

VIRGINIA: AT THE REGULAR MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 19TH DAY OF APRIL AT 3:00 P.M.

BOARD OF SUPERVISORS
PRESENT:

DORETHA E. MOODY- CHAIR	ELECTION DISTRICT #4
JOHN V. TALMAGE – VICE CHAIR	ELECTION DISTRICT #3
HARRISON A. MOODY	ELECTION DISTRICT #1
DONALD L. HARAWAY	ELECTION DISTRICT #2

ADMINISTRATION

PRESENT: W. KEVIN MASSENGILL, COUNTY ADMINISTRATOR
ANNE HOWERTON, DIVISION CHIEF OF FINANCE AND GENERAL SERVICES
JOHN C. BLAIR II, COUNTY ATTORNEY

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1.2.& 3. ROLL CALL – INVOCATION – PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mr. Haraway
Mr. Moody
Mr. Talmage
Ms. Moody

4. AMENDMENTS TO AGENDA

W. Kevin Massengill, County Administrator, stated that the agenda needed to be amended to include the following: Under Action Items: Adoption of Local Emergency Declaration; and under Closed Session: Public Safety needed to be added under §2.2-3711 (A)(7) Legal Consultation.

Upon motion of Mr. Moody, seconded by Mr. Talmage,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the agenda is amended as stated.

Ayes: Mr. Haraway, Mr. Moody, Mr. Talmage, Ms. Moody
Nays: None

5.A. CONSENT AGENDA: APPROVAL OF MINUTES FOR JANUARY 20, 2011 SPECIAL MEETING

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the January 20, 2011 Special Meeting Minutes are approved.

Ayes: Mr. Moody, Mr. Haraway, Mr. Talmage, Ms. Moody
Nays: None

CONSENT AGENDA: APPROVAL OF MINUTES FOR JANUARY 21, 2011 SPECIAL MEETING

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the January 21, 2011 Special Meeting Minutes are approved.

Ayes: Mr. Moody, Mr. Haraway, Mr. Talmage, Ms. Moody
Nays: None

CONSENT AGENDA: APPROVAL OF MINUTES FOR FEBRUARY 9, 2011 SPECIAL MEETING

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the February 9, 2011 Special Meeting Minutes are approved.

Ayes: Mr. Moody, Mr. Haraway, Mr. Talmage, Ms. Moody
 Nays: None

**CONSENT AGENDA: APPROVAL OF MINUTES FOR FEBRUARY 15, 2011
 REGULAR MEETING**

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the February 15, 2011 Regular Meeting Minutes are approved.

Ayes: Mr. Moody, Mr. Haraway, Mr. Talmage, Ms. Moody
 Nays: None

5. B. CONSENT AGENDA: CLAIMS

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following claims are approved and funds appropriated for same.

Ayes: Mr. Moody, Mr. Haraway, Mr. Talmage, Ms. Moody
 Nays: None

CLAIMS	3/11/11	3/18/11	3/25/11	4/1/11	4/8/11	PAYROLL 3/31/11	TOTALS
	Void 1077094	Void 1077182	Void 1077261	Void 1077364	Void 1077422	Void 1077339	
	1077095- 1077181	1077183- 1077260	1077262- 1077338	1077365- 1077421	1077423- 1077517	1077340- 1077363	
101 - General Fund	\$72,512.49	\$241,546.92	\$54,582.33	\$94,515.94	\$272,521.59	\$922,010.77	\$1,585,177.55
103 - Jail Commission	\$589.03		\$589.35			\$325.07	\$914.42
104 - Sesquicentennial Committee				\$95.15			\$95.15
105 - Recreation							\$0.00
202 - Medical Center							\$0.00
209 - Litter Grant Fund							\$0.00
210 - Community Development							\$0.00
219 - CSA				\$200.00	\$600.00		\$800.00
226 - Law Library							\$0.00
228 - Fire Programs & EMS	\$2,194.01	\$4,053.35	\$343.35				\$4,396.70
229 - Forfeited Asset Sharing Program	\$113.50	\$79.50	\$5,949.50	\$2,368.63			\$8,397.63
301 - School Construction		\$2,576.00					\$2,576.00
305 - Capital Projects Fund	\$12,936.61	\$12,334.44	\$20,751.90	\$24,659.46	\$20,655.85		\$78,401.65
401 - County Debt Service				\$66,153.40	\$14,760.00		\$80,913.40
3-101 - Revenue Refund	\$1,322.19	\$25.00	\$630.00		\$75.00		\$730.00
TOTALS	\$89,667.83	\$260,615.21	\$82,846.43	\$187,992.58	\$308,612.44	\$922,335.84	\$1,762,402.50

5. C. CONSENT AGENDA: SCHOOL BOND REQUISITION FROM PROJECT FUND
FH-25

The Board received the following requisition from William David Clark, Superintendent of Schools. This requisition was approved by the School Board at their meeting on Tuesday, April 12, 2011.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$22,031.24 from the VPSA 2007 Bonds, is approved.

