX RELIEF FOR THE ELDERLY & DISABLED**

This being the time and place as advertised in the Dinwiddie Monitor on January 11, 2005 and January 18, 2005 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comments on:

**AN ORDINANCE TO AMEND CHAPTER 19, ARTICLE III, SECTIONS 19-39, 19-40 and 19-43 OF THE CODE OF THE COUNTY OF DINWIDDIE, VIRGINIA RELATED TO REAL ESTATE TAX EXEMPTIONS FOR ELDERLY AND DISABLED PERSONS**

Mrs. Lori Stevens, Commissioner of the Revenue, provided the following information in the Board materials for the Tax Relief Ordinance Change:

**Current Ordinance:**

Total combined income from all sources of the owner of the dwelling and the owner's relatives – not to exceed **\$23,000**; 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 **1 acre**, upon which it is situated does not exceed **\$55,000**.

**CURRENT INCOME SCALE:**

INCOME	TAX EXEMPTION
\$0 – \$14,000	100%
\$14,001 - \$15,000	90%

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\$15,001 - \$16,000	80%
\$16,001 - \$17,000	70%
\$17,001 - \$18,000	60%
\$18,001 - \$19,000	50%
\$19,001 - \$20,000	40%
\$20,001 - \$21,000	30%
\$21,001 - \$22,000	20%
\$22,001 - \$23,000	10%

**Recommended Changes:**

Change due date from March 1 to April 1

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**.

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%

Mr. Moody opened the public hearing.

No one spoke in support or in opposition to the amendment.

Mr. Moody closed the public hearing.

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

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**AN ORDINANCE TO AMEND CHAPTER 19, ARTICLE III, SECTIONS 19-39,  
19-40 and 19-43 OF THE CODE OF THE COUNTY OF DINWIDDIE, VIRGINIA  
RELATED TO REAL ESTATE TAX EXEMPTIONS FOR ELDERLY AND  
DISABLED PERSONS**

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**WHEREAS**, the County provides tax relief for certain qualified elderly and disabled individuals; and

**WHEREAS**, the *Code of Virginia* has been amended to revise the requirements pursuant to which tax relief may be available for the County's elderly and disabled individuals; and

**WHEREAS**, changes to the current ordinance will enable a greater number of elderly and disabled individuals in the County to apply for tax relief;

**NOW THEREFORE BE IT ORDAINED**, that in the interest of public health, safety, and welfare and pursuant to the authority granted to it under § 58.1-3210 et seq. of the Code of Virginia that Sections 19-39, 19-40, and 19-43 of the Code of the County of Dinwiddie, Virginia shall be amended to read as follows:

**Sec. 19-39 General prerequisites to grant**

Exemption shall be granted to persons subject to the following provisions:

- (1) The title of the property for which exemption is claimed is held, or partially held, on January 1 of the taxable year, by the person or persons claiming exemption.
- (2) The head of the household occupying the dwelling and owning title, or partial title, thereto is sixty-five (65) years or older on December 31 of the year immediately preceding the taxable year or is permanently and totally disabled on December 31 of the year immediately preceding the taxable year.
- (3) The total combined income during the immediately preceding taxable year, from all sources of the owner of the dwelling living therein and the owner's relatives living in the dwelling, does not exceed twenty-eight thousand dollars (\$28,000.00); provided, however, that the first five thousand dollars (\$5,000.00) of income of each relative, other than the spouse of the owner, who is living in the dwelling unit shall not be included in the total.
- (4) The net combined financial worth, including equitable interest, as of December 31 of the immediately preceding taxable year of the owner and of the

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spouse of the owner, excluding the value of the dwelling and the land, not exceeding five (5) acres, upon which it is situated does not exceed seventy-five thousand dollars (\$75,000.00).

**Sec. 19-40 Applicant’s affidavit and certificate of disability**

(a) Annually and 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. The affidavit shall set forth, on a form to be furnished by the commissioner of the revenue, names of the related persons occupying the dwelling for which the exemption is claimed, their gross combined income, their combined net worth, including equitable interests, and that the general prerequisites established in section 19-39 of this Code are satisfied.

(b) If the applicant for exemption under this article is under sixty-five (65) years of age, the affidavit required by this section shall have attached thereto a certification by the Social Security Administration, the Department of Veteran Affairs, or the Railroad Retirement Board, or if such applicant is not eligible for certification by any of these agencies, a sworn affidavit by two (2) medical doctors, who are either licensed to practice medicine in the Commonwealth of Virginia or military officers on active duty who practice medicine in the United States Armed Forces, to the effect that the applicant is permanently and totally disabled as defined in section 19-36 of this Code; however, a certification pursuant to 42 U.S.C. 423(d) by the Social Security Administration, so long as the applicant remains eligible for such Social Security benefits, shall be deemed to satisfy the definition in section 19-39 of this Code. The affidavit of at least one of the doctors shall be based upon medical information contained in the records of the Civil Services Commission which are relevant to the standards for determining permanent and total disability as defined in section 19-36 of this Code.

