

VIRGINIA: AT THE REGULAR MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 21ST DAY OF APRIL, 1999, AT 2:00 P.M.

PRESENT:	LEENORA V. EVERETT, CHAIRMAN	ELECTION DISTRICT #3
	AUBREY S. CLAY, VICE-CHAIRMAN	ELECTION DISTRICT #5
	DONALD L. HARAWAY	ELECTION DISTRICT #2
	EDWARD A. BRACEY, JR.	ELECTION DISTRICT #4
	HARRISON A. MOODY	ELECTION DISTRICT #1

OTHER:	DANIEL M. SIEGEL	COUNTY ATTORNEY
--------	------------------	-----------------

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

Mrs. Everett called the regular meeting to order at 2:00 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: MOMENT OF SILENCE

Mrs. Everett asked for a moment of silence for L. Bolling Chappell and the tragedy in Littleton, Colorado..

IN RE: AMENDMENTS TO THE AGENDA

Mrs. Everett asked if there were any amendments to the Agenda. There being none Mrs. Everett moved forward.

IN RE: MINUTES

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes of the March 31, 1999 Continuation Meeting; the April 7, 1999 Continuation Meeting; and the April 7, 1999 Regular Meeting are approved in their entirety.

IN RE: CLAIMS

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following claims are approved and funds appropriated for same using checks numbered 1014815 through 1014989 (void check(s) numbered 1014815, 1014986, 1013898 and 1014083); for

Accounts Payable:

(101) General Fund	\$ 232,708.90
(103) Jail Commission	\$ -0-
(104) Marketing Fund	\$ -0-
(222) E911 Fund	\$ 2,019.03
(223) Self Insurance Fund	\$ -0-
(225) Courthouse Maintenance	\$ -0-
(226) Law Library	\$ -0-
(228) Fire Programs & EMS	\$ -0-
(229) Forfeited Asset Sharing	\$ 79.45

(304) CDBG Grant Fund	\$ 2,854.90
(305) Capital Projects Fund	\$ 37,476.98
(401) County Debt Service	\$ 61,816.22

TOTAL	\$ 336,955.48
--------------	----------------------

IN RE: APPROVAL REQUISITION #44 (IDA98A-#9) – SCHOOL CONSTRUCTION

Mrs. Ralph stated the following invoices are included in Requisition Number 43:

AMTEK COMPANY	\$57,162.26
TRI CITY OFFICE PRODUCTS	3,578.40
GLIDES & CASTERS, INC.	363.17
MILLER FURNITUE CO., INC.	2,026.69
SANDS ANDERSON MARKS & MILLER	1,294.87
TOTAL OF THIS REQUISITION	\$64,425.39

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number 44 (IDA98A - #9) in the amount of \$64,425.39 be approved and funds appropriated for CIP expenses for the School Project Fund.

IN RE: APPROVAL OF PAYMENT REQUEST – DINWIDDIE ELEMENTARY #3

Mrs. Ralph stated the following invoice is included in Payment Request - Dinwiddie Elementary #3:

BALLOU, JUSICE & UPTON	\$26,281.02
TOTAL FOR THIS PAYMENT REQUEST	\$26,281.02

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Payment Request - Dinwiddie Elementary Number 3 in the amount of \$26,281.02 be approved and with all funds advanced being reimbursed from the bond proceeds from the Dinwiddie Elementary project.

IN RE: CITIZEN COMMENTS

Mrs. Everett asked if there were any citizens who had signed up to speak.

There being no names signed up Mrs. Everett closed the Public Comments and moved forward.

IN RE: CRATER REGIONAL MICROENTERPRISE LOAN PROGRAM – RESOLUTION

Mr. Jim McClure, Crater Development Company, has provided information to explain the Crater Regional Microenterprise Loan Program which states Dinwiddie County is acting as the lead applicant to apply for a Community Improvement Grant (CIG) from the Virginia Department of Housing and Community Development. CIG funds will be used to establish a Microenterprise

Loan Fund to assist small businesses in the participating jurisdictions to include Dinwiddie, Greensville, Prince George, Surry, and Sussex Counties, and the City of Emporia. The fund is to be administered by the Crater Development Company and technical assistance will be provided by the Crater Small Business Development Center of Longwood College. Eligible small businesses must have five (5) or fewer employees, the owners of the business or the employees must meet LMI household income limits, and the maximum loan amount can not exceed \$25,000.00. The total program will be \$230,000.00. The CIG grant will provide \$130,000.00, and the Crater Development Company will provide a \$100,000.00 match. The budget will be \$197,500.00 for the microenterprise pool, \$2,500.00 for administration of the CIG grant, and \$30,000.00 for special technical assistance for loan recipients.

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

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

WHEREAS, Dinwiddie County wishes to be a participating jurisdiction in this regional Microenterprise Loan Program; and

WHEREAS, Dinwiddie County has held two (2) public hearings concerning the FY 1999 Community Improvement Grant Program; and

WHEREAS, Dinwiddie County will be the lead applicant for a regional proposal to establish a regional Microenterprise Loan Program; and

WHEREAS, the Crater Development Company with the assistance of the Crater Small Business Development Center of Longwood College will implement the Crater Regional Microenterprise Loan Program which is estimated to assist twenty (20) microbusinesses.

