

VIRGINIA: AT THE REGULAR MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 6TH DAY OF SEPTEMBER, 2005, AT 7:30 P.M.

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

ADMINISTRATION

PRESENT: GREGORY HORWEDEL, COUNTY ADMINISTRATOR  
KEVIN MASSENGILL, ASSISTANT COUNTY ADMINISTRATOR  
ANNE HOWERTON, FINANCE DIRECTOR  
MICHAEL DREWRY, COUNTY ATTORNEY

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**CLOSED SESSION**

Mr. Haraway moved to close the meeting in order to discuss matters exempt under section §2.2-3711 (A)(3) of the Code of Virginia, Real Property, Acquisition; and §2.2-3711 (A)(1) Appointments to Planning Commission and to Finance Committee

Upon motion of Mr. Haraway, seconded by Mr. Bowman, the Board moved to go into a Closed Meeting at 6:30 P.M.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody  
Nays: None

**CERTIFICATION**

WHEREAS, this Board convened in a closed meeting under: §2.2-3711 (A)(3) of the Code of Virginia – Real Property, Acquisition; §2.2-3711 (A)(1) – Appointments to the Planning Commission and to the Finance Committee,

AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

Upon Motion of Mr. Stone, Seconded by Mr. Bowman, this Certification Resolution was adopted.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody  
Nays: None

- 1. **CALL TO ORDER – INVOCATION**
- 2. **PLEDGE OF ALLEGIANCE**

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.

3. **AMENDMENTS TO AGENDA**

Mr. Horwedel asked that the Resolution for Crop Disaster Area Declaration be added to the consent agenda as 4E. He asked also that Hurricane Katrina Disaster Donation request be added to the consent agenda under 4F.

Upon motion of Mr. Stone, seconded by Mr. Bowman,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that this agenda is amended to include Items 4E, Resolution for Crop Disaster Area Declaration and 4F, Hurricane Katrina Disaster Donation request.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody  
Nays: None

**4.A.i. APPROVAL OF MINUTES FOR JULY 19, 2005 REGULAR MEETING**

Upon motion of Mr. Stone, seconded by Mr. Bowman,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Minutes of the July 19, 2005 Regular Meeting be approved.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody  
Nays: None

**4.A.ii APPROVAL OF MINUTES FOR AUGUST 16, 2005 CONTINUATION MEETING**

Mr. Stone stated that there were three Board votes that were not included in this set of minutes: (1) McKenney Wellness Center, (2) Eastside Community Enhancement Center Renovations, (3) whether items voted down should be put back on the CIP for future years.

Mr. Horwedel said that these would be amended.

Mr. Drewry said that the total CIP has to be approved at a subsequent meeting as this has not been done.

**4.A.iii. APPROVAL OF MINUTES FOR AUGUST 16, 2005 REGULAR MEETING**

Upon motion of Mr. Stone, seconded by Mr. Bowman,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Minutes of the August 16, 2005 Regular Meeting be approved.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody  
Nays: None

**4.A.iv. APPROVAL OF MINUTES FOR AUGUST 16, 2005 JOINT MEETING BETWEEN CITY OF PETERSBURG AND COUNTY OF DINWIDDIE**

Upon motion of Mr. Stone, seconded by Mr. Bowman,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Minutes of the August 16, 2005 Joint Meeting of Dinwiddie County and City of Petersburg be approved.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody  
Nays: None

**4.B. CLAIMS**

Upon Motion of Mr. Stone, seconded by Mr. Bowman,

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 1050697 through 1050821 (voided check number 1050696).

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody  
Nays: None

**FY – 05/06**

**Accounts Payable:**

(101) General Fund

\$ 86,112.98

(103) Jail Commission	\$	200.34
(222) E911 Fund	\$	3,838.85
(225) Courthouse Main Fund	\$	7,605.71
(226) Law Library	\$	128.55
(228) Fire Programs & EMS	\$	1,242.37
(229) Forfeited Assets	\$	974.35
(304) CDBG Grant Fund	\$	4,788.86
(305) Capital Projects Fund	\$	88.00
(401) County Debt Service	\$	<u>          </u>
<b>TOTAL</b>	<b>\$</b>	<b>105,580.01</b>

Upon Motion of Mr. Stone, seconded by Mr. Bowman,

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 1050618 through 1050692 (voided check number 1050617).

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody  
 Nays: None

**PAYROLL**  
**August 31, 2005**

(101) General Fund	\$	546,730.47
(222) E911 Fund	\$	46,692.86
(229) Forfeited Asset Sharing	\$	<u>          </u>
(304) CDBG Grant Fund	\$	<u>9,121.48</u>
<b>TOTAL</b>	<b>\$</b>	<b>602,544.81</b>

**4.C. FINANCE COMMITTEE: STAFF APPOINTMENTS**

The County's Finance Committee was formed in June 2005 with a recommended membership of four staff members, two Supervisors and two citizens at large. We would ask that the following staff be formally appointed by virtue of their position and whose term shall correspond to their tenure of office or term of employment by the Board of Supervisors:

Anne Howerton	Director of Finance, Dinwiddie County
Lynne Venter	Executive Director of Fiscal Operations, School Board
William Jones	Treasurer, Dinwiddie County
Lori Stevens	Commissioner of the Revenue, Dinwiddie County

Upon motion of Mr. Stone, seconded by Mr. Bowman,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the staff appointments of Anne Howerton, Lynne Venter, William Jones and Lori Stevens to the Finance Committee are approved.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody  
 Nays: None

**4.D. REQUEST FOR ADDITIONAL APPROPRIATIONS FOR FY 2005-06 BUDGET**

Ms. Howerton, Director of Finance, presented the following:

We are requesting additional FY 2005-06 appropriations for the following items:

Per the Compensation Board as of July 2005, the employees of the Clerk of the Circuit Court are to be paid through the County's payroll system, with the County receiving state reimbursement as is the case with the other Constitutional Officers. Since this change was mandated after the FY 2005-06 budget was approved, we need to request additional appropriation for expenditures and reimbursement for the Clerk's employees' salaries in the amount of \$184,076. This amount will be reimbursed by the Compensation Board.

Per the Compensation Board as of August 2005, the salary for the Administrative Assistant in the Commonwealth's Attorney' office has been increased to \$30,953, with an additional state approved increase of 4.4% in December. Since this change was mandated after the FY 2005-06 budget was approved, we need to request additional appropriation for expenditures and reimbursement for the Administrative Assistant's salary in the amount of \$3,025. This additional amount will be reimbursed by the Compensation Board.

Please note the request in your board packet from Dennis Hale regarding re-appropriation of FY 2004-05 capital repair funds. The repairs to Engine 22, which began in the spring, will not be completed until this fall. Therefore, he is asking for the \$15,000 to be re-appropriated from the undesignated general fund balance to the Volunteer Fire Departments budget.

