

VIRGINIA: AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE ADMINISTRATION BUILDING, DINWIDDIE, VIRGINIA, ON THE 7TH DAY OF SEPTEMBER, 1988, AT 7:30 P.M.

PRESENT:

GEORGE E. ROBERTSON, JR., CHAIRMAN	ELECTION DISTRICT #2
AUBREY S. CLAY, VICE-CHAIRMAN	ELECTION DISTRICT #4
HARRISON A. MOODY	ELECTION DISTRICT #1
CHARLES W. HARRISON	ELECTION DISTRICT #2
EDWARD A. BRACEY, JR.	ELECTION DISTRICT #3
CLAUDE TOWNSEND	DEPUTY SHERIFF
JAMES E. CORNWELL, JR.	COUNTY ATTORNEY

IN RE: MINUTES

Upon motion of Mr. Moody, seconded by Mr. Harrison, Mr. Bracey, Mr. Clay, Mr. Harrison, Mr. Moody, Mr. Robertson voting "aye", the minutes of the August 17, 1988 Regular Meeting were approved as presented.

IN RE: CLAIMS

Upon motion of Mr. Clay, seconded by Mr. Moody, Mr. Bracey, Mr. Clay, Mr. Harrison, Mr. Moody, Mr. Robertson voting "aye",

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the following claims be approved and funds appropriated for same, Checks 1624 - 1731: Payroll - \$165,192.78; Checks 1732 - 1786: General Fund - \$20,450.95.

IN RE: CITIZEN COMMENTS

Mr. Richard Taylor, Chairman of the Dinwiddie Airport & Industrial Authority addressed the Board for two reasons. The first being to invite the Board and the public to attend the Airport Authority meetings that are held the fourth Tuesday each month at 7:30 p.m. at the Airport Terminal Building and to participate in the meetings. The second reason he addressed the Board was to clarify newspaper articles that appeared in local papers after the August 17, 1988 Board Meeting addressing information on expenditures in and around the Airport since the Airport Authority was created. Reference was made to over-expenditures by the Airport Authority and Mr. Taylor pointed out that a large percentage of the expenditures were funded by the Federal Aviation Administration and the Virginia Department of Aviation. He praised the Airport members and the Board of Supervisors for their foresight in making these improvements and emphasized that these improvements were made at the Airport to promote industry which benefits the County as a whole.

IN RE: AMENDMENTS TO AGENDA

There were no amendments to the agenda.

IN RE: COMMISSIONER OF REVENUE

Mrs. Deborah M. Marston reported that to date, \$31,932.89 had been collected from the Transient Occupancy Tax, Admissions Tax and Business License Tax. The deadline for the Business License is September 15 and there are about 100 businesses that still have not applied for a permit. After September 15, there will be a penalty for any business that has not purchased a license.

IN RE: TREASURER - FILING FEE FOR DELINQUENT LAND SALES

Mr. W. E. Jones advised he had a bill from Richard Jones who is the Attorney handling the Delinquent Land Sales. He requested authorization to issue a check for \$235.00 for filing fees for the

delinquent land sales prepared by Attorney Richard Jones. The listings have to be filed by September 13 in order for them to meet the deadline. The filing fee charges will be recollected at the time of sales.

Upon motion of Mr. Clay, seconded by Mr. Bracey, Mr. Bracey, Mr. Clay, Mr. Harrison, Mr. Moody, Mr. Robertson voting "aye",

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA that W. E. Jones, Treasurer, is authorized to issue a check in the amount of \$235.00 for filing fees with the Clerk of the Court for delinquent land sales.

IN RE: TREASURER

Mr. Jones presented his report for the month of August, 1988.

Mr. Jones stated that since the last Board meeting he wondered if his reports were understood. He also advised that hopefully by October 1 the Treasurer's report will be computerized. He then proceeded to review and explain each of his reports: Trial Balance Report; Statement of Receipts and Disbursements of the County General Fund; Statement of Receipts and Disbursements of the School Funds; Statement of Investments; and finally a new report "Cash In Banks".

IN RE: BUILDING INSPECTOR

Mr. Dwayne Abernathy, Building Inspector, presented his report for the month of August, 1988. New dwellings totalled 31, which is the largest ever for the County for one month.

Mr. Abernathy advised he had received a lot of public input regarding his over-expenditure as reported at the last Board meeting. He wanted to emphasize that his budget was \$23,000, he expended \$33,000; however, he did take in \$48,000.

IN RE: SUPERINTENDENT OF SCHOOLS

Dr. Richard Vaughn, Superintendent of Schools, reported that school opened September 6 and in general things were very smooth. He reported opening day students totalled \$3,499 and to date there were 3,566. He had projected 3560 students.

IN RE: SANITATION

Mr. John Loftis, Director of Sanitation, reported that one side of the undercarriage of the 977 Traxcavator has been installed. Also, his Heavy Equipment Operator was hurt last Friday and will be out until next month.

Mr. Loftis advised since his Heavy Equipment Operator was out and he needed to hire someone to come in and help apply one foot of soil to approximately 5-1/2 to 6 acres and to have approximately 14 acres seeded. The State Department of Solid Waste requires this to be done by October 1. He has been trying to do the work in-house. Mr. Loftis had two bids on the work to be done.

Mr. Robertson advised him to review the figures with Mr. Barton and make a recommendation to the Board at the next meeting.

IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. Mac Neblett, Resident Engineer, Virginia Department of Transportation reported on the progress over the summer. He stated the following projects had been completed and all work done by State employees before school went back into session: Replacement of Reedy Creek Bridge on Rt. 650, replaced deck flooring on Rt. 647 over Stony Creek, hard surfacing of Rt. 743 at Sutherland, and both sections of Route 666. The bridge replacement on Rt. 672 is under construction and

he anticipates the completion date of December 1, 1988. This is being built by a contractor.