NOW, THEREFORE BE IT RESOLVED, that Dinwiddie County wishes to apply as a participating jurisdiction for \$130,000 of Community Development Block Grant funds for the Crater Regional Microenterprise Loan Program, which will include a \$100,000 match to be provided by the Crater Development Company.

BE IT FURTHER RESOLVED that the Administrator for the County of Dinwiddie, Virginia and/or the Chairman of the Board of Supervisors of Dinwiddie County, Virginia is hereby authorized to sign and submit the appropriate documents for submittal of this Virginia Community Development Block Grant application.

IN RE: DEPARTMENT OF TRANSPORTATION – REPORT

Mr. Ronald Reekes, Resident Engineer for the Virginia Department of Transportation, came forward to present his monthly report.

Mr. Reekes asked the Board if they would like to have a ceremony officially opening the new Chaparral Access Road.

After discussion it was decided there would be a ribbon cutting ceremony officially opening the new Chaparral Access Road, Hofheimer Way, on May 4, 1999 at 11:00 P.M.

There was discussion on Walker's Mill Road; Route 619; Boisseau Road; Old Vaughan Road; Glebe Road; Duncan Road; Wheaton Road; Halifax Road; Rohoic Farms; and Driver Road.

IN RE: COMMISSIONER OF THE REVENUE – REPORT

Mrs. Deborah M. Marston, Commissioner of the Revenue, was not present.

IN RE: TREASURER – REPORT

Mr. William E. Jones, Treasurer, was not present.

IN RE: COMMONWEALTH ATTORNEY – REPORT

Mr. T. O. Rainey, III, Commonwealth Attorney, was not present at this time.

IN RE: SHERIFF'S DEPARTMENT – REPORT

Sheriff Samuel H. Shands came forward to present his monthly report on jail occupancy.

IN RE: SHERIFF'S DEPARTMENT – ELECTRONIC DOOR BIDS

Sheriff Shands stated he would like to add to his report a request for electronic doors. He had received two (2) bids with the lowest being \$360.00 from Buckley. The other bid was from Dixie Lock & Key at \$405.00 or \$495.00.

Mr. Long stated he had obtained a third bid but did not receive a written confirmation but the low bid the Sheriff had was the lowest.

Sheriff Shands stated his recommendation was to accept the low bid of \$360.00 from Buckley.

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

BE IT RESOVLED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is grant for the Sheriff to accept the low bid of \$360.00 from Buckley for the electronic doors with the combination lock for the communications center at the Sheriff's Office with funds being appropriated from the Sheriff's budget.

IN RE: SHERIFF'S OFFICE – MARKING OF PATROL VEHICLES

Sheriff Shands continued by reporting on the on going discussion regarding marking of the Sheriff's vehicles. He stated the lowest price he has found is from Hollywood Signs at a cost of \$375.00 per vehicle which would be a pressed on decal.

Mr. Bracey asked Sheriff Shands if he had obtained a bid from Hopewell. He understood Prince George was getting it done by Hopewell for about \$225.00 per vehicle.

Mrs. Everett asked when the new cars would be coming in.

Sheriff Shands stated he was not quite sure. He asked if she meant the 99's and if she did they had all but one or two.

Mr. Long asked that marking of the vehicles be included in the price of all new cars coming in.

Mr. Bracey asked if Mr. Long was asking the price of marking the vehicle be included in the vehicle price. He stated he was not a tight wad however anytime you do something to a vehicle it is three times the cost of what is on the open market.

There was discussion regarding this between Mr. Bracey, Mrs. Everett and Mr. Long.

Mrs. Everett expressed she did not feel the Sheriff should announce bids and then go out and obtain additional bids.

The Sheriff stated this was not an official bid but was obtained for informational purposes only. He further stated he would check with Hopewell and report back to the Board.

IN RE: COMMONWEALTH ATTORNEY – REPORT

Mr. T. O. Rainey, III, Commonwealth Attorney, came forward.

Mrs. Everett stated it was good to see him back.

Mr. Rainey stated it was really good to be back. He continued that he did not have anything to report other than to present the second quarter collections report for Circuit Court and General District Court fines.

IN RE: SHERIFF'S OFFICE -- REPORT

Mr. Bracey asked about the work release program. Mr. Bracey asked if he wanted to get a person to work for him how he would go about it.

Sheriff Shands stated it must be authorized by the Court.

IN RE: BOARD MEMBER COMMENTS

Mr. Bracey asked the Commissioner of the Revenue respond to his inquiry regarding admission tax and do we collect on something like the circus that is currently at the Virginia Motorsports Park.

Mrs. Ralph stated Mrs. Marston told her she would be going down to do that tonight when the circus closes.

Mr. Long stated he would receive verification on that and report back to Mr. Bracey.

Mrs. Ralph stated Mrs. Marston had requested permission to use the County van in order to do this visit.

IN RE: BUILDING INSPECTOR – REPORT

Mr. Dwayne H. Abernathy, Building Inspector, was not present at this time because they were performing an inspection at the circus.