Upon Motion of Mr. Stone, seconded by Mr. Bowman,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the \$15,000 re-appropriation from the undesignated general fund balance to the Volunteer Fire Departments budget is approved.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody

Nays: None

#### **4.E. RESOLUTION: CROP DISASTER AREA DECLARATION**

##### **RESOLUTION**

##### **CROP DISASTER AREA DECLARATION**

WHEREAS, agriculture is a vital element of the economic base of Dinwiddie County; and

WHEREAS, weather conditions have created a drought seriously affecting the yields of crops and the available resources of the County are insufficient to cope with the effects of the drought; and

WHEREAS, the Virginia Cooperative Extension office has informed the County that there will be significant crop losses county wide in the 2005 growing season.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that a state of emergency is declared to exist in the County and hereby requests The Honorable Mark R. Warner, Governor of the Commonwealth of Virginia, to declare Dinwiddie County a disaster area for the agricultural industry and to make available all possible assistance to farmers.

Upon motion of Mr. Stone, seconded by Mr. Bowman, the Crop Disaster Area Declaration Resolution was adopted.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody

Nays: None

#### **4.F. HURRICANE KATRINA DISASTER DONATION**

The following was reported to the Board from Sheriff Shands and Commonwealth Attorney Marable:

Dear Members of the Board:

The Bedford County Sheriff's Office is coordinating a law enforcement supplies convoy into the hurricane disaster areas. Sheriff Brown of Bedford County has received approval from Patrick Murphy, Staff Attorney for the Criminal Division, Asset Forfeiture and Money Laundering Service of the Department of Justice, Office of the Deputy Attorney General, Executive Office of Asset Forfeiture, to use asset forfeiture funds to purchase police supplies or donations to law enforcement agencies in the disaster areas. As you are aware, no tax dollars are contained within the drug asset forfeiture funds. These funds are confiscated funds derived from the arrests and prosecution of drug offenders.

In an effort to assist the law enforcement agencies contained in the hurricane disaster area, I request authority for a wire transfer of \$1,500 from the Sheriff's Office's Asset Forfeiture Fund, and \$1,500 from the Commonwealth Attorney's Asset Forfeiture Fund. This donation is to be electronically transferred from our funds to the Bedford County Sheriff's Office to the Hurricane Disaster Relief Fund.

Upon motion of Mr. Stone, seconded by Mr. Bowman,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that a wire transfer of \$1,500 from the Sheriff's Office's Asset Forfeiture Fund, and \$1,500 from the Commonwealth Attorney's Asset Forfeiture Fund to the Bedford County Sheriff's Office for the Hurricane Disaster Relief Fund is approved.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody

Nays: None

## **5. REPORT- CHESDIN MANOR/RIVER ROAD FARMS UPDATE**

Dr. Michael Royster, Director, Crater Health District spoke regarding follow-up results of urine tests performed on residents of Chesdin Manor and River Road Farms in Dinwiddie County, who were exposed to naturally occurring uranium in their drinking water. Overall, results represent a significant decrease in the amount of uranium found in the urine of residents, and indicate that the filter is functioning properly to remove uranium from the water. The results also suggest that there have been no negative health effects from exposure to uranium in the drinking water.

Mr. Dan Horn spoke regarding the presence of radon in drinking water. He said that, unlike uranium, radon is not regulated in drinking water. Radon in the air is the primary health risk, not what is ingested. The Health Department has made test kits available for testing the air in the home.

## **6.A. RESOLUTION: R. BEASLEY JONES, SR.**

Mr. Stone presented the following resolution to the children of the Honorable R. Beasley Jones, Sr.

### **Resolution of the BOARD OF SUPERVISORS of DINWIDDIE COUNTY, VIRGINIA**

#### **IN MEMORY OF THE HONORABLE R. BEASLEY JONES, SR. ~ Delegate, Principal, Role Model, and True Friend of Dinwiddie, County ~**

WHEREAS, the members of the Dinwiddie County Board of Supervisors are devoted to recognizing the achievements of individuals who through their actions have aided in the betterment of our community; and

WHEREAS, R. Beasley Jones, Sr. was born in Richmond, Virginia in 1939 and departed this life on May 13, 2005; and

WHEREAS, R. Beasley Jones, Sr. accepted the position of Principal of Dinwiddie County Senior High School in 1974 and held this position until 1992 performing his duties with steadfast devotion to thousands of students, school staff, and the Dinwiddie County community as a member of Crawford United Methodist Church and Smyrna Baptist Church, the Dinwiddie Ruritan Club, The Dinwiddie Volunteer Fire Department, the Dinwiddie Volunteer Rescue Squad, AARP #1399 and the Tri-City Senior Olympians performing each with a high degree of excellence, professionalism, and compassion; and

WHEREAS, R. Beasley Jones, Sr. served the citizens of Dinwiddie County with the utmost of professionalism and dedication to sound and ethical government from 1979 until 1992 as a member of the Virginia House of Delegates where he demonstrated his keen understanding of state government, while promoting the County's interests; and

WHEREAS, the Board of Supervisors on this 6<sup>th</sup> day of September 2005 is desirous of acknowledging R. Beasley Jones's service to Dinwiddie and further expresses its appreciation to his family for his life's work, his friendship, and his

commitment to sound government through model life actions that truly improved the County and community; and

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County, Virginia, hereby wishes to honor and forever memorialize R. Beasley Jones, Sr. for his many contributions and devoted service to the County of Dinwiddie; and

BE IT FURTHER RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia, that this resolution be presented to the family of R. Beasley Jones, Sr. and a copy spread upon the minutes of this meeting for eternity.

Upon motion by Mr. Stone, seconded by Mr. Haraway, this resolution was adopted.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody  
Nays: None

**6.B. RESOLUTION: ANGELA ORRELL**

Mr. Stone presented the following resolution to Ms. Angela Orrell.