**Sec. 19-43 Amount of exemption**

Where the person claiming exemption conforms to the standards of this article and does not exceed the limitations contained in this article, the tax exemption shall be as shown in the following schedule:

Total Income All Sources	Tax Exemption
\$0 to \$19,000	100%
\$19,001 to \$20,000	90%
\$20,001 to \$21,000	80%
\$21,001 to \$22,000	70%

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\$22,001 to \$23,000	60%
\$23,001 to \$24,000	50%
\$24,001 to \$25,000	40%
\$25,001 to \$26,000	30%
\$26,001 to \$27,000	20%
\$27,001 to \$28,000	10%

\* \* \*

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

**IN RE: PUBLIC HEARING A-05-2 – AMENDMENT TO THE COUNTY CODE TO DESIGNATE THE DIRECTOR OF EMERGENCY SERVICES AND COORDINATOR OF EMERGENCY MANAGEMENT**

This being the time and place as advertised in the Dinwiddie Monitor on January 18, 2005 and January 25, 2005 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comments on:

AN ORDINANCE TO AMEND SECTION 2-18 AND 2-20 OF THE CODE OF THE COUNTY OF DINWIDDIE, VIRGINIA TO CHANGE THE DESIGNATION OF THE DIRECTOR OF EMERGENCY SERVICES AND THE COORDINATOR OF EMERGENCY SERVICES

The Interim County Administrator read the ordinance with the proposed changes.

Mr. Moody opened the public hearing.

Mr. Michael Bratschi - 23500 Cutbank Road, McKenney, VA – commented the title of Division Chief of Public Safety needed to be clarified.

Mr. Moody closed the public hearing.

Upon Motion of Mr. Haraway, Seconded by Mr. Bowman, Mr. Haraway Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody voting “Aye”, the following ordinance was adopted.

AN ORDINANCE TO AMEND SECTION 2-18 AND 2-20 OF THE CODE OF THE COUNTY OF DINWIDDIE, VIRGINIA TO CHANGE THE DESIGNATION OF

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THE DIRECTOR OF EMERGENCY SERVICES AND THE COORDINATOR OF  
EMERGENCY SERVICES

Section 2-18. The ~~chairman of the board of supervisors~~ County Administrator is hereby designated the director of emergency services.

Section 2-20 The coordinator of emergency services shall be the ~~county administrator~~ Division Chief of Public Safety. He ~~He/She~~ shall coordinate and administer emergency services operations in the county on a day-to-day basis.

**IN RE: PUBLIC HEARING A-05-3 – TO AMEND CHAPTER 15 OF  
THE COUNTY CODE TO ADOPT AND ENACT SECTIONS  
15-7 THROUGH SECTIONS 15-11 RELATED TO  
OFFENSES AGAINST PEACE AND ORDER**

This being the time and place as advertised in the Dinwiddie Monitor on January 18, 2005 and January 25, 2005 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comments on:

AN 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

The Interim County Administrator informed the Board of the change that he made in the emergency ordinance which was adopted December 9, 2004 under Section 15-7 Loitering which was:

- (c) ~~Any person who violates any of the provisions of this section shall be guilty of a Class 1 misdemeanor.~~
- (c) Any person, 18 years of age, or older at the time of the offence who violates any of the provisions of this section shall be guilty of a Class 1 misdemeanor. A violation of such ordinance by anyone deemed by law to be a minor shall be disposed of as provided in §§16.1-278.4, §16.1-278.5 and §16.1-278.8 of the Code of Virginia and punishment for violations of this ordinance shall not exceed a Class 3 misdemeanor as stated in §15.2-926 B of the Code of Virginia.

Continuing he explained, the word any “person” in violation of the ordinance would be found guilty of a Class 1 misdemeanor, is allowed under the State code. However, a minor in violation of the ordinance can’t be charged with any ticket greater than a violation of a Class 3 misdemeanor by state law.

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Usually the work “person” is used to refer to adults, to better reflect the penalty, the ordinance was amended to distinguish the difference from a minor and an adult. He said the Commonwealth Attorney reviewed the amendments, and is in agreement with the modification. Mr. Massengill also stated if anyone was charged by a County Deputy and found guilty under the ordinance the fees would be retained by the County; without a County ordinance in place the fees would be retained by the State.

Mr. Moody opened the public hearing.

Mr. Michael Bratschi - 23500 Cutbank Road, McKenney, VA – spoke in opposition to the ordinance.

Mr. Moody closed the public hearing.

Upon Motion of Mr. Bowman, Seconded by Ms. Moody, Mr. Haraway Mr. Bowman, Ms. Moody, Mr. Moody voting “Aye”, Mr. Stone voting “Nay”, the following ordinance was adopted.

**AN 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**

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**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.**

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- (a) No person shall loiter, lounge 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 public 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 18 years of age, or older at the time of the offence who violates any of the provisions of this section shall be guilty of a Class 1 misdemeanor. A violation of such ordinance by anyone deemed by law to be a minor shall be disposed of as provided in §§16.1-278.4, §16.1-278.5 and §16.1-278.8 of the Code of Virginia and punishment for violations of this ordinance shall not exceed a Class 3 misdemeanor as stated in §15.2-926 B of the Code of Virginia.

**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)

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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-administered 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.

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- (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: PUBLIC HEARING C-04-2 – LEONARD HARRISON  
REZONING REQUEST TO ESTABLISH DAY CARE  
CENTER**

This being the time and place as advertised in the Dinwiddie Monitor on January 18, 2005 and January 25, 2005 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comments on:

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The applicant, Leonard F. Harrison, Sr. is seeking a conditional use permit to establish a Day Care Center on Tax Map/ Parcel 21-24 which contains a total of 14.3 acres. Said parcel is zoned Residential, General R-2 and is located on the south side of Sterling Road at a point adjacent to I-85. Use number 22 within this zoning district permits "Day Care Centers, with a conditional use permit".

Mr. William "Guy" Scheid, Director of Planning, read the following excerpt.

## **Planning Summary Report**

File: C-04-2  
Applicant: Leonard F. Harrison, Sr.