IN RE: ANIMAL WARDEN – REPORT

Mr. Steven R. Beville, Animal Warden, came forward to present his report for the month of March 1999. Mr. Beville reported the confinement period was going well and as the Board could see from his report there has been an increase in the number of dogs picked up. Advertisements are continuing to run in the Dinwiddie Monitor telling people of this action.

IN RE:

**A-99-2 – AMENDMENT TO COUNTY ZONING
ORDINANCE FEE SCHEDULE**

A Public Hearing was held on April 7, 1999, being the time and place as advertised in the Dinwiddie Monitor on March 24, 1999 and March 31, 1999, for the Board of Supervisors of Dinwiddie County, Virginia to conduct said Public Hearing on an amendment to the zoning fees contained in section 22-23(b) - rezoning, 22-23 (c) - conditional use permit; section 22-41 - variance and add section 22-5 (5) zoning amendment fees to the ordinance.

Mr. William C. Scheid, Director of Planning, came forward stating the Planning Commission and Board of Supervisors, had been told by staff about the rising costs associated with processing applications for amendments, rezonings, conditional use permits and variances under the zoning procedures. With this in mind, staff prepared an amendment to the Zoning Code which would increase the fees as follows:

1. Amendments from \$150 to \$275
2. Conditional Use Permits from \$100 to \$275
3. Rezonings from \$150 to \$275
4. Variances from \$100 to \$125

There have been adequate discussions establishing that such fees are necessary to keep pace with the increased costs associated with the above. The Planning Commission received this matter at their March 10th meeting, and with one change - raising the variance fee to \$175 - they voted 7-0 to recommend approval to the Board of Supervisors

As per the suggestion from legal counsel the Board opted to wait until this meeting to adopt the above Ordinance in order to meet the waiting period requirements regarding fees/taxes.

Mr. Scheid pointed out the increase from \$125.00 to \$175.00 for the variance fee.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia that the following Amendments to the Zoning Ordinance are hereby adopted:

The amendment to the Zoning Ordinance would be as follows:

Amend section 22-5, amendments to chapter, by adding the following paragraph:

- (5) Each application for amendment shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the sum of two hundred seventy five dollars (\$275.00), two hundred dollars (\$200.00) of which shall be used to pay the expenses of advertising and mailing notices. If actual expenses associated with the amendment exceed two hundred dollars (\$200.00), the applicant shall be billed for the difference. Seventy-five dollars (\$75.00) shall be retained by the county as fee for processing the application for amendment.

Amend section 22-23, applications for rezoning and conditional use permits, by deleting paragraphs (b) and (c) and in its stead insert the following:

- (b) Fees; use described. Each application for rezoning shall be accompanied by a check or money order made payable to the

Treasurer, Dinwiddie County, in the sum of two hundred seventy five dollars (\$275.00), two hundred dollars (\$200.00) of which shall be used to pay the expenses of advertising and mailing notices. If actual expenses associated with the rezoning exceed two hundred dollars (\$200.00), the applicant shall be billed for the difference. Seventy-five dollars (\$75.00) shall be retained by the county as fee for processing the application for rezoning.

- (c) Fees for conditional use permit. Each application submitted for a conditional use permit shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the amount of two hundred seventy five dollars (\$275.00), two hundred dollars (\$200.00) of which shall be used to pay the expenses of advertising and mailing notices. If actual expenses associated with the conditional use permit exceed two hundred dollars (\$200.00), the applicant shall be billed for the difference. Seventy-five dollars (\$75.00) shall be retained by the county as fee for processing the application.

Amend section 22-41, grant of variance, by deleting paragraph (f) and in its stead insert the following:

- (f) An application for variance shall be obtained from the zoning administrator. Each application for variance shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the amount of one hundred seventy-five dollars (\$175.00), one hundred dollars (\$100.00) of which shall be used to pay the expenses of advertising and mailing notices. If actual expenses associated with the variance exceed one hundred dollars (\$100.00), the applicant shall be billed for the difference. Seventy-five dollars (\$75.00) shall be retained by the county as fee for processing the application.

In all other respects, this ordinance shall remain in full force and effect. This ordinance shall become effective, this date, April 21, 1999.

**IN RE: A-99-3 – AMENDMENT TO THE EROSION AND
SEDIMENTATION CONTROL ORDINANCE**

A Public Hearing was held on April 7, 1999, being the time and place as advertised in the Dinwiddie Monitor on March 24, 1999 and March 31, 1999, for the Board of Supervisors of Dinwiddie County, Virginia to conduct said Public Hearing on an amendment to the Code of Dinwiddie County by deleting Chapter 8, Erosion and Sedimentation Control, and adopting a revised Chapter 9, Erosion and Sedimentation Control.