**Resolution  
of the BOARD OF SUPERVISORS of DINWIDDIE COUNTY, VIRGINIA**

**Mrs. Angela M. Orrell  
“From the Seed to the Hand”**

WHEREAS, the members of the Dinwiddie County Board of Supervisors are devoted to recognizing the achievements of individuals who, through their actions, have enhanced the County and the betterment of our community; and

WHEREAS, the members of the Dinwiddie County Board of Supervisors are proud and dedicated to recognizing the rich farming heritage and specially the importance of tobacco as depicted on the County Seal. Tobacco has been the cash crop of the County producing a recorded 1,782 pounds in 1850 to a recorded 2,175,000 pounds of flue tobacco and 37,800 pounds of dark type 21 tobacco in 2004; and

WHEREAS, Mrs. Angela M. Orrell, is a photographer that resides in Darvills, Virginia and is worthy of much recognition for her photo documentary “*From the Seed to the Hand*” that captures in breathtaking and spectacular detail the family and workers of Mr. Garland Spencer “G.S.” Cliborne, a Dinwiddie County tobacco farmer; and

WHEREAS, this photo documentary serves as an excellent memorial of the importance of tobacco and the agrarian heritage of Dinwiddie County; and

WHEREAS, the Board of Supervisors on this 6<sup>th</sup> day of September 2005 is desirous of acknowledging Mrs. Angela M. Orrell for her talented artistic ability and further expresses its appreciation for her commitment and dedication to improving the County through her devotion to excellence and her unquestionable ability; and

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County, Virginia, hereby commends Mrs. Angela M. Orrell for her significant contribution to the County of Dinwiddie; and

BE IT FURTHER RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia, that this resolution be presented to Mrs. Angela M. Orrell and a copy spread upon the minutes of this meeting for eternity.

Upon motion of Mr. Stone, seconded by Ms. Moody, this resolution was adopted.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody  
Nays: None

**6.C. RESOLUTION: GILBERT WOOD**

Ms. Moody presented the following resolution to Mr. Gilbert Wood

**Resolution  
of the BOARD OF SUPERVISORS of DINWIDDIE COUNTY, VIRGINIA**

**Mr. Gilbert Wood**

WHEREAS, the members of the Dinwiddie County Board of Supervisors are devoted to recognizing the achievements of citizens who aided in the betterment of our community; and

WHEREAS, Gilbert Wood has served on the Dinwiddie County Planning Commission for approximately 27 years with distinction and integrity from December 1978 until August 10, 2005; and

WHEREAS, Gilbert Wood has served as Chairman of the Planning Commission for several years during his term as a Planning Commissioner; and

WHEREAS, Gilbert Wood has participated during his term on many special projects to include the development of the Comprehensive Land Use Plan and its updates, the revision of the Subdivision Ordinance, development and adoption of the County Capital Improvement Program process, development of the Route 1 and Route 460 Corridor Enhancement Study Plan, and various amendments to the Zoning Ordinance; and

WHEREAS, the Board of Supervisors on this 6<sup>th</sup> day of September 2005 is desirous of acknowledging Gilbert Wood's service and qualities and further expresses its appreciation for his commitment and dedication to improving the County through his devotion to excellence and his unquestionable ability; and

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

BE IT FURTHER RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia, that this resolution be presented to Mr. Gilbert Wood and a copy spread upon the minutes of this meeting for eternity.

Upon motion of Ms. Moody, seconded by Mr. Haraway, this resolution was adopted.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody

Nays: None

**6.D. RESOLUTION: CATHY CARWILE**

Ms. Carwile was unable to attend the meeting. The following resolution was read by Chairman Moody, and will be presented to Ms. Carwile.

**Resolution  
of the BOARD OF SUPERVISORS of DINWIDDIE COUNTY, VIRGINIA**

**MS. CATHY CARWILE**

WHEREAS, Ms. Cathy Carwile has served as an outstanding employee from July of 1993 to June of 2005; and

WHEREAS, Ms. Carwile has been a dedicated employee who represented the County of Dinwiddie in a professional and helpful manner, serving citizens with respect, and provided excellent assistance to those needing her help; and

WHEREAS, Ms. Carwile was always willing to assist fellow employees with special projects and tasks to help lighten their duties and make their efforts more effective; and

WHEREAS, She, through dedication and diligence, progressed from working as an Account Clerk to Data Processing Coordinator, and on to become the Manager of Information Systems, where she installed the entire county government computer systems, internet system and webpage; and

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors on this 6<sup>th</sup> day of September 2005 desires to express their appreciation to Ms. Carwile for her many years of loyal service to Dinwiddie County, and to extend to her their warmest regards and very best wishes for many years of health and happiness as she enters a new phase of her life; and

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

Upon motion of Mr. Stone, seconded by Mr. Bowman, this resolution was adopted.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody  
Nays: None

**6.E. RESOLUTION: CHESTERFIELD FIRE & EMS**

Chairman Moody presented the following resolution to Michael Hatten, Deputy Fire Chief of Chesterfield Fire.

**Resolution  
of the BOARD OF SUPERVISORS of DINWIDDIE COUNTY, VIRGINIA  
CHESTERFIELD COUNTY FIRE & EMS**

WHEREAS, the members of the Dinwiddie County Board of Supervisors are devoted to recognizing the achievements of those individuals, through their actions have enhanced the County and aided in the betterment of our community; and

WHEREAS, the County of Dinwiddie requested the use of a fire apparatus from Chesterfield County Fire & EMS in April, 2005 in a time of extreme need; and

WHEREAS, Deputy Chief Mike Hatten, Battalion Chief Scott Cooper and Lieutenant Jay Flippin of Chesterfield Fire & EMS recognized this need and without hesitation, insured that this resource was immediately made available to Dinwiddie County; and

WHEREAS, these efforts insured that the citizens of Dinwiddie County had uninterrupted fire services for a period of over three weeks; and

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County, Virginia, hereby expresses its gratitude for the use of the apparatus and the devoted efforts of the officers of Chesterfield County Fire & EMS; and

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

Upon motion of Mr. Bowman, seconded by Ms. Moody, this resolution was adopted.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody  
Nays: None

**6.F. CHESTERFIELD COUNTY: LEGAL ASSISTANCE**

As a representative from legal service in Chesterfield County was unable to attend, Chairman Moody read the following resolution. It will be presented to the Chesterfield Board of Supervisors by the Dinwiddie Board of Supervisor's Chairman and the Dinwiddie Administrative Staff.

**Resolution  
of the BOARD OF SUPERVISORS of DINWIDDIE COUNTY, VIRGINIA  
CHESTERFIELD COUNTY**

WHEREAS, the Dinwiddie County Board of Supervisors are committed to recognizing the services of others who through their actions and support significantly impact the entire County, and

WHEREAS, in January, 2005 Dinwiddie County was without legal counsel, and at the request of the Assistant County Administrator, the Chesterfield County Administrator's office offered their talented and capable legal staffs' assistance until such time as a replacement was found in June 2005; such service's were offered without hesitation and for no compensation, and

WHEREAS, Deputy County Attorney Jeffrey L. Mincks and the staff of the Chesterfield County Attorney's office worked diligently and thoroughly to provide steadfast leadership, sound legal advice, and unequivocal counsel while working countless additional hours without additional compensation, and

WHEREAS, the Chesterfield Board of Supervisors, the Office of the County Administrator, and the County Attorney's Office is worthy of much praise from Dinwiddie County for setting the example of how governmental entities, through generous actions and a commitment to sound, effective, and efficient government, can assure uninterrupted services that created better communities, improved Counties and healthier regions for all of us to live, work and raise a family, and

NOW, THEREFORE BE IT RESOLVED, the Dinwiddie County Board of Supervisors would like to express their appreciation and gratitude for providing this service to the Dinwiddie County Board of Supervisors, staff and citizens alike, and

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

Upon motion of Mr. Haraway, seconded by Ms. Moody, this resolution was adopted.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody  
Nays: None

**7. A. PUBLIC HEARING: P-05-5: NORA D. WELLS, HENRY WELLS, MAURICE AND MARTHA WELLS REZONING REQUEST**

Mr. Scott Wren, Zoning Administrator, presented the case.