Ayes: Mr. Moody, Mr. Haraway, Mr. Talmage, Ms. Moody
Nays: None

No. FH-25

REQUISITION FROM THE PROJECT FUND

Note/Bond Account

Industrial Development Authority of Dinwiddie County, Virginia
VPSA 2007 Bonds

TO: PFM Asset Management

FROM: The Industrial Development Authority of Dinwiddie County, Virginia,
Project Fund

DATE: April 12, 2011

The undersigned Authorized County Representative requests that you make the following disbursements from the referenced Project Fund:

<u>AMOUNT</u>	<u>TO</u>	<u>PURPOSE</u>
\$ 22,031.24	Haley Builders, Inc.	Construction Administration
\$ 22,031.24	TOTAL OF THIS REQUISITION	

5.D. CONSENT AGENDA: AMBULANCE BILLING UNCOLLECTIBLE ACCOUNTS –
FEBRUARY 2011

The Board received the memo below from Anne Howerton, Division Chief of Finance and General Services.

The ambulance billing company, Fidelis, has 235 patient accounts totaling \$100,844.82 which they have deemed to be uncollectible. They would like approval from the Board to write these accounts off as bad debt. Fidelis has followed their protocol of sending four bills to the patients, and they will turn these accounts over to the County if they aren't approved for write off. Most of these patients have been determined to be self pay or are deceased. Our recommendation is to write off the \$100,844.82 as bad debt in keeping with the Board's previous policy of writing off self-pay ambulance accounts.

	Feb-11
Accounts Receivable Beg Balance	446,673.84
Monthly Billings	69,658.19
Cash Collections	-40,373.87
Contractual Adjustments	-10,213.40
	-
Bad Debt Write Off	100,844.82
Other Adjustments	-448.68
Refunds	0.00
Accounts Receivable End Balance	364,451.26
2/1/03 to 2/28/11 Ratios	
Collections / Total Billing	48.94%
Bad Debt Write Off / Total Billing	22.37%

We are asking for approval of the following resolution:

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

BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County, Virginia does hereby authorize Fidelis to write off the 235 accounts totaling \$100,844.82 in uncollectible ambulance charges.

Ayes: Mr. Moody, Mr. Haraway, Mr. Talmage, Ms. Moody
 Nays: None

6.A. REPORT: VIRGINIA DEPARTMENT OF TRANSPORTATION

The Board received the report below from VDOT.

MAINTENANCE	Ray Varney, P.E.
<ul style="list-style-type: none"> • Patching potholes • Replacing culverts (preparing a new contract for additional culvert replacement) • Machining gravel roads • Responding to citizen requests • Removing hazardous trees • Leveling secondaries with asphalt • Repair pavement 	
LAND DEVELOPMENT & PERMITS	Brian Lokker, P.E.
<ul style="list-style-type: none"> • No significant updates at this time. 	
CONSTRUCTION	Mike Saunders
<p><u>9999-964-729, N501</u> (Pipe Replacement Petersburg Residency), various routes</p> <ul style="list-style-type: none"> • Contractor has begun staking out for the pipe replacements. • Fixed Completion Date: 4/22/2011 <p><u>Plant Mix Schedule – Various Routes</u></p> <ul style="list-style-type: none"> • Contract to begin sometime this spring. • Fixed Completion Date has been extended to June 15, 2011. 	
TRAFFIC STUDIES/SPECIAL REQUESTS	Robert Vilak
<ul style="list-style-type: none"> • Intersection of US 460 & 627 (Courthouse Road) – Installation of overhead flashing beacons - construction anticipated to begin in August 2011. 	
PROJECT STATUS	Kerry Batten
<ul style="list-style-type: none"> • No significant updates at this time. 	

Mr. Massengill stated that as this was the month that there was no VDOT representative present, did the Board have any comments, questions or maintenance requests that they wished him to pass on to Mr. Crandol.

Mr. Moody commented that it was good to see the work on Rt. 460/627 that VDOT was doing for safety reasons.

6.B. REPORT: VIRGINIA TOBACCO INDEMNIFICATION AND REVITALIZATION COMMISSION

As Mr. Neal Noyes, Executive Director, was unable to attend the meeting as scheduled, Mr. Ned Stevenson, Deputy Director of the Commission spoke to the Board. Mr. Stevenson discussed the following concerning the Virginia Tobacco Commission: it has been in existence for approximately 12 years and holds a significant amount of resources that are entrusted to a 31 member board. A portion of those resources are specifically earmarked for use only in Dinwiddie County (there are other resources that the county has access to, but one particular resource is earmarked only for Dinwiddie's use). He discussed how projects that are presented are approved by the Commission. The Commission tries not to overreach into County business by telling the County what should be done. The decision for expenditure of the money after the County has made a request is a matter of majority vote among the Commission. Dinwiddie is one of the counties that has a fairly significant allocation – tied to the volume of tobacco production historically.