Mr. Scheid stated the Erosion and Sedimentation Control Ordinance was adopted by Dinwiddie County in the late 1970's. Many changes in State Code requirements have occurred since then. The Department of Conservation and Recreation, the state agency responsible for overseeing this program, has noted that the County's ordinance needed updating. Their office assisted him in reviewing the County's ordinance so that it meets State standards. Our attorneys have reviewed the document and found it proper with the following changes:

1. Page 8 - Section 9-5, A. has a correction - add the following words or to the Director of Planning
2. Page 9 - Section 9-6, B. delete and the Dinwiddie County Planning Department

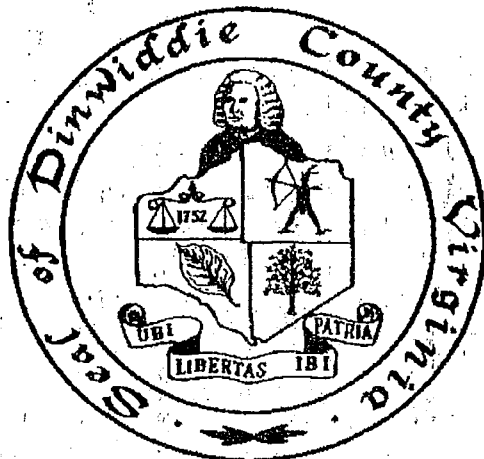


As per the suggestion from legal counsel the Board opted to wait until this meeting to adopt the above Ordinance in order to meet the waiting period requirements regarding fees/taxes.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia that the following Amendments to Chapter 9, Erosion and Sedimentation Control is hereby adopted:

COUNTY
OF



DINWIDDIE
EROSION AND SEDIMENTATION CONTROL ORDINANCE

CHAPTER 9

TABLE OF CONTENT

- Sec. 9-1 Title
- Sec. 9-2 Authority for Chapter
- Sec. 9-3 Definitions
- Sec. 9-4 Erosion & Sedimentation Control Program
- Sec. 9-5 Regulated Land-Disturbing Activities
- Sec. 9-6 Land disturbing Permits; Fees; Bonding; etc.
- Sec. 9-7 Monitoring; Reports and Inspections
- Sec. 9-8 Penalties, Injunctions and Other Legal Action
- Sec. 9-9 Appeals and Judicial Review

SECTION 9-1. TITLE.

This ordinance shall be known as the "Erosion and Sediment Control Ordinance of Dinwiddie County." The purpose of this chapter is to conserve the land, water, air and other natural resources of Dinwiddie County by establishing procedures whereby these requirements shall be administered and enforced.

SECTION 9-2. AUTHORITY FOR CHAPTER.

This Chapter is authorized by the Code of Virginia, Title 10.1, Conservation, Soil and Water Conservation Chapter 5, Article 4, Erosion and Sedimentation Control Law (10.1-560 et seq.), known as the Erosion and Sediment Control Law.

SECTION 9-3. DEFINITIONS

As used in this ordinance, unless the context requires a different meaning:

Agreement in lieu of a plan: A contract between the plan-approving authority and the owner which specifies conservation measures which must be implemented in the construction of a single-family residence; this contract may be executed by the plan-approving authority or its designee in lieu of a formal site plan.

Applicant: Any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.

Board: The Virginia Soil and Water Conservation Board.

Certified Inspector: An employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of project inspection or (ii) is enrolled in the Board's training program for project inspection and successfully completes such program within one year after enrollment.

Certified Plan Reviewer: An employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of plan review, (ii) is enrolled in the Board's training program for plan review and successfully completes such program within one year after enrollment, or (iii) is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (54.1-400 et seq.) of Chapter 4 of Title 54.1.

Certified Program Administrator: An employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of program administration or (ii) is enrolled in the Board's training program for program administration and successfully completes such program within one year after enrollment.

Clearing: Any activity which removes the vegetative ground cover including, but not limited to, root mat removal or top soil removal.

Conservation Plan Erosion and Sediment Control Plan or "Plan": A document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

County: The County of Dinwiddie.

Department: The Department of Conservation and Recreation.

Director: The director of the Department.

District or "Soil and Water Conservation District": A political subdivision of the Commonwealth organized in accordance with the provisions of Article 3

(Sec. 10.1-506 et. seq.) of Chapter 5 of Title 10.1. The County of Dinwiddie is served by the Appomattox River Soil & Water Conservation District.

Erosion Impact Area: An area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.

Excavating: Any digging, scooping or other methods of removing earth materials.

Filling: Any depositing or stockpiling of earth materials.

Grading: Any excavating of or filling with earth materials.

Land-Disturbing Activity: Any land change which may result in soil erosion from water or wind and the movement of sediments into State waters or onto lands in the State, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

1. Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;
2. Individual service connections;
3. Installation, maintenance, or repairs of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk provided such land-disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced;
4. Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;
5. Surface or deep mining;
6. Exploration or drilling for oil and gas including the well site, roads, feeder lines, and off-site disposal areas;
7. Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (10.1-1100 et seq. of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in subsections B of 10.1-1163);
8. Agricultural engineering operations including but not limited

to the construction of terraces, terrace outlets, check dams, de-silting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation;

9. Repair or rebuilding of the tracks, right-of-way, bridges, communication facilities of a railroad company;
10. Disturbed land areas of less than ten thousand (10,000) square feet.
11. Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
12. Shore erosion control projects on tidal waters when the projects are approved by local wetlands boards, the Marine Resources Commission or the U. S. Army Corps of Engineers;
13. Emergency work to protect life, limb or property, and emergency repairs; provided that if the land-disturbing activity would have required an approved erosion and sediment control plan if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the certified plans reviewer.

