

VIRGINIA: AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD
IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION
BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 2ND DAY OF
APRIL, 1997, AT 7:30 P.M.

PRESENT: HARRISON A. MOODY, CHAIRMAN	ELECTION DISTRICT #1
EDWARD A. BRACEY, JR., VICE-CHAIR	ELECTION DISTRICT #4
AUBREY S. CLAY	ELECTION DISTRICT #5
LEENORA EVERETT	ELECTION DISTRICT #3
MICHAEL H. TICKLE	ELECTION DISTRICT #2
BEN EMERSON	COUNTY ATTORNEY

IN RE: MINUTES

Upon motion of Mr. Tickle, seconded by Mrs. Everett, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes for the March 19, 1997 Regular Meeting, are hereby approved in their entirety. The minutes from the March 26, 1997 continuation meeting will be held until the next meeting.

IN RE: CLAIMS

Upon motion of Mr. Clay, seconded by Mrs. Everett, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Clay, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the following claims are approved and funds appropriated for same using checks #1005284 - #1005497 (void checks 1005283, 1005379 and 1005494); for Accounts Payable in the amount of \$155,517.22; General Fund \$151,985.51, Jail Commission Fund \$135.86, E911 Fund \$1,968.90, Grant Fund \$1,426.95, Payroll in the amount of \$276,308.48 and CDGB Grant Fund \$597.74.

IN RE: APPROVAL OF REQUISITION #20 -- COURTHOUSE CONSTRUCTION

Mr. Moody stated we have Requisition #20 for the Courthouse which consists of a single payment to:

Gulf Seaboard General Contractors, Inc.	\$420,933.60
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Upon motion of Mr. Bracey, seconded by Mr. Clay, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that Requisition #20 in the amount of \$420,933.60 be approved and funds appropriated for CIP expenses for the Courthouse Project Fund.

IN RE: APPROVAL OF REQUISITION #17 -- SCHOOL CONSTRUCTION

Mr. Moody stated that Requisition #17 consists of payments to:

KBS, INC.	\$608,879.70
Froehling & Robertson, Inc.	2,001.00
Stroud, Pence & Associates, LTD	2,900.40
Total	\$613,781.10

Upon motion of Mrs. Everett, seconded by Mr. Bracey, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that Requisition #17 in the amount of \$613,781.10 be approved and funds appropriated for CIP expenses for the School Construction Fund.

IN RE: CITIZEN COMMENTS

The following persons addressed the Board:

1. Mr. George Hobbs came before the Board to request information regarding the time limit on coming back to the Board to change the name on his road back to Halifax Road.

Mr. Moody directed Mr. Scheid to research this question and report his finding to Mr. Hobbs.

2. Paul Coleman came before the Board to update them on the progress of the National Event at Virginia Motorsports Park. Ticket sales are up from last year. Arrangements have been completed with the Dinwiddie Sheriff's Department, Virginia State Police, Virginia Department of Transportation, Dinwiddie Sports Club, Dinwiddie County High School and the public school system. All arrangements are ahead of last year and he thinks we can look forward to a prosperous event, good event, and an event that will speak well for the County. This year the events will be televised Friday night for two (2) hours, Saturday for one (1) hour live, and Pay for View eight and one-half (8 1/2) hours.

IN RE: ADOPTION OF 1997-98 BUDGET AND 1997 TAX RATES

Mrs. Wendy Weber Ralph, Assistant County Administrator, stated that the tax rates are proposed as advertised unless the Board chooses to change because of the method of airplane assessment. She presented the following comments regarding budget changes that might occur:

1. Budget amendments will be presented to the Board at a later date to reflect the changes approved by the Compensation Board. The additional revenue is not shown in this budget, but will not have a large impact. Also, the School Board will be presenting their revised budget, which should not affect the General Fund transfer.

2. Also, Mrs. Ralph advised the citizens that \$1 million of the undesignated fund balance is being considered by the Board for Capital Projects. A recommendation from the Planning Commission should be finalized in the near future.

3. Information on the airplane assessment is enclosed in the Board packets from the Commissioner of the Revenue along with a copy of the letter Administration wrote her requesting additional information.

Mr. Bracey asked Mrs. Ralph where was Mrs. Marston's response to the letter from her? Mrs. Ralph stated that she did not have a response, unless something was received today. Mrs. Ralph stated she had not received a letter. Mr. Bracey stated then you have not received a response from the Commissioner of the Revenue. Mrs. Ralph stated not in writing. Mr. Burgess commented by reading the last sentence of Mrs. Ralph's memorandum, "In the absence of anything in writing, our recommendation will be for the Board to proceed as stated above." This is \$.50 tax rate on aircraft based on 100% of the value according to Aircraft Bluebook values. Mr. Bracey stated he did not like to do business this way. This method is what Mrs. Ralph is saying, not what the Commissioner of the Revenue is saying. I would like to know her plan. I think we all agree on the \$.50, I think we also agree on the 100% assessment. Is she going to use this, or come up next week, or six months from now and say I didn't understand. Mrs. Ralph assured Mr. Bracey that, when she wrote the letter and put it in Mrs. Marston's hand, the conversation was that she agreed to what is in that letter. Mrs. Ralph further stated that she did ask for Mrs. Marston to verify it in writing for the Board, before the meeting, and all she can tell the Board is that we do not have a response yet. But our conversation was the recommendation; she would be using the bluebook, and it would be 100% valuation if the Board made the rate \$.50. Mr. Bracey questioned how do you adopt a budget - Mr. Emerson can this be done? Mr. Burgess stated that the memorandum was consistent with the statements the Commissioner made at the public hearing and we were trying to verify those in writing. For certain reasons I requested Mrs. Ralph to put that last sentence in and in the absence of a response we would take that as an affirmative. Mr. Bracey questioned Mr. Emerson, if that was

alright. Mr. Emerson, County Attorney, stated that he felt that was alright; however, the Board can amend the budget later if they find the Commissioner is doing something different. Mr. Tickle expressed himself by stating that the Board of Supervisors sets the rate and we also set the design of how it is to be carried forth, so no matter what Mrs. Marston decides to do we set the rate and it is her job to follow through. If we have indicated that this method is what we want then the Commissioner has to follow that, is this not true? Mr. Burgess intervened, by stating, the Commissioner determines the valuation process. Mr. Bracey confirmed by agreeing with Mr. Burgess; she determines the valuation. Mrs. Ralph stated the Board determines the rate. Mr. Tickle stated we have minutes from the last meeting, in which, I think Mrs. Marston publicly acknowledged exactly what is in our bids here, so I cannot see it's any problem. Mr. Bracey - if it is not a problem, fine. Mr. Chairman in that particular case can this become a part of the minutes. This statement that Mrs. Ralph sent to the Commissioner of the Revenue. Mr. Moody responded if the Board so desired. Mrs. Ralph stated if the Board so chooses to make it a part. Mr. Bracey stated in it's entirety. The only other comment Mrs. Ralph had was that we had received a letter from John Tyler Community College requesting full funding.

TO: Mrs. Deborah M. Marston
Commissioner of Revenue

FROM: Wendy Weber Ralph
Ass't County Administrator

DATE: March 27, 1997

SUBJECT: Airplane Assessments

This is to follow up on your presentation Wednesday evening on the methodology of airplane assessments in the County and how that relates to the tax rate to be set by the Board of Supervisors.

It is the Board's understanding that you will be changing the methodology of assessing airplanes in the County to 100% based on the value according to the Aircraft Bluebook Digest. This would allow the Board to set the tax rate at 50 cents. Please confirm this in writing to me so I may provide the Board with a copy before their meeting on April 2, 1997. In absence of anything in writing, our recommendation will be for the Board to proceed as stated above.

Mr. Edward A. Bracey, Jr., read the following conflict of interest statement:

I, Edward A. Bracey, Jr., "In accordance with Section 2.1-639-14, paragraph (g) of the Code of Virginia, wish to disclose that my wife (Bernice Bracey) is employed by the Dinwiddie County School system. Employment of my wife occurred several years prior to my election to the Board of Supervisors and the results of any decision by this Board will affect my wife to no greater or less extent than other teachers with similar credentials and experiences. Therefore, I feel that I am able to participate in the actions of the Board concerning the 1997-98 budget effectively, fairly and in the public interest.

Upon motion of Mrs. Everett, seconded by Mr. Clay, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the airplane tax rate be changed to \$.50 per hundred based on 100% of the Aircraft Bluebook Digest value.

Upon motion of Mr. Bracey, seconded by Mr. Tickle, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the following 1997 tax rates are adopted:

TAX RATES FOR 1997

Real Estate	.74
Mobile Homes	.74
Mineral Lands	.74
Public Services	.74
Personal Property	4.90
Personal Property - Volunteer Vehicles	.25
Machinery & Tools	3.30
Heavy Construction Machinery	3.30

Mr. Moody stated we would now move to the 1997-98 budget and asked for discussion from the Board.

Mrs. Everett stated that she would like to see the \$10,000. reinstated for the Appomattox Regional Library request and also the \$426.00 for John Tyler Community College. These are both regional enterprises that we are involved in. With regards to the community college, we do have 237 Dinwiddie students at John Tyler and their request is based on a formula that involves the localities that are served. While it isn't a great amount of money there is a principle involved here and the \$426.00 would bring that request to it's total of \$1733., and I would like to see that \$426.00 added to the budget for John Tyler Community College. I turn that into a motion.

Mr. Moody stated we have a motion, for both of those at the same time? Mrs. Everett stated that she would like to make them separate. Mr. Moody said that they would do John Tyler Community College first.

Upon motion of Mrs Everett, seconded by Mr. Bracey, Mr. Clay, Mr. Tickle voting "nay", Mrs. Everett, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the \$426.00 be returned to John Tyler Community College allocation bringing the total up to \$1733.00.

Upon motion of Mrs. Everett, there being no second given, Mrs. Everett voting "aye", Mr. Clay, Mr. Tickle, Mr. Bracey, voting "nay", Mr. Moody "abstaining",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the motion to reinstate the \$10,000.00 to the Appomattox Regional Library budget is denied.

Upon motion of Mr. Clay, seconded by Mr. Bracey, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody, voting "aye", Mrs. Everett voting "aye with protest",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the following 1997-98 budget is adopted:

INCOME ESTIMATES	Current Fiscal Year	Fiscal Year Commencing July 1, 1996
GENERAL FUND:		
Revenue from Local Sources:		
General Property Taxes	\$ 9,273,000	\$11,293,100
Other Local Taxes	2,206,000	2,231,000
Permits, Privilege & Regulatory Licenses	161,100	158,900
Fines and Forfeitures	140,000	147,000
Revenue from Use of Money & Property	387,000	417,000
Charges for Services	337,550	307,120
Miscellaneous Revenue	156,350	176,350
TOTAL	12,661,000	14,730,470

Revenue from the Commonwealth	2,056,500	2,061,386
Revenue from the Federal Government	-0-	-0-
Non-Revenue Receipts	-0-	-0-
TOTAL GENERAL FUND	\$14,717,500	16,791,856
LAW LIBRARY FUND	3,500	5,000
SCHOOL TEXTBOOK FUND	192,063	210,487
SCHOOL CAFETERIA FUND	978,500	958,500
SCHOOL FUND:		
Revenue from Local Sources	63,400	96,400
Revenue from the Commonwealth	13,224,417	13,844,882
Revenue from the Federal Government	837,104	660,332
Transfers from Other Funds	5,320,836	5,700,102
 TOTAL SCHOOL FUND	19,445,757	20,301,716
VA PUBLIC ASSISTANCE FUND	1,697,051	1,849,389
E911 FUND	60,000	62,000
SELF-INSURANCE FUND	275,000	320,000
GENERAL CAPITAL PROJECTS FUND	-0-	-0-
OYCS FUND	57,730	52,807
CDBG CAPITAL PROJECTS FUND	-0-	35,108
FIRE PROGRAMS FUND	32,000	37,000
FORFEITED ASSET SHARING	4,000	7,600
MEALS TAX	300,000	300,000
SCHOOL CAPITAL PROJECTS	-0-	-0-
CSA FUND	563,726	596,500
JAIL COMMISSION FUND	16,500	11,000
COURTHOUSE MAINTENANCE FUND	20,000	20,000
COUNTY DEBT SERVICE	1,472,646	1,673,306
SVRIC FUND	-0-	135,000
HEAD START FUND	-0-	123,819
COUNTY CONSTRUCTION FUND	145,700	4,000,000
SCHOOL CONSTRUCTION FUND	10,000,000	6,725,552
SCHOOL DEBT SERVICE	1,208,847	2,001,319
GRAND TOTAL -- ALL FUNDS	\$51,190,520	56,217,959
LESS INTERFUND TRANSFERS	8,689,650	9,899,532
TOTAL INCOME	\$42,500,870	46,318,427
FUND BALANCES, JULY 1	15,882,532	21,741,247
CASH RESOURCES	\$58,383,402	68,059,674

CONTEMPLATED EXPENDITURES

GENERAL FUND:		
Board of Supervisors	\$ 52,334	\$ 54,134
County Administrator	198,706	206,358
County Attorney	40,350	40,350
Independent Auditor	22,750	22,000
Commissioner of the Revenue	188,621	224,746
Business License	17,698	19,255
General Reassessment	70,000	-0-
Land Use	16,728	17,953
Treasurer	222,841	232,981
Data Processing	52,575	54,961
Electoral Board and Officials	72,316	75,671
Circuit Court	14,050	15,050
County Court	5,060	5,080
Special Magistrates	200	500
Clerk of the Circuit Court	54,915	57,653
Commonwealth's Attorney	106,206	110,607
Sheriff-Law Enforcement	1,875,723	2,163,375

Fire & Rescue Service	-0-	-0-
Volunteer Fire Departments	154,000	147,000
Ambulance & Rescue Service	40,300	42,087
Forestry Service	11,720	11,720
Dinwiddie EMS	273,735	286,589
Sheriff-Correction & Detention	312,608	308,108
Probation Office	4,300	3,150
Other Correction & Detention	65,127	67,074
Building Inspection	164,772	169,387
Construction Inspector	46,784	49,383
Animal Control	105,177	104,160
Medical Examiner	500	500
Road Administration	250	-0-
Street Lights	42,000	42,000
Refuse Disposal	1,039,932	1,186,110
Public Nuisance	5,000	5,000
Public Utilities	101,500	103,100
Maintenance of Buildings & Grounds	240,884	267,729
Water Service	144,000	160,000
Health	160,000	160,011
Mental Health	40,998	41,612
Welfare Administration	-0-	-0-
Other Social Services	19,534	19,916
Community College	1,268	1,733
Recreation	139,175	149,850
Lake Chesdin	1,500	1,500
Regional Library	142,403	146,676
Planning	113,797	166,102
Economic Development	30,619	18,515
Other Planning & Community Development	79,464	77,404
Regional Planning Commission	12,540	12,540
Soil and Water Conservation	7,500	7,500
Advancement of Agric & Home Economics	36,720	53,061
Internal Services	54,850	12,850
Subtotal	6,604,030	7,123,041
Transfers to Other Funds	7,950,941	9,383,007
TOTAL - GENERAL FUND	\$14,554,971	16,506,048
HEAD START	-0-	123,819
SVRTC FUND	-0-	135,000
LAW LIBRARY FUND	3,500	5,000
SCHOOL TEXTBOOK FUND	242,063	251,585
SCHOOL FUND	19,445,757	20,301,716
SCHOOL CAFETERIA FUND	966,905	985,610
VA PUBLIC ASSISTANCE FUND	\$1,697,051	1,849,389
E911 FUND	38,731	45,960
SELF INSURANCE FUND	275,000	347,711
OYCS FUND	62,730	52,807
GENERAL CAPITAL PROJECTS	-0-	-0-
SCHOOL CAPITAL PROJECTS	-0-	-0-
CDBG FUND	60,000	38,308
FIRE PROGRAMS FUND	32,000	37,000
FORFEITED ASSET SHARING	4,000	7,600
MEALS TAX FUND	159,000	440,000
CSA FUND	563,726	596,500
JAIL PHONE COMMISSION FUND	30,000	-0-
COURTHOUSE MAINTENANCE	-0-	-0-
DEBT SERVICE	1,215,247	1,323,306
COUNTY CONSTRUCTION FUND	5,686,003	4,000,000
SCHOOL DEBT SERVICE	1,208,847	2,001,319
SCHOOL CONSTRUCTION FUND	9,352,427	13,447,002
GRAND TOTALS - ALL FUNDS	\$55,597,958	\$62,495,680
LESS INTERFUND TRANSFERS	8,689,650	9,899,532
TOTAL EXPENDITURES	\$46,908,308	52,596,148
FUND BALANCES - JUNE 30	11,475,094	15,463,526
TOTAL REQUIREMENTS	\$58,383,402	\$68,059,674

IN RE: C-97-2 -- ROBERT RAGSDALE -- PUBLIC HEARING

This being the time and place advertised as in the Dinwiddie Monitor on March 19, 1997 and March 26, 1997 for the Board of Supervisors to conduct a public hearing for the purpose of considering a request for a conditional use permit submitted by Robert Ragsdale to provide storage for explosives on property totaling 126 acres located in Ford, Virginia, south of Route 460 on Baltimore Road.