Mr. Moody asked Mr. Stevenson to discuss some of the different types of grant fundings that are available.

Mr. Stevenson stated that the Commission's statutory purpose is to revitalize the tobacco belt. In pursuing that task the Commission has divided its resources into several "buckets" of money designed for that purpose. He discussed the following: the education "bucket" (funds dedicated for educational purposes with equal access among all the counties in the tobacco belt; the Southside Economic Development "bucket" (where monies are specifically earmarked for each county); there was a time when there was a technology "bucket" (a lot of money was spent establishing broadband networks throughout the region – that committee has been retired); a research and development fund (designed to put monies into research and development projects throughout the region that can lead to commercialization and jobs); the special projects fund (purpose is to fund projects where several counties together are trying to work on a regional project); and the tobacco region opportunity fund (monies that the county has access to in order to give the funding to private entities who promise to hire people and invest in taxable assets in the community – similar to the Governor's Opportunity Fund).

Mr. Moody asked Mr. Stevenson to discuss the types of projects that are eligible for the Southside Economic Development Fund.

Mr. Stevenson stated that the Commission can do anything it wants to do; so he said he would not say they would not put money in a school for instance. Having said that, he stated that the Commission has set forth an objective for the Southside Economic Development Committee; and those funds are available to do any project that has the prospect of resulting in jobs, capital investment, and taxable assets. Most of those monies go into what are called "hard assets" (capital improvements, on the ground in Dinwiddie County that cannot be taken away from the County). The Commission tries to stay away from salaries and soft costs, and other expenditures that can evaporate and not result in anything for the county. He stated that generally speaking, it is economic development infrastructure.

Mr. Haraway asked how the Tobacco Commission feels about financing speculative shell buildings.

Mr. Stevenson responded that the financing or building of shell buildings on a speculative basis is a somewhat controversial topic within the economic development community. Some believe that you must "build it and they will come". Others view that to be too speculative, and occasionally reckless. He stated that the Commission has found over the years that when commercial prospects coming "knocking" and they need a place to go, and if there are two communities they are looking at – and one of them is showing them "pine trees and broom straw" and the other is showing them a graded pad with water and sewer and ready to go – you almost know where they will go every time. So the Commission has funded a number of shell buildings in its history. They have been very cool to that idea in the last several years, because the inventory appears to be adequate at this particular time. He said he would not say they would not do it; but they have been adverse to that in recent years.

Mr. Massengill said that from time to time the County gets the question asked: specifically what was the source of the funds that made the Tobacco Commission form?

Mr. Stevenson stated that in the late 1990's all of the attorneys general in the United States together sued the tobacco industry for damage to the nation's health as the result of cigarette smoke. They won that lawsuit. The courts directed that the cigarette companies must take a portion of their profits and return them back to states to compensate the states who supply medical care for sick people. Every year the tobacco industry writes a large check to every state in the country; and the Tobacco Commission holds Virginia's share of that resource. Each state was free to do with that money as they pleased. Some states dropped it into their budget gap; others gave it to agriculture; and some put it into health care. Virginia created the Tobacco Commission; placed this money in the Commission; and instructed the Commission to take steps to help the tobacco belt move away from dependence on tobacco, and into modern economic industries. Mr. Stevenson said that the Virginia legislature broke the money down to what is called 50/40/10 (50% to the Tobacco Commission; 40% to the Health Care Fund in Virginia; and 10% to the Tobacco Settlement Foundation, which is now called the Foundation for Healthy Youth with the mission to teach children not to smoke). He stated that the Tobacco Commission receives an annual payment, and about three years ago the Commission took that annual payment and securitized it and sold it into the bond market (and captured a \$1M purchase price which the Commission now holds and the payment stream goes to the bond holders). They are working off of that endowment (which was a billion dollars – approximately 1/3 of that has been used with 2/3 remaining).

7.A. ACTION ITEM: ADOPTION OF LOCAL EMERGENCY DECLARATION

The agenda was amended to add this item. Dennis Hale, Division Chief of Fire & EMS presented the information below.

BACKGROUND

On April 16, 2011 at approximately 1640 hrs, central portions of Dinwiddie County were struck by an EF 1 Tornado. This tornado travelled 8.5 miles through the County damaging 45 homes and 90 plus ancillary structures. Estimated damages are put at 1.2 million dollars. In response to this tornado the Director of Emergency Management, W. Kevin Massengill, County Administrator, declared a local state of emergency pursuant to the State Emergency Services and Disaster Laws Section 44-146.21.

In response to that declaration the local governing body must confirm the declaration within 14 days.

REQUESTED ACTION

Confirm the Declaration of the Local Emergency issued on April 16, 2011 in response to a tornado in central Dinwiddie County.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Declaration of the Local Emergency resolution is adopted as presented.