Mr. Neblett was asked about the truck entrance and truck traffic entering Boydon Plank Road at the Concrete Plants. He advised he would check into the problem with the trucks entering the highway.

IN RE: DISCUSSION OF COUNTY FINANCIAL POSITION - SPENCER ELMORE

Mr. Spencer Elmore, of the firm Robinson, Farmer, Cox Associates, appeared before the Board to address his concerns about the publicity the County has received recently on borrowing additional revenues and he would like to set the record straight. He advised that the deficit of \$2.4 Million as reported in the paper was totally erroneous. This is not a statement of financial position. He stated what the County had was a projected cash flow shortage of an estimated amount approximating \$2.4 Million.

The County borrowed \$1.76 million in April of this year.

He said that in July it was thought the County may have to borrow an additional \$700,000 in October and this is what prompted the public hearing, to facilitate borrowing up to that amount. However, since that time, reimbursements for school construction projects through the Literary Fund loan and the Bond issue have been received and it looks now as if the borrowing will not be necessary until early next year.

Mr. Elmore explained to the Board the need for the County to have a \$2,000,000 reserve, or 20% of its operating budget to cover the County's expenses when income is not coming in..

Preliminary audit results of last year's budget show the County has a General Fund deficit of \$66,302. He advised the Board that if the present year budget works out exactly as adopted, the County could be faced with a \$238,000 deficit at June 30, 1989. He urged the County to continue the belt tightening of expenditures and devote new revenues to building its reserve.

Mr. Elmore added that tax collections are over 99%, the highest in the past ten years.

The County Administrator asked about borrowing next year. Mr. Elmore stated the County was probably looking at February or March of next year. However, if the County does not build up its reserve, it will be faced with having to borrow each year.

IN RE: RESOLUTION REQUIRING MONTHLY EXPENDITURE REPORTS

EXTRACT

Upon motion of Mr. Clay, seconded by Mr. Harrison, Mr. Bracey, Mr. Clay, Mr. Harrison, Mr. Moody, Mr. Robertson voting "aye", the following Resolution requiring monthly expenditure reports was adopted:

WHEREAS, the County of Dinwiddie finds itself in financial difficulties; and,

WHEREAS, the Board of Supervisors of Dinwiddie County appropriated the operating budget for the County for the fiscal year of 1988-89; and,

WHEREAS, the Board of Supervisors desires to insure that no agency, board, department or constitutional officer receiving funds from Dinwiddie County expend any additional funds over or above the amount appropriated within their budgets;

THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the Fiscal Officer for the County of Dinwiddie is henceforth directed to prepare and submit monthly reports to each agency head, board chairman, department head and constitutional officer detailing total expenditures to date, expenditures for the

previous month and total remaining budgeted funds and report the same to the Board of Supervisors on its first meeting of each month; and,

BE IT FURTHER RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that no agency head, board chairman, department head or constitutional officer shall approve, expend or agree to expend any sum or amount over or above the amount appropriated by the Board without formal consent of the Board of Supervisors of Dinwiddie County.

A copy of this Resolution shall be delivered to each agency head, board chairman, department head or constitutional officer receiving funds from the County of Dinwiddie.

IN RE: PUBLIC HEARING -- A-88-31 - HOG FARM DEFINITION

This being the time and place as advertised in the Progress-Index Newspaper on Wednesday, August 24 and August 31, 1988, for the Board of Supervisors to conduct a public hearing to consider for adoption an amendment to Section 22-1 of Article I of Chapter 22, replacing the definition of "Hog Farm".

Mr. Joe Emerson, Director of Planning, presented the amendment. The Planning Commission unanimously approved this amendment at its August 24, 1988 meeting.

No one spoke in favor of the amendment.

The following spoke in opposition to the amendment - R. C. Clarke, Granville Maitland, Alvin Blaha. Mr. Richard Earl, Sr. questioned the process. The County Attorney stated he discussed the definition with the County Extension Agent at great length. Mr. Robertson asked if the Dinwiddie Farm Bureau would make a recommendation. The public hearing was closed.

Mr. Harrison made a motion that the amendment be adopted as proposed but that the staff be further requested to review the definition and return to the Board later with clarifying language. Mr. Clay seconded the motion.

Mr. Clay, Mr. Harrison, Mr. Moody, Mr. Robertson voting "aye", Mr. Bracey voting "nay",

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the Dinwiddie County Code, as adopted, and as heretofore amended, be further amended by the following change to Chapter 22, Article I, and in all other respects be reordained:

That the definition of "Hog Farm" be deleted and is replaced with the following new definition:

"Hog Farm" - A farm or establishment upon which hogs are placed, kept, produced, raised or bred for sale.

IN RE: PUBLIC HEARING -- A-88-32 - SOLID WASTE ORDINANCE

This being the time and place as advertised in the Progress-Index Newspaper on Wednesday, August 24 and August 31, for the Board of Supervisors to conduct a public hearing to consider for adoption an ordinance amending Chapter 17 of the Dinwiddie County Code by adopting Section 17, Solid Waste.

Jim Cornwell, County Attorney, summarized the ordinance.

No one spoke in favor of the ordinance.

The following spoke in opposition to the ordinance: William Phipps, Ronald Abernathy, Kay Winn, Richard Earl, Jack Mayes, Douglas Reese, Linda Clarke, Gloria Bain, Billy Bain, Dick Farrington, Gilbert Charboneau, Mary Dunn Conover, and Allen Alexander by telephone call.