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The applicant, Leonard F. Harrison, Sr. is seeking a conditional use permit to establish a Day Care Center on Tax Map/ Parcel 21-24 which contains a total of 14.3 acres. Said parcel is zoned Residential, General R-2 and is located on the south side of Sterling Road at a point adjacent to I-85. Use number 22 within this zoning district permits "Day Care Centers, with a conditional use permit". The property is contained within the Urban Planning area as identified by the County Comprehensive Land Use Plan.

The Planning Commission held a public hearing on this request at their December 8, 2004 meeting. Many citizens attended this hearing with most of those speaking voicing opposition to the request. Due to the nature of the request, the Commissioners decided to form a committee to explore the issues raised and determine if solutions could be found such that the use would be compatible within the area. The committee consisted of two commission members, two neighborhood citizens and the applicant. A meeting was held on December 15<sup>th</sup> at 9:30 a.m. in the Pamplin Administration Building. Upon conclusion of the meeting it was clearly stated that the citizens were not in support of the conditional use permit for the day care center. A staff memo was sent to the Planning Commissioners advising them of the discussion during the December 15<sup>th</sup> meeting. The Planning Commission discussed the CUP request at their January 12, 2005 meeting. The Commissioners stated that they had concerns with the traffic situation on Sterling Road and the introduction of a commercial use within a residential zoning district among a few other concerns. Without further discussion, the Planning Commission voted 5-0 to recommend disapproval of conditional use permit C-04-2.

The standard statement regarding your action on this zoning matter must be read. In order to assist you in this matter, the statement was included in your packet.

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Mr. Leonard F. Harrison, Sr., the applicant told the Board that he was not present at the Planning Commission meeting in January when his case was discussed because he was not notified. He stated he was upset about it but that he did not want to cause any hard feelings because he lives in the area and wants to be a good citizen and neighbor. He read excerpts from the January 12, 2005 Planning Commission minutes when his case was not approved. "Mr. Scheid mentioned that neither the applicant nor his daughter is present. He is not sure why they are absent, but noted that they had been informed. He further noted that as a courtesy, perhaps action on this matter should be delayed until next month." Mr. Harrison commented he paid his \$600 application fee and would have attended the meeting in January 2005 if he had been notified of the meeting.

Continuing he read "Mr. Lee said that he agreed with the citizens that lived on Sterling Road as to not wanting a Day Care Center and if the applicant was present nothing he could say would change his mind." Mr. Harrison said he was offended by this statement from Mr. Lee because he had already made up his mind about the case. He also quoted "Mr. Wood said the applicant had due notice and if something had happened he could have informed someone one way or another and asked for an extension." Mr. Harrison stated again he was not notified of the meeting.

Mr. Harrison commented he did not want any hard feelings with his neighbors, the Planning Commissioners, or anyone else and asked the Board to approve his request.

Mr. Moody opened the public hearing for C-04-2.

The following persons addressed the Board on the C-04-2 request:

Charles Harrison – 9611 Boydton Plank Road, Petersburg, VA - spoke in support of the conditional use permit.

Dianne Lester – 24911 Sterling Road, Petersburg, VA - spoke in support of the conditional use permit.

Mrs. Overton – Sterling Road, Petersburg, VA - spoke in support of the conditional use permit.

Doris Harrison – 5814 Boydton Plank Road, Petersburg, VA -spoke in support of the conditional use permit.

Sarah Slade – building house in Sutherland - spoke in support of the conditional use permit.

Myrna Eley – 5109 Sterling Road, Petersburg, VA - spoke in opposition to the conditional use permit.

Mildred Mulder – 5115 Sterling Road, Petersburg, VA - spoke in opposition to the conditional use permit.

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Michael Bratschi - 23500 Cutbank Road, McKenney, VA - spoke in support of the conditional use permit.

Frank Hale – 2516 Sterling Road, Petersburg, VA - spoke in opposition to the conditional use permit.

Aubrey Conn – 5210 Chesdin Road, Sutherland, VA - spoke in opposition to the conditional use permit.

Barbara Huddleston – 25001 Sterling Road, Petersburg, VA - spoke in opposition to the conditional use permit.

Joyce Loftis – 25127 Sterling Road, Petersburg, VA - spoke in opposition to the conditional use permit.

Arnold Williamson – 25005 Sterling Road, Petersburg, VA - spoke in opposition to the conditional use permit.

Betty Bowen – 5110 Sterling Road, Petersburg, VA - spoke in opposition to the conditional use permit.

Dale Andrews – 11636 Chigger Creek Road, Dinwiddie, VA – stated he felt the needs of the County should over ride what certain individuals want. But agreed that the Boydton Plank Road location.

Mary Anne Barnett – 18519 Namozine Road, Sutherland, VA - spoke in support of the conditional use permit.

Mr. Moody closed the public comment period for C-04-2 and asked the applicant if he would like to make any more comments.

Mr. Leonard Harrison commented a lady made the statement that they could build the day care on the property he owns on Boydton Plank Road; but the cost of the land and all the things associated with building a nice day care center would put them in such a bind that his daughter would have to charge the people too much money to locate it there. He said he did not disagree with these people, regardless of whether he is allowed to build the day care or not, Sterling Road does need to be fixed. But not to be misleading no one is going to get hurt traveling on the road.

Mr. Moody asked the Planning Director if he had any other comments.

Mr. Scheid stated that there have been two different thoughts regarding the granting of a conditional use permit. The first thought was that a CUP must be granted if the use is listed in a zoning district. Proper conditions may be attached to protect the public's health, safety and general welfare. The second thought was that a conditional use must be reviewed on a case by case basis and, if it is determined that the use is so offensive in a particular location that there were insufficient conditions that could be attached to the permit to protect the public's health, safety and general welfare, then the CUP may be withheld. In the 1990's many jurisdictions tended to follow the former thought but in recent years the latter thought has prevailed.