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

Nays: None

DECLARATION OF THE LOCAL EMERGENCY

WHEREAS, the Board of Supervisors of the County of Dinwiddie does hereby find that:

1. Due to damage secondary to a tornado and severe thunderstorm within the county; and
2. Due to damage caused by said tornado and severe thunderstorm, a significant hazard exists to health, property and the environment necessitates the proclamation of the existence of an emergency;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that an emergency existed on April 16, 2011, and continues to exist throughout said County; and the Board of Supervisors ratifies all actions taken thus far; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said emergency the powers, functions, and duties of the Director of Emergency Management and the Emergency Management organization of the County of Dinwiddie shall be those prescribed by the laws of the Commonwealth of Virginia and the ordinances, resolutions, and approved plans of the County of Dinwiddie in order to mitigate the effects of said emergency.

Dated: April 16, 2011

Dinwiddie County Board of Supervisors

Doretha Moody, Chair

John Talmage, Vice-Chair

Donald L. Haraway

Harrison A. Moody

7.B. ACTION ITEM: ADMINISTRATIVE PROFESSIONALS RESOLUTION

Gail F. Vance, Human Resources Director, presented the resolution below to the Board.

Upon motion of Mr. Moody, seconded by Mr. Talmage,

ADMINISTRATIVE PROFESSIONALS WEEK 2011

WHEREAS, Administrative professionals play an essential role in coordinating the office operations of businesses, government, educational institutions, and other organizations; and

WHEREAS, the work of administrative professionals today requires advanced knowledge and expertise in communications, computer software, office technology, project management, organization, customer service and other vital office management responsibilities; and

WHEREAS, Administrative Professionals Weeks is observed annually in workplaces around the world to recognize the important contributions of administrative support staff and is sponsored by the International Association of Administrative Professionals; and

WHEREAS, the theme of Administrative Professionals Week 2011 is "Purpose and Passion" reflecting how today's career-minded administrative professionals are advancing their careers and the profession as a whole through a purposeful commitment to and a passion for their careers through improving and expanding their skills; and

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County, Virginia does hereby proclaim the week of April 24-29, 2011 as Administrative Professionals Week, and Wednesday, April 26, 2011 as Administrative Professionals Day, saluting the valuable contributions of administrative professionals in the workplace. And, we call on all employers to support continued training and development for administrative staff, recognizing that a well-trained workforce is essential for success in today's business world.

Ayes: Mr. Haraway, Mr. Moody, Mr. Talmage, Ms. Moody
Nays: None

7.C. ACTION ITEM: VIRGINIA PUBLIC SERVICE WEEK

Gail F. Vance, Human Resources Director, presented the resolution below to the Board.

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

PUBLIC SERVICE WEEK 2011

WHEREAS, the citizens of Dinwiddie County are served every day by state, and local public servants who do the work that keeps our Commonwealth and county moving forward in an efficient and effective manner with the utmost of dedication, pride and commitment to all its residents; and

WHEREAS, state and local public servants at all levels provide numerous public services that improve Virginians' quality of life in such areas as education, technology, public safety, medical care, transportation, economic development, natural resources, recreation, finance; and

WHEREAS, state and local entities provide the public with copious resources and assistance opportunities, and thousands of state and local employees are expert at educating Virginians and helping them utilize the public service programs designed to strengthen our great Commonwealth's families and communities; and

WHEREAS, Public Service Week is set aside each year to recognize our Commonwealth's local government employees for their outstanding service to the citizens of Virginia, and awards will be given to those employees who have consistently performed beyond the expectations of their employers, co-workers, and the general public;

NOW, THEREFORE, the Board of Supervisors, does hereby recognize May 2-6, 2011 as **PUBLIC SERVICE WEEK** in Dinwiddie County, and we call this observance to the attention of all our citizens.

Ayes: Mr. Moody, Mr. Haraway, Mr. Talmage, Ms. Moody
Nays: None

7.D. ACTION ITEM: BUSINESS APPRECIATION WEEK RESOLUTION

Greg Reid, Director of Economic Development, presented the resolution below to the Board. Mr. Reid stated that Governor McDonnell has designated May 2-6, 2011 as Business

Appreciation Week in the Commonwealth, and the resolution before the Board is to do the same. He stated that the office of Economic Development is collaborating with the Dinwiddie Chamber of Commerce to put on two programs for small businesses. May 11th there will be a seminar on how to establish a franchise business. The week of June 13th there will be an "Entrepreneur Express" seminar on how to start a business (how to write a business plan, marketing, human resources, etc.).