The Chairman opened the public hearing for this case.

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Darvin Satterwhite, Attorney for the applicants, stated that there had been some confusion as to the zoning of this property. His clients wish to have it zoned properly as General, A-2, and asked that the Board favorably consider this case.

As there was no one else signed up to speak regarding this case, the Chairman closed the public hearing for this case.

**Planning Summary Report**

<b>File:</b>	P-05-5
<b>Applicant:</b>	Nora Wells, Henry Wells, Maurice and Martha Wells
<b>Address:</b>	13600 Courthouse Road, Dinwiddie, VA 23841
<b>Acreage:</b>	44.65 acres
<b>Tax Map/Parcels:</b>	44-28B, 44-30, 44-30N, & 44-30P
<b>Zoning:</b>	Residential, General R-2 to Agricultural, General A-2

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The applicants, Nora D. Wells, Henry Wells, and Maurice and Martha Wells, are seeking a rezoning of four (4) parcels containing a total of 44.65 acres from Residential, General R-2 to Agricultural, General A-2. The properties are located at 13600 Courthouse Road, Dinwiddie, VA 23841. The properties are further defined as Tax Map 44, Parcels 28B, 30, 30N, and 30P. The County Comprehensive Land Use Plan places these properties within the Community Planning Area and suggests the properties be used for low density residential development which allows a maximum of one dwelling per acre.

The applicant and the applicant's family have owned the property under review for many decades. The property was originally zoned Agricultural, General District A-2 since the adoption of zoning in Dinwiddie County in 1964. The applicant came to the planning department early this year to review the zoning on their properties. The current zoning is Residential, General District R-2. The property owner thought the properties were zoned A-2 and requested staff to research the matter to determine when the properties were rezoned.

The staff reviewed the rezoning matter but found no evidences that show the above referenced properties being rezoned to R-2 which does address a concern of how the properties were rezoned. The requested rezoning is compatible with the other adjacent zoning classification, as well as, it does not cause a conflict with the Comprehensive Land Use Plan.

The Planning Commission heard this case at their July 13, 2005 meeting. The Planning Commission voted unanimously to recommend approval of P-05-5 to the Board of Supervisors.

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Upon motion of Mr. Stone, seconded by Mr. Bowman,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that in order to assure compliance with Virginia Code Section 15.2-2286(A)(7) it is stated that the public purpose for which the Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice that P-05-5 is approved.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody

Nays: None

#### **7.B. PUBLIC HEARING: A-05-8: THOMAS AND SUSAN EDMUNDS ZONING AMENDMENT**

Mr. Scott Wren presented the case.

The Chairman opened the public hearing for this case.

Darvin Satterwhite, Attorney for the applicants, stated that this is a service related business, and has no significant impact on adjoining properties. It is located in a very good location with the type of use that is requested. The property has the advantage of good screening. Although it is a truck/tractor trailer business, he emphasized that they do not have trucks coming and going, delivering and picking up freight. They are merely parked and maintained on the property. He said the port-a-johns for the business are generally stored on the property in the colder months of the year. In the summer most of them are rented out for use on other sites. They are not cleaned on the property; this is simply a storage site. The property has the benefit of good screening. He asked for favorable consideration of this case.

William Tucker – 20806 Baskerville Mill Road – McKenney – spoke in support of this case. He said his home is near the property. He said the business is good for the community and the county. He asked for adoption of the amendment, and also for the conditional use permit.

Cecelia Edmunds – 8319 McKenney Hwy – McKenney – spoke in support of this case. She and her husband own the property adjoining their son's business.

Florence Tunstall – 7920 McKenney Hwy. – McKenney - spoke in support of this case. She said she is the next door neighbor of the Edmunds, and is in full support of their request.

Richard M. Liles – 16107 Eppes Road – Dewitt – spoke in support of this case. He is President and CEO of the Bank of McKenney. He said the business in this case contributes to the county tax base. He said that his comments also stand for the next item on the agenda – the conditional use permit for this business.

Michael W. Bratschi – 23500 Cutbank Road – McKenney – spoke in support of this case. He said he felt this business was needed in the county.

Chip Bain – spoke in support of this case, and also in support of the conditional use permit.

John Edmunds – 8510 McKenney Hwy. – McKenney - spoke in support of this case. He is the adjacent land owner. He stated that the business brings revenue into the county. He said that his brother and sister-in-law are hardworking people, and are very civic minded. He also spoke in favor of the conditional use permit.

Winfried Coleman – 10617 Reams Ave. – McKenney - spoke in support of this case. He is employed with the town of McKenney. He said that he spoke on behalf of the Mayor of McKenney, as he was unable to attend; and on behalf of the Council of McKenney in favor of this case.

Thomas F. Edmunds, III – 8507 McKenney Hwy – McKenney – said he is the owner. He said he grew up working on his family’s dairy farm outside of the town of McKenney. He said that he had fully expected to make farming his life’s profession. However, like many others, he was caught up in the economic downturn in the agricultural field. After farming for 10 years, he found it necessary to leave the way of life he loved, and to start his own business in order to support his family. He said it is his desire to maintain his business in Dinwiddie County. He respectfully asked the Board’s support in this zoning amendment case, and in granting the conditional use permit.

Ruth M. Wray – 10634 Wreath Ave. – McKenney - spoke in support of this case.

The Chairman declared the public hearing closed.

**Planning Summary Report**

**File:** A-05-8  
**Applicant:** Thomas and Susan Edmunds  
**Zoning:** Ordinance Amendment

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The applicants, Thomas and Susan Edmunds, are seeking an amendment to Section 22-71, Permitted Uses, of the Agricultural, General A-2 District such that the following will be added to the permitted uses: Truck/tractor-trailer hauling service and/or port-o-john rental unit business, with a conditional use permit.

The applicant started a “home occupation” business on his property several years ago. The business started out relatively small but the business eventually grew into a much larger operation than intended. With the business expanding, another business developed from the existing business. Now with the expanding of the first business and the addition of a second business, the applicant is in violation of his home occupation permit. The applicant was given several options regarding his business but chose to try and have the property rezoned to Industrial but during the May Planning Commission meeting decided to amend the Permitted Uses in the A-2 district instead.