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Mr. Moody asked Mr. Scheid to address the notification of the applicant. Mr. Scheid stated the way the State code reads, and the way it is done here in the County, is when the public hearings are going to be held, the County must advertise it in the newspaper for two consecutive weeks at least 7 days prior but not more than 21 days before the public hearing is held. All adjacent land owners and the applicant have to be notified by mail of the public hearing. In this case the public hearing was held in December (and the notices were sent out) but there is no requirement by law that a second notice has to be sent out to the applicant or the adjacent land owners. He expressed concern about the confusion here and stated he hoped it was not because of anything the planning department's staff did that caused the misunderstanding about the applicant not being at the Planning Commission meeting. He commented he did express concern about the applicant not being at the meeting because he suspected that something wasn't right. However, he did not feel the Planning Commission acted illegal by moving forward with the hearing although they might wish otherwise now.

Mr. Moody stated in the future the applicant should be notified to make sure they understand when their case will be heard.

Mr. Scheid commented the planning department has discussed the issue because people can say they did or did not receive the notices if they are mailed out. Staff wants to work this out with Administration, but in the future, if the Planning Commission does not take action at the public hearing it will clearly be stated in the meeting when it will be taken up again; and the applicant will have to sign a statement that they were present and they heard the date for the hearing.

Mr. Stone commented in Mr. Scheid's defense the Planning Commission meeting was called to a halt the minute it was brought to the commissioner's attention, the fact that Mr. Harrison was not at the meeting. He said the Planning Commissioners were told by staff that Mr. Harrison had been notified, so that was why they proceeded with the hearing.

Mr. Bowman suggested that the case be sent back to the Planning Commission so Mr. Harrison could respond to the comments made, if he wanted too. Mr. Harrison commented he was satisfied that the Board could render a decision tonight and declined the offer.

Mr. Stone commented he hated to see the community split because he knew how close knit they were. Continuing he said there was a lot of information presented by the applicant tonight that wasn't presented to the Commissioners. He recommended that the Board take a couple of weeks and consider all the information presented tonight then make a decision.

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Mr. Haraway commented he shared the same concern Mr. Bowman expressed and he would have no objection to sending it back to the Planning Commission, especially after Mr. Stone's comment. There is no doubt that in the future there is going to be a need for another day care center in the County. The Harrison's have a good tract record for being good business people and he knew they would operate a good facility. On the other hand, the Board discharged the responsibility to the Planning Commission and they voted 5-0 and he would feel very uncomfortable voting against the commissioners. He said the main problem is the traffic on the road. He said he traveled on Sterling Road and the traffic was bad in the mornings between 7:00 - 8:00 A.M. and 4:00 - 6:00 P.M. And for him to vote yes on this, a different vote would have to come from the Planning Commissioners.

Mr. Harrison stated he would be willing to go back to the Planning Commission if that was the Boards decision.

Mr. Bowman made the motion to send C-04-2 back to the Planning Commission so the applicants could respond to any questions the commissioners have. Ms. Moody seconded the motion.

Mr. Moody asked if the motion was for a public hearing for the Planning Commission. Mr. Scheid stated the public hearing aspect of it had been held; but what could be done at this time, at the March meeting, the commissioners could have a full discussion with the applicant. He said he would have to check State Code to see if another public hearing could be held. He also pointed out that this is a use permit and there was never any discussions as to what kind of conditions would be applied to this facility if it were to go forward and meet with the approval of the Board of Supervisors. He suggested several conditions that could be added to the use permit. Mr. Moody agreed and stated this is a conditional use permit request and normally the Planning Commission sends conditions with the cases to be heard by the Board of Supervisors.

The Interim County Administrator asked Mr. Scheid if this could be heard at the February meeting because he hated to see it drawn out. Mr. Scheid stated he would feel uncomfortable holding it on such short notice and Mr. Wood was not going to be at the February meeting. Mr. Stone stated he was suggesting that the Board table action tonight for two (2) weeks so they could investigate for themselves the information presented tonight. Not to delay the process by sending it back to the Planning Commission. Mr. Moody stated there was a motion on the floor to send it back to the Planning Commission. As far as the public hearing goes.....Mr. Scheid interrupted and commented he could not state there would be a public hearing, but there would be a discussion of the matter by the planning commission and he recommended that all parties that have an interest in it to be at the March 9<sup>th</sup> Planning Commission meeting. Continuing he stated he did not want to be presumptuous of the commissioners

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before he had an opportunity to talk with the Chair person as to what they will or will not do. Mr. Bowman commented he did not want them to have another public hearing but they might want to address the applicant since he was not there at the meeting when action was taken.

Mr. Moody called for the vote to send the conditional use permit back to the Planning Commission for discussion at the March 9, 2005 meeting. Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody voting "Aye", motion carried.

**IN RE: RECESS**

The Chairman called a recess at 9:07 P.M. The meeting reconvened at 9:19 P.M.

**IN RE: PUBLIC HEARING – A-04-15 – A-04-16 - AMENDMENT TO SECTION 22-1, DEFINITIONS, AND SECTION 22-71, PERMITTED USES, IN THE AGRICULTURAL, GENERAL A-2 DISTRICT OF THE DINWIDDIE COUNTY ZONING CODE BY DEFINING A CANINE TRAINING FACILITY AND PERMITTING A CANINE TRAINING FACILITY WITH CONDITIONAL USE PERMIT**

This being the time and place as advertised in the Dinwiddie Monitor on January 18, 2005 and January 25, 2005 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comments on:

An amendment to Section 22-1, definitions, and Section 22-71, Permitted uses, in the Agricultural, general A-2 district of the Dinwiddie County Zoning Code by defining a Canine Training Facility and permitting a Canine Training Facility with conditional use permit in said district.