Upon motion of Mr. Moody, seconded by Mr. Talmage,

Certificate of Recognition
BUSINESS APPRECIATION WEEK 2011

WHEREAS, Virginia businesses play a pivotal role in strengthening our Commonwealth by embracing job creation, innovative technologies and employing a diverse workforce to preserve the economic well-being of all our citizens; and

WHEREAS, the Commonwealth and the County of Dinwiddie is pleased to recognize the accomplishments of our entrepreneurs, especially our many small and existing businesses that contribute greatly to the economic recovery of our Commonwealth; and

WHEREAS, Business Appreciation Week offers the citizens of the Commonwealth and the County a unique opportunity to recognize businesses for the essential role they play in moving Virginia forward; and

WHEREAS, the theme for Business Appreciation Week 2011 is "Entrepreneurship and Innovation for a Sustainable Future," and this focus enables us to celebrate the many ways in which entrepreneurs positively impact state and local government, major industries, as well the lives of individuals in communities throughout Virginia; and

NOW, THEREFORE, We, the Board of Supervisors of the County of Dinwiddie, do hereby join Governor Robert F. McDonnell in recognizing May 2-6, 2011 as **BUSINESS APPRECIATION WEEK** in the **COUNTY OF DINWIDDIE** and the **COMMONWEALTH OF VIRGINIA**, and call this observance to the attention of all our citizens.

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

Nays: None

7.E. ACTION ITEM: APPROPRIATION RESOLUTION FOR HIGH SCHOOL FIELD HOUSE

The Board received the memo below from W. Kevin Massengill, County Administrator.

BACKGROUND

As you are aware, the Dinwiddie County School Board has invested funds to make improvements at the Dinwiddie County Football Field Complex. Specifically, they have completed the first phase including site work, utilities upgrades, ticket booths and some ADA compliance issues.

The proposal for the next phase is to begin work on a new field house. This phase consists of completing the building pad, erecting a metal building and the plumbing rough-in.

The final phase will include interior walls, electrical, plumbing and HVAC work to the building. This phase is to be completed when additional funds are made available through donations and Athletic funds. The school administration intends on using their Maintenance Department and volunteers for this phase.

LAST BOARD ACTION

At the April 11, 2011 continuation meeting, the Board discussed making an appropriation from the General Fund Balance in the current FY11 budget to support the construction of a new field house at the Dinwiddie County High School Football Field.

Specifically, Supervisor Haraway suggested that the Board remove from the proposed FY12 Capital Improvements Plan (CIP) \$127,500 designated for lights at the Dinwiddie County Sports Complex Soccer Field. In return, the Board would appropriate \$127,500 in the current fiscal year to assist the Dinwiddie Public Schools with the construction of the new field house. Supervisor Haraway further requested that the Dinwiddie County School Board match the Board

of Supervisors' \$127,500 FY11 appropriation with \$127,500 from potential savings in their yearend budget (in the event such funds are available). The Board unanimously agreed to act on the proposed appropriation amendment at their April 19, 2011 regular meeting.

REQUESTED ACTION

We are asking for approval of the following resolution.

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, does hereby approve and appropriate a transfer of \$127,500 from the Undesignated General Fund balance to the Dinwiddie County High School Field House project in the School Construction Fund.

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

Nays: None

8. CITIZEN COMMENTS

The Chair opened the citizen comments period and read the following statement.

The Board of Supervisors desires to provide an opportunity for citizens to express their views on matters pertaining to Board issues that are not listed under the Public Hearings portion of this meeting. It is for that purpose the citizens comment period is provided. This time is not intended to be a question and answer period or time for dialogue with Board members or staff. Citizens desiring to address the Board must sign up prior to the commencement of the meeting. Comments must be confined to matters germane to the business of the Board. Citizens should address the Board with decorum. Loud, boisterous or disruptive behavior, obscenity and vulgarity should be avoided; as well as other words or acts tending to invoke violence or deemed to be a breach of the peace. Please do not forget that all comments shall be directed to the Board Chair.

1. A. Conn – Chesdin Forest – spoke regarding code enforcement of violations in his neighborhood. He said there has been no change.
2. John Wamsley - 2619 Oxford Drive – said it had been reported on the news that the Red Cross had not received a request from Dinwiddie County for assistance after the tornado. He asked if anything was being done for the people who had been affected.
3. Robert Hoyle - 22717 Old Vaughan Road – said that in regards to filling the 5th district vacancy, he had found that State law (as he understood it) gives the responsibility of filling that interim seat to the Board of Supervisors. He asked if during the Board member comments if the members would be so kind as to respond to whether anyone other than the supervisors and legal counsel would be present during the closed session portion of the discussion regarding the appointment of the interim seat.

As no one else was signed up to speak, the Chair closed the citizen comments period.

9. COUNTY ADMINISTRATOR COMMENTS

W. Kevin Massengill, County Administrator, stated that since the recent tornado the primary objective has been to try to help the people who had been tragically affected by the incident. He commented that shortly after the tornado touched down, the objective of the Sheriff's office and those working the Emergency Operations Center was considering what could be done during and after this event to make sure people are protected, evacuated, and how to get to them. He stated that Alvin Langley, Chief of the Ford Volunteer Fire Department, and Josh Stout, with the McKenney Volunteer Fire Department did a significant job in working this event. He said volunteers came out; local businesses (unsolicited) checked in to see what they could do and wanted to help provide food for the volunteers. There is still one individual in care of the Red Cross. VDOT helped out. He said many volunteers came out to see how they could help.