Mr. W. C. Scheid, Director of Planning, came before the Board and stated that the total acreage is 126 acres, consisting of two (2) parcels of land designated by Tax Map Number 41, parcels 45 and 46. The property is zoned General Agricultural (A-2). The location and description of the property is as follows:

The property is located in Ford, south of Route 460 on Baltimore Road. The property starts approximately 1/3 mile east of Baltimore Road. The Topography varies from flat to rolling terrain. There are some wet lands as well as pasture and timber lands.

The applicant's request is: The applicant wishes to provide storage for explosives. Such a use is permissible in an Agricultural, General, A-2 zoning classification with a conditional use permit. It is proposed that there will be two (2) portable buildings measuring 264" x 84" x 84". There will also be two (2) storage bins measuring 44' in height and 10' square.

The Planning Commission reviewed a similar case in 1993 (C-93-5). It was recommended by staff at that time that the request be granted with eight (8) conditions. The Commission on a unanimous vote, recommended approval to the Board with conditions attached. The Board voted unanimously to accept the Planning Commission's recommendation. There have been no violations or problems with the facility built in 1994. The site under consideration is located within approximately 1/2 mile (straight line) of the previously approved site. It is remote and should not present a threat to any adjacent land owner.

What I would like to now do is to just go back to the cover sheet in which it was stated that the Board would hear this request on April 2nd meeting, which is this evening. The Planning Commission heard the case on March 12th, 1997 and recommend approval with conditions by a 4-1 vote. It was stated that upon the motion of Mr. Titmus, seconded by Mr. Perkinson, Mr. McCray, Mr. Perkinson, Mr. Titmus, Mr. Lee, voting "aye", Mr. Moody voting "nay", BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.1-491(g), it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, the Planning Commission recommends that C-97-2 be forwarded to the Board of Supervisors for approval with the following conditions: 1. All BATF guidelines be adhered to, specifically in respect to Table 55.128 (table of distance for storage for explosive materials.) 2. A site plan will be submitted showing distances from all structures on the site to inhabited buildings, public highways, and the separation of magazines. 3. An annual inspection will be required from the Planning Department or its representatives for each magazine on site. 4. All regulations contained in F2600 of the Virginia Statewide Fire Prevention Code must be adhered to. 5. The facility will be located as shown on the location maps submitted with the conditional use permit application. 6. The facility will be open whenever necessary for inspection by the Planning Department or its representative. 7. The perimeter of the actual storage site will be secured with an eight (8) foot high fence topped with three (3) strands of barbed wire. The gate to the facility will be locked when security personnel are not on-site. 8. No vegetation will be disturbed for at least three hundred (300) feet around the fence protecting the magazines and storage bins, with the exception of the area needed to be cleared for the access road. 9. A road gate will be erected within two hundred (200) feet of the access road (Baltimore Road) and will be locked during hours when personnel are not located on premises.

Mr. Scheid then proceeded by showing the location of the property in question on the overhead projector.

Mr. Bracey questioned Mr. Scheid as to the number of his Commissioner's who actually went to look at this site? Mr. Scheid answered with none of them had expressed to him if they had or had not been to the site.

Mr. Moody asked if the applicant was in attendance and if so to please come forward. Mr. Robert Ragsdale came to the podium. He stated that he had personally taken Mr. Scheid out to the Piedmont Explosive Inc. site, which was established in 1994. It is a very well done site, it is kept clean, and there is no danger of explosion there whatsoever. I don't think you can get more remote than the proposed site unless you go to Cherry Hill. Mr. Bracey asked for an explanation of what type of explosives, what they would be used for, and who will be running this operation. Mr. Richard B. Gotcher, Division Manager for The Ensign-Bickford Company, came before the Board to address the questions regarding the proposed operation. The reason for locating in Dinwiddie County is it is central to the market that they are looking at. The products that would be stored on site would be non-electric detonators, gas boosters, and ammonium nitrate. This location will serve the entire State of Virginia. We would use Baltimore Road as our main route of travel, and the chemicals would be transported in large tanker trucks. Mr. Bracey inquired as to the number of people The Ensign-Bickford Company would plan to employ? Mr. Gotcher stated he hoped to begin with approximately 25 or more and as the business expanded the number would increase. Mr. Tickle asked what impact, financially, you are going to make on this County if we decide to change the zoning and allow your type of business in that area and also what type of negative impact have you made in other areas to property values by having a facility like yours located in the area? Mr. Gotcher could not answer questions regarding property values. He would only state that this would be financially beneficial to Dinwiddie County.

This being a public hearing the Chairman opened the Public Hearing on C-97-2 -- Robert Ragsdale -- conditional use permit. The following persons spoke on the request:

1. Ms. Mary Allen -11713 Baltimore Road - was concerned about the traffic that will be added to Baltimore Road - she stated the road is not designed for this type of traffic. She requested that the Board of Supervisors not approve this type of facility.
2. Mr. Leonard Drost - 12315 Siding Road, Church Road - stated that he objected to this type of facility being located in Dinwiddie County.
3. Bernice Taylor - 12207 Baltimore Road, Ford - expressed her concern about the hazardous waste that will be in our area, and the trucks that will be traveling Baltimore Road. She stated that it is not safe to have these trucks on her road and she preferred not to have it in Dinwiddie County.
4. Ms. Mary Palmer - 12416 Baltimore Road, Ford - stated her concerns mainly the trucks, along with the danger of a wreck and spill of the chemicals. She felt that the trucks travel at excessive speeds. She expressed the fact she is frightened.
5. Mr. Ronnie Wray - 11404 Baltimore Road, Ford - expressed what he considered grave concerns. First was the vehicular traffic issue, the road not being designed for this type of vehicles. Another concern is for the safety of the homes on Baltimore Road. If an accident should occur on this road, the road would have to be closed and residents evacuated from their homes. And last was property values. He asked the Board to please look closely before you approve this industry.
6. Mr. Rick Heitzenrater - 11211 Colemans Lake Road - came forth and stated that there was not much he wished to say that had not already been expressed. I feel that this industry would be of no benefit to Dinwiddie County.
7. Ms. Kristy Heitzenrater - 11211 Colemans Lake Road - wished to emphasize what everyone else had expressed. What happens to all the souls that live out on Baltimore Corner, if the wells get polluted, skin burns, and who knows what occur from this facility.

8. Mr. Bobby Martin - 9900 Boze Road - wishes to confirm his agreement with the previous speakers regarding traffic.

9. Mr. Mike Schoenenberger - his mother-in-law, Ms. Frances Wells, lives at 8820 Baltimore Road - made a presentation of pictures he had taken of the large trucks traveling on Baltimore Road. He followed a PEI truck for several miles stating that the truck was traveling in excess of 75 miles per hour. The truck was not only speeding but traveling in the middle of the road. The truck was carrying blasting agents, oxidizers, and a lot of other things that would have absolutely blown that neighborhood off the face of the earth. He suggested that this Company look into the Fort Pickett area or other remote, more suitable locations. Mr. Ragsdale has a lot more land to sell and I am sure there are a lot more of these things that would love to come to Dinwiddie County. His question was do we want to live with them?

10. Ms. Anna H. Schoenenberger - she is co-owner of the farm located at 8820 Baltimore Road - her concern was with violations - or better yet Mr. Scheid's statement that there have been no violations with the C-93-5 which was approved for PEI in 1994 when they came to Dinwiddie County. The residents have had a few problems. There have been some problems at the railroad siding at Ford. There was a spill there on March 17th. Right across the road from the siding we have a business, that has been there for a number of years, Williams & Lewis Fuel Oil Business. Our farm has been broken into five (5) times in less than twelve (12) months. Our insurance is being cancelled because of the crime and the potential problems with the ammonia nitrate sitting on the siding at Ford. There are several potential problems such as water pollution, spills causing poison gas to be released, fire, and explosion. She urged the Board to please vote no on this particular request for a conditional use permit and would also urge you to reconsider or consider rescinding your previous approval for the existing explosive plant.

11. Mr. Bill Cheek - 9302 Boze Road, Ford - expressed concern for the property values. He asked the Board to make a decision that would take this County forward and not backwards.

There being no other persons desiring to speak, Chairman Moody closed the public hearing and offered Mr. Ragsdale a chance for rebuttal.

Mr. Charles Phipps, a representative of The Ensign-Bickford Company, came before the Board to convey the following facts about the proposed industry. The driveway would be 2.2 miles south of 460. It would be on the better portion of Baltimore Road. The product that we have in question is a product that we can go to any local farm supply store and purchase. The American Table of Distance requires us to get away from highways and inhabited buildings far enough in case there would be a problem of explosion. The reason the Table of Distance is as it is, that if all of it would go off at one time, that the public would not be harmed. If this was not true they would have us go a greater distance. We have no rail sidings and we have no manufacturing plants. We are seeking permission for storage and delivery from this location. The twelve (12) people or more, we have no way of predicting at the moment how many we might start, we feel that our prospects is bright for the future, and the number could be far greater. We would be buying local building materials and therefore we would be adding to the tax base and I am sure that our citizens who would be employed would contribute to the income of this County. Thank you for listening to me.

Mr. Bracey questioned the number of people to be employed from Dinwiddie County, not brought in from out side the County. Mr. Phipps answered that the majority of the employees would be from Dinwiddie County.

Mr. Tickle also had questions regarding the blast area, blaster, and if this ignited what would happen to the area, what is it going to look like. Mr. Phipps explained a blaster being a person that is a technician who controls the blast at the customer location. If in fact, for some unlikely reason, we would have an unwanted detonation at our location, the Government has made us stay away from inhabited buildings and farm areas so that the public would not be harmed. Mr. Tickle - if for some unknown reason that facility went up in a blast, would the blast

be 10 feet high, or 100 feet high, or basically what is the circumference of the radius of the site. Mr. Phipps responded by less than 2,000 feet out. Mr. Tickle asked will you be leasing or buying this property? Mr. Phipps stated buying. Mr. Tickle asked about the regulated speeds of their trucks, since they are carrying hazardous material, dangerous material. Mr. Phipps yes, we had regulated speeds. Our Company has been complimented by law enforcement officers on the cleanliness of our trucks, the appearance of our drivers, and the way that we conduct ourselves. This is not to say that we have never broken the speed limit, but if this was reported to us, well let me say they would no longer be in our employ. Mr. Tickle requested information on the number of accidents reported to an insurance company over the past five years. Mr. Phipps stated he did not know. Mr. Tickle then questioned Mr. Phipps on site violations, how many have you had? Mr. Phipps stated there have been no site violations. Mr. Tickle asked about security at night. Mr. Phipps stated that the facility would be well secured - State and County codes do not require 24 hour security. Mr. Tickle asked about growth of the proposed facility - could this be doubled in the future? Mr. Phipps stated that they would have to go deeper into the property and that they can do a tremendous amount of business with the amount of storage that they have presently proposed. Never is a long time and Mr. Phipps stated that he could not say words that would forever be held against him, therefore when I say that we will never grow larger than that 200 or 300 area, I don't know. Mr. Tickle asked is they would be willing to set conditions, say I will come back to you if I decide to expand. That way the citizens in this area would never be put in a situation that that would occur. Mr. Phipps stated in all fairness to the Board, as County leaders, and to the citizens of the surrounding community that we should come to you if our growth should require us to enlarge more than 300,000 pounds. Mr. Tickle asked Mr. Phipps about the lighting on the grounds. Mr. Phipps replied by stating that the way the terrain lies, the facility would be in a valley, which should prevent the lighting from disrupting the citizens in the area. Mr. Tickle's last question was how many facilities such as these sites are there in Virginia? Mr. Phipps stated that he was aware of only four (4) in Virginia. Mr. Tickle stated four (4) in Virginia and we have three (3) in Dinwiddie County. Mr. Gotcher stated that their Company could not be held responsible for Piedmont, the things that have happened there. I understand the concerns of the community. We claim to run a first class operation, we have in the past and plan to do so in the future.

The Board questioned the spill in March. Mr. Shands was asked to check into that matter and report back to the Board.

Mr. Moody stated that as a member of the Planning Commission he had voted against this amendment to the zoning ordinance and he stands by his position to vote against this also. He feels that this will hurt the property values to some extent. Also 622 is a winding road, not designed for this type of traffic.

Upon motion of Mrs. Everett, seconded by Mr. Bracey, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody, voting "aye",

BE IT RESOLVED, BY THE Board of Supervisors of Dinwiddie County, Virginia, that C-97-2 be denied.

IN RE: P-97-2 -- CALVIN WILKERSON -- PUBLIC HEARING

This being the time and place advertised in the Dinwiddie Monitor on March 19, 1997 and March 26, 1997 for the Board of Supervisors to conduct a public hearing to consider a rezoning from Residential, Limited R-1 to Agricultural, General A-2. The purpose of the rezoning is to allow the property owner to place a single family dwelling on his property.

Mr. Scheid came before the Board to present the Planning Staff Report. This case P-97-2 is submitted by the applicant Calvin Wilkerson, with the location of the property being 7051 Squirrel Level Road. There is approximately 93 acres in this tract of land being identified as Tax Map Number 22-69. The current zoning on this land is Residential Limited, R-1.

The property is located on the east side of Route 613, Squirrel Level Road, just north of Route 676, Flank Road. St. John's Church/Hall/Rectory are located near this property. The land is relatively flat and is used for agricultural and timber production. There is a large power line which transverses the property along Route 613, Squirrel Level Road. This is a limitation on the development of the property.

The applicant seeks to rezone the parcel (a portion thereof) from Residential, Limited R-1 to Agricultural, General A-2. The applicant has proffered the following if the property is rezoned:

1. the property fronting on Route 613 measuring 500" in depth, and running parallel to Route 613, will remain zoned Residential, Limited R-1;
2. one residence will be located on the property rezoned to Agricultural, General, A-2 and will be located approximately 1200' from Route 613 and 1800' from Route 676; and
3. the property will continue to be farmed with no intensive livestock operation permitted.

The area has three (3) different zoning classification. They are Residential Limited, R-1, Agricultural, General, A-2 and Industrial, General M-2. The industrial zoning is found adjacent to the railroad tracks which defines the northern boundary of the County with Petersburg. The agricultural zoning is found to the west of Squirrel Level Road (Route 613). The remaining land is zoned residential.

The residential zoning in this area has existed since the early 1970's. Most of the residential lots in this area have frontage on existing state roads with the exception of Virginia Hills Subdivision which was developed in the late 1970's and early 1980's. A large lot development was platted a few years ago off of Church Road and is served by a private road named Fort Fisher. This property is zoned as General, Agricultural, A-2. It must be mentioned that this area has not received much growth over the past decade.

The comprehensive land use plan which was revised June 5, 1996 has identified this area as agricultural-residential. This indicated that significant residential growth is not anticipated in this area within the next 5 to 10 years.