Mr. Scheid read the following summary report.

**'Planning Summary Report**

**File:** A-04-15 & 16  
**Applicant:** Paul Roushia / Kenneth Moyer  
**Zoning:** Ordinance amendments

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The applicants, Paul Roushia and Kenneth Moyer, are seeking an amendment to section 22-1, definitions, and section 22-71, Permitted uses, in the Agricultural, general A-2 district of the Dinwiddie County Zoning Code by defining a Canine Training Facility and permitting a Canine Training Facility with conditional use permit in said district.

The Planning Commission was advised of Mr. Roushia's intentions and indicated to staff a willingness to consider the proposed amendment. The Planning Commission held a public hearing on these amendments at their December 8, 2004 meeting. As a result of the meeting, additional information was to be obtained for the Planning Commission before a recommendation would be sent to the Board of Supervisors. The Planning Commissioners requested staff and one or more members of the Commission to visit Mr. Roushia's facility in North Carolina and report their findings to the Commission. Mr. Lee prepared a brief report regarding the site visit on December 17<sup>th</sup> which is included in your information. The Planning Commission held discussions on these amendments at their January 12, 2005 meeting. It was clearly stated at this meeting that the Commission was considering two distinctive matters. First, a definition for a canine training facility. The second was a zoning district in which a canine training facility could be located if the definition is adopted. If both amendments are adopted, then an application for a conditional use permit must be filed with the County in which a specific site would be considered and appropriate conditions established for the site, if the site appeared reasonable.

It must be noted that the Planning Commission consisted of five (5) members at their January 2005 meeting (appointments for Mr. Perkinson and Mr. McCray were pending). On the issue of the canine definition (A-04-15), the Commission voted 4-1 to recommend approval. The definition is as follows:

*Canine Training Facility. A site designed to handle the training of dogs in the areas of security (patrol, scout, tracking, search and rescue), drug detection, explosives' detection, and detection of cadavers.*

On the issue of establishing a zoning district in which the canine facility could be located (A-05-16), the Planning Commission voted 3-2 to recommend approval in an Agricultural, general A-2 district with a conditional use permit.

Mr. Scheid pointed out that the two issues presented together tonight were amendments and not site specific. They are two separate items and action should be taken on both amendments A-05-15 and A-05-16.

Mr. Nigel Rhodes – 1325 Poindexter Street, Chesapeake, VA 23320 – CEO, American Canine Company, stated the company was currently located in North Carolina but was being forced out of that location because of residential growth in the area. He commented they have a business relationship with the

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current owner of the proposed property in McKenney that they want to use. Presently they have 14 working dogs in the kennel. Their main business is explosion detection although they do other areas of canine training.

Mr. Moody opened the public hearing.

Michael Bratschi – 23500 Cutbank Road, McKenney, VA – spoke in opposition to the amendment.

David Dudley - 25907 Smith Grove Road, Petersburg, VA – spoke in opposition to the amendment.

Mr. Moody closed the public hearing and asked the applicant if he had any other comments.

Mr. Rhodes stated they are certified by the A.T.A. The company wishes to get into the narcotics detection, but at the present time an associated company does the drug detection. They don't have drugs at the present location and time and never claimed to own drugs. However, if the application is successful and they do relocate they will be working with the DEA to obtain license to train dogs in narcotics detection. He stated many of the questions asked tonight was addressed at the planning commission meeting. He said the company is small and they are trying to provide a service, which is to work for the Federal Government and military so they can grow be proud of what they do.

Mr. Stone and Ms. Moody stated they could not support adding the canine definition to the County Code.

Mr. Moody reminded the Board that this is not site specific it is a request to add the definition to the County Code.

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 zoning amendment A-04-15 be disapproved by the Board of Supervisors. The motion was seconded by Ms. Moody. Mr. Haraway, Mr. Bowman, Ms. Moody, Mr. Stone, "voting "Aye", Mr. Moody, "voting "Nay", A-04-15 amendment request was not approved.

On the issue of establishing a zoning district in which the canine facility could be located (A-04-16), the Planning Commission voted 3-2 to recommend approval in an Agricultural, general A-2 district with a conditional use permit. Mr. Scheid commented if the Board were to adopt A-04-16 which approves a canine facility without a definition it would leave staff in a bind if a request was submitted to the Planning Department.

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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 zoning amendment A-04-16 be disapproved by the Board of Supervisors. The motion was seconded by Ms. Moody. Mr. Haraway, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, "voting "Aye", A-04-16 was not approved.

**IN RE: LETTER OF SUPPORT - CAMERON FOUNDATION  
GRANT TO IMPLEMENT A COMPREHENSIVE MOBILE  
YOUTH DEVELOPMENT PROGRAM**

Ms. Kimberley Willis, Director, Social Services, commented she was here tonight on behalf of Social Services and Parks and Recreation to ask for a letter of support to pursue a grant through the Cameron Foundation. A letter of intent was submitted to the Cameron Foundation and was approved in the month of January and the full proposal has to be submitted by February 15, 2005.

The proposal is to develop a Comprehensive Mobile Youth Development Program for the Crews Mobile Home Park and Green Acres Mobile Home Park. The whole letter of intent was included in the Board packet and it is being called Operation Kid Konnection (OKK). The unit will go twice weekly for three hours to each mobile home park. Our approach to youth development encompasses family/community involvement, safe places that provide structured positive life alternatives, cultural enrichment activities, homework assistance, non-competitive recreational activities, academic support, and nutritious snacks.