The proposed amendment seeks to broaden the types of permitted uses which are permitted in the A-2 district. The County’s Zoning Ordinance does not support this type of amendment nor does the Comprehensive Land Use Plan. In the Zoning Ordinance, it clearly states in Chapter 22, Section 22-70, Paragraph 3 of the A-2 district that “The district is established for the specific purpose of discouraging the random scattering of residential, commercial and industrial uses into the area.” The Comprehensive Land Use Plan also supports that statement by stating that “the County wishes to “preserve the rural character of Dinwiddie County which includes agriculture, open space, etc”.

The Planning Commission heard this case at their July 13, 2005 meeting. The Planning Commission voted unanimously to recommend approval of A-05-8 to the Board of Supervisors.

AN ORDINANCE TO AMEND CHAPTER 22, ARTICLE IV, SECTION 22-71, PERMITTED USES, BY ADDING TRUCK/TRACTOR HAULING AND PORT-O-JOHN TOILET RENTAL WITH A CONDITIONAL USE PERMIT TO THE ZONING CODE OF DINWIDDIE COUNTY, VIRGINIA.

Upon motion of Ms. Moody, seconded by Mr. Bowman,

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that the preceding ordinance is adopted.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody

Nays: None

**7.C. PUBLIC HEARING: C-05-3: THOMAS AND SUSAN EDMUNDS CONDITIONAL USE PERMIT**

Mr. Wrenn presented the case.

The Chairman opened the public hearing for this case.

Mr. Satterwhite, attorney for the applicants, said that they have a petition of 390 signatures of adjoining property owners, people in the area and around McKenney, who support the conditional use permit. He said that the applicants concur with the conditions of the conditional use permit.

Cecelia Edmunds – 8319 McKenney Hwy. – McKenney – spoke in support of this case.

Michael W. Bratschi – 23300 Cutbank Road – McKenney – spoke in support of this case.

The Chairman closed the public hearing for this case.

**Planning Summary Report**

File: C-05-3  
Applicant: Thomas and Susan Edmunds  
Zoning: Agricultural, general A-2

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The applicants, Thomas and Susan Edmunds, are seeking a conditional use permit to establish a truck/tractor hauling service and a port-o-john toilet rental unit business on a 22.98 acre portion of their property located at 8507 McKenney Highway, McKenney, VA 23877 slightly west of Sunnyside Road (Route 614). The property is designated as Tax Map 79, Parcel 9E and has a total of 38 acres. The County Comprehensive Land Use Plan places this property within the Rural Conservation Area which allows limited commercial and industrial development.

The applicant started a “home occupation” business on his property several years ago. The business started out relatively small but the business eventually grew into a much larger operation than intended. With the business expanding, another business developed from the existing business. Now with the expanding of the first business and the addition of a second business, the applicant is in violation of his home occupation permit. The applicant was given several options regarding his business but chose to try and have the property rezoned to Industrial but during the May Planning Commission meeting. During that meeting it was decided to amend the Permitted Uses in the A-2 district instead along with allowing their use with a Conditional Use Permit if approved.

The amendment request, A-05-8, was heard prior to this case. In order for the Conditional Use Permit to be issued, the amendment must be adopted by the Board of Supervisors. While it would appear that this case should be heard at a later date, the Planning Commission directed staff to schedule both hearings on the same night.

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The Planning Commission heard the conditional use permit request, C-05-3, at their July 13, 2005 meeting. The Planning Commission voted unanimously to recommend approval of C-05-3 to the Board with the following conditions as amended by staff.

1. Natural screening approved by the Planning Department shall be established/maintained along the front and west side of the property such that view of the uses from Route 40 will be minimal;
2. The uses shall be limited to the truck/tractor-trailer hauling business and the port-o-john toilet unit rental business as

identified in the Land Use Amendment Application; and the following uses as permitted in the A-2 District, Agriculture, General Farming and Forestry.

3. Any expansion of the area needed for the truck/tractor-trailer hauling business and the port-o-john toilet unit rental business shall be toward the rear of the property, away from Route 40; and
4. The applicant shall maintain/obtain all federal/state/local permits needed to operate these businesses.

Upon motion of Mr. Bowman, seconded by Mr. Haraway,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia 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 to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice that A-05-3 is approved as stated by staff, with the following conditions:

1. Natural screening approved by the Planning Department shall be established/maintained along the front and west side of the property such that view of the uses from Route 40 will be minimal;
2. The uses shall be limited to the truck/tractor-trailer hauling business and the port-o-john toilet unit rental business as identified in the Land Use Amendment Application; and the following uses as permitted in the A-2 District, Agriculture, General Farming and Forestry.
3. Any expansion of the area needed for the truck/tractor-trailer hauling business and the port-o-john toilet unit rental business shall be toward the rear of the property, away from Route 40; and
4. The applicant shall maintain/obtain all federal/state/local permits needed to operate these businesses.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody

Nays: None

**7.D. AP-05-1: RANDY HERRING AMENDMENT TO PROFFER STATEMENT #7 (P-04-4)**

**Planning Summary Report**

**File: AP-05-1**  
**Applicant: Randy Herring**  
**Address: 16001 Hamilton Arms Road, DeWitt, VA**  
**Acreage: .59 acre portion of 3.72 acre tract**  
**Tax Map/Parcel: 69(4)1**  
**Zoning: Business, general B-2, with proffers**

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Mr. Wrenn presented the case.

The Chairman opened the public hearing for this case.

Mr. Horwedel stated that this is being viewed as an administrative matter. He said the reason that this case was coming forward was because VDOT identified a need to relocate the driveway. Since this was simply an administrative issue, the Board's approval was requested.

No one was signed up to speak to this case.

The Chairman closed the public hearing for this case.

**SUMMARY**

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The applicant, Randy Herring, is seeking to amend his proffer statement that was accepted by the Board of Supervisors as part of his rezoning application (P-04-4) that was heard at the December 7, 2004 meeting. The change involves proffer #7 such that the location to the entrance will be moved to the front right corner of the property (rather than the left) as required by the Virginia Department of Transportation.

**BACKGROUND**

The Board of Supervisors rezoned a 0.59 acre portion of Mr. Herring's property from agricultural, general A-2 to business, general B-2 with proffers such that Mr. Herring could construct mini-warehouse storage units, only. Proffer #7 required that the "entrance will be located in the left front corner of the property with a minimum of 30 foot wide, VDOT approved entrance". A problem arose with VDOT regarding the location of the entrance such that VDOT is requiring Mr. Herring to locate the entrance on the front right portion of his property. Since the proffers offered to the Board required the entrance be located on the left portion of the property, an amendment to the proffer #7 must be made to change the location of the entrance to the right corner of the property.