Land Disturbing Permit: A permit issued by the County of Dinwiddie for the clearing, filling, excavating, grading, transferring or any combination thereof or for any purpose set forth herein.

Local Erosion and Sediment Control Program: An outline or explanation of the various elements or methods employed by the County of Dinwiddie to regulate land disturbing activities and thereby minimize erosion and sedimentation in compliance with the State program and may include such items as a local ordinance, policies and guidelines, technical materials, inspection, enforcement and evaluation.

Owner: The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

Permittee: The person to whom the permit authorizing land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the commonwealth, any interstate body, or any other legal entity.

Plan Approving Authority: The Certified Plan Reviewer responsible for determining the adequacy of a conservation plan submitted for land-disturbing activities on a unit or units of land and for approving plans.

Program Authority: The County of Dinwiddie which has adopted the soil erosion and sediment control program which has been approved by the Board.

Single-Family Residence: A noncommercial dwelling that is occupied exclusively by one family and not part of a residential subdivision development.

Stabilized: An area that can be expected to withstand normal exposure to atmospheric conditions without incurring erosion damage.

State Erosion and Sediment Control Program or State Program: The program administered by the Virginia Soil and Water Conservation Board pursuant to the State Code including regulations designed to minimize erosion and sedimentation.

State Waters: All waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdictions.

Town: An incorporated town.

Transporting: Any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetation ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

SECTION 9-4. EROSION AND SEDIMENT CONTROL PROGRAM

A. The County of Dinwiddie hereby adopts the regulations promulgated by the Virginia Soil and Water Conservation Board pursuant to Section 10.1-562 of the Code of Virginia for the effective control of soil erosion, sediment deposition and nonagricultural runoff to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources. The Virginia Erosion and Sediment Control Regulations, The Virginia Erosion and Sediment Control Handbook, Third Edition, 1992, as amended periodically, are adopted as the standards, reference and guidelines for the County of Dinwiddie. The standards contained within these publications are to be used by the applicant when making a submittal under the provisions of this ordinance and in the preparation of an erosion and sediment control plan. The plan approving authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations, and guidelines. When the standards vary between the publications, the State regulation's shall take precedence.

B. The County of Dinwiddie designates the Certified Plan Reviewer as the plan approving authority.

C. Pursuant to Section 10.1-561.1 of the Code of Virginia, (i) an erosion control plan shall not be approved until it is reviewed by a certified plan reviewer, (ii) inspections of land-disturbing activities shall be conducted by a certified inspector and; (iii) the Erosion Control Program of Dinwiddie County shall contain a certified program administrator, a certified plan reviewer, and a certified inspector, who may be the same person.

D. The program and regulations provided for in this ordinance shall be made available for public inspection at the office of the Planning Department of Dinwiddie County.

SECTION 9-5. REGULATED LAND-DISTURBING ACTIVITIES; SUBMISSION AND APPROVAL OF PLANS

A. Except as provided herein, no person shall engage in any land-disturbing activity until he has submitted to the Director of Planning for Dinwiddie County an erosion and sediment control plan for land-disturbing activity and such plan has been approved by the plan approving authority. The plan shall be drawn to scale of not less than one hundred (100) feet to one (1) inch and shall detail those methods and techniques to be utilized in the control of erosion and sedimentation and, as a minimum, the plan shall comply with the

state criteria, standard and specifications found in the Virginia Erosion and Sediment Control Handbook , as referenced in Section 9-4A of this Chapter. A minimum of four (4) copies of the erosion and sediment control plan shall be submitted to the Administrator or to the Director of Planning. Where land-disturbing activities involve lands under the jurisdiction of more than one local control program, an erosion and sediment control plan, at the option of the applicant, may be submitted to the Board for review and approval rather than to each jurisdiction concerned. Where the land disturbing activity results from the construction of a single-family residence, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the County of Dinwiddie.

- B. The plan approving authority shall, within 45 days, approve any such plan, if he determines that the plan meets the requirements of the Board's regulations, and if the person responsible for carrying out the plan certifies that he will properly perform the erosion and sediment control measures included in the plan and will conform to the provisions of this ordinance.
- C. The plan shall be acted upon within 45 days from receipt thereof by either approving said plan in writing or by disapproving said plan in writing and giving specific reasons for its disapproval. When a plan is determined to be inadequate, the plan approving authority shall specify such modifications, terms and conditions that will permit approval of the plan. If no action is taken within 45 days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.
- D. An approved plan may be changed by the plan approving authority when:
 - 1. The inspection reveals that the plan is inadequate to satisfy applicable regulations; or
 - 2. The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this ordinance, are agreed to by the plan approving authority and the person responsible for carrying out the plan.
- E. In order to prevent further erosion, the County of Dinwiddie may require approval of a conservation plan for any land identified in the local program as an erosion impact area.
- F. When a land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.
- G. State agency projects are exempt from the provisions of this Ordinance, pursuant to section 10.1-564 of the Code of Virginia.

SECTION 9-6. LAND-DISTURBING PERMITS; FEES; BONDING; ETC.