Mr. Massengill stated that a proposed budget ad will go in the paper the following week. He said that there will be a ribbon cutting ceremony on May 10th at 10:30 a.m. at the Southern Dominion Health System Medical Center. Delegate Dance is scheduled to be the keynote speaker at that event. The County has received two technical assistance grants from the Cameron Foundation: \$15,000 for a data collection grant, and \$15,000 for an update to the Comprehensive Land Use Grant and Strategic Plan. *Dinwiddie County on the*

Eve of the War, a play of secession and civil war will be put on at the Old Courthouse on April 30th (two presentations – one at 4:30 pm. and one at 7:30 p.m.) sponsored by the Sesquicentennial Committee in conjunction with the Historical Society. The admission price is \$5.00 and proceeds go to the Sesquicentennial Committee. The County Attorney is participating in the drama.

Mr. Massengill responded to Mr. Hoyle's question about the closed session meeting in the process of filling the 5th district seat. He stated that staff would not be participating in the closed session, except for legal counsel.

Mr. Massengill stated that Mr. Blair, County Attorney, would like to make a statement regarding redistricting.

Mr. Blair stated that each Board member had come to a redistricting hearing the previous Tuesday. There was a plan that was voted out of that committee for the Board's presentation. The presentation will need to be given for a Board vote the first week of May. He asked if either May the 2nd or May 4th would work for the entire Board to meet. As neither day worked, it was the consensus for the Board to meet on Thursday, May 5, 2011 at 7:00 p.m. for the redistricting ordinance public hearing.

10. BOARD MEMBER COMMENTS

Mr. Talmage said his appointment was decided among the Board members when he was appointed to fill the 3rd district seat.

Mr. Haraway said that the vote for the 5th district seat will take place in open session. He stated that he would like to officially announce that he will not seek reelection to the Board of Supervisors for district 2. He said he plans to finish his current 4-year term that will end on December 31, 2011. He has spent 17 years on the Board of Supervisors. He thanked the Board members, administration and staff and his fellow citizens who have worked with him over the years. He said he shall always remember the friendliness and kindness that has been extended to him.

Mr. Talmage stated that he had enjoyed working with Mr. Haraway and considered him a good friend.

Mr. Moody echoed Mr. Talmage's thoughts. He said it had been a pleasure working with Mr. Haraway.

Mr. Moody said he had received some calls regarding structures in agricultural areas, and he would like to revisit that issue. He said he thought that there were some structures that really aren't a health and safety issue to the public.

Ms. Moody stated that she would certainly miss Mr. Haraway.

Ms. Moody stated that it is dark at Eastside Enhancement Center on the north side and she would like to see lights out there.

11. CLOSED SESSION:

At 4:12 p.m. upon motion of Mr. Moody, seconded by Mr. Haraway,

The Board of Supervisors of Dinwiddie County, Virginia convened in a closed meeting under:

- a. §2.2-3711 (A) (5) Business and Industry Development:
 - Prospective Business & Industry
- b. §2.2-3711 (A) (1) Personnel Matters:
 - Appointments
 - Social Services
 - John Tyler Board of Directors
 - Sheriff's Office
- c. §2.2-3711 (A) (29) Discussion of the Award of a Public Contract:
 - Discussion of terms of such contract and negotiations
- d. §2.2-3711 (A) (7) Legal Consultation:
 - Taxation

- Public Safety

Ayes: Mr. Haraway, Mr. Moody, Mr. Talmage, Ms. Moody
None: None

At 6:59 upon motion of Mr. Talmage, seconded by Mr. Haraway, the Board reconvened into open session.

Ayes: Mr. Moody, Mr. Haraway, Mr. Talmage, Ms. Moody
Nays: None

CERTIFICATION

WHEREAS, this Board convened in a closed meeting under:

- a. §2.2-3711 (A) (5) Business and Industry Development:
 - Prospective Business & Industry
- b. §2.2-3711 (A) (1) Personnel Matters:
 - Appointments
 - Social Services
 - John Tyler Board of Directors
 - Sheriff's Office
- c. §2.2-3711 (A) (29) Discussion of the Award of a Public Contract:
 - Discussion of terms of such contract and negotiations
- d. §2.2-3711 (A) (7) Legal Consultation:
 - Taxation
 - Public Safety

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

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

Upon motion of Mr. Moody, seconded by Mr. Haraway, this Certification Resolution was adopted.

Ayes: Mr. Haraway, Mr. Moody, Mr. Talmage, Ms. Moody
Nays: None

7:00 p.m.

12. A. PUBLIC HEARING: PROPOSED AMENDMENT OF THE DINWIDDIE COUNTY CODE CONCERNING THE DOG CONFINEMENT AREA

The Chair opened the public hearing in this matter.