**RECOMMENDATION**

Staff recommends approval of the amended proffer due to the following reasons:

1. the change is required by VDOT and, among other reasons, provides a safer access point to the property;
  2. the entrance is moved further from the residential lots located to the east of this site; and
  3. the entrance is located closer to I-85 and Route 1 which is the direction from which most of the traffic will come.
- 

**ANALYSIS**

When this case was initially reviewed, it was thought that the best location for the entrance would be where Mr. Herring's driveway was located. After the entrance was engineered, a few problems arose. The primary problem was obtaining the proper turn radius on the east side of the access road. After considerable study on the situation, it was determined that the best location for the access road would be on the right front of the property.

By locating the access road to the right front of the property, the homeowners located to the east of Mr. Herring's property would derive a benefit since traffic would turn into his property well in advance of their property. Separation of commercial and residential entrances is, in general, assumed to be desirable.

Tax Parcel No. 69-4-1

**AMENDED PROFFERS**

THESE PROFFERS are made this 6<sup>th</sup> day of September, 2005 by RANDY HERRING, owner, with his successors and assigns, the "Owners".

**RECITALS**

- A. Owners legally possess the tract or parcel of land located in Dinwiddie County, Virginia, with an address of 16001 Hamilton Arms Road, DeWitt, Virginia and being Tax Parcel No. 69-4-1, containing approximately 3.72 acres, (the "Property").
- B. The Property is within the Community Planning Area on the County's Comprehensive Plan and is now zoned Business, General B-2. Owners had applied to rezone the Property from Agricultural, General A-2 to Business, General B-2, with proffers (10-21-2004) are amended as follows.
- C. Owners desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned Business, General B-2.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2298 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owners agree that they shall meet and comply with all of the following conditions in developing the Property. The following proffers are amended and fully reinstated as follows:

**AMENDED CONDITIONS**

1. The only use that will be located on the property, if rezoned, is mini-warehouse storage units.

2. The hours of operation will be as follows: Summer: 7:00 am until 8:00pm Winter: 7:00 am until 5:30 pm.
3. Security lights will be installed in various locations, such that there will not be glare off site or direct downward such that light will mostly be contained to site.
4. A 6 foot chain linked fencing to be installed on perimeter of property.
5. Landscaping will be installed across the front in a 10 foot wide area and a short distance on each property sideline.
6. All areas in between buildings and at the end of the buildings will be paved.
7. Entrance will located at the VDOT approved location with a minimum 30 foot wide entrance.
8. The mini storage facility will have 54 units consistent of 10 x 10 units to be constructed in numerous stages.
9. The buildings will be constructed with masonry block with stick built shingled roofing, vinyl sided gables, and metal garage doors.
10. The mini storage sign will be no more than 6 ft. tall and no sign will be placed on top of the buildings.
11. The pond adjacent to the site will be made available to the county if they wish to install a dry fire hydrant.

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Mr. Stone said that he had voted against this case the first time it came through. He stated that he respected VDOT's recommendation so he would abstain from voting.

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Upon motion by Ms. Moody, seconded by Mr. Haraway,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia 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 which Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice that the proffer amendment application AP-05-1 is approved with the amended conditions as included.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Moody  
 Abstain: Mr. Stone

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**7.E. ORDINANCE AMENDMENT ARTICLE II, DOGS GENERALLY, SECTION 4-18, DANGEROUS OR VICIOUS DOGS, OF THE CODE OF THE COUNTY OF DINWIDDIE**

Ms. Deborah Dean, Dinwiddie Animal Control Officer, offered to answer any questions regarding the ordinance.

Mr. Drewry outlined the major provisions of this ordinance.

The Chairman opened the public hearing for this case.

Vernon Woody – 18390 Bishop Street - Dinwiddie – spoke in support of this ordinance. He said that his sons had been chased by dangerous dogs.

John Dalgard – 18408 Bishop Street – Dinwiddie - spoke in support of this ordinance. He said that his dog had been attacked by the same dogs that had chased Mr. Woody's son. He said that these dogs are vicious, and he did not want the children in his neighborhood to be attacked and/or killed by these dogs.

Michael W. Bratschi – 23500 Cutbank Road – McKenney – spoke in support of this ordinance.

Mildred Maddrey – 22416 Shippings Road – McKenney – said she is Vice President, Operations Manager for Safe Shelter Animals Dinwiddie, formerly SOS. She is also a member of Citizens for Better Dinwiddie. She said she supported this ordinance, but had questions. She had concern with hunting dogs on a lawful hunt possibly going onto a person's property and hurting another dog or a person. Also, she was concerned about pit bulls.

Gerri Barefoot – 7411 Frontage Road – Petersburg – spoke in support of the ordinance. She said she also had concerns about the hunting dogs, and about a dog coming on her property and causing injury to her dog.

Mr. Drewry clarified that this ordinance was written verbatim to what Virginia Code will allow. He said that Virginia General Assembly will be looking at giving the county more latitude in writing the ordinance. The nuisance statute is an attempt at a remedy for Dinwiddie County in order to give more room to answer concerns.

The Chairman declared the public hearing closed.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4, ANIMALS AND FOWL, OF THE CODE OF THE COUNTY OF DINWIDDIE, VIRGINIA, BY AMENDING, ARTICLE II, DOGS GENERALLY, BY DELETING IN ITS ENTIRETY, SECTION 4-18, VICIOUS DOGS RUNNING AT LARGE, AND ADDING IN ITS PLACE, SECTION 4-18, DANGEROUS OR VICIOUS DOGS.

**Sec. 4-18. Dangerous or vicious dogs.**

(a) *Dangerous and vicious dog defined.* When used in this section:

"*Dangerous dog*" means a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal, or killed a companion animal; however, when a dog attacks or bites another dog, the attacking or biting dog shall not be deemed dangerous (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the other dog as a result of the attack or bite or (ii) both dogs are owned by the same person. No dog shall be found to be a dangerous dog as a result of biting, attacking or inflicting injury on another dog while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event.

"*Vicious dog*" means a canine or canine crossbreed that has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) continued to exhibit the behavior that resulted in a previous finding by a court or an animal control officer as authorized pursuant to the provisions of subsection (k), that it is a dangerous dog, provided that its owner has been given notice of that finding.

(b) Appearance before district court, production of animal; authority of court to order compliance with chapter or euthanize animal. Any animal control officer who has reason to believe that a canine or canine crossbreed within the county is a dangerous dog or vicious dog shall apply to a magistrate of the county for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this section. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of section 3.1-796.119 of the Code of Virginia.