In discussing future expansion of the public water and sewer services with Mr. Rob Harrison of the Dinwiddie County Water Authority, he stated that there are no plans in the foreseeable future to extend lines in this area. The Water Authority is working with land developers to extend services in the Route 1 and River Road corridor areas. Since the Authority has a limited amount of sewage capacity at the Petersburg Treatment Plant, they must be selective in providing service to new areas within the County. Also, the Authority must account for "infill development" since service is already available to those lands.

The soil survey recently published for Dinwiddie County shows this area as poorly suited for on-site septic systems. The Planning Department has noted that residential lots built upon in this area have been on acreage parcels. The soil information indicates Mr. Wilkerson's soil types as Mattaponi sandy loam (12A & 12B) and Roanoke loam (16A). These soils are very good for cultivated crops and woodlands.

As stated in Mr. Wilkerson's application, the primary use of this land for the past sixty (60) years has been for agricultural purposes. Again, reference is made to the County's Comprehensive Land Use Plan. The comprehensive plan appears to address Mr. Wilkerson's situation as follows:

1. Policy statement #4 preserve productive agricultural and timber lands from premature conversion to urban uses by discouraging urban development patterns throughout the County;
2. Open Space, Recreation and Historic Preservation - Preserve "open space" areas throughout the County such that these areas will become

an integral part of the community as the growth corridors and centers expand.

c. Permit large land owners, i.e. timber companies, agricultural land under cultivation, etc., in urbanizing areas to continue functioning under favorable zoning classification if this action does not impose an undue economic or development hardship upon the County.

Mr. Scheid further stated that the Planning Commission heard this case on March 12, 1997, and recommended approval with proffers by a 5-0 vote.

Mr. Scheid continued that Mrs. Wilkerson originally came into the office and applied for a zoning permit for Mr. Wilkerson to build a home. Health conditions became such that he had a heart attack and had some other health problems and it has turned out that his plans had to be changed. What he had done is he has purchased, thinking that he could go forward with this, a double wide mobile home to put on the property. This is a customized mobile home. In talking with the building inspector that this was so modified that it actually came in under BOCA code except for one exception. The floor joist does not comply with BOCA code; therefore Mr. Scheid stated he could not allow this structure to go on the property under the current zoning.

Chairman Moody then opened the Public Hearing on P-97-2 request:

Mr. Calvin Wilkerson - 7051 Squirrel Level Road, Petersburg, Virginia - came before the Board to explain to them that he was under the impression that he could go forward with this, as Mr. Scheid had previously voiced and in turn had invested \$40,000.00 cash money already in this project. Our home is ready to be delivered as soon as things go through, it has been ready for more than six (6) weeks. I thought I had done what I was supposed to do when I came up and applied. I have the septic tank in place, the well is there, the road is there, the electricity has been put in, we are just waiting to be able to put the home there. I have no intention to put any other trailers, mobile homes, etc., on this property. I only want to put my home, one (1) single dwelling for my family on this property. We have added almost \$20,000.00 upgrade to this home.

There being no further citizens wishing to speak at this public hearing, Mr. Moody declared the Public Hearing closed.

Upon motion of Mrs. Everett, seconded by Mr. Bracey, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED, by The Board of Supervisors of Dinwiddie County, Virginia that in order to assure compliance with the Virginia Code Section 15.1-491 (g), it is stated that the public purpose for which this resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, the Board approves the rezoning application P-97-2 with proffers submitted by applicant.

IN RE: A-97-1 -- ZONING ORDINANCE AMENDMENT

This being the time and place as advertised in the Dinwiddie Monitor newspaper on March 19, 1997 and March 26, 1997, for the Board of Supervisors to conduct a public hearing to discuss the proposed amendment in the Dinwiddie County Code under Chapter 22, Section 22-1, Section 22-22, Section 22-43, Section 22-59 and Section 22.71 which pertains to the definition of single family dwelling, conditional use permit review by the Board of Zoning Appeals, conditions relating to the placement of a mobile home on an individual lot and permitted uses within Agricultural, Limited, A-1 and Agricultural, General, A-2 districts.

Mr. Scheid read over the proposed changes. After reading Mr. Scheid called for questions from the Board members.

There being no questions from the Board, Chairman Moody opened the Public Hearing on A-97-1.

1. John Rick - representative of the Virginia Manufactured Housing Association - came before the Board to "save them some money". He voiced his opinion on what he felt was legal and what was not legal. What Dinwiddie County wants to do is not legal. If we pass these changes we will become part of a suit which will cost the County. State law in that Section 36-85.11 states that a manufactured homes has to be called that, has to be defined a certain way, and it is by definition not a mobile home. The proposed change mixes those up totally. Also the basic law 15.1-486.4 says counties, cities and towns adopting and enforcing zoning regulations under the provisions of this article may, to provide for the general purposes of zoning ordinances, adopt uniform standards, so long as they apply to all residential structures erected within the agricultural zoning district or other districts identified etc. -- The last sentence is the killer -- Such standards shall not have the effect of excluding manufactured housing. Third the State Building Code laws from the statutes 1972 - we went to uniform state wide building code - we did not have one before then - State Code sections state very clearly zoning ordinance can not be used to control structures. Mr. Rick suggested to the Board they wait to see what happens to our neighbors next door - save yourself some money. There may be some other way to deal with this - put your creativity in a direction that will work.

2. C. W. Harrison stated that he was in agreement with Mr. Rick's comments. He shared with the Board copies of the laws that Mr. Rick had read. He also urged the Board to hold off on action until they had more information and to save the County some tax dollars.

Mr. Moody stated that he was not going to vote to spend any money for any legal suit for this case. If a case gets drawn against it, I'll not vote for spending any County funds for a suit like that.

Upon motion by Mr. Bracey, Seconded by Mr. Tickle, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia, that A-97-1 be tabled to a later date.

IN RE: A-97-2: -- AMENDMENTS TO SUBDIVISION ORDINANCE

This being the time and place as advertised in the Dinwiddie Monitor newspaper on March 19, 1997 and March 26, 1997, for the Board of Supervisors to conduct a public hearing to discuss the proposed amendment in the Dinwiddie Code, Chapter 18, Subdivisions.

Mr. Scheid again approached the Board with recommendations for changes to the Subdivision Ordinance. Mr. Scheid wished to recognize the Committee that worked on this ordinance review. The members being, from the Board of Supervisors, Mr. Bracey, Mr. Tickle; from the Planning Commission, Mr. Wood, Dr. Moore; and citizen members were Mr. Tom Green, Mr. Bill Young, Mr. Tom VanPelt and Mr. Charles Titmus. They did an excellent job.

Upon motion of Mr. Bracey, seconded by Mr. Tickle, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that the following amendments to Chapter 18, Subdivisions, of the Dinwiddie County Code shall become effective immediately:

Chapter 18

SUBDIVISIONS*

- | | |
|------------|---|
| Sec. 18-1. | Short title. |
| Sec. 18-2. | Purpose of chapter. |
| Sec. 18-3. | Definitions. |
| Sec. 18-4. | Chapter constitutes minimum requirements; affect chapter on other ordinances, easements, etc. |
| Sec. 18-5. | Enforcement of chapter. |
| Sec. 18-6. | Compliance with chapter. |
| Sec. 18-7. | Permit not to be issued for construction on lot created in violation of chapter. |

- Sec. 18-8. Penalty for violation of chapter.
- Sec. 18-9. Designation and general duties of agent.
- Sec. 18-10. Exceptions from chapter.
- Sec. 18-11. Amendment of chapter.
- Sec. 18-12. Mutual responsibility of county and subdivider; required zoning.
- Sec. 18-13. Processing fees.
- Secs. 18-14--18-23. Reserved.

ARTICLE II. PLATS AND SKETCHES

Division 1. Generally

- Sec. 18-24. General plat requirements.
- Sec. 18-25. Preparation and content of plats generally.
- Sec. 18-26. Changes in plats or data sheets after approval.
- Sec. 18-27. Consideration of zoning matters in plat review.
- Sec. 18-28. Resubdivision.
- Sec. 18-29--18-33. Reserved.

***Editor's note**--The subdivision ordinance adopted October 19, 1983, is included in this chapter, as amended, without substantive change. The sections have been rearranged and renumbered to conform to the format of this code, formal provisions have been omitted, catchlines have been altered, and minor changes in terminology, along with other stylistic and nonsubstantive changes, have been made, as authorized by section 15.1-37.3 of the Code of Virginia. Any words appearing in brackets {} were added by the editor for clarity.

Cross references--Buildings and building regulations, Ch. 6; erosion and sediment control, Ch. 9; flood protection, Ch. 11; water, sewers and sewage disposal generally, Ch. 21; storm water systems in subdivisions, prior approval required, Sec. 21-9; zoning, Ch. 22.

State law references--Duty of Board of Supervisors to adopt subdivision ordinance and required provision of such ordinance, Code of Virginia, Secs. 15.1-465, 15.1-466; codification of subdivision ordinances, Sec. 15.1-37.3.

Division 2. Preliminary Sketch

- Sec. 18-34. Submission; purpose.
- Sec. 18-35. Preparation and contents.
- Sec. 18-36. Action by agent after submission.
- Secs. 18-37--18-41. Reserved.

Division 3. Preliminary Plat

- Sec. 18-42. Required; purpose.
- Sec. 18-43. Contents generally.
- Sec. 18-44. Scale; additional information required.
- Sec. 18-45. Submission; number of copies; etc.
- Sec. 18-46. Platting part of tract.
- Sec. 18-47. Scheduling of commission review; distribution of copies.
- Sec. 18-48. Approval or rejection.
- Sec. 18-49. Expiration and renewal of approval.
- Sec. 18-50--18-54. Reserved.

Division 4. Final Plat.

- Sec. 18-55. Size; preparation; contents.
- Sec. 18-56. Area to which applicable.
- Sec. 18-57. Submission generally.
- Sec. 18-58. Application for approval.
- Sec. 18-59. Approval or disapproval generally.
- Sec. 18-60. Appeal from inaction by agent or disapproval.
- Sec. 18-61. Recordation.
- Secs. 18-62--18-71. Reserved.

Article III. Required Improvements and Design Standards

Division 1. Generally

- Sec. 18-72. Conformity to applicable laws, ordinances, rules and regulations.
- Sec. 18-73. Preservation of natural, historical, etc., features.
- Sec. 18-74. Improvements generally.
- Sec. 18-75. Waterworks and sewer systems.
- Sec. 18-76. Payment of pro rata share of cost of sewerage and drainage facilities located outside subdivision.
- Sec. 18-77. Monuments.
- Sec. 18-78. Dedication of land for public use.
- Sec. 18-79. Flood and storm water control generally.
- Sec. 18-80. Preservation of flood plains.
- Sec. 18-81. Acquisition and preservation of land for public use.
- Sec. 18-82. Easements.
- Sec. 18-83. Streetlights.
- Sec. 18-84. Underground utilities.
- Sec. 18-85. Pedestrian circulation.
- Sec. 18-86. Buffering.
- Sec. 18-87. Reserved.

Division 2. Streets

- Sec. 18-88. Names.
- Sec. 18-89. General design and location requirements.
- Sec. 18-90. Arrangement generally.
- Sec. 18-91. Extension to boundary lines of tract.
- Sec. 18-92. Planning of streets in business and industrial developments.
- Sec. 18-93. Primary and secondary public street access.
- Sec. 18-94. Stub roads.
- Sec. 18-95. Location near railroads or limited access highways.
- Sec. 18-96. Access to arterial or collector streets.
- Sec. 18-97. Right-of-way width.
- Sec. 18-98. Construction requirements; inspections.
- Sec. 18-99. Diameter of cul-de-sac turnarounds and maximum length of cul-de-sacs.
- Sec. 18-100. Half-streets.
- Sec. 18-101. Private streets.
- Sec. 18-102. Intersections.
- Sec. 18-103. Alleys.
- Secs. 18-104--18-108. Reserved.

Division 3. Blocks

- Sec. 18-109. Size generally; shape
- Sec. 18-110. Size when designed for commercial or industrial uses.
- Sec. 18-111--18-115. Reserved.

Division 4. Lots

- Sec. 18-116. Size, shape and orientation generally.
- Sec. 18-117. Compliance with rules of state health department and Chapter 21 of this code.
- Sec. 18-118. Depth and width of commercial or industrial lots.
- Sec. 18-119. Peculiarly-shaped elongations to require necessary square footage.
- Sec. 18-120. Drainage.
- Sec. 18-121. Street frontage requirements.
- Sec. 18-122. Additional setback requirements for lots fronting on arterial and collector streets.
- Sec. 18-123. Additional width for corner lots.
- Sec. 18-124. Avoidance of right angle lots.
- Sec. 18-125. Avoidance of double and reversed frontage lots.
- Sec. 18-126. Location of side lines with respect to street lines.
- Sec. 18-127. Lines to follow, rather than cross, county boundary lines.

ARTICLE I. IN GENERAL

Sec. 18-1. Short title.

This chapter shall be known and may be cited as the "Subdivision Regulation of Dinwiddie County, Virginia."
(Old. of 10-19-83, Sec 15-1)

Sec. 18-2. Purpose of chapter.

(a) The purpose of this chapter is to establish certain subdivision standards and procedures for the county and such of its environs as come under the jurisdiction of the Board of Supervisors as provided for by the Code of Virginia, Section 15.1-466.

(b) The regulations described by this chapter are part of a long-range plan to guide and facilitate the orderly and beneficial growth of the community and to promote the public health, safety, convenience, comfort, prosperity and general welfare. More specifically, the purposes of these standards and procedures are to provide a guide for the change that occurs when lands and acreage become urban in character as a result of development for residential, business or industrial purposes, to provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use and to make possible the provision of public services in a safe, adequate and efficient manner.

Sec. 18-3. Definitions.

For the purposes of this chapter, certain words and terms used herein shall be interpreted as follows: The word "lot" includes the word "parcel"; the word "approves" shall be considered to be followed by the words "or disapproved"; any reference to this chapter includes all ordinances amending or supplementing the same; all distance and areas refer to measurements in a horizontal plane. The following words and phrases shall have the meanings respectively ascribed to them by this section, except when the context clearly indicates otherwise:

Agent: The representative appointed by the Board of Supervisors to serve as the agent of the board in approving or disapproving subdivision plats.

Alley: A permanent service way providing a secondary means of access to abutting properties.

Authority: The county water authority or the authorized deputy, director, agent or representative thereof.

Block: A tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways or boundary lines of the county.

Building: Any structure built for the support, shelter or enclosure of persons, animals, chattels or moveable property of any kind and which is permanently affixed to the land.

Building setback line: A line or lines within a lot or parcel of land so designated on a recorded plat as otherwise established by law between which line and the closet property line, the erection of a building is prohibited.

Commission: The Planning Commission of the county.

Cul-de-sac: A street with only one (1) outlet and having an appropriate turnaround for a safe and convenient reverse traffic movement.

Developer: An owner of property being subdivided or developed, whether or not represented by an agent.

Development: A tract of land developed or to be developed as a unit under single ownership or unified control, which is to be used for any business or industrial purpose or is to contain three (3) or more residential dwelling units. This definition shall not be construed to include any property which will be principally devoted to agricultural, forestall or horticultural production.

Easement: A grant by a property owner of the use of land for one or more specific purposes, either public or private.

Engineer: An engineer licensed by the commonwealth.

Frontage: The width of a lot as measured from one (1) side lot line to the other along the front building setback line.

Governing body: The Board of Supervisors of the county.

Grade: The slope of a road, street, drainageway, public utility line or other public facility/utility specified in percentage.

Grade, landing: The grade required on streets entering major thoroughfares, at points of intersection as specified herein.

Health official: The health director of the county or the sanitarian.

Highway engineer: The resident engineer employed by the Virginia Department of Transportation serving the county.

Jurisdiction: The area of territory subject to the legislative control of the Board of Supervisors.

Limited access highway: A trafficway for through traffic in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same except only at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

Lot: A numbered portion of a subdivision intended for transfer of ownership or for building development for a single building.