A short recess was declared at 10:05 p.m. The meeting reconvened at 10:15 p.m.

The County Attorney summarized the reasons he was asked to draft the ordinance, mainly to respond to existing problems.

Mr. Ronnie Abernathy, representing CORP, stated his group would agree to adoption of the ordinance if Section 17-12 were deleted, along with all reference to private landfills.

The County Attorney emphasized that the ordinance creates another permit requirement for a landfill operation. A request for a landfill can move forward with or without the ordinance.

Upon motion of Mr. Harrison, seconded by Mr. Clay, Mr. Brace, Mr. Clay, Mr. Harrison, Mr. Moody, Mr. Robertson voting "aye", the proposed ordinance was adopted with Section 17.12 deleted and all other reference to private landfills deleted.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, THAT THE Dinwiddie County Code, as adopted, and as heretofore amended, be further amended to Section 17 of Chapter 17, and in all other respects be reordained:

SOLID WASTE.

For state law as to authority of county to provide for trash removal, see Code of Va. Sect. 15.1-11. As to authority of county to regulate disposal services, see Code of Va. Sec. 15.1-28.1

Sec. 17-1. Definitions.
Sec. 17-2. Use of streets; vacant property for disposal of refuse.

Sec. 17-3. Transporting rubbish in open vehicle.

Sec. 17-4. Incineration of refuse.

Sec. 17-5. Burning of leaves.

Sec. 17-6. Proper disposal of refuse--By county residents.

Sec. 17-7. Same--By business firms.

Sec. 17-8. Injury to public health or safety.

Sec. 17-9. Permits for licensed haulers of refuse.

Sec. 17-10. Sanitary landfills.

Sec. 17-11. Disposition of bulk trash containers.

Sec. 17-12. Reserved.

Sec. 17-13. Violations; penalties.

Sec. 17-1. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

Agricultural waste. Solid waste resulting from the production of farm or agricultural products before processing.

Commercial waste. All solid waste emanating from establishments engaged in business. This category includes, but is not limited to, solid waste resulting from the operation of stores, mobile home parks consisting of ten or more mobile homes, markets, office buildings, restaurants, shopping centers, and theatres.

Garbage. All offal and refuse; animal and vegetable matter.

Garbage and trash collectors and refuse removers. All persons engaged in the business of picking up garbage and trash of any description by truck or other vehicle for the delivery to a sanitary landfill area as may be permitted by law.

Hazardous waste. A solid waste or combination of solid waste which, because of its quantity, concentration or physical, chemical or infectious characteristics, may:

1. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; or
2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Incineration. The destruction of solid waste by burning in a furnace designed for the purpose wherein solid waste is essentially reduced to ash, carbon dioxide, and water vapor.

Industrial waste. All solid waste resulting from manufacturing and industrial processes such as, but not limited to, those carried on in factories, processing plants, refineries, slaughterhouses, and steel mills.

Institutional waste. All solid waste emanating from institutions such as, but not limited to, hospitals, nursing homes, orphanages, schools, and universities, public or private.

Open dump. An unregulated disposal site that is operated without required daily compaction and cover.

Prohibited waste. Those materials which, because of their inherent nature or quantities, require special handling during disposal to avoid creating environmental damage or hazards to public health or safety. Prohibited waste includes, but is not limited to, such items as petroleum waste; paints; explosives; acids; caustics; toxic substances; poisons; drugs; radio-active materials; asbestos fibers; imported wool fibers; pathologic wastes from hospitals, sanatoriums, nursing homes, clinics, and veterinary hospitals; waste from slaughterhouses, poultry processing plants; automobile tires which have not been shredded or split; and the like. Residential solid waste normally contains some prohibited materials, but because such materials are usually present in very small quantities, their safe disposal either in a sanitary landfill or incinerator presents no special problem. Therefore, residential waste is not considered to be "prohibited" within the meaning of "prohibited waste" as used in this chapter.

Refuse. All solid and semiliquid waste of a community, including garbage, ashes, rubbish, street cleanings and solid market and industrial wastes, but not including human or animal body wastes.

Residential wastes. Solid wastes resulting from household operations, including tree trimmings and lawn trimmings.

Sanitary landfill. A land site on which engineering principles are utilized to bury deposits of solid waste without creating nuisances or hazards to public health or safety.

Solid waste. Garbage, refuse, and other discarded solid materials, including solid-waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved material in irrigation return flows, or other common water pollutants.

Solid waste disposal system. The method of disposal of solid wastes.

Trash. Any and all rubbish, cans, bottles, containers, refuse, paper, cardboard or any other like waste or discarded materials of any inorganic nature.

Sec. 17-2. Use of streets; vacant property for disposal of refuse.

No person shall dump or dispose of, or leave or cause to be thrown any rubbish, tin cans, trash, tires, construction material, land clearing debris, garbage, prohibited waste, hazardous waste or other waste substance, or materials in or upon and along any street, road, highway, park, or alley in the county, nor shall any person dispose of, dump, or throw any rubbish, tin cans, trash, tires, construction material, land cleaning debris, garbage, prohibited waste, hazardous waste, or any other waste material or substance upon any vacant lots or any other property in the county except that which shall be so designated by the board of supervisors.

Sec. 17-3. Transporting rubbish in open vehicles.

No person shall transport any rubbish, tin cans, trash, garbage, or any other waste or refuse substance, in an open or uncovered vehicle, along the streets, roads, or highways in the county, unless the load is completely contained within bags, boxes or other containers or covered by a tarpaulin or other suitable cover, securely fastened to the body of the vehicle and of such size and shape as may be necessary to contain the entire load.