1. Robert C. O'Day – 9202 Gibson Drive – highly recommended that the entire county be encompassed with this ordinance.
2. Rose & Winston Leath – 5915 Tara Drive – Ms. Leath said she was an animal lover, but they have had rental people come in next door to them with dogs and they have let the dogs run. She said they have deliberately thrown a ball or stick into someone else's yard, and the dog ends up in the neighbor's flower bed, mulch, etc. She said it wasn't right because they pay real estate taxes but the renters do not. She said anyone who owns a home and decides to rent it out, should know the do's and don'ts of the subdivision.

As no one else was signed up to speak, the Chair closed the public hearing in this matter.

The Board received the memo below from John C. Blair II, County Attorney.

In 1987, the Dinwiddie County Board of Supervisors established two confinement areas within the County. These confinement areas prohibit a dog from running at large in those specified areas.

The proposed ordinance changes before the Board would accomplish two objectives. First, there would be an expansion of the confinement area in the northern portion of Dinwiddie County. Second, the changes would remove language about an annual round up of stray dogs conducted in April and May of each year. The ordinance provides for a round up of stray dogs east of U.S. Interstate 85 between April 1 and April 30 of every year and a round up of stray dogs west of U.S. Interstate 85 between May 1 and May 31 of every year. The Animal Control Department currently conducts year round sweeps for stray dogs in different areas of the County. The Animal Control Department is requesting the removal of the April and May portions of the ordinance to better reflect the current state of stray dog sweeps.

Deborah Broughton, Chief Warden of Dinwiddie County Animal Control, stated that before the Board was the request to expand all the new county growth; to delete how the boundaries were before, and to give natural boundaries so that residential areas are not split. She said there was the desire to include adjacent properties to those lines to include all public areas, including schools, all government buildings, ballparks; and to allow the county ordinance for mobile home parks, apartment buildings and camp grounds so that Animal Control can go in and enforce the County Ordinance in those areas. She gave a PowerPoint presentation that showed the confinement area.

Mr. Talmage asked how the confinement ordinance affected legal hunting session.

Ms. Broughton said that confinement would not affect hunting with dogs.

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

BE IT ORDAINED by the Dinwiddie County Board of Supervisors that the ordinance is adopted as presented.

Ayes: Mr. Haraway, Mr. Moody, Mr. Talmage, Ms. Moody
Nays: None

**AN ORDINANCE TO AMEND
THE CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED
BY AMENDING SECTION 4-17. RUNNING AT LARGE, GENERALLY
AND DELETING SECTION 4-22. RUNNING AT LARGE IN RESIDENTIAL AREAS
CHAPTER 4. ANIMALS AND FOWL.**

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County:

(1) That Section 4-17 of the Code of the County of Dinwiddie, 1985, as amended, is amended and re-enacted to read as follows:

Sec. 4-17. Running at large generally.

(a) For the purposes of this section, the following definitions shall apply:

(1) A dog shall be deemed to run at large while roaming, running or self hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control.

(2) A dog under restraint shall mean any dog secured by a leash or lead or penned up or under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner, provided, that restraint of hunting dogs shall be as provided in the Code of Virginia, as amended.

(b) No person shall knowingly cause or permit any female dog in heat to run at large in the county at any time. Evidence that such person was previously informed by the animal warden or any other person that the dog is in heat shall create a rebuttable presumption that such person knowingly allowed the dog in question to run at large in violation of this subsection.

(c) All dogs shall be kept under restraint at all times in the areas described below:

(1) The area bounded to the north by the Chesterfield County line, and following a line South along Whippernock Creek to its intersection with Sutherland Road; Southeast along Sutherland Road to its intersection with Namozine Road; South along Namozine Road to its intersection with Cox Road; South along Claiborne Road from its intersection

with Cox Road to its intersection with Harris Drive; East along Harris Drive to the point 37°11'07.08" N, 77°32'48.64" W; Southeast from the point 37°11'07.08" N, 77°32'48.64" W along Picture Branch to the intersection of Picture Branch and Butterwood Road; South from the intersection of Picture Branch and Butterwood Road to the point 37° 10' 20.41" N, 77° 31' 53.48" W; South from the point 37°10'20.41" N, 77°31'53.48" W to the point 37°09'47.62" N, 77°31'52.04" W; West from the point 37° 09'47.62" N, 77°31'52.04" W to the point on Hatchers Run 37°09'44.24" N, 77°32'11.18" W; Southeast along Hatchers Run to the point 37°09'23.49" N, 77°31'38.26" W; South from the point 37°09'23.49" N, 77°31'38.26" W to the point on White Oak 37°08'58.70" N, 77°31'46.39" W; East along White Oak Road to its intersection with Boydton Plank Road; Northeast on Boydton Plank Road to its intersection with Hofheimer Way; East on Hofheimer Way to the Petersburg City line; and North along the Petersburg City line to its intersection with the Chesterfield County line; and

(2) All that certain lot, parcel or piece of land with the improvements thereon located in Rohoic District, Dinwiddie County, Virginia, commonly known as Virginia Hills Subdivision as shown in Plat Book 9, pages 75, 94, 95 and Plat Book 10, pages 129, 130 and 131 of the Dinwiddie County Circuit Clerk's Office, located on the northwestern side of Squirrel Level Road, State Route 613; and

(3) All property in the county owned by Dinwiddie County and the Dinwiddie County School Board; and

(4) All mobile home parks, manufactured home parks, campgrounds, and apartments in the county.