(c) *Animal control officer may determine a dog to be a dangerous dog.* Notwithstanding the provisions of subsection (b) of this section, the animal control officer may determine, after investigation, whether a dog is a dangerous dog. If the animal control officer determines that a dog is a dangerous dog, he may order the

animal's owner to comply with the provisions of this section. If the animal's owner disagrees with the animal control officer's determination, he may appeal the determination to the general district court for a trial on the merits.

(c) *When animals are not to be considered dangerous or vicious.* No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian, (ii) committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or vicious dog. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, or its owner or owner's property, shall be found to be a dangerous dog or a vicious dog.

(d) *Registration certificate.* The owner of any animal found to be a dangerous dog shall, within ten days of such finding, obtain a dangerous dog registration certificate from the animal control officer for a fee of \$50.00, in addition to other fees that may be authorized by law. The animal control officer shall also provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subsection shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained.

(e) *Conditions for issuance of certificate.* All certificates or renewals thereof required to be obtained under this section shall only be issued to persons 18 years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable, and (ii) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that (i) their

residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property, and (ii) the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation.

(g) *Confinement on premises, leashing/muzzling off premises.* While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.

(h) *Custodial parents/legal guardians responsible for animals of minors.* If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.

(i) *Circumstances requiring notification of animal control authority.* After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, notify the local animal control authority if the animal (i) is loose or unconfined; (ii) bites a person or attacks another animal; (iii) is sold, given away or dies; or (iv) has been moved to a different address.

0) *Penalty for violation of section.* The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this section shall be guilty of a Class 1 misdemeanor.

(k) *Disposition of fees.* All fees collected pursuant to this section, less the costs

incurred by the animal control authority in producing and distributing the certificates and tags required by this section, shall be paid into a special dedicated fund in the treasury of the county for the purpose of paying the expenses of any training course required under section 3.1-796.104:1 of the Code of Virginia.

State law references-Authority to control dangerous or vicious dogs, Code of Va., § 3.1-796.93:1.

Upon motion by Ms. Moody, seconded by Mr. Bowman,

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that the preceding ordinance is adopted.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody

Nays: None

**7.F. ORDINANCE AMENDMENT TO AMEND AND REORDAIN CHAPTER 4, ANIMALS AND FOWL, SECTION 4-7, NUISANCES, OF THE CODE OF THE COUNTY OF DINWIDDIE**

Mr. Drewry identified the major provisions of this ordinance. He stated that this ordinance does not address only dogs. It addresses any animal that is a nuisance.

The Chairman opened the public hearing in this case.

Michael W. Bratschi – 23500 Cutbank Road – McKenney – spoke in support of this ordinance. He asked if this was similar to a leash law. He did have a concern that city ordinances were being imposed on a country lifestyle.

Mrs. Drewry interjected that this is county wide and is different from a leash law. This ordinance allows for an owner to be given a summons that the animal is a nuisance, and then the court decides the case.

Mildred Maddrey - 22416 Shippings Road – McKenney – spoke in support of this ordinance. She expressed concern about restrictions on people in the county regarding their dogs being confined.

Geri Barefoot – 7411 Frontage Road – Petersburg – spoke in support of this ordinance. She asked how many times an animal would have to attack another domestic animal before it would be deemed a nuisance.

Mr. Drewry gave clarification that it would be up to the opinion of the Animal Control Officer, and then up to the opinion of the Court.

Juliaetta G. Rose – intersection of Gatewood Road & Hamilton Arms Road - Dewitt – said that for the past five plus years she and her neighbors have had ongoing problems with goats and cattle going onto their property. She said that these same livestock are frequently in the highway obstructing traffic. She said that three schools use that road to transport children mornings and afternoons.

Mr. Horwedel noted that situations such as Mrs. Rose described could fall under this particular ordinance.

The Chairman closed the public hearing in this case.

There was discussion regarding the problem Mrs. Rose brought forward, and the fact that this is a problem in all different parts of the county.

Mr. Moody expressed that he understood the situation in the county with dogs. However, he had concern that this ordinance would affect people that it shouldn't affect.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4, ANIMALS AND FOWL, OF THE CODE OF THE COUNTY OF DINWIDDIE, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, TO ADD, NUISANCES, SECTION 4-7.

**Sec. 4-7. Nuisances.**

(a) All animal owners shall exercise proper care and control of their animals to prevent

them from becoming a public nuisance. Excessive, continuous or untimely barking, molesting passersby, biting or attacking any person without provocation on one or more occasions, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds or trespassing upon private property in such manner as to damage property shall be deemed a nuisance. Two (2) or more running at large convictions shall also be deemed a nuisance.

(b) Any such person owning any animal constituting a nuisance shall be summoned before the general district court to show cause why such animal should not be confined, destroyed, removed or the nuisance otherwise abated and upon proof that the animal constitutes a public nuisance the animal in question shall, by order of the general district court, either be confined, destroyed, removed or the nuisance otherwise be abated as such court shall order; the court may also impose a fine up to \$100.00 to be paid by the owner or custodian of such animal. It shall be unlawful and shall constitute contempt of court for any person to harbor or conceal any animal which has been ordered destroyed or removed by the general district court or to fail to confine or restrain an animal when such an order has been entered by the court.

(c) If the animal control officer or his duly authorized agent has reason to believe that any animal has, without provocation, attacked or bitten any person, such animal may be taken into custody and confined by the animal control officer pending determination of the courts pursuant to this section.

(d) Any person who owns an animal that has been adjudged a nuisance pursuant to this section by the general district court and who appeals that decision to the circuit court shall be responsible for the fees connected with the impounding of the animal by the animal control officer. The animal control officer or owner shall confine such animal during pendency of the appeal to prevent a reoccurrence of the nuisance. If on appeal the circuit court determines that the animal is not a nuisance, no such fees for the impounding of the animal shall be imposed.

Upon motion by Ms. Moody, seconded by Mr. Haraway,

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County the preceding ordinance is adopted.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone,  
Abstain: Mr. Moody

**8. A. ACTION ITEM: APPOINTMENTS: PLANNING COMMISSION & FINANCE COMMITTEE**

Upon motion of Ms. Moody, seconded by Mr. Bowman,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the nomination of Calvin Wayne Cunningham to serve on the Planning Commission to represent District 4 is approved.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody  
Nays: None

Upon motion of Mr. Haraway, seconded by Ms. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the nomination of Donna A. Barwick to serve on the Finance Committee is approved.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody  
Nays: None

**8.B. ACTION ITEM: PERSONNEL: COMPENSATION FOR 24/7 EMERGENCY SERVICES EMPLOYEES**

At their December 21, 2004 meeting, the Board approved cash overtime payments, rather than the accrual of compensation time for 24/7 employees in Emergency Services. It was determined that it is more cost efficient to pay out the overtime as it is earned. Allowing the accumulation of comp hours, which are taken at a later date at a

potentially higher hourly wage, leads to the subsequent accrual of more comp time by the employee filling the shift. A cycle of accumulating comp time occurs.