Sec. 17-4. Incineration of refuse.

Burning or incineration of refuse in the county shall be conducted in such a manner as to conform to Title 10.1, Chapter 13 of the Code of Virginia as regulated and administered by the state air pollution control board.

Sec. 17-5. Burning of leaves.

Leaves originating on the premises of private residences in residential districts may be burned on those premises; providing, that:

(a) Such burning is done between 9:00 A.M. and 9:00 P.M. and all embers are totally extinguished at the end of this period.

(b) No material will be added to the fire between 8:00 P.M. and 9:00 A. M.

(c) The location of burning is not less than one hundred feet from any occupied building unless the occupant has given prior written permission.

(d) To minimize the possibility of contaminant emission from inadvertent fires, at no time shall the fire be unattended.

(e) All burning of leaves permitted under this section shall not be commenced and shall be immediately terminated upon declaration of an alert warning or emergency stage of the air pollution episode when proclaimed by either the executive director of the state air pollution control board or his designated representative.

(f) Notwithstanding any other provision of this section, it shall be unlawful for any person to burn leaves during the period beginning March 1 and ending May 15 of each year except as provided in section 10.1-1142 of the Code of Virginia.

Sec. 17-6. Proper disposal of refuse--By county residents.

A public sanitary landfill shall be available to county residents for the disposal of garbage and trash generated within Dinwiddie County during such hours and upon such conditions as the board of supervisors may direct.

Sec. 17-7. Same -- By business firms.

It shall be unlawful for any person engaged in the business of collecting, transporting or disposing of refuse, to dispose of the same at any location in the county other than at a public sanitary landfill

which has been established and is operated under the provisions of this chapter.

Sec. 17-8. Injury to public health or safety.

(a) It shall be unlawful for any occupant of a dwelling house, business house, or other building to store, accumulate or dump any refuse, trash, rubbish or any other waste material or substance on such premises in such quantities or in such a manner or for such a period of time as to constitute a nuisance or as to be injurious to the health or safety of the public, or potentially injurious to the health or safety of the public.

(b) All garbage shall be placed in tight containers and be kept covered until transported to a public sanitary landfill or until taken from the premises by trash or garbage collectors as defined by this chapter or otherwise disposed of as provided by law.

Sec. 17-9. Permits for licensed haulers of refuse.

(a) It shall be unlawful for any person other than local governing bodies (unless he possesses a valid permit from the board of supervisors), to collect and transport refuse, garbage or trash for others for consideration. The board of supervisors may issue permits or franchises for such applicants; provided, that such permits shall be limited to persons having proper equipment and personnel to collect and transport refuse in accordance with the provisions of this chapter.

(b) Every person desiring to engage in the collection of refuse in the county shall make written application to the board of supervisors, setting forth the name, address and phone number of such person, a description of the equipment to be used in the collection of such refuse, and shall state generally the areas within the county that he proposes to serve, the frequency of collections, proposed rates, the number of vehicles to be used and the place and manner of disposal. Upon approval of such an application the board of supervisors may issue a permit to the applicant.

(c) A permit or franchise issued under this chapter may extend for a period, not in excess of one year if the holder conforms to standards established by the responsible county agencies. Should the holder fail to correct conditions and practices not in accordance with regulations set by the responsible county agency, when warned of infraction thereof, his permit is subject to revocation after written notice is made to the county administrator, the board of supervisors, and the license holder.

(d) The board of supervisors shall issue a permit upon receipt of a valid application and upon satisfactory finding that the applicant has complied with all applicable sections of this chapter. Prior to the issuance of any permit, all vehicles shall be inspected by the county health department. Such permit shall assign each vehicle covered by such permit with a number.

(e) All permits shall expire on December 31 following the date of issue and shall be renewed between January 1 and 31 of each year. The board of supervisors reserves the right not to renew such permits for any reason when such action is deemed to be in the best interests of the county.

(f) At the time of the issuance of the permit, the applicant shall pay the license fees and furnish the required bond as set forth in (g) and (h) below.

(g) It shall be unlawful for any person to engage in the business of being a refuse remover in the county without first having obtained an annual vehicle license. This license shall be issued by the commissioner of revenue for each vehicle to be used for removal or transporting upon notification from the approving authority that the vehicle is satisfactory for refuse removal or transporting and the payment of a license fee of twenty five dollars per vehicle payable to the general county fund. The license shall be renewed annually between January 1 and 31 of each year and shall not be proratable. No license

shall be issued or renewed without a permit having been issued as set forth in (d) to (f).

(h) All persons engaging in the removal or transporting of refuse from residential, commercial and industrial establishments in the county must furnish a bond payable to the county in an amount equal to not less than five hundred dollars (\$500.00) for each vehicle licensed, but not to exceed three thousand dollars (\$3,000.00), with surety approved by the board and conditioned to indemnify and save harmless the county as well as any person from all expense or damage that may be incurred by such, caused by any failure to comply with the provisions of this section or neglect in the handling of refuse.

(i) Handling of refuse shall be deemed neglected when the permit holder fails to meet the frequency of collection as stated in the application for permit. If the permit holder fails to correct any such neglect or noncompliance with this section within forty-eight hours after receipt of written notice from the approving authority, the bond shall be forfeited and the principal and surety on such bond shall be required to reimburse the county or any customer or any permit holder for any expense or damage incurred as a result of such neglect or failure. Such bond shall be deposited with the treasurer of the county. The original bond shall be for a period of not less than twelve months and shall be renewed annually.