Lot, corner: A lot abutting upon two (2) or more streets at their intersection.

Lot, depth of: The mean horizontal distance between the front and rear lot lines.

Lot, double frontage: An interior lot having frontage on two (2) streets.

Lot, interior: A lot other than a corner lot.

Lot of record: A lot which has been recorded in the office of the clerk of the circuit court.

Lot, width of: The mean horizontal distance between side lot lines.

Pedestrian Way: A right-of-way or easement across along or within a block for use by pedestrian traffic whether designated as a pedestrian way, crosswalk or otherwise designated, and which may include utilities.

Plat: The word "plat" includes the following terms: Map, plan, plot, replat or replot; a map or plan of a tract or parcel of land which is to be, or which has been, subdivided. When used a verb, "plat" is synonymous with "subdivide."

Plat, amended: A change to a recorded subdivision which does not involve a change in property lines. Changes that may be made by an amended plat include, but are not limited to name changes and corrections relating to metes and bounds descriptions, correction of flood plain lines, setback lines, drainage easements, misnumbered lots and misspelled words.

Property: Any tract, lot, parcel or several of the same collected together for the purpose of subdividing.

Public water or sewer line, facility or system: A utility operating for public purposes, which may be under public ownership or be a privately owned utility, operating in a proprietary capacity to furnish utility services to persons other than the owner on a contractual basis.

Resubdivision: Any division or transfer of land, laid out on a plan previously approved by the county subdivision agent, which proposes to change property lines or public right-of-way not in strict accordance with the approved plan.

Street: A highway, street, avenue, boulevard, road, land, alley, or any public way; the principal means of access to abutting property.

Street, arterial: A major road which serves corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel.

Street, collector: A through street or road that carries a large volume of through traffic or anticipated traffic exceeding five hundred(500) vehicles per day.

Street, minor: A street that is used primarily as a means of public access to the abutting properties with anticipated traffic of less than five hundred (500) vehicles a day.

Street or alley, public use of: The unrestricted use of a specified area or right-of-way for ingress and egress to two (2) or more abutting properties.

Street, private: A street which serves only the lots within a subdivision, which is constructed pursuant to section 18-101 of this Code and serves no more than six (6) lots.

Street, service drive: A public right-of-way generally parallel and contiguous to a major highway, primarily designed to promote safety by eliminating promiscuous ingress and egress to the right-of-way by providing safe and orderly points of access to the highway.

Street, stub: A road which no lot has as its only street access and which is shown on subdivision plat to dead-end or terminate at a property line or, in the case of a subdivision constructed in sections, at the periphery of the section.

Street, width: The total width of the strip of land dedicated or reserved for public travel, including roadways, curbs, gutters, sidewalks, and planting strips.

Subdivider: An individual, corporation, registered partnership or a group of two (2) or more persons owning any tract, lot or parcel of land to be subdivided who have given their power of attorney to one (1) of their group or to another individual to act on their behalf in planning, negotiating for, in representing or executing the legal requirements of the subdivision.

Subdivision: Any division of a parcel of land into three (3) or more lots or parcels any one (1) of which contains an area of less than twenty (20) acres for the purpose of transfer of ownership or building development, or, if a new street is involved in such division, any division of a parcel of land, except that the following divisions of land shall be exempted from this definition:

- (1) The division or partitioning of land in an estate by court order or among heirs of the original owner unless or until development of the land is proposed.
- (2) A bonafide division of a tract of land made so that one or more of the resulting parcels maybe used as part of a public utility right-of-way; provided, that if a parcel resulting from such a division is ever to be used as a building site for other than such right-of-way, before a building permit may be issued for such other use, the owner shall comply with the minimum requirements of this chapter and Chapter 22

of this Code.

- (3) The sale or exchange of parcels of land between owners of adjoining properties for the purposes of small adjustments in boundaries; provided, that none of the original lots, portions of which are sold or exchanged, shall be reduced below the minimum sizes required by this chapter or Chapter 22 of this Code.
- (4) A single division of land into parcels where such division is for the sale or gift to a member of the immediate family of the property owner. Only one (1) such division shall be allowed per family member and shall not be for the purpose of circumventing this chapter. A member of the immediate family shall be defined as any person who is a natural or legally defined offspring, spouse or parent of the owner. All lots resulting from such division of less than five (5) acres shall have a reasonable right-of-way of not less than ten (10) feet providing ingress and egress to a dedicated recorded public street or thoroughfare.

The term "subdivision" shall include resubdivision and, when appropriate to the context shall relate to the process of subdividing or to the land subdivided and solely for the purpose of recordation of any single division of land into two (2) lots or parcels, a plat of such division shall be submitted for approval in accordance with section 18-24 of this Code.

Surveyor: A certified land surveyor licensed by the commonwealth.
(Ord of 10-19083, Sec. 15-3, Ord. of 4-20-88)

Cross Reference-Definitions and rules of construction generally,
Sec. 1-2.

Sec. 18-4. Chapter constitutes minimum requirements; affect of chapter on other ordinances, easements, etc.

(a) The provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. Where the conditions imposed by any provisions of this chapter upon the subdivision of land are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this chapter or of any other applicable law, ordinances, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

(b) This chapter is not intended to abrogate any easement, covenant or other private agreement or involve the county in the administration and enforcement of private agreements; provided, that where the regulation of this chapter are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of this chapter shall be enforced.
(Ord. of 10-19-83, Sec. 15-9)

Sec. 18-5. Enforcement of chapter.

The board of supervisors of the county or its appointee shall enforce the provisions of this chapter.
(Ord. of 10-19-83, Sec. 15-6)

Sec. 18-6. Compliance with chapter.

The regulations set forth in this chapter are hereby adopted for the subdivision of land within the county, and from and after the effective date of the ordinance from which this chapter derives, every owner or proprietor of any tract of land to which these regulations apply who subdivides such tract as provided in these regulations shall conform to the provisions of this chapter and cause a plat of such subdivision developed and prepared in accordance with these regulations, with reference to known or permanent monuments, to be made and recorded in the office of the clerk of the circuit court, wherein deeds conveying such land are

required by law to be recorded. Any determination concerning the applicability of this chapter to a division of a parcel of real property shall be made by the agent and no clerk of any court shall file or record a plat of any division of a parcel of real property until such plat has been reviewed and/or approved as required by this chapter; provided that, nothing herein contained shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties to the instrument.
(Ord. of 10-19083, Sec. 15-7; Ord of 12-2-87)

Sec. 18-7. Permit not to be issued for construction on lot created in violation of chapter.

No building permit shall be issued for the construction of any building or structure to be located on a lot created or established in violation of the provisions of this chapter.

Sec. 18-8. Penalty for violation of chapter.

Any owner of any tract of land who subdivides that tract of land and who violates any of the provisions of this chapter shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) for each lot or parcel of land so subdivided or transferred or sold and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies therein provided. Each day after the first during which violation shall continue shall constitute a separate violation.
(Ord. of 10-19-83, Sec. 15-14)

State law reference-Similar provisions, Code of Virginia, Sec. 15.1-473.

Sec. 18-9. Designation and general duties of agent.

(a) The director of planning shall act as agent of the board of supervisors in the administration of this chapter. The agent shall consult with the commission on matters contained herein.

(b) The agent shall perform his duties as regards subdivisions and subdividing in accordance with this chapter and the Virginia Land Subdivision and Development Act.

(c) In the performance of his duties, the agent shall call for opinions or decisions, either verbal or written, from other departments in considering details of any submitted plat. This authority by the agent shall have particular reference to the resident highway engineer, health officer and water authority agent.
(Ord. of 10-19-83, Secs. 15-4, 15-5)

Sec. 18-10. Exceptions from chapter.

(a) Where the subdivider can show that a provision of the standards set forth in this chapter would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, in the opinion of the Planning Commission, a departure may be made without destroying the intent of such provisions, the Planning Commission may authorize an exception.

(b) The Planning Commission shall not approve exceptions to this chapter unless it shall make findings based upon the evidence presented to it in each specific case, that:

- (1) The granting of the exception will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- (2) The conditions upon which the request for an exception is based are unique to the property for which the exception is sought and are not applicable, generally, to other properties.

(3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

(4) The purpose of the exception is not based exclusively upon a financial consideration.

(c) Applications for exception under this section shall be filed with the zoning administrator and shall be accompanied by a cashier's check or money order in the sum of forty dollars (\$40.00) payable to the county treasurer. If actual expenses associated with the application exceeds forty dollars (\$40.00), the subdivider shall be billed the difference. In the application, the subdivider shall state the reason for seeking an exception under this section and provide any other information necessary for consideration of the factors set forth in Sec. 18-10(b).

(d) Any decision to approve or deny an exception under this section shall be made only after a public hearing is held in accordance with Section 15.1-431 of the Code of Virginia. The filing fees paid by the subdivider under this section shall be used to pay actual expenses associated with the application, including without limitation, the costs of advertising. If the decision of the Planning Commission is appealed, all expenses associated with the appeal, including without limitation, the costs of advertising for the appeal, shall be paid by the person appealing such decision.

(e) Any person aggrieved by the decision of the Planning Commission under this section shall have fifteen (15) calendar days after the decision of the Planning Commission to file an appeal in writing to the Board of Supervisors. The notice of appeal shall be filed with the zoning Administrator, shall state briefly the reasons for appealing the decision of the Planning Commission, and shall be accompanied by a cashier's check or money order for one hundred dollars (\$100.00) payable to the county treasurer. Failure to file a written appeal within such fifteen (15) day period shall be deemed a waiver of all rights of appeal, and the decision of the Planning Commission shall be deemed final.

(f) On appeal the Board of Supervisors shall hold a public hearing in accordance with Sec. 15.1-431 of the Code of Virginia and shall not approve exceptions to this chapter unless it finds that the requisite factors listed in Sec. 18-10(b) are satisfied.

(Ord. of 10-19-83, Sec. 15-8)

State law reference--Subdivision ordinance may include provision for variances or exceptions, Code of Virginia, Sec 15.1-466B.

Sec. 18-11. Amendment of chapter.

This chapter may be amended, in whole or in part, by the board of supervisors; provided, that any such amendment may either originate with or be submitted to the commission for recommendation; and, further provided, that no such amendment shall be adopted without a public hearing having been held, of which notice of the date, time and place shall have been given as required by section 15.1-431 of the Code of Virginia.

(Ord. of 10-19-83, Sec. 15-12)

State law reference--Adoption of amendments to subdivision ordinance, Code of Virginia, Sec. 15.1-472.

Sec. 18-12. Mutual responsibility of county and subdivider.

(a) It shall be the mutual responsibility of the subdivider and the county to divide the land so as to improve the general use pattern of the land being subdivided.

(b) All proposed subdivisions for residential purposes must be zoned in an residential category, Residential, Limited (R-1), Residential, Rural (RR-1), Residential, Limited

(R-1A), Residential, General (R-2), and Residential, Planned Development (PRD) pursuant to the Zoning Ordinance of Dinwiddie County prior to final subdivision approval.

Sec. 18-13. Processing fees.

The fees for processing subdivisions or land developments by the county shall be payable upon submission of the plats to the county for preliminary or final review and shall be equal to the following:

(1) Preliminary review and Final review:

- a. Subdivision plat containing two (2) or more lots - \$10.00 per lot.
- b. Subdivision plat containing two (2) or more lots and served by proposed private street - \$125.00 plus \$10.00 - per lot.
- c. Subdivision plat containing two (2) or more lots and served by a proposed public street - \$250.00 plus \$10.00 per lot.
- d. Land development, \$250.00 plus \$10.00 per acre.

(2) Final Review:

- a. Subdivision plat containing two (2) or more lots - \$10.00 per lot.
- b. Subdivision plat containing two (2) or more lots and served by proposed private street - \$125.00 plus \$10.00 - per lot.
- c. Subdivision plat containing two (2) or more lots and served by a proposed public street - \$250.00 plus \$10.00 per lot.
- d. Land development, \$250.00 plus \$10.00 per acre.

An annual review of these fees shall be conducted by the Planning Department. Such indexes as the Consumer Price Index shall be used to determine if the fee schedule should be adjusted. A separate charge will be made for the review of public water and/or sewage plans. Such charge will be due upon submission of the plans for review and the amount shall be determined by the authority as established by ordinance and/or set forth by its rules and regulations.

(Ord. of 10-19-83, Sec. 15-13; Ord. of 6-15-88)

(State law reference--Authority for above fees, Code of Virginia, Sec. 15.1-466A(i)).

Sec. (18-14)--(18-23). Reserved.

ARTICLE II. PLATS AND SKETCHES*

DIVISION 1. GENERALLY

Sec. 18-24. General plat requirements.

Any owner or developer of tract of land situated within the county who subdivides the same shall cause a plat of such subdivision, with reference to known or permanent monuments to be made and recorded in the office of the clerk of the circuit court of the county. No such plat of a subdivision shall be recorded unless and until it shall have been submitted and certified by the agent in accordance with the regulations set forth in this chapter. No lot shall be sold in any such subdivision before the plat shall have been recorded.

(Ord. of 10-19-83, Sec. 15-16)

State law reference--Similar provisions, Code of Virginia, Sec. 15.1-473.

Sec. 18-25. Preparation and content of plats generally.

Every subdivision plat which is intended for recording shall be prepared by a certified professional engineer or land surveyor, who shall endorse upon each such plat a certificate signed by him setting forth the source of title of owner of the land subdivided and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plat. Provided, however, that nothing herein shall be deemed to prohibit the preparation of preliminary studies, plans or plats of a proposed subdivision by the owner of land, city planners, land planners, architects, landscape architects or others having training or experience in subdivision planning or design.

(Ord. of 10-19-83, Sec. 15-17)

State law reference--Similar provisions, Code of Virginia, Sec. 15.1-476.

Sec. 18-26. Changes in plats or data sheets after approval.

No change, erasure or revision shall be made on any preliminary or final plat, nor on accompanying data sheets, after approval of the agent has been endorsed in writing on the plat or sheets, unless authorization for such changes has been granted in writing by the agent.

(Ord. of 10-19-83, Sec. 15-18)

Sec. 18-27. Consideration of zoning matters in plat review.

In reviewing subdivision plats, the Planning Commission and subdivision agent shall consult and make specific references to any violations of Chapter 22 of this Code, the Dinwiddie County Zoning Ordinances. When the intended use of all or part of the plotted area, as indicated by the preliminary plat of a subdivision as shown on that plat, would put the land in a more restrictive category than now exists such shall be considered a petition for the rezoning of the platted area to the higher classification and no further review shall be conducted until the rezoning application is acted upon.

(Ord. of 10-19-83, Sec. 15-19)

Sec. 18-28. Resubdivision

A resubdivision of all or any part of a recorded subdivision may not be made or recorded until submitted and approved by the subdivision agent. The agent may, if deemed appropriate, consult with the Planning Commission prior to taking final action on the request for resubdivision.

(Ord. of 10-19-83, Sec. 15-21)

Sec. (18-29)--(18-33). Reserved.

DIVISION 2. PRELIMINARY SKETCH

Sec. 18-34. Submission; purpose.

The subdivider may, if he so chooses, submit to the agent a preliminary sketch of the proposed subdivision prior to his preparing engineered preliminary and final plats. The purpose of such a preliminary sketch is to permit the agent an opportunity for a cursory review to advise the subdivider whether his plans, in general, are in accordance with the requirements of this chapter. Three (3) copies of the sketch must be submitted and the sketch must contain those requirements found in this division.

(Ord. of 10-19-83, Sec. 15-22)

Sec. 18-35. Preparation and contents.

A preliminary sketch shall be drawn on a print of a topographic map showing the property and must be drawn to a scale of not less than two hundred (200') feet to the inch. The name, location and dimensions of all streets entering the property, adjacent to the property or terminating at the boundary of the property to be divided must be shown. All proposed streets, lots, parks, playgrounds, and other proposed uses of the land to be subdivided must be shown and shall include the approximate dimensions.

(Ord. of 10-19-83, Sec. 15-23)

Sec. 18-36. Action by agent after submission.