- A. No person shall engage in any land-disturbing activity until he has acquired a land-disturbing permit, unless the proposed land-disturbing activity is specifically exempt from the provisions of this ordinance, and has paid the fees and posted the required bond.

B. Fees: A plan review and inspection fee of \$100.00 plus \$5.00 per acre shall be paid by check or money order made payable to the Treasurer, Dinwiddie County at the time of filing erosion and sediment control plans.

C. No land disturbing permit shall be issued until the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed. An approved plan is required for issuance of grading, building or other permits.

D. Bond: All applicants for permits shall provide to the County of Dinwiddie a performance bond, cash escrow, or an irrevocable letter of credit acceptable to the Program Administrator, to ensure that measures could be taken by the County of Dinwiddie at the applicant's expense should the applicant fail within the time specified to initiate or maintain appropriate conservation measures required of him as a result of his land disturbing activity. Should it be necessary for the County of Dinwiddie to take such conservation action, the County of Dinwiddie may collect from the applicant any costs in excess of the amount of the surety held. The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in Dinwiddie County with a reasonable allowance for estimated administrative cost and inflation which shall not exceed twenty-five (25) percent of the estimated cost of the conservation action.

Within sixty (60) days of the achievement of adequate stabilization of the land disturbing activity in any project or sections thereof, as determined by the Program Administrator, the bond, cash escrow or letter of credit, or the unexpended or unobligated portion thereof shall be either refunded to the applicant or terminated based upon the percentage of stabilization accomplished in the project or section thereof.

These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

SECTION 9-7. MONITORING, REPORTS, AND INSPECTIONS

A. The Certified Inspector shall provide for and/or conduct periodic inspections of the land-disturbing activity, and may require monitoring and reports from the person responsible for carrying out the plan, to insure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee or person responsible for carrying out the plan shall be given notice of the inspection.

If the Certified Inspector determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities.

The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this ordinance and, upon conviction shall be subject to the penalties provided by the ordinance.

B. Upon receipt of a sworn complaint of a violation of this ordinance, the Program Administrator or his designee, either may, in conjunction with or

subsequent to a notice to comply as specified in this ordinance, issue a stop work order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken or, if land-disturbing activities have commenced without an approved plan require that all of the land-disturbing activities be stopped until an approved plan or any required permits are obtained.

Where an alleged noncompliance is caused or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, or where the land-disturbing activities have commenced without an approved plan or any required permits, a stop work order may be issued whether or not the alleged violator has been issued a notice to comply. Otherwise, such a stop work order may be issued only after the alleged violator has failed to comply with a notice to comply. The stop work order shall be served in the same manner as a notice to comply, and shall remain in effect for seven days from the date of service pending application by the enforcing authority or alleged violator for appropriate relief to the Circuit Court of Dinwiddie County.

If the alleged violator has not obtained an approved plan or any required permits within seven days from the date of service of the order, the Administrator, or his designee, may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained.

A stop work order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of the County of Dinwiddie. The owner may appeal the issuance of an order to the Circuit Court of the County of Dinwiddie.

Any person violating or failing, neglecting or refusing to obey an order issued by the Administrator or his designee may be compelled in a proceeding instituted in the Circuit Court of the County of Dinwiddie to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.

Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted.

Nothing in this section shall prevent the Administrator or his designee from taking any other action authorized by this ordinance.

SECTION 9-8. PENALTIES, INJUNCTIONS, AND OTHER LEGAL ACTIONS

A. Violators of this ordinance shall be guilty of a Class 1 misdemeanor.

B. Any person who violates any provision of this ordinance shall upon a finding of the District Court of the County of Dinwiddie, be assessed a civil penalty. In any civil trial for a violation of this ordinance, the County of Dinwiddie shall have the burden of showing, by the preponderance of the evidence the liability of the violator. The civil penalty for any one violation shall be \$100, except that the civil penalty for commencement of land-disturbing activities without an approved plan shall be \$1,000. Each day during which the violation is found to have existed shall constitute a separate offense.

In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of \$3,000, except that a series of violations arising from the commencement of land disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of \$10,000.

An admission or finding of civil liability shall not be a criminal conviction for any purpose.

The assessment of civil penalties according to this schedule shall be in lieu of criminal sanctions and shall preclude the prosecution of such violation as a misdemeanor under subsection A of this section.

C. The Administrator, or his designee or the owner of property which has sustained damage or which is in imminent danger of being damaged may apply to the Circuit Court of the County of Dinwiddie to enjoin a violation or a threatened violation of this ordinance, without the necessity of showing that an adequate remedy at law does not exist; however, an owner of property shall not apply for injunctive relief unless (i) he has notified in writing the person who has violated the local program, and the program authority, that a violation of the local program has caused, or creates a probability of causing, damage to his property, and (ii) neither the person who has violated the local program nor the program authority has taken corrective action within fifteen days to eliminate the conditions which have caused, or create the probability of causing damage to his property.

D. In addition to any criminal or civil penalties provided under this ordinance, any person who violates any provision of this ordinance may be liable to the County of Dinwiddie in a civil action for damages.

E. Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus, or other remedy obtained pursuant to this section, shall be subject, in the discretion of the court, to a civil penalty not to exceed \$2,000 for each violation. A civil action for such violation or failure may be brought by the County of Dinwiddie.