(j) The applicant shall have all vehicles used or to be used for refuse removal or transport inspected once in every six months by the county health department at a reasonable time and place within the county. In the event of an emergency requiring the immediate replacement of a vehicle, the applicant shall notify the county health department of such replacement and have the replacement vehicle inspected by the county health department within five days after its acquisition.

(k) Vehicles used for the removal or transportation of refuse shall be made available for inspection, in addition to the inspections required in (j) upon request of the responsible county agency. A reasonable time shall be provided for such inspections.

(l) Upon the issuance of a permit, the board of supervisors shall assign to all approved vehicles a permit number, which shall be permanently affixed by the applicant with the name, address, and telephone number of the applicant to both sides of the vehicle on the door of the cab or at the farthest point forward on the truck body in letters and numbers not less than four inches high, excepting that all permit numbers will be four inches high, not less nor more. The above identification shall be painted in conspicuous color contrasting with that of the vehicle.

(m) Vehicles for transporting or removing refuse must provide against refuse leaking, spilling, being blown or hurled from or deposited upon any street or public way during loading or while in transit. Two types of vehicles will be permissible:

(1) A vehicle with a watertight body, completely enclosed and covered, by construction.

(2) A vehicle with a non-watertight body, with built-in cover, or with tarpaulin or equally effective cover. Such a vehicle must have secured and covered watertight containers for all liquid or semisolid material.

(n) All vehicles must be provided with an affixed approved fire extinguisher with an ABC rating.

(o) Refuse shall be removed only during daylight hours and in such manner that it does not create a nuisance or adversely affect public health.

(p) Refuse shall be removed in such a manner and transported so that it does not spill or fall into a street or public way, nor shall it be dumped, spilled, or thrown into any street, court, lane, alley, sewer inlet, or public or private lands.

(q) No hazardous waste, prohibited waste or harmful material, including materials which are explosive, toxic, radioactive or highly combustible by nature or burning, shall be removed for disposal by the refuse remover. In the event that hazardous waste or prohibited waste is disposed of within a licensed landfill, state and local officials shall be immediately notified and every action must be taken to contain and remove said materials immediately. The "refuse remover" shall be responsible for all costs for containment and removal of any and all hazardous waste or prohibited waste under the guidance and control of state and county officials. This subsection, however, is not applicable to materials loaded and carried at the direction of public officials or public servants executing their duties in emergencies.

(r) Each vehicle used for the transportation of refuse in or through the county which is not subject to the licensing and bonding provisions of this section shall transport the refuse in such a manner as not to create a nuisance or adversely affect public health. The refuse shall not be spilled, dumped, or thrown into any street, court, lane, alley, sewer inlet, or vacant lot. Liquid and semiliquid refuse when hauled in non-watertight bodies shall be carried in watertight containers.

(s) The refuse remover shall notify in writing the board of supervisors and each customer at least thirty (30) days prior to date of fact of the refuse remover's termination and discontinuance of his business. On the date of the refuse remover's termination or discontinuance of business, the applicant will surrender his permit to the county administrator.

(t) No permit or license issued hereunder may be transferred, sold, or assigned without the express permission of the board of supervisors of Dinwiddie County granted after public hearing and any permission so granted may impose such conditions on any transfer, sale or assignment as necessary in the opinion of the board to protect the public health and safety. Should the permit or license holder be a corporation or other association, sale or transfer of a controlling interest therein shall constitute an assignment for the purpose of this provision.

Sec. 17-10. Sanitary landfills.

(a) Pursuant to Chapter XXVIII of the Regulations of the Virginia Department of Health governing disposal of solid waste, the board of supervisor's may create and establish a sanitary landfill for the express purpose of receiving and depositing solid waste materials generated within Dinwiddie County, to be operated in a manner as not to create a hazard to public health or safety.

(b) If created, the Dinwiddie County sanitary landfill will be open six (6) days each week, Monday through Saturday. The sanitary landfill shall be closed all day Sunday, except in an emergency situation. The general hours of operation of the county landfill shall be established by the Director of Sanitation, with the approval of the county administrator.

(c) The county landfill shall be established and designed to receive refuse, garbage, trash and solid waste generated within Dinwiddie County. There shall be no hauling of garbage, trash, refuse, rubbish or solid waste from outside of Dinwiddie County to the county landfill unless a fee is paid as hereinafter described. This provision shall also include those individuals or corporations residing in the county which transport garbage, trash or refuse from outlying areas not a part of the county, which garbage, trash or refuse has been generated from outside of Dinwiddie County.

(d) The operation of the county landfill shall conform to the guidelines established by the Virginia Department of Solid Waste governing the disposal of solid waste. No hazardous waste, prohibited waste or harmful material, including materials which are explosive, toxic, radioactive or highly combustible by nature or burning, shall be deposited within the county landfill. In the event that hazardous waste or prohibited waste is disposed of within the landfill, state and local officials shall be immediately notified and every action must be taken to contain and remove said materials immediately. Upon investigation,

any party who is found to have deposited such material within the landfill shall be responsible for all costs for containment and removal of any and all hazardous waste or prohibited waste under the guidance and control of state and county officials. This subsection, however, is not applicable to materials loaded and carried at the direction of public officials or public servants executing their duties in emergencies.

(e) Dead animals of any type shall not be accepted into such landfill, except that the county animal control department may be given a designated portion of the landfill property in which to bury animals euthanized in accordance with law and in that area other dead animals may be buried as allowed by state law or regulation.