(a) The agent, upon submission of a preliminary sketch, shall study it and advise the subdivider wherein it appears that changes would be necessary. The agent may mark the preliminary sketch indicating necessary changes.

(b) Upon submission of a preliminary sketch, the agent shall respond to the subdivider as soon as possible regarding the acceptability of the subdivision but, in no case, shall the response time exceed thirty (30) days from the date of submission.
(Ord. of 10-19-83, Secs 15-22, 15-23)

Sec. (18-37)---(18-41) Reserved.

DIVISION 3. PRELIMINARY PLAT

Sec. 18-42. Required; purpose.

Every proposed subdivision shall be submitted to the agent for preliminary approval in accordance with the provisions of this division in the form of a preliminary plat prior to the submission of a final plat. The preliminary plat is not intended to be a final plat and shall be prepared in such form as not to be confused with a final plat. Its purpose is to show graphically all facts needed to enable the agent, Planning Commission and other public bodies to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest.
(Ord. of 10-19-83, Sec. 15-24)

State law reference-- Authority to require preliminary plat, Code of Virginia, Sec. 15.1-475.

Sec. 18-43. Contents generally.

(a) Each preliminary plat shall contain the following information:

(1) Name for file identification:

- a. Name of the subdivision, if property is within an existing subdivision.
- b. Proposed name, if not within a previously platted subdivision. The proposed name shall not duplicate the name of any existing or proposed subdivision in the county.

(2) Location and description of property: Location of property by parcel number(s) as designated on county tax maps.

(3) Basic facts and proposals pertaining to the property:

- a. Size of tract in acres or of existing lots, if any, in square feet.
- b. Existing zoning classification of subject property and adjacent property and any rezoning proposed to be requested.
- c. Number of lots proposed in the subdivision.
- d. Area of lots proposed: Minimum, average and maximum.
- e. Proposed type of water and sewer facilities.
- f. Any other proposals, such as parcels of land intended to be dedicated, conveyed or reserved for public use, and the conditions proposed for such disposal and use as specified in section 18-78.

(b) The graphic and descriptive items set out in this section

are required to be shown on the preliminary plat. The lack of information under any item specified herein, or improper information supplied by the subdivider, may be cause for disapproval of the preliminary plat.

(Ord. of 10-19083, Secs 15-24, 15-25)

Sec. 18-44. Scale; additional information required.

The preliminary plat shall be drawn at at scale of one (1) inch equalling one hundred (100) feet. Variation in scale may be made upon request, at the discretion of the subdivision agent. The plat shall show correctly on its face the following information:

- (1) Date, scale and north point.
- (2) The proposed subdivision name.
- (3) The name, address and phone number of the owner, the subdivider and the surveyor or engineer preparing the plat.
- (4) The length and bearing of the exterior boundaries of the subdivision. Dimensions shall be expressed in feet and decimals of a foot with accuracy to 0.5 percent.
- (5) Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land.
- (6) Location, width and names of all existing and platted streets, alleys and other public ways and easements, railroad and utility rights-of-way, parks, cemeteries, watercourses, drainage ditches, permanent buildings, bridges and other pertinent data as determined by the Planning Commission or the agent.
- (7) Layout, width and grades of all new streets and right-of-ways, alleys, highways, easements for sewers and water mains and other public utilities.
- (8) Existing sewers, water mains, culverts and other underground structures within the tract or immediately adjacent thereto. The location and size of the nearest water main and sanitary and storm sewers are to be indicated in a general way upon the preliminary plat.
- (9) Approximate dimensions and areas of lots.
- (10) Proposed building setback lines on radial lots of cul-de-sacs.
- (11) Approximate radii of all curves, lengths of tangents and angles on all streets.
- (12) Approximate location and area of all property proposed to be dedicated for specific public use with the conditions, if any, of such dedication.
- (13) Contours at vertical intervals of not more than five (5) feet or at more frequent intervals if required by the Planning Commission for land with unusual topography. Source of topography shall be stated on the plat.
- (14) The limits of established flood plains.
- (15) Location of necessary bench marks and source of topography.

(Ord of 10-19-83; Sec. 15-27)

Sec. 18-45. Submission; number of copies; etc.

The subdivider shall prepare and submit twelve (12) copies of the preliminary plat in accordance with the provisions of this division, including a proposal for the installation of improvements and intended dedication or reservation of public lands. The subdivider shall file a letter of transmittance of the preliminary plat with the subdivision agent, along with the preliminary plat and appropriate review fee(s). Written application, by the owner of his representative, for approval shall accompany each preliminary plat.
(Ord. of 10-29-83, Secs. 15-22, 15-25)

Sec. 18-46. Platting part of tract.

Whenever part of a tract is proposed for platting and it is intended to subdivide additional parts in the future, a sketch plan for the entire tract shall be submitted with the preliminary plat.
(Ord. of 10-19-83, Sec. 15-20)

Sec. 18-47. Scheduling of commission review; distribution of copies.

Upon receipt of preliminary plat, the agent shall schedule a public review of the plat by the Planning Commission. The agent shall submit three (3) copies to the Virginia Department of Transportation, two (2) copies to the Dinwiddie County Health Department and two (2) copies to the Dinwiddie County Water Authority for review and comment. One (1) copy shall be submitted to the Appomattox River Soil and Water Conservation District for review of the erosion and sedimentation control plan.
(Ord. of 10-19-83, Sec. 15-22)

Cross reference-Erosion and sediment control plan, Sec. 9-20 et seq.

Sec. 18-48. Approval or rejection.

After receipt of recommendations from the various reviewing authorities, the agent shall either:

- (1) Approve the preliminary plat, if such plat is in conformity with the provisions of this chapter; or
- (2) Approve the plat subject to modifications; or
- (3) Reject the plat.

Written findings giving specific reasons for the action taken will be reported to the subdivider by the agent within ninety (90) days after receipt of the preliminary plat. Such reasons shall relate in general terms such modifications or corrections as will permit approval of the plat. Under no circumstances shall this time limit apply if the subdivider submits incomplete information which is necessary to adequately review the proposed preliminary plat.
(Ord. of 10-19-83, Sec. 15-22)

Sec. 18-49. Expiration and renewal of approval.

Preliminary plat approval shall expire twelve (12) months from the date of approval. Where there are no changes from a previously approved preliminary plat, the subdivision agent may administratively review and renew preliminary plat approvals for an additional twelve-month period subject to all previously imposed conditions. In the event it is deemed necessary to require additional conditions, the renewal request shall be considered by the agent after consulting the Planning Commission at its next appropriate meeting. Applications for renewal shall be submitted at least thirty (30) days prior to expiration.
(Ord. of 10-19-83, Sec. 15-22)

Sec. 18-50--18-54. Reserved.

DIVISION 4. FINAL PLAT

Sec. 18-55. Size; preparation; contents.

The final plat sheet(s) shall be sixteen (16") inches by twenty-four (24") inches and shall be prepared by a certified professional

engineer or land surveyor. The final plat of the subdivision shall conform to the approved layout of the preliminary plat and show on its face the following information:

(1) Owner's content and dedication statement:

Know all men by these presents, that the subdivision of land as shown on this plat, containing _____ acres, more or less, and designated _____ Subdivision, situated in the _____ District, in the County of Dinwiddie, Virginia, is with the free consent and in accordance with the desires of the undersigned owners thereof; that all streets, utility easements and drainage easement shown on said plat are hereby dedicated to the public use, and that all lots within the subdivision are subject to certain restrictions, reservations, stipulations and covenants as contained in a writing executed by the undersigned, under date of _____, 19____, and recorded in the Clerk's Office of _____ Dinwiddie County, _____ in deed book _____ page _____. The said _____ acres of land hereby subdivided _____ having _____ been _____ conveyed _____ to by _____ by deed dated _____, 19____, and of record in the clerk's office of the circuit court of Dinwiddie County, Virginia, in deed book _____, at page _____. Given our hands this _____ day of _____, 19____.

My commission will expire on _____ day of _____, 19____.

Notary Public

(3) Surveyor's certificate statement:

I hereby certify that to the best of my knowledge and belief all of the requirements of the Board of Supervisors and ordinances of the County of Dinwiddie, Virginia, regarding the platting of subdivisions within the county, have been complied with.

Given under my hand this _____ day of _____, 19____.

(4) Certificate of approval statement:

This subdivision known as _____, is approved by the undersigned in accordance with existing subdivision regulations and may be committed to record.

_____	_____
Date	Highway Engineer
_____	_____
Date	Health Department
_____	_____
Date	Dinwiddie Water Authority
_____	_____
Date	Board of Supervisors, Chairman or Agent

*Approval is only with the understanding that where septic tanks are to be installed, each lot must be approved on an individual lot basis by the Health Department at the time that application is made for a septic tank permit.

(5) All notes as pertinent to the owner's or developer's intention as to plan for land use, water systems, sewage systems, area of lots, streets, widening and dedicated strips, easements, area left in acreage, building lines, curbs, gutters, ditches, reserved and recreation areas,

flood plains, etc.

- (6) All street names.
 - (7) Property location as to corresponding county tax map sections and parcel numbers.
 - (8) Vicinity map.
 - (9) Zoning classification.
 - (10) Total area shown on the plat, including streets and total area dedicated to public use.
 - (11) Total number of lots included on the plat and area contained within each lot.
 - (12) Date, scale and north arrow.
 - (13) The exact length and bearing of all lot lines.
 - (14) Location and size of all street right-of-way and easements as well as all pertinent curve data.
 - (15) Location of all flood plains.
 - (16) Those areas to be dedicated for public use in accordance with Section 18-78.
- (Ord. of 10-19-83, Sec. 15-30; Ord of 1-16-85)

Sec. 18-56. Area to which applicable.

A final plat may constitute all or only a portion of the area contained in an approved preliminary plat; provided, that the public improvements to be constructed in the area covered by the final plat are sufficient by and of themselves to accomplish a proper development and to provide adequately for the health, safety and convenience of the proposed residents therein and for adequate access to contiguous areas.

Sec. 18-57. Submission generally.

(a) The subdivider shall submit to the agent one (1) linen print, five (5) blue or black line prints and one (1) transparency (photographic positive polyester film) of the final plat, as well as submit an adequate performance bond, irrevocable letter of credit, cash or some other arrangement approved by the agent to cover the costs of necessary improvements.

(b) The subdivider shall submit with the final plat eight (8) blue or black line prints of the final plans and specifications for all required physical improvements to be installed, as well as the appropriate fee(s) for review. All final plans and specifications must be prepared by an engineer or certified land surveyor qualified to prepare such plans.

(c) The subdivider shall submit one (1) plat at a scale of 1" = 600'.
(Ord. of 10-19-83, Sec.15-22)

Sec. 18-58. Application for approval.

Written application by the owner or his agent for approval in accordance with this division shall accompany each final plat and contain the following information:

- (1) Name of the subdivision and a description of blocks and lots included on the plat.
- (2) Existing or proposed covenants, if any.
- (3) Name and address, including telephone number, of the owner or his agent and the surveyor who prepared the plat.

(4) Whenever any pond, lake or similar body of water or open space area is proposed to be located within or adjacent to the subdivision, the developer or engineer shall present a plat outlining any construction to occur and a proposed plan for the perpetual maintenance of any such body of water or open space area.

(5) Itemized cost estimates for all required improvements, with special emphasis upon water lines, storage tanks, fire hydrants, sewer lines, pump stations, streets, curbs, gutters and erosion/sedimentation control measures.

(Ord. of 10-19-83, Sec. 15-29)

Sec. 18-59. Approval or disapproval generally.

(a) Upon receipt of the final plat, the agent shall have sixty (60) days to review the plat and return it to the subdivider indicating whether or not the plat is approved. The review time may be extended, if mutually agreed upon by the subdivider and the agent.

(b) The final plat shall not be approved until the subdivider has complied with the required modifications to the preliminary plat and the requirements contained in this division.

(Ord. of 10-19-82, Sec. 15-22)

Sec. 18-60. Appeal from inaction by agent or disapproval.

(a) If the agent fails to approve and disapprove the proposed final plat within sixty (60) days after it has been officially submitted for approval, after ten (10) days' written notice to the agent, may petition the circuit court of the county to decide whether the plat should or should not be approved. The county shall hear the matter and make and enter such order with respect thereto as it deems proper.

(b) If their agent disapproves a final plat and the subdivider contends that such disapproval was not properly based on this chapter, or was arbitrary or capricious, he may appeal to the circuit court and the court shall hear and determine the case as soon as may be.

(Ord of 10-19-83, Sec. 15-22)

State law reference -- Similar provisions, Code of Virginia, Sec. 15.1-475.

Sec. 18-61. Recordation.

After approval of a final subdivision plat, the agent shall obtain the property signatures and return to the subdivider the linen print to be recorded in the clerk's office of the circuit court of the county. Unless the final plat is filed for recordation within six (6) months after final approval thereof by the agent, such approval shall be withdrawn, and the plat shall be marked void. After recordation, the subdivider may then proceed to develop and sell lots in his subdivision.

(Ord. of 10-19-83, Sec. 15-22)

State law reference -- Recording required within six month after approval of plan, Code of Virginia, Sec. 15.1-466A(h).

Sec. 18-62 -- 18-71. Reserved.

ARTICLE III. REQUIRED IMPROVEMENTS AND DESIGN STANDARDS

DIVISION 1. GENERALLY

Sec. 18-72. Conformity to applicable laws, ordinances, rules and regulations.

In addition to the design standards established herein, all subdivision plats shall comply with the following laws, ordinances, rules and regulations as they may be applicable:

(1) The provisions of Title 15.1, Chapter 11, Article 7 (Sec.

15.1-465 et. seq.), of the Code of Virginia.

- (2) Chapter 9, 17.5, 21 and 22 of this Code.
- (3) Title 32.1 of the Code of Virginia and the rules of the state health department.
- (4) The rules of the state transportation commission relating to construction of subdivision roads and the safe access of lots and roads to existing state maintained roads.
- (5) Rules of such other departments or agencies as are required by federal or state law or deemed necessary by the subdivision agent.
- (6) The comprehensive land use plan as adopted by the Board of Supervisors and amended from time to time.

Sec. 18-73. Preservation of natural, historical, etc. features.

Existing natural features which would add value to the subdivision and development or to the county as a whole, such as trees, watercourses, historic sites and similar amenities and assets, shall be protected whenever practicable in the design of the subdivision or development.

(Ord. of 10-19-83, Sec. 15-34)

Sec. 18-74. Improvements generally.

The subdivider or developer shall, at his expense, install street and utility improvements and other improvements indicated on the plat. The installation of adequate fire hydrants in a subdivision at locations approved by the agent after consultation with the Dinwiddie County Water Authority shall be required, provided the necessary public water is available. Where public water and/or sewer are available, the service shall be extended to all lots within the subdivision. The cost of engineering design, checking, drafting and field inspection is to be borne by the subdivider or developer. Additionally, the subdivider or developer shall submit to the county and the authority a set of as built drawing certified by an engineering firm acceptable to the county stating that all improvements have been installed as represented.

(Ord. of 10-19-83, Sec. 15-32)

Sec. 18-75. Waterworks and sewer systems.

(a) Any person proposing to construct a subdivision designed for more than fifteen (15) individual, single-family dwelling units or any other development whose consumption is the equivalent of that of more than twenty-five (25) individuals shall design and construct a waterworks system in accordance with the requirements of the authority and/or the state board of health and the state water control board.

(b) Any person proposing to construct a development designed for more than fifteen (15) individual, single-family dwelling units or any other development whose consumption is the equivalent of that of more than twenty-five (25) individuals shall design and construct a sewer system, including building sewer connections to the property line, in accordance with the requirements of the authority and/or appropriate state agency. The sewer system shall be connected to an existing sewage works system. In the event a sewage works system is not available, the subdivider or developer shall construct a central sewage disposal facility. Such sewage disposal facility shall conform to the requirements of the state agencies having jurisdiction and the authority.

(c) Any subdivision containing lots two (2) acres or greater and not located within the urban planning area boundary of the County shall be exempt from this section.