(5) In subsection (c)(1) above, if a boundary of the restraint area is a road, street, drive, or way, the restraint area shall include property abutting each side of such road, street, drive or way.

(d) The areas within the county in which subsection (c) applies may be enlarged, reduced or other areas added thereto upon amendment hereto properly adopted by the board of supervisors. Any property owners residing in a definable area adjacent to the areas of the county in which this section applies, may request the board of supervisors to extend the restrictions of this section to their area by a petition signed by a majority of the property owners within said area. Upon consideration of said extension, after notice and public hearing as required by the Code of Virginia, said extension shall be approved unless the board of supervisors determines that good cause exists not to extend the restriction of this section to such area.

(e) Any person who permits a dog owned by him to run at large or remain unconfined, unrestricted, unrestrained or not penned up during times mentioned in this section shall be deemed to have violated the provisions of this section.

(f) It shall be the duty of the animal warden to cause all dogs found running at large in violation of this section to be caught and penned up at the owner's expense in the county dog pound.

~~(a) For the purposes of this section, a dog shall be deemed to run at large while roaming, running or self hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control.~~

~~(b) No person residing in the county on the east side of U.S. Interstate 85 shall cause or permit any dog owned or kept by him to run at large in the county during the period of April 1 through April 30 of each year and no person residing in the county on the west side of U.S. Interstate 85 shall cause or permit any dog owned or kept by him to run at large in the county during the period of May 1 through May 31 of each year.~~

~~(c) No person shall knowingly cause or permit any female dog in heat to run at large in the county at any time. Evidence that such person was previously informed by the animal warden or any other person that the dog is in heat shall create a rebuttable presumption that such person knowingly allowed the dog in question to run at large in violation of this subsection.~~

~~(d) Any person who permits a dog owned by him to run at large or remain unconfined, unrestricted or not penned up during times mentioned in this section shall be deemed to have violated the provisions of this section.~~

(2) That Section 4-22 of the Code of the County of Dinwiddie, 1985, as amended, is deleted in its entirety, as shown in strikethrough below.

~~Sec. 4-22. Running at large prohibited in certain residential areas.~~

~~(a) It shall be unlawful to permit any dog to run at large at any time during the year within any portion of the following areas of the county:~~

~~(1) All that certain lot, parcel or piece of land with the improvements thereon located in Rohoic District, Dinwiddie County, Virginia, and bounded generally as follows: on the north by Lake Chesdin and the Appomattox River; on the~~

east by the City of Petersburg and U.S. Highway #1; on the south by U.S. Highway #1; State Route 460 and State Route 601 and 708; on the west by Route 623 and Whipperneck Creek.

~~———— (2) ——— All that certain lot, parcel or piece of land with the improvements thereon located in Rehoic District, Dinwiddie County, Virginia, commonly known as Virginia Hills Subdivision as shown in Plat Book 9, pages 75, 94, 95 and Plat Book 10, pages 129, 130 and 131 of the Dinwiddie County Circuit Clerk's Office, located on the northwestern side of Squirrel Level Road, State Route 613.~~

~~———— (b) ——— All dogs shall be kept under restraint in the above described areas. A dog under restraint shall mean any dog secured by a leash or lead or penned up or under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner, provided, that restraint of hunting dogs shall be as provided in the Code of Virginia, as amended.~~

~~———— (c) ——— It shall be the duty of the animal warden to cause all dogs found running at large in violation of this section to be caught and penned up at the owner's expense in the county dog pound.~~

~~———— (d) ——— The areas within the county in which this section applies may be enlarged, reduced or other areas added thereto upon amendment hereto properly adopted by the board of supervisors. Any property owners residing in a definable area adjacent to the areas of the county in which this section applies, may request the board of supervisors to extend the restrictions of this section to their area by a petition signed by a majority of the property owners within said area. Upon consideration of said extension, after notice and public hearing as required by the Code of Virginia, said extension shall be approved unless the board of supervisors determines that good cause exists not to extend the restriction of this section to such area.~~

(3) That this ordinance shall become effective immediately upon adoption.

13. OLD / NEW BUSINESS: APPOINTMENTS

There were no appointments at this meeting.

14. CITIZEN COMMENTS

1. W. Parker Simmons – Dinwiddie – said as chairman of the Fieldhouse Committee, he would like to ask (if it hasn't already taken place) the support of the Board in the endeavors to try to obtain money for the field house.

15. ADJOURNMENT

Upon motion of Mr. Talmage to adjourn, seconded by Mr. Moody,

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

Nays: None

The meeting was adjourned at 7:15 p.m.

Doretha E. Moody, Chair

ATTEST: _____

W. Kevin Massengill
County Administrator
Clerk to the Board

/wjn