Crews and Green Acres were selected because both communities face the same problem, a lack of structured, organized activities for children to engage in. To further complicate the situation, we are a rural community which is not conducive for walking to activities or events. We think by having structured activities that it will give them something positive to do.

The total budget is \$58,133, and the requested funding from the Cameron Foundation is \$26,894. Social Services will be providing in-kind staff for four days and also will be providing a van. They will also be going to activities at Pamplin Park.

Ms. Willis requested a letter of support from the board of Supervisors.

Mr. Moody stated it sounds like a good program and Social Services was asking for the Board for a letter of support.

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Mr. Haraway commented he supports the program; but questioned renting space from the mobile home park to provide the recreational activities. Ms. Willis replied through the grant with the Cameron Foundation. Ms. Willis stated they were negotiating that with one of the owners now. And they were going to meet with that individual next week. Mr. Haraway commented he felt the owners should provide the space free and not use this as a revenue maker. Mr. Haraway said the owners of the parks should be providing recreational facilities. We are doing a job that they should be doing in the first place and then he is going to turn around and charge rent for us being there. Ms. Willis stated they felt pretty confident that one of the owners would provide the space free of charge, but it was written in the proposal. If the owner doesn't charge rent the funds could be used for computers, technology, or other sites. Mr. Stone asked if both owners agreed. Ms. Willis replied just one owner. Mr. Haraway asked her if she felt it would jeopardize the grant if the provision for rent was removed from the proposal. Ms. Willis stated she didn't think so, but she would ask the Cameron Foundation to see if it would. The proposal is due February 15<sup>th</sup> but she said her goal was to have it there on the Valentines Day the 14<sup>th</sup>.

Upon motion of Mr. Haraway, Seconded by Mr. Bowman, Mr. Haraway Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody voting "Aye", the following letter of support was approved.

January 26, 2005

Mr. Handy Lindsey, Executive Director  
The Cameron Foundation  
24 West Old Street  
Petersburg, VA 23803

Dear Mr. Lindsey:

The Dinwiddie County Board of Supervisors is pleased to learn of our Departments of Social Services' and Parks and Recreations' efforts to secure grant funds from The Cameron Foundation, to implement a Comprehensive Mobile Youth Development Program, known as **Operation Kid Konnection**. We are confident that the children and families in the two targeted mobile home parks, Crews and Green Acres, will benefit from this innovative concept. By promoting positive youth development, through increasing their self confidence, sense of usefulness and belonging, and providing safe and healthy positive life alternatives, academic support, and nutritious snacks, we believe that children will have an increased chance of becoming healthy and productive adults.



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Supervisors allowing LifeEvac to operate in Dinwiddie County from the Dinwiddie County Airport. The endorsement only needs to state the following:

“The Dinwiddie County Board of Supervisors endorses the establishment, by Air Methods Corporation (dba LifeEvac), of an Emergency Medical Services agency based in Dinwiddie County to provide air medical services from the Dinwiddie County Airport.”

The Airport Authority is looking at beginning with a three (3) year lease for the old terminal building and hanger. He requested that the Board of Supervisors approve the letter of endorsement for the establishment of the emergency medical services helicopter agency to move their company's local base of operations to the airport.

The Interim County Administrator stated he and Chief Hale have reviewed this request and share in the enthusiasm to have this company locate at our airport.

Upon motion of Mr. Haraway, Seconded by Mr. Bowman, Ms. Moody, Mr. Haraway Mr. Bowman, Mr. Stone, Mr. Moody voting “Aye”, the Interim County Administrator was authorized to send a letter of endorsement to LiveEvac to allow them to provide air medical services from the Dinwiddie County Airport.

**IN RE: AUTHORIZATION TO PROCEED WITH WIRELESS CONNECTION BETWEEN PUBLIC SAFETY BUILDING AND SHERIFF'S OFFICE**

Ms. Cathy Carwile, Information Technology Manager, provided the following information in the Board packets.

“On December 15, 2004, I presented information on wired and wireless options for connectivity between the Public Safety Building and Sheriff's Office. My recommendation at that time was to proceed with a wireless solution between the buildings; however the Board expressed some concern about data security and asked that I look into the option of having underground fiber cabling installed.

This connectivity is a critical part of the functionality of the E-911 Communications Center, Computer Aided Dispatch, and the Sheriff's Office. The projected timeline, worked out between Public Safety, the Sheriff's Office and the CAD vendor calls for having this portion of the project completed by the end of February to correspond with the scheduled installation of additional equipment in the Sheriff's Office and training of personnel.

Digital Intelligence Systems Corporation (DISYS) made a preliminary site visit and has provided a quote under the terms of the State Contract. The proposed

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wireless solution can be implemented quickly and with a high level of security. The hardware is configured to serve as a **bridge between the buildings**, not a wireless access point supporting local wireless devices.

Although a direct building to building fiber connection would offer the highest level of security, the cost of burying the fiber would exceed \$70,000 and would have to go under two roads. If rock were encountered along the fiber route the cost could increase significantly. Equipment costs are not included. Because of the cost, County Procurement Policy would require that the project go out for bid, making it impossible to meet the desired timeline.”

She respectfully request authorization to proceed with the project as quoted by DISYS at a cost of \$23,167.83. The only variable in the pricing was the issue with the tower climber. An on site visit would have to be made to see if there would be a variation to that. This connection would give us a fairly quick turnaround time and move forward with the project. This technique is used broadly by other localities and large educational facilities. The quote and a brief overview of the technology were included in the packets for your review.