F. Any civil penalties assessed by a court shall be paid into the treasury of the County of Dinwiddie, except that where the violator is Dinwiddie County, itself or its agent, the court shall direct the penalty to be paid into the State Treasury.

G. With the content of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this ordinance, the County of Dinwiddie may provide for the payment of civil charges in violation in specific sums set forth in Paragraph J, not to exceed the limit specified in Paragraph E of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under Paragraphs B or E of this section.

H. The Commonwealth's Attorney shall, upon request of the County of Dinwiddie or the permit issuing authority, take legal action to enforce the provisions of this ordinance.

I. Compliance with the provisions of this ordinance shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

J. The following charges shall apply for violation of specific minimum standards (MS) set forth in the State Code:

Land Disturbing(without a permit)	100.00 per day
MS-01... Permanent seeding req'd	100.00 per day
MS-02... Stabilize stock piles	100.00 per day
MS-03... Vegetation established	100.00 per day
MS-04... Sediment basin/traps	100.00 per day

MS-05... Stabilization of dams, etc.	100.00 per day
MS-06... Basin required over 3 acres	100.00 per day
MS-07... Slope stabilization.....	100.00 per day
MS-08... Temporary flume, channel	100.00 per day
MS-09... Slope face-provide drainage.....	100.00 per day
MS-10... Storm sewer inlet protection.....	100.00 per day
MS-11... Conveyance channel protection.....	100.00 per day
MS-12... Work in watercourse	100.00 per day
MS-13... Temporary stream crossing	100.00 per day
MS-14... Fed/State regs - watercourse.....	100.00 per day
MS-15... Bed and bank stabilization.....	100.00 per day
MS-16... Underground utility work	100.00 per day
MS-17... Construction entrance.....	100.00 per day

SECTION 9-9. APPEALS AND JUDICIAL REVIEW

A. Any applicant under the provision of this ordinance who is aggrieved by any action of the County of Dinwiddie or its agent in disapproving plans submitted pursuant to this ordinance shall have the right to apply for and receive a review of such action by the Board of Supervisors. In reviewing the agent's actions, the Board of Supervisors shall consider evidence and opinions presented by the aggrieved applicant and agent. After considering the evidence and opinions, the Board of Supervisors may affirm, reverse or modify the action. The Board of Supervisors' decision shall be final, subject only to review by the Circuit Court of the County of Dinwiddie.

Any applicant may seek an appeal hearing before the Board of Supervisors provided that the applicant file a written notice requesting review by the Board of Supervisors within 30 days of the County of Dinwiddie's or its agent's actions.

B. Final decisions of the County of Dinwiddie under this ordinance shall be subject to review by the Circuit Court, provided an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties or privileges of the person engaging in or proposing to engage in land-disturbing activities.

In all other respects, this ordinance shall remain in full force and effect. This ordinance shall become effective, this date, April 21, 1999.

IN RE: DIRECTOR OF PLANNING – REQUEST FOR PUBLIC HEARING ON CHAPTER 21 SECTION 98D OF THE CODE OF DINWIDDIE COUNTY, VIRGINIA

The first item is that Mr. Tickle was working on a few issues with the Planning Department prior to leaving the Board. Correspondence was included in the Board's packets regarding Chapter 21, Section 98D, private sewage disposal facilities. A copy of the current ordinance was also included. There is a particular part that has been creating problems for developers and homeowners. We are the only County in the Crater Health Department area that have these stringent requirements. Mr. Scheid stated Mr. Tim A. Jones, E. H. Manager, Crater Health District, stated that we may want to delete our paragraph D and put the verbiage that everybody else in the District has. Mr. Scheid made this recommendation.

After discussion it was decided to hold a Public Hearing on this matter.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for the County Attorney and Director of

Planning prepare the proper amendment to Chapter 21 Section 98D and advertise for Public Hearing.

IN RE: DIRECTOR OF PLANNING – REPORT

Mr. Scheid continued he had included a brief synopsis of the Virginia Chapter of the American Planning Association conference he had attended on March 29th and 30th. He stated if any Board member wished to explore any of these items further to please let him know.

Mr. Scheid stated there had been a meeting held at the Dinwiddie Water Authority building to discuss the following subdivisions: Cattail Run; Wrenn Forrest (Section 2); and Oak Knoll. Those in attendance were: Virginia Department of Transportation; Corps of Engineers; Dinwiddie County Water Authority; Charles Townes & Associates; and the County Planning Department. Many development issues were discussed.

IN RE: VIRGINIA BUSINESS APPRECIATION WEEK

Mr. Scheid asked Ms. Cheryl Stewart, Executive Secretary of the Planning and Zoning Department, to come forward and discuss the economic development item.

Mr. Long stated the first item he would ask Ms. Stewart to discuss with them would be a Virginia Business Appreciation Week. This is done through the Virginia Department of Business Assistance. The last time the County held an event was about three (3) years ago.

Ms. Stewart stated it was June 4, 1996.

Mr. Long continued that at that time the Board had expressed a desire to every few years put something together regarding this. He stated Ms. Stewart had asked him about doing this and he stated he would let her elaborate on this subject.