We are asking that this same policy apply to holiday compensation for 24/7 employees in the Public Safety and Sheriff's departments. Employees working the holiday would be paid at an overtime rate for the 8 hours of the holiday. Those employees not scheduled to work the holiday would receive 8 hours of straight time. No accrual of holiday hours would occur. Public Safety and the Sheriff both budgeted enough in FY 2005-06 to cover cash payment of holidays worked.

Upon motion of Mr. Haraway, seconded by Ms. Moody

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that cash overtime payments apply to holiday compensation for 24/7 employees in the Public Safety and Sheriff's departments is approved.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody

Nays: None

#### **9. CITIZEN COMMENTS:**

1) George Hobbs – Petersburg – said he had made a complaint about the Sheriff's Department before, and is back again to make complaint about the same problem.

2) Geri Barefoot – 7411 Frontage Road – Petersburg – said that slabs are ready to be put up at the animal shelter. She also asked whether Dinwiddie County has a Charter.

3) Michael Bratschi – 23500 Cutbank Road – McKenney – spoke about the ordinance Richmond and Chesterfield had adopted on their DUI statute to recover monies from people convicted of DUI's, reckless operations, suspended license, etc. He asked if Dinwiddie could adopt such an ordinance. He spoke against the county government's response to Hurricane Isabel. He also spoke regarding exception to ordinances.

#### **10. COUNTY ADMINISTRATOR COMMENTS**

Mr. Horwedel said he had a request for a representative from the Board of Supervisors to serve on the Rowanty Technical Center Capital Improvement Board. Also, he said he needed to schedule a meeting with the School Board, the IDA, the Water Authority and the Board of Supervisors. September 15, 2005 at 7:00 P.M. was agreed upon. He stated Dinwiddie had been challenged, along with all the other counties in Virginia, by Brunswick County to match a commitment of \$25,000 that is funneled through VACO, and on through the National Organization of Counties to the Red Cross. He asked if the Board was interested in following up on this request. Mr. Moody said he would like to see it on a future agenda to discuss.

Secondly, related to the hurricane relief effort, he asked Chief Hale to speak to the Board regarding a request.

Chief Hale stated that the State of Virginia has received an Emergency Services System Contract requesting 1,000 firefighters be sent to the State of Louisiana to relieve their firefighters. When those come through, if a locality has five who want to go, then those are combined from each locality until the requested amount is reached. The Crater Region Emergency Services, which includes Colonial Heights, Hopewell, Petersburg, Prince George, Dinwiddie and Fort Lee, met and decided that they would like to send 10 to 15 people at a time. This would be as a group, so that no one locality would be bearing more than two or three people gone at one time. Dinwiddie bears no personnel cost to send firefighters because they are volunteer. Dinwiddie does not have the career staff to spare to send at this time. In order to do this, an agreement is entered with the State of Virginia to send the person. This would offer the person the same protection there, as they would receive if working here. The upfront expenses for travel, lodging, meals, etc. would be reimbursable when they return, and a request for reimbursement is issued. Also, he asked if a county vehicle, which is reimbursable, could be used to get them there. There will be a wait for the reimbursement.

Mr. Stone expressed concern about the possibility of getting transfers from Texas into the county, and that the Fire and EMS would be overtaxed.

Chief Hale said that at any time we can say we are not able to send anyone.

Mr. Horwedel said that this is the first request that has come. He said that he shared Mr. Stone's concern about the amount of coverage the county will have to provide long term. However, he said he didn't think that would be happening immediately. He said that, as he understood it, the influx of refugees would trickle in over the next few months. He said he felt it was worthwhile to participate in order to show a regional cooperation, and to assist one of our sister states.

Upon motion of Mr. Haraway, seconded by Mr. Bowman

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Dinwiddie County Administration is authorized to sign an Emergency Services System Contract to provide two volunteers to serve for a minimum of fourteen days to assist in providing hurricane disaster relief to the State of Louisiana.

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Moody

Nays: Mr. Stone

#### **11. BOARD MEMBER COMMENTS**

Mr. Stone – asked if administrative staff would give an update at the next meeting on the laundry list items. Also, he asked when requesting information from the School Board, is there a verbal agreement that any board member should contact our Chair and go through their Chair to request information. He said he had received a letter that stated that several years ago a verbal agreement had been reached. He said that presently he does hold a monthly meeting with his school board member. According to the letter, if the agreement was made at the previous boards, he will have to take notes and submit them to Chairman Moody. Mr. Moody said that in past years, if a board member had something they wanted to go to the board it was submitted to the Board of Supervisors Chairman. He then submitted it to the Chair of the School Board. Also, the County Administrator would be in contact with the School Board. Mr. Stone asked status of revision to county employees' descriptions to include their emergency duties.

Chief Hale said that the contractor is still working on this. He said that the contractor said that if there becomes an issue with hurricane season, that all the resources of that contractor would also be available, as well as the county's own staff.

Mr. Stone addressed the conflict of interest that Mr. Bratschi had mentioned regarding Mr. Stone voting on the Edmunds case as a relative of the Edmunds. Mr. Stone stated that he had talked with the attorney to ascertain as to whether it was a conflict of interest. Once he had made sure that it was not, he was obligated as a representative of the business people to vote.

Mr. Haraway – addressed the comment by Mr. Bratschi saying that he had hired Ms. Howerton. He said he knew the Board members knew this was not true. However, because there were people at the meeting who did not know, and might believe what was said, he wanted the audience to know. Although he was Senior Vice President of Southside Regional Medical Center and Ms. Howerton was head of the accounting department there, she applied on her own for the vacancy here in the county. The Board of Supervisors interviewed a minimum of three individuals for the position of Finance Director. He said that he did not vote. The other four voted to hire. Therefore, he did not want the people to leave the meeting with the impression that he had hired his co-worker from Southside Regional Medical Center.

Mr. Moody – said he received a package from the US Department of Interior stating that the National Park Service had completed their study of the Petersburg Battlefield, and are nominating the area in Dinwiddie County at the intersection of Duncan Road and Boydton Plank Road. He also congratulated Dinwiddie Social Services staff on the efforts made toward contribution to the Central Virginia Food Bank. This year, with only three months into the fiscal year of 2005, Dinwiddie donated 37,629 pounds of food.

#### **ADJOURNMENT**

Motion to adjourn by Mr. Stone, seconded by Mr. Bowman,

Ayes: Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Stone, Mr. Moody  
Nays: None

The meeting was adjourned at 10:30 P.M.

\_\_\_\_\_  
Harrison A. Moody, Chairman

ATTEST: \_\_\_\_\_  
Gregory Horwedel  
Clerk to the Board

/wjn