Mr. Moody asked about the security issue. Ms. Carwile stated there will be encryptions set up for security standards on both sides. Mr. Stone asked if the labor side was a firm price or was it time and material not to exceed \$11,680. She commented there may be a variation in that figure contingent upon the site visit by the tower climber. Mr. Stone also expressed concern about the reduction in speed with the wireless connection. She explained it was because of the “hop” from the Public Safety Building to the Administration Building then to the Sheriff’s Building; instead of going directly from Public Safety to the Sheriff’s Building.

Ms. Carwile also pointed out that the regional broadband is coming to the area and she would also like to plan for that and include it in the CIP.

Upon motion of Mr. Haraway, Seconded by Mr. Bowman, Ms. Moody, Mr. Haraway Mr. Bowman, Mr. Stone, Mr. Moody voting “Aye”, the Information Technology Department was authorized to proceed with the wireless connection project for the Public Safety and Sheriff’s Department as quoted by DISYS at a cost of \$23,167.83.

**IN RE: COMMUNICATIONS EQUIPMENT REQUISITION #12 –  
DINWIDDIE COUNTY IDA PUBLIC FACILITIES LEASE  
REVENUE NOTE SERIES 2003 - MOTOROLA CHANGE  
ORDER #7 & # 8**

Mr. David Jolly, Fire Director, stated staff was trying to bring Motorola change orders #7 and 8 to a conclusion. Change order #7 was for one day of

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inclement weather to erect the tower at the County Landfill site in the amount of \$1,763. Change order #8 in the amount of \$4,889 was for removing the organic material encountered at the Landfill guy anchor and to replace it with site fill.

Mr. Massengill, Interim County Administrator, has discussed the issue of change order #7 with Motorola and they have agreed to remove the charge for the one day of inclement weather in the amount of \$1,763. Mr. Jolly requested that the Board approve requisition #12 for change order #8 in the amount of \$4,889.

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

Material cost for landfill site invoice #41066519	\$4,889.00
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<b>TOTAL DUE</b>	<b>\$4,889.00</b>
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Upon Motion of Mr. Bowman, Seconded by Mr. Haraway, Mr. Haraway Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number #12 in the amount of \$4,889.00 be approved and funds appropriated for expenses from the Dinwiddie County IDA Public Facilities Lease Revenue Note Series 2003.

**IN RE: COMMUNICATIONS EQUIPMENT REQUISITION #13 –  
DINWIDDIE COUNTY IDA PUBLIC FACILITIES LEASE  
REVENUE NOTE SERIES 2003**

The following invoice, requisition #13, from Motorola was presented by Mr. David Jolly, which represents the final system payment in the amount of \$423,007.80 for expenses from the Dinwiddie County IDA Public Facilities Lease Revenue Note Series 2003:

Final system payment (41065626)	\$423,007.80
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<b>TOTAL DUE</b>	<b>\$423,007.80</b>
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Mr. Jolly reported the County made a tremendous leap forward when they purchased this system. He commented he had received positive comments not only from people who use it every day; but also from citizens who have invested in the monitoring devices.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number #13 in the amount of \$423,007.80 be approved and funds appropriated for expenses from the Dinwiddie County IDA Public Facilities Lease Revenue Note Series 2003.

**IN RE: CITIZENS COMMENTS**

1) David Dudley - 25907 Smith Grove Road, Petersburg, VA – representing Citizens for a Better Dinwiddie, invited everyone to attend the Dinwiddie Growth Management Summit and Town Hall Meeting at Rohoic Elementary School on February 17, 2005 at 7:00 P.M. He noted the Board asked the County Department Heads to explain why their departments were over budget at a previous meeting. He said he felt the Board should be explaining to the citizens why they were over budget. He asked Mr. Bowman why he appointed Sam Hayes who lives in district 5 to be the representative for district 3 on the Planning Commission. Continuing he commented the citizens who live in district 3 want their own representation on the planning commission and they felt Mr. Bowman was not representing his constituents. Mr. Bowman responded Mr. Hayes is an engineer with the State Highway Department. And all he heard from the Citizens for a Better Dinwiddie was that they wanted an engineer and he felt Mr. Hayes would be an asset to the Planning Commission.

2) Michael Bratschi - 23500 Cutbank Road, McKenney, VA – made remarks on the following issues: a) Ms. Moody and Mr. Stone voting not to approve the canine definition and zoning amendment b) requested that the Board ask staff to help the Dinwiddie Volunteer Rescue Squad with the necessary paperwork so they could receive revenue recovery payment c) he commented that Mr. Bowman should have appointed a District 3 resident to serve on the Planning Commission instead of Mr. Hayes who lives in District 5.

3) Anne Scarborough – Boydton Plank Road, Dinwiddie, VA – said she agreed with Mr. Dudley about the appointment of Mr. Hayes to the Planning Commission. The representative should live in the district they represent. She commented the citizens were asking for an engineer for the Planning Department to help Mr. Scheid not for an appointment on the Planning Commission. Ms. Scarborough stated too much money is being spent for meals and mileage for the Board members.

**IN RE: COUNTY ADMINISTRATOR COMMENTS**

The Interim County Administrator stated he was compelled to inform the citizens that the Board has already authorized staff to enter into a "third-party"

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agreement with an engineering firm on an as needed basis or on specific projects.

**IN RE: APPROPRIATION OF FUNDS – ECONOMIC DEVELOPMENT**

Mr. Massengill requested authorization from the Board to appropriate five (5) months of Mr. William Scheid's salary \$21,500 to the Economic Development budget for the restructuring of the planning and community development division.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that \$21,500 is hereby appropriated to the Economic Development budget from the undesignated general fund balance.