(f) Residents of Dinwiddie County may deposit trash and garbage generated from their individual households and agricultural waste, not including land clearing debris, into the county sanitary landfill without charge. All commercial enterprises, businesses, industries, manufacturing concerns, private haulers of refuse operating in the county and nonresidents of the county shall be charged a fee for the use of the county sanitary landfill. The fee or charge for use of the county landfill is to be established and regulated by the Director of Sanitation, with the approval of the county administrator. The charge or fee may be based upon size of the load, number of loads brought into the landfill, by tonnage, or by cubic yards. Commercial enterprises required to pay the fee under this section shall include motels, mobile home parks, trailer parks, apartments and other entities which provide trash pickup and disposal service for their customers or tenants, as well as commercial haulers of residential waste and/or commercial waste.

(g) It is unlawful for any person, company, corporation or other entity to dump trash, refuse, solid waste or garbage anywhere in the county, whether on public or private property, except in an authorized sanitary landfill or in bulk trash containers placed by the county in accordance with the provisions of section 12-11 of this Code. Violation of this section is punishable pursuant to the penalties prescribed in Section 17-13 of this Code.

Sec. 17-11. Disposition of bulk trash containers.

(a) A solid waste disposal system consisting, in part, of bulk trash containers in sufficient quantities to serve the needs of residents of the county shall be provided where space for such containers on or near well-travelled roads in the county shall benefit the greatest number of residents.

(b) Bulk trash containers may also be made available to county business firms desiring such service as the containers may be available to the sanitation department. Bulk trash containers shall be available to local businesses on either a rental or purchase agreement, prices of which shall be established and regulated by the sanitation department. The Director of Sanitation with the consent of the County Administrator shall establish rules and regulations controlling maintenance and use of such containers.

(c) Only residents of the county, and those persons visiting or touring in the county shall be invited and encouraged to use such bulk containers for normal household and residential wastes. However, no commercial, industrial, or institutional wastes shall be placed in bulk containers for public use.

(d) Dead animals of any kind shall also be prohibited from such containers.

(e) Hazardous wastes of any nature and all prohibited wastes shall be prohibited from the above containers. Such other items as determined by the Director of Sanitation with the consent of the County Administrator may be prohibited from being placed within the bulk trash containers, provided that a list of such prohibited materials shall be posted at the site of the container.

(f) Mutilation, defacement, or damage of any nature to bulk refuse containers (including burning or setting fire to the contents of said containers) shall be a misdemeanor and shall also subject the offender to recovery for all costs of the county incurred because of such action.

(g) It shall be unlawful for any person, except an actual bona fide resident of the county, or a bona fide tourist, to deposit or place waste in or use such bulk trash containers. The words "bona fide tourist," as used herein, shall not be construed to mean or include any person who resides within fifty (50) miles of the county courthouse at Dinwiddie, Virginia.

(h) It shall be unlawful for anyone to scavenge from or within any bulk trash container or to remove any item placed therein for disposal.

Sec. 17-12. Reserved.

Sec. 17-13. Violations; penalties.

(a) Violation of any of the provisions of this chapter, except where otherwise provided, by any person shall constitute a misdemeanor and shall be punishable for the first offense by a fine of not more than three hundred dollars (\$300.00) but not less than fifty dollars (\$50.00) or confinement in jail for not more than thirty (30) days but not less than five (5) days, or both.

(b) Second offenses shall be punishable by a fine of not more than three hundred (\$300.00) but not less than one hundred (\$100.00) dollars or confinement in jail for not more than thirty (30) days but not less than ten (10) days, or both.

(c) Third offenses and all subsequent offenses shall result in a fine of three hundred dollars (\$300.00) or confinement in jail for thirty (30) days, or both.

(d) Failure of any person to comply with the substantive provisions of this chapter shall constitute a separate offense for each day's noncompliance.

(e) It shall hereby be the duty of the county Director of Sanitation or his authorized representative to secure a summons against persons who are in violation of this chapter. Further enforcement shall rest with the county sheriff's department and the courts of the county.

(f) The board of supervisors requests the judge of the general district court to cause to be published in any newspaper of general circulation in the county the names of any violators of this chapter together with the nature of the violation and penalty prescribed for such violation.

IN RE: CONSIDERATION OF DUMPSTER CONTRACTS

Per the request of Mr. Bracey at an earlier board meeting, the following rules and regulations covering rented bulk trash containers were established.

RULES AND REGULATIONS COVERING RENTED BULK TRASH
CONTAINERS

These rules and regulations cover bulk trash containers leased by the Sanitation Department of Dinwiddie County to commercial, industrial and business enterprises located in Dinwiddie County and the service provided by the Department in emptying bulk trash containers and removing the trash to a public or private landfill.

1. No hazardous waste shall be placed within any bulk trash container. Hazardous waste shall be defined as those materials which, because of their inherent nature or quantities, require special handling during disposal to avoid creating environmental damage or hazards to public health or safety. Hazardous waste includes, but is not limited

to, such items as petroleum waste; paints; plastics; explosives; acids; caustics; chemicals; poisons; drugs; radio-active materials; asbestos fibers; imported wool fibers; pathologic wastes from hospitals, sanatoriums, nursing homes, clinics, and veterinary hospitals; waste from slaughterhouses, poultry processing plants; and the like..

2. The lessee of the bulk trash container shall maintain a suitable location for the container on a level, hard surface near but no closer than three feet from the building to be served. Such location shall be approved by the Director of Sanitation and shall have sufficient level, hard service access for the collection truck to maneuver to empty the container without difficulty. No parking shall be allowed around the container and access for the collection truck shall not be blocked or restricted.