(Ord. of 10-19-83, Sec. 15-32)

Cross reference - Water and sewers generally, Chapter 21

Sec. 18-76. Payment of pro rata share of cost of water, sewerage and drainage facilities located outside subdivision.

The subdivider or developer of land shall pay or provide for the payment of his pro rata share of the cost of providing reasonable and necessary water, sewerage and drainage facilities, located outside the property limits of the land owned or controlled by him but necessitated or required, at least in part, by the construction or improvement of his subdivision or development in areas within the county where there has been established a general water, sewerage and drainage program having related and common water, sewer and drainage conditions, and within which the land owned or controlled by the subdivider or developer is located, and in which areas a total estimated cost of ultimate water, sewerage and drainage facilities required adequately to serve the related and common area has been established, when and if such area is fully developed in accord with the adopted general program. Such pro rata share shall be limited to the proportion of such total estimated cost which the increased water and/or sewage flow or increased volume and velocity of storm water runoff to be actually caused by his subdivision or development bears to total estimated volume and velocity of such water or sewage usage for storm water runoff from such area in its fully developed state. Each payment received shall be expended only for the construction of those facilities for which the payment was required, and until so expended shall be held in an interest-bearing account for the benefit of the subdivider or developer; provided, however, that in lieu of such payment, the County or Authority may provide for the posting of a bond with surety satisfactory to it conditioned on payment at commencement of such construction.

(Ord. of 10-19-83, Sec. 15-32)

State law reference--Subdivision ordinance to include provisions similar to above section, Code of Virginia, Sec. 15.1-466A(j).

Sec. 18-77. Monuments

- (a) Property corners shall be installed in all subdivisions at all block corners, angle points, radial points of curves in streets or property lines where monuments cannot readily be seen one from the other.

(1) Steel rods five-eighths inches (5/8") in diameter and twenty-four inches (24") long shall be required at all lot corners.

(2) Angle points and radial points of curve shall be marked by steel rods on inch (1") in diameter and twenty-four inches (24") long.

- (b) The replacement of any monuments removed or destroyed during development of the subdivision shall be the responsibility of the subdivider. (Ord. of 10-19-83, Sec.15-35)

State law reference--Subdivision ordinance to provide for installation of monuments, Code of Virginia, Sec. 15.1-466A(g).

Sec. 18-78. Dedication of land for public use.

- (a) When a final plat of a subdivision has been approved and all other required approvals are obtained and the plat is recorded, such recordation shall constitute acceptance for the purpose designated on the plat of all lands shown on the plat as dedicated to the public use, including any right-of-way located within any subdivision which has constructed therein, any street, curb, gutter, sidewalk, bicycle trail, drainage, water or sewerage system or other improvements, financed or to be financed in whole or in part by private funds only if the owner or developer furnishes to the agent and/or the authority a certified check, a bond with satisfactory surety, or an irrevocable letter of credit in a form designated by the agent and/or the authority in an amount sufficient for, and conditioned upon, the construction of such facilities, or a contract for the construction of such facilities and the contractor's bond, with like surety, in like amount and so conditioned. The amount of such certified check, cash escrow, bond or letter of credit shall not exceed the total of the estimated cost of construction based on unit prices for new public or private sector construction in the locality and a reasonable allowance for estimated

administrative costs, inflation and potential damage to existing roads or utilities. The subdivider/developer will have a maximum of two (2) years to complete all improvements and the following conditions shall apply:

1. Developers will maintain all streets under construction with a minimum of three inches (3") of gravel until streets have been paved.
2. No more than eighty percent (80%) of the building permits in any section of a residential subdivision shall be issued until the roads in that section have been hard surfaced. At completion of paving the remainder of building permits may be secured.
3. The County Planner acting as agent for the County can give a one (1) year extension to the developer to comply with a state requirement of a minimum of three (3) occupied dwellings per street. When this requirement is met, the developer has a maximum of one (1) year to have the street inspected and accepted into the state highway system.
4. The developer may work on only two (2) section at one time. When the developer goes to record the third section, section one will have to be inspected and accepted into the state highway system.
5. At the end of the two and one-half (2 1/2) year completion date, the agent and/or authority shall take necessary steps to proceed with the installation and completion of the improvements making use of the certified check, cash escrow, letter of credit or by calling on the surety of the bond. All streets must be inspected and accepted into the state highway system under their requirements for paving and weathering.

(b) In the event the county has accepted the dedication of a road for public use and such road, due to factors other than its quality of construction, is not acceptable into the state highway system, then the agent shall require the subdivider or developer to furnish the county with a maintenance and indemnifying bond, irrevocable letter of credit or other surety satisfactory in an amount sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the state highway system. In addition to the above, the owner or developer shall enter into an agreement with the county and/or the authority, said agreement provided to the owner or developer by the county and/or authority, in which the owner or developer shall commit himself to a period of time during which improvements shall be completed.

(c) The subdivision agent and/or authority shall be empowered to release, in whole or part, the bonding for required improvements when the proper reviewing agency has inspected and accepted that portion of the improvements over which it has responsibility. In no case shall the agent release more than ninety (90%) percent of the bond unless satisfactory arrangements have been made with the appropriate agency for a performance guarantee of the materials and workmanship of the required improvement. For the purpose of final release the term "acceptance" is deemed to mean: when said public facility is accepted by and taken over for operation and maintenance by the state agency, local government department or agency, or other public authority which is responsible for maintaining and for operating such facility upon acceptance.

(d) Whenever a preliminary plat includes a proposed dedication land to public use and the agent finds that such land is not required or not suitable for public use, after consultation with the Planning Commission, the agent may either refuse to approve such dedication or require the rearrangement of lots in the proposed subdivision to include such land.

(Ord. of 10-19-93, Sec 15-36; Ord. of 1-16-85)

Sec. 18-79. Flood and storm water control generally.

- (a) No land shall be subdivided which is found by the agent not to adequately provide for storm or flood water runoff channels or basins.
- (b) All subdivisions shall be reviewed by the Planning Commission and agent to assure that all such proposals are consistent with the need to minimize flood damage. All public and private utilities and facilities, such as sewer, gas, electrical and water systems, shall be located, elevated and constructed to minimize flood damage. All public and private utilities and facilities, such as sewer, gas, electrical and water systems, shall be located, elevated and constructed to minimize and eliminate flood damage, and drainage shall be provided so as to reduce exposure to flood hazards. For the purposes of review, the Planning Commission and agent shall rely on the flood hazard areas as indicated on maps supplied by the Federal Insurance Administrator of the Department of Housing and Urban Development and the one hundred-year flood plain determined and published in reports of the U. S. Corps of Engineers.
- (c) All subdivisions constructed or designed after the adoption of this section shall contain a storm water management system which shall discharge to a natural outlet. All subdivisions and/or land developments located in R-1A*, R-2, B-1, B-2 and B-3 zoning districts shall provide for curbs, gutters, and storm drains along all public and/or paved streets within such subdivision for the collection of storm waters and the channeling of such to the storm sewers for disposal. Prior to the installation of any storm water system, plans specifications therefore shall be submitted to the agent and to the Virginia Department of Transportation for review and approval. The developer shall construct such system in accordance with the advice, consent and approval of the Virginia Department of Transportation for review and approval. The developer shall construct such system in accordance with the advice, consent and approval of the Virginia Department of Transportation and agent, and the authority shall not approve extension of public water or sewer to the subdivision without an approved storm water system as herein required. All storm water and all other unpolluted drainage within such subdivision shall only discharge to a storm sewer approved and constructed pursuant to the provisions of this chapter. All drainage facilities installed in the subdivision shall be sized to accommodate runoff from all undeveloped land upstream in the same watershed. The County shall require the subdivider and/or developer to hire an engineer other than the original design engineer to field check the drainage system. The engineer hired shall be one acceptable to the county and shall certify to the county the following; (a) The drainage system was installed as designed or, if not, what deviations from the plans were made; (b) certify to the county that the system installed will provide proper drainage for the site or, if the site will not drain properly, what changes need to be made. It shall be the subdivider's and/or developers' responsibility to make any and all changes necessary to obtain proper site drainage prior to the county and/or the VDOT accepting the street(s) into the state secondary road system.
*NOTE: If the lot width in this district is one hundred (100') feet or greater, then this paragraph shall not apply.

Sec. 18-80. Preservation of flood plains.

The computation of flood plain areas (land subject to inundation by flood waters) is to be given consideration by engineers who are skilled in and familiar with the particular type of engineering problem. All flood plains shall be delineated based on a one hundred-year frequency and the balance of energy concept of computing water surface profiles. If the agent finds it necessary, the engineer may be required to submit complete documentation of all computations for flood plains which shall include:

- (a) Topography of the contributing watershed; profiles of the

reach of the stream; cross sections of the stream; and data concerning any constrictions or control points which affect the flow.

- (b) Runoff computations based on either the "rational formula" or other suitable method.
- (c) Water surface profile computations. When computations are made by electronic computer, the engineer need not submit computations; however, the agent shall be informed of what program was used, and if not previously approved, a printout of the program should be provided. Flood plain computations shall be made whenever the contributing watershed is greater than one hundred (100) acres; however, certain instances may necessitate such computations for smaller areas. The computations shall reflect development trends in the upstream watershed twenty (20) years hence in selecting a design discharge. Computations required in this section shall be accomplished in accordance with "Open Channel Hydraulics" by V. T. Chow and "Hydrologic and Hydraulic Analyses" Engineering Manual 10-2-1409, Department of the Army Corps of Engineers.

(Ord. of 10-19-83, Sec. 15-37)

Cross reference--Flood plain districts, Sec. 11-12 et seq.

Sec. 18-81. Acquisition and Preservation of land for public use.

(a) The Planning Commission shall consider all preliminary plats and plans or studies related thereto, to determine the need for acquisition for public use of any of the land included in the preliminary plat. If such studies or plans do relate thereto, the Planning Commission may refer the plat to the public body concerned with acquisition for its consideration and report. The Planning Commission may propose alternate areas for such acquisition and shall allow the public body or agency thirty (30) days for reply. The agency's reply, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition. Upon receipt of an affirmative reply, the Planning Commission shall designate on the preliminary plats the area proposed to be acquired by the public body.

(b) Whenever a tract to be subdivided includes a proposed site for a park, playground, open space or other public use for the residents of the subdivision, such space shall be suitably incorporated by the subdivider into his subdivision plat, and all supporting documentation addressing ownership, covenants, restrictions, Articles of Incorporation, by-laws, etc. shall be placed on file with the Planning Department.

(Ord. of 10-19-83, Sec. 15-38)

Sec. 18-82. Easements.

(a) Easements across lots or centered on rear or side lot lines shall be provided for utilities, such easements to be at least sixteen (16) feet wide. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements.

(b) Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and of such width or construction or both as will be adequate for the purpose.

(Ord. of 10-19-83, Sec. 15-52)

Sec. 18-83. Streetlights.

Any street lights provided and installed by any subdivider and/or developer within a subdivision or development shall not become the responsibility of the County or State for maintenance, repair or any other associated cost. It shall be the responsibility of the subdivider and/or developer to incur all expenses associated with the maintenance and operation of said streetlights. The subdivision developer and/or

subdivider may assign a transfer liability for street line maintenance and monthly charges to a Homeowner's Association, Residents' Association or other like organizations. Such organization then shall be responsible for all maintenance and monthly electrical charges.

Sec. 18-84. Underground Utilities.

All utilities in a subdivision shall be installed underground except that subdivision with an average lot size in excess of one (1) acre shall not be required to abide by this section. Where distribution lines currently traverse the property proposed for subdivision, the developer will not be required to place such lines underground. All installation must be in accordance with standards of the local utility responsible for the maintenance thereof.

Sec. 18-85. Pedestrian Circulation.

Subdivisions should be designed to encourage the convenient movement of pedestrians throughout the subdivision and the Development without forcing pedestrians to walk along collector and arterial roads. All pedestrian circulation systems should be designed and constructed to facilitate the linkage of existing or proposed activity centers located within or adjacent to the subdivision.

Sec. 18-86. Buffering.

(a) Function and materials. Buffering shall provide a year-round visual screen in order to minimize adverse impacts. It may consist of fencing, evergreens, berms, rocks, boulders, mounds, or combinations thereof to achieve the same objectives.

(b) Required. Every development shall provide sufficient buffering when topographical or other barriers do not provide reasonable screening and when the planning commission determines that there is a need (1) to shield neighboring properties from any adverse external affects of a development; or (2) to shield the development from the negative impacts of adjacent uses such as streets or railroads. In high-density developments, when building design and siting do not provide privacy, the planning commission may require landscaping, fences, or walls to adequately screen dwelling units for privacy. Buffers shall be measured from side and rear property lines, excluding driveways.

(c) Amount. 1. Where more-intensive land uses abut less-intensive uses, a buffer strip twenty-five (25') feet in width shall be required. 2. Parking lots, garbage collection and utility areas, and loading and unloading areas should be screened around their perimeters by a buffer strip a minimum of five (5') feet wide. 3. Where residential developments abut collector or arterial streets, adjacent lots shall front on local streets, and a landscaped buffer area shall be provided along the property line abutting the road. The buffer strip shall be a minimum of twenty-five (25') feet or wider where necessary for the health and safety of the residents. It shall include both trees and shrubs.

(d) Design. Arrangement of plantings in buffers shall provide maximum protection to adjacent properties and avoid damage to existing plant material. Possible arrangements include planting in parallel, serpentine, or broken rows. If planted berms are used, the minimum top width shall be four (4') feet, and the maximum side slope shall be 2:1.

(e) Planting specifications. Plant materials shall be sufficient in size and planted in such a fashion that a year-round screen at least eight (8') feet in height shall be produced within three (3) growing seasons. All plantings uses shall conform to the standards of the most recent edition of the "American Standard for Nursery Stock," published by the American Association of Nurserymen.

(f) Maintenance. Plantings shall be watered regularly and in manner appropriate for the specific plant species through the first growing season, and dead and dying plants shall be replaced by the applicant during the next planting season. No buildings, structures, storage of materials, or parking shall be permitted within the buffer

area; buffer areas shall be maintained and kept free of all debris, rubbish, weeds, and tall grass.

Sec. 18-87. Reserved.

DIVISION 2. STREETS

Sec. 18-88. Names.

New street names shall not duplicate the names of existing streets, but streets that are continuations of other streets already in existence and named shall bear the name of the existing street. All proposed street names shall be approved by the appropriate regional review agency. When the final plat is submitted, a letter from the appropriate review agency indicating its approval of specific names shall accompany the plat.

(Ord. of 10-19-83, Sec. 15-49)

Sec. 18-89. General design and location requirements.

Streets shall be designed and located in relation to existing planned streets within the general area, to topographical conditions and natural terrain features, such as streams and existing tree growth, to public convenience and safety, and in appropriate relation to the proposed uses of land to be served by such streets.

(Ord. of 10-19-83, Sec. 15-40)

Sec. 18-90. Arrangement generally.

(a) All streets shall be properly integrated and coordinated with existing streets and the proposed system of streets within and contiguous to the subdivision.

(b) All thoroughfares shall be properly related to special traffic generators, such as industries, business districts, schools, churches and shopping centers; to population densities; and to the pattern of existing and proposed land uses.

(c) Local streets shall be laid out to conform as much as possible to the topography to discourage use by through traffic, to permit efficient drainage and utility systems and to require the minimum number of streets necessary to provide convenient and safe access to property.

(d) The use of curvilinear streets, cul-de-sacs or U-shaped streets shall be encouraged where such use will result in a more desirable layout.

(e) The arrangement, character, extent, width, grade and location of all streets shall conform to the comprehensive plan of the county and shall be designed in accordance with the specifications adopted by the Virginia Department of Transportation.

(Ord. of 10-19-83, Sec. 15-4 (a-d))

Sec. 18-91. Extension to boundary lines of tract.

Proposed streets shall be extended to the boundary lines of the tract to be subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Planning Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts. In the event a street(s) cannot be extended, consideration should be given to a pedestrian right-of-way to accommodate the movement of residents from one subdivision to another.