He stated Mr. Scheid would continue to act as Director of Planning until a replacement could be hired. The Senior Planner/Zoning Administrator, Daniel Ben-Yisrael, resigned from his position effective January 18, 2005. The County will be advertising for the Director of Planning and Senior Planner/Zoning Administrator positions.

**IN RE: COUNTY ADMINISTRATOR COMMENTS – CONT'**

Mr. Massengill commented there were several questions from the citizens during the comment period regarding Mrs. Howerton's report on the percentage of increase over the budget and he would like to respond.

The Board of Supervisors overages went to the following areas:

Advertising for the County Administrator position; Travel/Education Conferences –VACO Conference, dues, and annual payments; Contingencies – Bob Slavin's payment – firm selected to search for county administrator.

He commented it was suggested by the Chairman that he and Mrs. Howerton reviewed the individual departments and have them to justify their overages. In many cases the reason for the increase is because of the time of the annual payment. We may be over at this particular point in the fiscal year but at the end of the year they will be on budget. Staff will do a better job of pointing this out in future budgets.

It was reported in the paper that the Commissioner of the Revenue's Office was 62% over budget and actually that overage was not in her department it was in the General Reassessment. There is a clear division between the

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General Reassessment Office and the Commissioner of the Revenue's Office.  
The Commissioner is actually 14% under budget.

2. Mr. Massengill thanked Mr. Gene Jones, Director of Buildings and Grounds, for his hard work over the last 3 ice/snow storms. He said he couldn't begin to compliment him enough. Mr. Jones worked during the storms until ten and eleven o'clock at night until two in the morning to make sure the offices remained open. With his help and the assistance in his department the offices have only been closed for 3 hours. He also thanked Mr. Haraway for his foresight to make sure staff had the equipment to do the job.

3. In addition, Mrs. Russell brought to his attention that the minutes for the January 18, 2005 Regular Meeting Minutes needed to be corrected to reflect that Ms. Moody was not present when the vote for authorization to advertise for the County Attorney position.

4. Mr. Pete Stiff from Chesterfield County called yesterday and they have graciously agreed to loan us one of their assistant county attorney, free of charge, until we can hire our own county attorney. Mr. Massengill stated he would pass on to Lane Ramsey and Pete Stiff, his and the Boards appreciation for assisting the County with this.

5. He encouraged people to come to the Growth Management Summit meeting and give them their comments and concerns on growth.

#### **IN RE: BOARD MEMBER COMMENTS**

Mr. Stone stated the District 5 community meeting would be held February 21, 2005 from 7:00 – 9:00 P.M. at the McKenney Town Hall. He said he received several calls and an email on the cell phone tax. He asked Mrs. Howerton if she had any further luck from the vendors, other than Verizon, on their compliance with the county. She replied no. Mr. Stone commented it is not going to be retroactive and there are some citizens paying the tax currently but others aren't paying anything. He stated in the northern end of the County a person could purchase a pre-paid card and there is no way to know if the taxes are being paid. He asked how much longer is the County going to go with just one company being in compliance. How can we justify that to the citizens? Mr. Haraway stated he has AT&T and he was charged \$3 last month. Mrs. Howerton said T-Mobile was paying it also. Mr. Stone replied Alltel is not collecting it. Mr. Moody instructed staff to investigate why the other companies aren't complying and report back to the Board.

Mr. Bowman commented with all the doom and gloom the Board hears during citizens comments and all the negativity from just a handful of citizens in the County. He said he wished there could be some positive things spoken at these

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meetings and printed about the good that this board has done. This Board has made more changes in Dinwiddie County in the last year than has been made in the past thirty years. The County is moving forward at a rapid pace and for people not to see that is unbelievable. He requested Administration to write a letter to Mr. Ramsey and Board Members of Chesterfield County and thank them for their help and cooperation in County supporting County.

Ms. Moody stated last week the Monitor printed a statement that she supposedly said. The reporter from the Monitor did not ask her any questions at the last meeting. Therefore, she had no reason to answer him in any way. The bottom line was what was printed was a blatant lie.

Mr. Haraway commented since there is so much interest in what the board spends on meals he thought he would save some of the citizens and our staff some time. Tonight the meal cost \$45.39 for eight people to eat which comes to a total of \$5.66 per meal. The Board has been in session for 10 ½ hours. As far as the travel time some people do not know the IRS rules. The IRS has a travel deduction for people who have a second job with an allowable rate of \$.42 per mile, we are paid \$.325. The Board can actually claim that difference as an itemized deduction. It is a recognized practice from the IRS and the Board is not doing something that is not sanctioned by the IRS but some people talk when they really don't know all the rules.

Mr. Moody informed the Board that the Chairman is invited to be a member of the Military Council. He said he was invited to attend the last meeting one day before they met and was unable to attend. He said he received a copy of the minutes of that meeting and requested that Staff distribute a copy to the Board and school board. According to the minutes there will be an increase in the troops for a certain division at Fort Lee. It is going to be approximately 591 new families looking for housing off base. A calculation was made and if correct, Dinwiddie could have an increase of 180 students in the school system. Economically for the area it is going to be good but it could have an effect on the school system. Mr. Haraway commented if all the new families move in and it is not enough of a supply of houses it will cause rent to increase.

**IN RE: ADJOURNMENT**

Upon Motion of Mr. Bowman, Seconded by Ms. Moody, Mr. Haraway Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody voting "Aye", the meeting adjourned at 10:42 P.M. to be continued until 1:00 P.M. on Tuesday, February 8, 2005 in the Administration Conference Room.

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Harrison A. Moody, Chairman

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ATTEST: \_\_\_\_\_

W. Kevin Massengill  
Interim County Administrator

/abr