3. In addition to hazardous materials, the following items may not be placed within any bulk trash container: no item over four feet long; no dead animals; no building materials or supplies; no appliances, automobile parts or furniture; no tires, no tree limbs or stumps. The lessee of the bulk trash container shall be responsible to insure that no prohibited item is deposited within the container leased to him and shall prohibit the public and others from using the container, such container being supplied only for the use of the establishment to which supplied.

4. The lessee of the bulk trash container shall be responsible for the area surrounding the container to insure that no material escapes from the container, the top on the container, if supplied, is kept closed, no litter is present, no debris is hanging on outside of the container and that generally the area is kept in a clean condition with grass cut to prevent insect or rodent infestation.

5. The lessee of the bulk trash container shall be responsible for the condition of the container, shall keep it sanitized and in good, clean condition. The user shall compensate the Department and the County of Dinwiddie for any damage to the container during the period of his lease.

6. Before any bulk trash container may be supplied to any establishment a lease and service agreement must be entered into by the establishment and the Department and these rules and regulations shall become part of that agreement.

7) The Director of the Sanitation Department shall, from time to time set the rates and charges for the lease of bulk trash containers with the consent of the County Administrator of Dinwiddie County. The present rate is _____ . Any change in rental rates shall be effective upon thirty days notification to the lessee who made terminate his lease upon the same notice.

Department of Sanitation
County of Dinwiddie

Received and Agreed to:

Lessee

IN RE: DUMPSTER RENTAL FEES

Action on dumpster rental fees was deferred from an earlier meeting.

The Chairman asked each Board member to contact the County Administrator and give their views on the dumpster rates. Then the County Administrator and County Attorney are to establish rental fees for rented bulk trash containers and bring their recommendations back to the Board at the next meeting.

IN RE: LANDFILL HOURS

The following rules and regulations for dumpster use were presented:

The following items are not to be put in dumpsters or on the ground at the dumpster site:

1. Tree limbs
2. Dead animals
3. Building materials
4. Furniture
5. Appliances
6. Automobile parts

The following Landfill Hours for Public use were presented:

7:30 a.m. thru 3:30 p.m. - Monday thru Friday
7:30 a.m. thru 12:00 noon - Saturday

Tommy Chowder will be on duty Saturday. In the event he has to be off, Irvin Davis will be on duty.

Mr. Bracey said he would like to stagger the Landfill hours. The Board requested the County Administrator and the Director of Sanitation get together and set Landfill hours and bring their recommendation back to the Board at the next meeting. They also requested Mr. Loftis to be at the meeting in order to answer questions.

IN RE: PUBLIC HEARING -- C-88-8 - CONDITIONAL USE PERMIT --
SMITHFIELD-CARROLLS FARMS

Smithfield-Carrolls Farms has withdrawn its Conditional Use Permit application. The Planning Commission at its August 24, 1988 meeting, unanimously denied this request.

Upon motion of Mr. Moody, seconded by Mr. Clay, Mr. Bracey, Mr. Clay, Mr. Harrison, Mr. Moody, Mr. Robertson voting "aye",

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA that the withdrawal of the Conditional Use Permit, C-88-8 submitted by Smithfield Carrolls Farms, is accepted.

IN RE: CORD PROPOSALS

Mrs. Dorothy Roney, representing the Citizens Opposed to Regional Dumps (CORD), requested the Board of Supervisors set up a work session between CORD, the press, and the public, in order for the group to express their facts and concerns, which they feel they would be unable to do during a public hearing.

The Board advised they would take the request under advisement.

IN RE: RESOLUTION OF RECOGNITION -- JAMES MAITLAND

Upon motion of Mr. Clay, seconded by Mr. Moody, Mr. Bracey, Mr. Clay, Mr. Harrison, Mr. Moody, Mr. Robertson voting "aye", the following resolution of recognition was adopted:

WHEREAS, James C. Maitland has served as Agricultural Extension Agent for Dinwiddie County since 1980; and,

WHEREAS, during that time Mr. Maitland has provided leadership, new and innovative programs and a high level of service to the residents of the County; and,

WHEREAS, Mr. Maitland has been honored by the National Agricultural County Agents Association by the award of its 1988 Achievement Award as the best extension agent in the State of Virginia; and,

WHEREAS, the citizens and the Board of Supervisors of Dinwiddie County are proud of Mr. Maitland and wish to congratulate him on his receipt of this award as well as to commend him in his job performance

and the high level of services he supplies to the citizens of Dinwiddie County;

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that James C. Maitland be hereby recognized for his services to the citizens of Dinwiddie County, commended for his leadership, new and innovative programs and high level of job performance and congratulated on his 1988 Achievement Award from the National Agricultural County Agents Association; and

BE IT FURTHER RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that a copy of this resolution shall be made a part of the minutes of this meeting, presented to Mr. Maitland and sent to the Virginia Cooperative Extension Service for inclusion in his personnel file.

EXTRACT
IN RE: RESOLUTION OF RECOGNITION -- LEEANORA EVERETT

Upon motion of Mr. Clay, seconded by Mr. Moody, Mr. Bracey, Mr. Clay, Mr. Harrison, Mr. Moody, Mr. Robertson voting "aye", the following Resolution of Recognition was adopted:

WHEREAS, Mrs. Leenora Everett has reported the news and happenings in Dinwiddie County for the Richmond Times Dispatch newspaper for over 20 years; and,

WHEREAS, Mrs. Everett has done an outstanding job in keeping the citizens of Dinwiddie County informed about the events and issues concerning the County; and,

WHEREAS, the Board of Supervisors of Dinwiddie County has been informed that Mrs. Everett is retiring from her position as reporter with the Richmond Times Dispatch;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Mrs. Leenora Everett be recognized for her outstanding service to the citizens of Dinwiddie County, congratulated on her years of service as a news reporter, and honored for her ability and service; and,

BE IT FURTHER RESOLVED THAT THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, expresses its gratitude to Mrs. Everett for her service to the citizens of Dinwiddie County and wishes her the best in her retirement; and,

BE IT FURTHER RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that a copy of this resolution shall be made a part of the minutes of this meeting, presented to Mrs. Everett and sent to the Richmond Times Dispatch newspaper.