Sec. 18-92. Planning of streets in business and industrial developments.

In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, locations of rail facilities and the provision of alleys, truck loading and maneuvering areas and walks and parking areas, so as to minimize conflict of movement between the various types of traffic, including pedestrian.

(Ord. of 10-19-83, Sec. 15-41(f))

Sec. 18-93. Primary and secondary public street access.

(a) Any subdivision proposed for fifty (50) lots or more, whether it will be built in sections or at one time, shall provide a main entrance with a median divider separating the opposing traffic shall be provided to accommodate this facility.

(b) All subdivisions shall provide for a second public road access prior to the recordation of any subdivision plat, if the cumulative total of the lots in that subdivision is in excess of fifty-nine (59) lots. In addition, the county shall not issue more than fifty (50) building permits in any subdivision until the subdivider or developer completes construction of an approved second public road access.

(c) Left or right turn lanes shall be provided at intersections when the Virginia Department of Transportation projected turning movements warrant their installation. These facilities shall be designed in accordance with the appropriate provisions of the department's Minimum Entrance Standards. Where necessary, additional width of right-of-way shall be provided to accommodate these facilities.

Sec. 18-94. Stub roads.

(a) The necessary right-of-way for stub roads to provide adequate access to adjacent property or utility easements to provide utility service shall be dedicated at the time a subdivision plat is recorded. When the adjacent property is developed, the developer of such property shall connect and construct all stub roads to Virginia Department of Transportation standards and extend utility service to connect with the adjacent subdivision to county utility department standards.

(b) In any subdivision recorded or built in sections, all stub roads or utilities in a section designed to serve property in the subdivision, but to be developed in a later section, shall be constructed at the time other streets or utilities in the later section are constructed.

(Ord. of 10-19-83, Sec. 15-4(h. i))

Sec. 18-95. Location near railroads or limited access highways.

Subdivision of land adjacent to railroad right-of-ways and limited access highways shall be treated as follows:

(1) In districts zoned for commercial or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, whenever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.

(2) Streets parallel to the railroad or limited access highway, when intersecting a street which crosses the railroad or limited access highway at grade, shall be, to the extent practicable, at a distance of at least one hundred fifty (150') feet from the railroad or limited access highway right-of-way. Such distance shall be determined with due consideration of a minimum distance required for future separation of grades by means of appropriate approach gradients.

(Ord. of 10-19-83, Sec. 15-42)

Sec. 18-96. Access to arterial or collector streets.

Where a subdivision borders on or contains an existing or proposed arterial or collector streets, the planning Commission may require that access to such streets be limited by one (1) or more of the following means:

- (1) The subdivision of lots so as to back onto the arterial or collector street and front onto a parallel local street. No access shall be provided from the arterial or collector street and screen planting shall be provided on a strip of land along the rear property line of such lots.

- (2) A series of cul-de-sacs, U-shaped streets or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial or collector streets.
- (3) A marginal access or service road, separated from the arterial or collector street by a planing or grass strip and having access thereto at suitable points.
- (4) Keeping the number of residential streets entering an arterial or collector streets to a minimum. Such residential streets shall be separated by a minimum of six hundred (600') feet.

Sec. 18-97. Right-of-way width.

- (1) (a) Major arterial, not less than one hundred twenty (120') feet.
(b) Minor arterial, not less than one hundred (100') feet.
- (2) (a) Major collector, not less than one hundred (100') feet.
(b) Minor collector, not less than sixty (60') feet.
- (3) Other subdivision streets, not less than fifty (50') feet.
- (4) Alleys, if permitted, not less than twenty (20') feet or more than twenty-eight (28') feet.

The Planning Commission or agent may require a greater width if, after consultation with the Virginia Department of Transportation, additional width is determined necessary for the public health, safety and welfare.
(Ord. of 10-19083, Sec. 15-44)

Sec. 18-98. Construction requirements.

(a) In cases where the Virginia Department of Transportation specifications are lacking or are less restrictive than the requirements of this section, the requirements of this section shall prevail. Except as provided in section 18-101 of this Code, all streets or roads constructed in any subdivision in the county shall conform to the following requirements:

- (1) The right-of-way for the roadway shall be fifty (50') feet in width and shall be graded to thirty (30') feet, exclusive of side ditches.
- (2) The base for pavement shall be at least twenty-four (24') feet in width and six (6") inches in depth of stone, size 21-A or 21-B approved by the Virginia Department of Transportation.
- (3) Pavement widths shall be a minimum of twenty-two (22') feet constructed of material passing the Virginia Department of Transportation specifications. The minimum pavement design for all streets in any subdivision shall include two (2") inches of SM-2A bituminous concrete (asphalt concrete).

(b) The subdivider and/or developer shall be responsible for notifying VDOT and the County when subgrade has been achieved, when the stone base has been placed and when the pavement is being installed. In lieu of the above, the subdivider and/or engineer can have the design engineer certify to the County that the sub-grade (grade) has been properly prepared and the base and pavement has been installed as required by the approved plans.
(Ord. of 10-19083, Sec. 15-50; Ord. of 4-20-88)

Sec. 18-99. Diameter of cul-de-sac turn arounds and maximum length of cul-de-sacs.

(a) An adequate turnaround facility shall be provided at the end of each cul-de-sac street to permit the safe and convenient maneuvering by service vehicles. To afford the greatest flexibility in design, various types of turnaround designs may be approved. (For example, see the Policy of

Geometric Design of Highways and Streets, AASHTO.) Additional right-of-way shall be provided as required by the turnaround design. Any non-traveled way areas included within turnarounds, such as islands, shall be included in the dedicated right-of-way of the facility.

For circular turnarounds, a well-defined, identifiable street segment shall extend from the intersected street to the beginning of the radial portion of the turnaround. The length of this segment shall equal the normal lot width along the intersected street which serves the cul-de-sac. A minimum radius, measured to the edge of pavement or face of curb, of thirty (30') feet shall be used for circular turnarounds on all other residential cul-de-sac streets planned to serve twenty-five (25') or fewer dwelling units. For circular turnarounds on all other residential cul-de-sac streets, as well as any nonresidential cul-de-sac street, a minimum pavement radius of forty-five (45') feet shall be used.

The diameter of a circular turnaround (measured at the outside right-of-way) shall not be less than one hundred (100') feet.

(b) Cul-de-sac streets shall not be longer than twelve hundred (1200') feet.

(Ord. of 10-19-83, Sec.15-45)

Sec. 18-100. Half streets.

Street systems in new subdivisions shall be laid out so as to eliminate or avoid half-streets. Where a half-street is adjacent to a new subdivision, the other half of the street shall be dedicated by the subdivider. Where a new subdivision abuts an existing street of inadequate right-of-way width, additional right-of-way width may be required to be dedicated by the subdivider to meet the requirements of this section

(Ord. of 10-19-83, Sec. 15-46)

Sec. 18-101. Private streets.

(a) All private streets constructed in Dinwiddie County, Virginia shall conform to the following standards and requirements:

1. All streets shall have a minimum fifty foot (50') right-of-way for the street's construction and for utilities. The location of this right-of-way shall appear on all preliminary subdivision plats and all subsequent subdivision plats.
2. All streets shall have a minimum improved width of thirty (30') feet as measured perpendicular from side ditch to side ditch. This improved area shall be known as the "street bed";
3. Within the street bed, all topsoil and vegetative matter shall be removed to provide a cleared subgrade surface of material adequate to support the private street. Once the street bed is cleared and before proceeding further, the subdivider shall notify the Planning Department in writing of the completion of this stage of improvement. A duly licensed engineer acceptable to the County and employed by the subdivider shall certify to the County that the cleared subgrade surface shall provide adequate support for the street's traffic;
4. The street shall have a minimum improved width of thirty (30') feet (30') as measured perpendicular from side ditch to side ditch. This improved area shall be known as the "street bed";
5. All streets shall have a minimum street shoulder width of three feet (3').
6. The stone base and travel surface shall be as follows:
 - a. A two inch (2") layer of number 3 stone as base*; and

- b. A top layer of three inches (3") of number 21A stone as the travel surface;
- c. Once the stone base and travel surface layers are in place and before proceeding further, the subdivider shall notify the Planning Department, in writing, of the completion of this stage of improvement. A duly licensed engineer acceptable to the County and employed by the subdivider shall certify to the County that the stone base and travel surface comply with these standards;

*NOTE: The requirement of 6(a) may be waived by the subdivision Agent if the new private road is built upon an existing private road of material with a depth equal to a two (2") inch layer of number 3 stone.

- 7. All streets shall have a maximum road grade of ten percent (10%), except that within one hundred (100') feet of an intersection with a public street, the private street shall have a grade of no more than two percent (2%);
- 8. At the end of all private streets, a turn around area (the "private street cul-de-sac") shall be provided with a minimum radius of fifty (50') feet and shall have a stone base and a travel surface radius of not less than twenty-five (25') feet;
- 9. All streets shall have a minimum street crown of three percent (3%);
- 10. The front and back slopes of all drainage ditches and all the embankment slopes shall have a maximum slope ratio of 2:1;
- 11. All streets shall have a maximum delta angle of forty-eight (48) degrees; and
- 12. All drainage structures located beneath the street shall consist of materials which meet the approved Virginia Department of Transportation standards for such a use.

B. In addition, all private streets shall be designed and constructed in accordance with the following requirements:

- 1. At the entrance to the private street, a sign shall be erected by the subdivider, which shall be constructed of a metal with a thickness of 0.125 inches or greater and which shall measure not less than 12" x 18" in size. The sign shall have lettering of no less than two (2") inches in size and shall state "PRIVATE STREET -- NOT MAINTAINED BY COUNTY OR STATE FUNDS". The subdivider shall maintain this sign until the initial conveyance of all lots shown on the subdivision plat has occurred, and the deeds for the lots have been recorded in the Clerk's Office of the Circuit Court;
- 2. In lieu of the payment to the County for costs associated with street sign, the subdivider shall erect at all intersections of private and public streets, a street pole and street sign of the type found throughout the County;
- 3. A private street shall not serve any lot or parcel with less than five (5) acres in area;
- 4. All private streets shall originate from a public street and shall not originate from any other private street;
- 5. All private streets shall not connect two public street and shall not originate from any other private street;
- 6. Private streets shall not serve more than six (6) lots and shall not serve more than six (6) residences. Lots, which are located at the intersection of a private street and

public street and which meet the Zoning District's requirements for frontage upon a public street, shall be permitted to have ingress and egress to either street, but not both streets, without affecting the number of lots permitted on a private street;

7. A private street entrance shall not be located within six hundred (600') feet of another private street entrance that is located on the same side of the public street. This distance shall be measured from the center line of each private street where the private street intersects with a public street;
8. Each driveway, or access point, for a lot served by the private street shall have at least a twenty (20') foot length of pipe beneath the driveway or access point to provide drainage. This pipe shall have a diameter that is adequate to carry the anticipated flow of water and shall consist of concrete or metal. Under no circumstances, however, shall the diameter of the pipe be less than twelve (12") inches;
9. The requirements in Section 18-99 regarding the maximum length of a cul-de-sac street shall not apply to private streets, but the length of the private street shall not exceed one thousand eight hundred feet (1800");
10. A restrictive covenant mandating that all lot owners, and their successors, obligate themselves to maintaining the streets in a subdivision through a "Street Maintenance Agreement" shall be recorded in the Clerk's Office of the Circuit Court contemporaneously with record of final subdivision plat on all lots served by private street. This restrictive covenant shall be set forth expressly in all deeds recorded subsequent to the approval of the subdivision plat. This restrictive covenant and its recording requirement also shall appear as a note on all subdivision plats; and
11. All subdivision plats, which contain any private streets, shall contain the following statement:

"THE PRIVATE STREET(S) IN THE SUBDIVISION WILL NOT BE PAVED OR MAINTAINED WITH FUNDS OF DINWIDDIE COUNTY OR FUNDS ADMINISTERED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION. IN THE EVENT THE OWNERS OF LOTS IN THIS SUBDIVISION SUBSEQUENTLY DESIRE THE ADDITION OF SUCH PRIVATE STREET(S) TO THE SECONDARY SYSTEM OF STATE HIGHWAYS, THE COST TO UPGRADE THE STREET(S) TO THE PRESCRIBED STANDARDS SHALL BE PAID FROM FUNDS OTHER THAN THOSE ADMINISTERED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION OR DINWIDDIE COUNTY. ALL PRIVATE STREETS IN THIS SUBDIVISION ARE NOT DEDICATED TO DINWIDDIE COUNTY."

Each deed conveying a lot in this subdivision also shall contain this statement.

- C. Prior to final subdivision plat approval, the subdivider of a subdivision containing private streets shall, among other documents required by this Chapter, provide the following documents to the Planning Department:

1. A copy of the Street Maintenance Agreement that all lot owners served by the private street shall be required to sign. The Street Maintenance Agreement shall set forth the duties and obligations of the lot owners for maintaining the street to Dinwiddie standards and shall not be amended, modified or altered in any other manner without prior written notice to the County;

2. An Erosion and Sediment Control Plan containing the information and details necessary for compliance with Chapter 9 of the Code of the County of Dinwiddie, Virginia;
 3. A statement by an engineer, licensed in the Commonwealth of Virginia acceptable to the County and employed by the subdivider that the subdivider has completed or has provided for completion of all required improvements at the subdivider's expense.
- D. To provide for completion of all improvements in accordance with 18-101(C)(3), the subdivider shall provide the Director of Planning a certified check; cash escrow; surety bond; or bank or savings and loan association's irrevocable letter of credit, approved by the county attorney, in an amount sufficient to cover the estimated costs of all required improvements as follows:
1. The amount of the certified check, cash escrow, bond or irrevocable letter of credit shall not exceed the estimated cost of construction plus a reasonable allowance for estimated administrative costs, inflation and potential damage to existing roads or utilities. The cost estimate for the improvements shall be prepared at the subdivider's expense by an engineer licensed in the Commonwealth of Virginia to make this estimate a sworn certificate of being so qualified. The subdivider shall obtain the Director of Planning's approval of the subdivider's estimate of the time necessary to complete the improvements. If that time is exceeded and is not extended by the Director of Planning, the Director of Planning shall arrange for completion of the improvements using the certified check, cash escrow, or irrevocable letter of credit or by calling on the surety on the bond.
 2. Upon the subdivider's written request, the Director of Planning shall make periodic partial releases of bonds, escrows, letters of credit or other performance guarantees in a cumulative amount equal to no more than ninety (90%) percent of the original amount for which the bond, escrow, letter of credit or other performance guarantee was taken, based upon the submission by the subdivider of a certificate, prepared and signed by qualified engineer licensed in the Commonwealth of Virginia, who is acceptable to the County, that the percentage of the completed improvements equals the percentage of funds to be released and that after the release of this percentage of funds, sufficient funds shall remain to cover the outstanding costs of completing the improvements.
 3. Within thirty (30) days of receipt of written notice from the subdivider of completion of part or all of the improvements required to be constructed, the Director of Planning shall determine whether subdivider's request complies with the design plans approved by the Director of Planning. Written notice under this subsection shall consist of a letter from the subdivider to the Director of Planning requesting reduction or release of the performance guarantee along with a set of a-built plans and a certificate of completion by a duly licensed engineer. If no action is taken by the Director of Planning within the 30-day period, the request shall be deemed approved and a partial release granted to the subdivider. No final release shall be granted until after such 30-day period has expired, and there is an additional request in writing sent by certified mail, return receipt requested, to the County Administrator. The Director of Planning shall have ten working days to act after receipt of the second request for final release, and, if no action is taken, the request shall be deemed approved and final release granted to the subdivider.

- E. Upon the completion of all improvements, the subdivider shall furnish a statement by an engineer, licensed in the Commonwealth of Virginia, who is acceptable to the County, that all construction is in substantial conformity to the regulations and requirements of this Chapter and the plans approved by the Director of Planning. This engineer's statement shall be addressed to the Director of Planning. The Director of Planning may release the subdivider from the obligation to complete all of the improvements in the subdivision, if the undeveloped portion of the subdivision has been vacated as provided by law and if the subdivider furnishes a statement by an engineer, licensed in the Commonwealth of Virginia, to the County that all construction which has been completed conforms to the regulations and requirements of this Chapter and the design plans approved by the Director of Planning.

Sec. 18-102. Intersections.

(a) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall be prohibited. Not more than two (2) streets shall intersect at any one point.

(b) Proposed new intersections along one (1) side of an existing street shall, whenever practicable, coincide with an existing intersections on the opposite side of such street. Streets jogs with center line offsets of less than one hundred fifty (150') feet shall be prohibited. Where streets intersect major streets, their alignments shall be continuous or separated by a minimum distance of three hundred (300') feet between center lines.

(c) Alley intersections with streets and abrupt changes in street or alley alignment shall have the corners rounded off in accordance with standard engineering practice, to permit safe vehicular movement.

(d) Where the grade of any street at the approach of an intersection with an arterial or collector street exceeds the current VDOT standards a leveling area shall be provided having no more than a three (3) percent grade for a distance of fifty (50') feet, measured from the nearest right-of-way line of the intersecting street. If the current VDOT standards are more restrictive, their regulations shall apply.

(e) Intersections shall be designed with a flat grade wherever practical. In no case shall the vertical alignment within the intersection area exceed three (3) percent.

(f) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide a minimum sight distance of ten (10) times the posted speed limit in feet along each approach leg, measured from the nearest right-of-way line of the intersecting street.

(g) Minimum corner radius at street intersections shall be as specified by the Virginia Department of Transportation.
(Ord. 10-19-83, Sec. 15-47)

Sec. 18-103. Alleys.

(a) Dead-end alleys are prohibited except under very unusual circumstances, and crooked and "T" alleys shall be discouraged. Where dead-end alleys are unavoidable, they shall be provided with adequate turnaround facilities at the dead end.

(b) Alleys shall not be permitted in residential areas.

Sec. 18-104--18-108. Reserved.

DIVISION 3. BLOCK

Sec. 18-109. Size generally, shape.

(a) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width may be permitted in blocks adjacent to schools, parks, major streets, railroads, shopping centers or waterways.

(b) The lengths, widths and shapes of blocks shall be appropriate for the locality and the type of development contemplated, but block length in residential areas shall not exceed one thousand eight hundred (1,800') feet. Wherever practicable, blocks along major arterials and collector streets shall not be less than one thousand (1,000') feet in length.

(Ord. of 10-19-83, Sec. 15-53)

Sec. 18-110. Size when designed for commercial or industrial uses.

Blocks designed for commercial or industrial uses shall be of such length and width as may be determined suitable by the agent or planning commission for the prospective use.

(Ord. of 10-19-83, Sec. 15-54)

Sec. 18-111 --18-115. Reserved.

DIVISION 4. LOTS

Sec. 18-116. Size, shape and orientation generally.

In general, the size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lot dimensions shall conform to the requirements of Chapter 22 of this Code.

(Ord. of 10-19-83, Sec. 15-55(a))

Sec. 18-117. Compliance with rules of state health department and Chapter 21 of this Code.

Residential lots to be served by private or individual septic tanks or sewage disposals facilities shall comply with the rules of the state health department and Chapter 21 of this Code.

(Ord. of 10-19-83, Sec. 15-55(b); Ord. of 12-2-87)

Sec. 18-118. Depth and width of commercial or industrial lots.

The depth and width of properties laid out for commercial or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as establish, in Chapter 22 of this Code.

(Ord. of 10-19-83, Sec. 15-55(c))

Sec. 18-119. Peculiarly-shaped elongations to require necessary square footage.

Lots shall not contain peculiarly-shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.

(Ord. of 10-19-893, Sec. 15-55(1))

Sec. 18-120. Drainage.

Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of the storm drainage water from one lot to adjacent lots.

(Ord. of 10-19-83, Sec. 15-55(f))

Sec. 18-121. Street frontage requirements.

Every lot except those permitted by Section 18-101 of this Code or the Zoning Ordinance, shall front on a public street. Where a subdivision adjoins a major road, the agent may require that the newly

created lots front on the subdivision road rather than the major thoroughfare, to avoid unnecessary ingress and egress from individual driveways.

(Ord. of 10-19-83, Secs.15-53, 15-55(e))

Sec. 18-122. Additional setback requirements for lots fronting on arterial and collector streets.

Where lots front on arterial or collector streets, the minimum building setback line, as measured from the street right-of-way line, shall be increased by an additional twenty-five (25') feet.

Sec.18-123. Additional width for corner lots.

Corner lots shall be of additional width so as to provide for the required setbacks from both streets.

(Ord. of 10-19-83, Sec. 15-55(k))

Sec. 18-124. Avoidance of right angle lots.

Lots at right angles to each other shall be avoided wherever possible.

(Ord of 10-19-83, Sec. 15-55(g))

Sec. 18-125. Avoidance of double and reversed frontage lots.

Double frontage and reversed frontage lots shall be avoided except where necessary to overcome specific disadvantages of topography and orientation or in conflict with Sec. 18-96 of this ordinance.

(Ord. of 10-19-83, Sec. 15-55(j))

Sec. 18-126. Location of side lines with respect to street lines.

Side lot lines shall be approximately at right angles or radial to street lines.

(Ord. 10-19-83, Sec.15-55(h))

Sec. 18-127. Lines to follow, rather than cross, county boundary lines.

Lot lines shall follow county boundary lines wherever practicable, rather than cross them.

(Ord. of 10-19-83, Sec. 15-55(i))

In all other respects the Dinwiddie County Code is hereby reordained.

IN RE: SELECTION OF AUDIT FIRM FOR 1997

Mrs. Wendy Weber Ralph, Assistant County Administrator, came before the Board stating that the present contract on auditing services has expired. We have gone forward with an RFP. The audit review committee, which consisted of Mr. William E. Jones, Treasurer, Mr. Ray Watson, Assistant Superintendent, Finance and Technology, School Board, Mrs. Glenice Townsend, Fiscal Officer, and myself, met Tuesday, March 25, 1997, to hold interviews with the firms who submitted proposals for the County's audit. We interviewed all the firms that submitted proposals. Those firms being: Robinson, Farmer Cox; Cherry, BeKaert & Holland (our present auditor); KPMG Peat Marwick; Saunders & White; and Goodman & Company. The firms were rated on the following factors: Qualifications to Perform Work - Qualifications and Depth of Staff; Understanding of the work to be performed; Local government auditing experience; Local government clients and number of years served; and additional services provided. After conducting the interviews and completing the ratings, the Committee came to a unanimous decision on their first priority one selection and they would like to recommend to the Board at this time that they be authorized to begin negotiations with Robinson, Farmer, Cox Associates. We feel that we can negotiate a satisfactory price for the County. If we can arrive at a satisfactory amount we would like also authorization to proceed with a contract. We are required by State Code to have an auditor on board by the first of April.

Mr. Clay questioned if the satisfactory amount would be satisfactory with the Board. Mrs. Ralph stated the cost would be communicated to the Board before any contract was confirmed.

Upon motion by Mr. Bracey, seconded by Mr. Clay, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the committee has authorization to begin negotiations with Robinson, Farmer, Cox Associates for audit services and to proceed with a contract if a satisfactory price is reached.

IN RE: ADOPTION OF HIRING PRACTICES

The County Administrator, presented to the Board the following guidelines for hiring practices for 100% County funded positions.

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye"

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the following guidelines be approved and adopted:

FOR MANY DEPARTMENTS, THE 1997-98 BUDGET INCLUDES POSITIONS BEING FUNDED 100% BY THE COUNTY. IT IS THE DESIRE OF THE BOARD OF SUPERVISORS THAT THE FOLLOWING GUIDELINES BE FOLLOWED IN THE PROCESS OF THE HIRING OF ANY POSITIONS FUNDED TOTALLY BY THE COUNTY.

1. FUNDS MUST BE IN THE APPROVED BUDGET OR A FORMAL REQUEST MADE TO THE BOARD TO APPROPRIATE FUNDS FOR ANY NEW POSITION;
2. JOB DESCRIPTIONS, STARTING SALARY AND A REQUEST TO ADVERTISE A POSITION MUST BE SUBMITTED TO THE BOARD PRIOR TO THE POSTING. THE ADVERTISEMENT SHOULD BE CONDENSED, CONTAINING ONLY INFORMATION REQUIRED BY LAW WITH INSTRUCTION THAT JOB DESCRIPTIONS AND APPLICATIONS WILL BE AVAILABLE IN THE RESPECTIVE OFFICE;
3. WHEN INTERVIEWS ARE DONE, THE FOLLOWING DOCUMENTATIONS MUST BE EXECUTED (COPIES AVAILABLE IN THE PAYROLL OFFICE):
 - a. CRIMINAL HISTORY RECORD REQUEST
 - b. AUTHORITY FOR RELEASE OF INFORMATION (INCLUDES DRIVING RECORD).
4. SELECTION AND RECOMMENDATION MUST BE MADE TO THE BOARD PRIOR TO HIRING. BOARD ACTION CONTAINING APPROVAL OF STARTING SALARY AND STARTING DATE MUST BE AVAILABLE TO THE PAYROLL DEPARTMENT BEFORE ANY INDIVIDUAL CAN BE ADDED TO PAYROLL RECORDS.

IF AN ESTABLISHED POSITION IS VACATED, THE SAME CRITERIA MUST BE FOLLOWED. NOT FOLLOWING THESE GUIDELINES CAN AND WILL RESULT IN THE BOARD NOT FUNDING THE POSITION/POSITIONS IN THE NEXT FISCAL YEAR.

IN RE: YMCA HEALTHY KID'S DAY

Upon motion of Mrs. Everett, seconded by Mr. Clay, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that April 12, 1997 be designated YMCA Healthy Kid's Day in Dinwiddie County as stated below:

PROCLAMATION

Designating April 12, 1997
YMCA Healthy Kid's Day
in Dinwiddie County, Virginia

WHEREAS, the YMCA's vision is to be the nation's leader in prevention and development programs for children; and

WHEREAS, the YMCA nurtures the healthy development of children, strengthens families, builds character, and helps communities become healthier and safer; and

WHEREAS, the YMCA helps people of all ages, incomes, races, religions, and abilities lead healthier lives; and

WHEREAS, at the YMCA, there is a sense of belonging and everyone can succeed.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, proclaim April 12, 1997 as YMCA Healthy Kids' Day and urge all citizens of our community to give full regard to the services of the Southside Virginia Family YMCA.

IN RE: AUTHORIZATION TO PROCEED WITH COMPLETION BONDS --COURTHOUSE AND SCHOOLS

Mrs. Wendy Weber Ralph, came forth stating that there was a need to proceed with the additional borrowing to complete the Courthouse and the School projects. We told you we would be meeting with the Industrial Authority, which we did last night, to review the needs and also to get directions from them as to how they felt about being the conduit for this additional bond issue. Based upon needing the funds by June of this year, the underwriter would like authorization to move forward with the financing at this time. The actual documents and preliminary offering statements would be presented to the Board on May 7, 1997, for final approval, and then would go to the IDA on May 8, 1997.

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the underwriter has authorization to move forward on the financing for the completion bonds on the Courthouse and School projects.

IN RE: COMMONWEALTH ATTORNEY -- AUTHORIZATION TO PURCHASE PC

Mrs. Ralph stated that the State Compensation Board has provided 100% reimbursable funding for the Commonwealth Attorney's Office, after our budget was adopted, for equipment. This funding is for a PC which falls, well under what was allowed by the State. They would like to proceed with the purchase of this PC. The total cost being \$1,967.00.

Upon motion of Mr. Bracey, seconded by Mr. Tickle, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the Commonwealth Attorney's Office is authorized to proceed with the purchase of a new PC for the sum of \$1,967.00 which will be 100% reimbursed by the State Compensation Board.

IN RE: COUNTY ADMINISTRATION COMMENTS

Mr. Burgess stated that one more time he would like to thank the Board for the opportunity that they afforded him to work with them and for them. I would like to thank the staff for all the support they have provided me in the three (3) plus years I have been here and wish each of you the best of luck and I am sure we will cross paths somewhere in the future. Thank you very much for the opportunity to have been of service to this County and Schools.

The Board members wished Mr. Burgess well in his new endeavor.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Clay, seconded by Mr. Tickle, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye", pursuant to the Virginia Freedom of Information Act, Section 2.1-344 (a) 1 - Discussion or consideration of employment, salaries, discipline of public officers, appointees, or employees of any public body - Administration; 2.1-344 (a) 3 - Discussion or consideration of the condition, acquisition or use of

real property for public purpose; and 2.1-344 (a) 7 - consultation with legal counsel - Airport litigation. The Board moved into Executive Session at 10:40 p.m. A vote having been made and approved, the meeting reconvened into Open session at 11:30 p.m.

IN RE: CERTIFICATION

Upon motion by Mr. Clay, seconded by Mr. Tickle, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye", the following resolution was adopted:

WHEREAS, the Board of Supervisors of Dinwiddie County convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board of Supervisors of Dinwiddie County that such Executive meeting was conducted in conformity with the Virginia law;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive session to which this certification resolution applies; and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board of Supervisors of Dinwiddie County, Virginia.

IN RE: RESOLUTION TO PURCHASE PROPERTY

Upon motion of Mrs. Everett, seconded by Mr. Clay, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the following Resolution be adopted:

WHEREAS, the Board of Supervisors of the County of Dinwiddie, Virginia (the "Board") believes it to be in the best interests of the County to purchase a tract of land in the County consisting of approximately sixty (60) acres (the "Property") for the location of future educational facilities;

NOW, THEREFORE, BE IT RESOLVED that the Agreement for the Purchase and Sale of Real Estate previously presented to the Board (the "Agreement") is hereby approved and the Chairman of the Board, County Administrator and Assistant County Administrator are each authorized and directed to execute the Agreement on behalf of the Board with such amendments thereto as may be deemed necessary in their sole discretion (the approval of which shall be conclusively evidenced by their execution thereof), deliver the same to the sellers of the Property and take such actions as they deem necessary or expedient to fulfill the Board's obligations under the Agreement and to carry out the purposes and intents of this resolution, including without limitation, the purchase of the Property.

IN RE: REORGANIZATION OF COUNTY STAFF/INTERIM PERIOD

Upon motion of Mr. Clay, seconded by Mr. Tickle, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye",

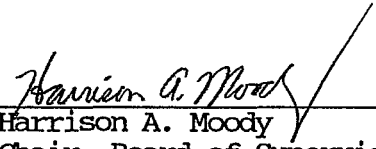
BE IT RESOLVED BY the Board of Supervisors of Dinwiddie County, Virginia, that Mrs. Wendy Weber Ralph, assumes the position of Interim County Administrator, at a salary of \$64,000, effective April 5, 1997, until such time as that position is filled on a permanent basis; and

BE IT FURTHER RESOLVED BY the Board of Supervisors of Dinwiddie County, Virginia, that Mrs. Glenice N. Townsend, Director of Fiscal Operations shall assume the job responsibilities of the Assistant County Administrator at a salary of \$47,281, effective April 5, 1997, until such time as that position is reassumed or filled; and

BE IT FURTHER RESOLVED BY the Board of Supervisors of Dinwiddie County, Virginia, that Mrs. Cathy Carwile, Data Processing Manager, shall assume the job responsibilities of the Director of Fiscal Operations at a salary of \$35,369 effective April 5, 1997 until such time as that position is reassumed or filled.

IN RE: ADJOURNMENT

Upon motion of Mrs. Everett, seconded by Mr. Bracey, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye", the meeting adjourned at 11:45 P.M. to be continued until Wednesday, April 16, 1997 at 12:00 Noon for a Executive Session at the Pamplin Building.



Harrison A. Moody
Chair, Board of Supervisors

ATTEST: _____
Charles W. Burgess, Jr.
County Administrator

/pam