IN RE: APPOINTMENT OF COMMUNITY CERTIFICATION MEMBERS

The appointment of members to the Community Certification Committee was postponed at the last meeting. Each Board member was to appoint two people from their district to serve on the Committee. The following members presented their recommendations; however, action was deferred until the next Board Meeting to complete the list.

Edward Bracey (District 3)	Raymond Ellis Harold M. Walker
Aubrey Clay (District 4)	William Tucker William E. Bolte
C. W. Harrison (District #2)	Charles Crowder Ann Blazek
Harrison Moody (District #1)	Mrs. R. W. Bridgeman, Sr. Joe Fields

George Robertson
(District #2)

(Incomplete)

IN RE: CLEANING SERVICE CONTRACT

Wendy Quesenberry, Assistant County Administrator, reported that only one bid was received for cleaning the county buildings in the amount of \$23,000. The County is looking into some different alternatives for cleaning and recommended rejecting all bids.

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mr. Bracey, Mr. Clay, Mr. Harrison, Mr. Moody, Mr. Robertson voting "aye",

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the bids received for the cleaning Service Contract be rejected.

IN RE: TARGET RANGE PERMIT -- DINWIDDIE VFD

Jim Rice, Public Safety Director, presented a Target Range Application from Dinwiddie Volunteer Fire Department to operate a Turkey Shoot behind the Village Mart, one mile north of Dinwiddie Courthouse on U.S. Route 1. The proceeds from the activity are to benefit the Dinwiddie VFD. Mr. Rice has visited the site and recommended approval of the permit.

Upon motion of Mr. Bracey, seconded by Mr. Moody, Mr. Bracey, Mr. Clay, Mr. Harrison, Mr. Moody, Mr. Robertson voting "aye", the Dinwiddie Volunteer Fire Department was granted a Target Range Permit to hold Turkey Shoots behind the Village Mart, zoned B-2, one mile north of Dinwiddie Courthouse on U.S. Route 1, with all the conditions stated therein.

IN RE: TARGET RANGE PERMIT -- REAMS RURITAN CLUB

Jim Rice, Public Safety Director, presented a Target Range Application from Reams Ruritan Club to operate a Turkey Shoot on their property off Route 605. Mr. Rice has visited the site and recommended approval of the permit.

Upon motion of Mr. Bracey, seconded by Mr. Moody, Mr. Bracey, Mr. Clay, Mr. Harrison, Mr. Moody, Mr. Robertson voting "aye", the Reams Ruritan Club was granted a Target Range Permit to hold Turkey Shoots on their property located on Route 605, with all conditions stated therein.

IN RE: SPECIAL ENTERTAINMENT PERMIT

Joe Emerson, Director of Planning, presented an Application for Special Entertainment Permit submitted by George E. Williams, sponsored by the Whippernock Hunt Club, to hold a Barbecue Dinner with live music at Whippernock Marina, on September 24, 1988, from 5:30 p.m. to 10:30 p.m. Mr. Emerson recommended approval of the permit.

Upon motion of Mr. Clay, seconded by Mr. Moody, Mr. Bracey, Mr. Clay, Mr. Harrison, Mr. Moody, Mr. Robertson voting "aye", the Whippernock Hunt Club is granted an Entertainment Permit to hold a BBQ Dinner on September 24, 1988 from 5:30 p.m. to 10:30 p.m., with all conditions stated therein.

IN RE: BINGO & RAFFLE PERMIT -- WILSON-HEBRON-FORD RURITAN CLUB

Upon motion of Mr. Bracey, seconded by Mr. Moody, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson voting "aye", Mr. Clay "abstaining",

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA that the following resolution be adopted:

WHEREAS, Wilson-Hebron-Ford Ruritan Club has submitted an application for a Bingo and Raffle Permit for Calendar Year 1988; and,

WHEREAS, Wilson-Hebron-Ford Ruritan Club meets the requirements as set out in Section 18.2-340.10 of the Code of Virginia and has paid the Ten Dollar (\$10.00) application fee.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Wilson-Hebron-Ford Ruritan Club be granted a Bingo and Raffle Permit for the Calendar Year 1988.

IN RE: APPROVAL FOR COUNTY ADMINISTRATOR TO ATTEND THE ANNUAL
ICMA CONFERENCE

Richard Barton, County Administrator, advised that as stipulated in his contract, the International City Management Association (ICMA) conference is scheduled for October 23-27, 1988, in Charlotte, North Carolina and requested permission to attend.

Upon motion of Mr. Moody, seconded by Mr. Harrison, Mr. Bracey, Mr. Clay, Mr. Harrison, Mr. Moody, Mr. Robertson voting "aye", Mr. Barton is authorized to attend the International City Management Association (ICMA) Conference in Charlotte, North Carolina, October 23-27, 1988.

IN RE: ADJOURNMENT

Upon motion of Mr. Bracey, seconded by Mr. Moody, Mr. Bracey, Mr. Clay, Mr. Harrison, Mr. Moody, Mr. Robertson voting "aye", the meeting adjourned at 11:10 p.m.


George E. Robertson, Jr.
Chairman

ATTEST: 
Richard Barton
County Administrator