Ms. Stewart stated she remembered, well after she should have, that in March there is usually a release from the State about what the Governor in addition to the Virginia Department of Business Assistance is going to do to acknowledge businesses in Virginia for that particular year. This year they are adopting the theme "Thanks To You Virginia Works". She asked Mr. Long to inquire to the Board to determine if the County wanted to do something this year. Mr. Long in turn stated he would like for her to address the Board on this issue. She stated she felt the State was trying to target not only new businesses but existing businesses as well as agri-businesses. She stated she had come up with several ideas and possible dates. She stated she had spoken with a caterer that we had considered in 1996. That caterer had possible dates of June 10th and June 17th, both being on a Thursday. The business appreciation week as designated by the State is May 16-22. They have always given localities the option of using that week or choosing an additional week. Because of time constraints and trying to acquire speakers it was decided to move the date down a little further into June. This would work very well for the County because we could solicit help from the local newspapers in interviewing, on a weekly basis, businesses, starting the first week in May culminating on the first week in June, interviews of one industry and one small business a week. This could really play up what the State is trying to do as far as acknowledging and showing appreciation to these businesses. We could also possibly include the School Systems. This could be done with some type of essay contest or art contest. As far as what the Board of Supervisors would sponsor for this particular event we were thinking about a dinner that would be a catered event with two (2)

speakers. We have specific persons in mind and we welcome any suggestions the Board might have.

Mrs. Everett asked where this event would be held.

Ms. Stewart stated they had several possible locations. One location would be here on the grounds of the Pamplin Administration Building, just outside the kitchen area of the School Board office. It is a very beautiful site. The particular catering company, Catercorp, Inc., are out of Glen Allen, Virginia. They are willing to come and have actually given a quote (less than the quote of 1996) to do an entire package for the County. This means they would provide a tent, table and chairs, linen, eating utensils, and a full menu, balloon bouquets, flower arrangements, podium, sound system, music, everything except a clown would be provided for the event.

Mr. Long stated he did indicate after checking a little bit about involving the whole community was that there was interest in 1996 that when this event was held again that agri-business be added. In a community such as ours we are looking to have something to recognize individuals for agri-businesses and farmers.

Ms. Stewart stated when she spoke of the two (2) speakers one speaker being the Vice-President of Chaparral Steel Lou Colatriano and the other speaker being Mike Parrish who would address those involved in agri-business. She continued that the last time we had this type of activity door prizes were provided and we had a trade show. She was hoping the Recreation Department would donate a shirt, hat, mug, and of course there is always the history book which is a popular item.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for the County Administrator and Planning Department Secretary to move forward with plans for a Business Appreciation Dinner to be held in June with funds being appropriated from the economic development budget.

**IN RE: INDOOR PLUMBING/ REHABILITATION LOAN
PROGRAM – 1999-2000**

Ms. Stewart continued that the Board had placed before them this afternoon informational material for the County of Dinwiddie to carry out the 1999-2000 Indoor Plumbing/Rehabilitation Loan Program through the use in whole or in part of Virginia Community Improvement Grant Funds. Ms. Stewart stated they were at a point where they needed to place a Public Notice for a Public Hearing for the citizens to be aware of what is going on for this new project year. The Board members were in support of continuing the program.

IN RE: BUILDING INSPECTOR – REPORT

Mr. Abernathy came forward stating he apologized for not being present earlier. He stated he was at the circus doing an inspection. He stated he had nothing to add to his report but was available for questions.

Mr. Abernathy continued that they had advertised the amendments to the fee schedule to be heard by the Board on May 5th.

Mr. Abernathy further stated they have advertised the additional position for the Building Inspection office and hope to have their recommendation before the Board next month.

IN RE: ZONING ADMINISTRATOR – REPORT

Mr. John M. Altman, Jr., Zoning Administrator, came forward and presented his report for the month of March 1999.

Mr. Altman also reviewed the Code Compliance Officer's report for the same time period.

Mr. Altman stated Mr. Bell, the intern, who was working on the project, of inventorying historic sites and structures, has completed his internship with the County as of last week. He came in one day last week with a very nice presentation as far as a notebook full of all of our structures. He stated he understood that the project is not nearly complete so we will go out with our grant with the Partners in Parks in which we had two students, and get our second student to come in and work with us. This will help complete what Mr. Bell started and hopefully will wrap this project up by the end of the summer. We will then begin discussing the next steps as far as what we do with the information that we have collected. He stated he was very pleased with the work that Mr. Bell performed for the County. He stated he also knew the people in the Historical Society have been very appreciative of the work and the Virginia Department of Historic Resources are ecstatic that Dinwiddie County is doing something. People are aware of what the County is doing and they have expressed an interest to help.

There was discussion regarding the filming of the movie "Cherry Falls" and the closed set. Press from the County were somewhat upset that they could not get into the area. This was because of some bad press which was received in the Richmond area.

IN RE: SOCIAL SERVICES – REPORT

Ms. Peggy M. McElveen, Director of Social Services, came forward and presented an update on her Department's functions including the Medicaid move to a managed health care program and Welfare Reform Phase II.

Ms. McElveen passed out blue ribbons designating April as Child Abuse Prevention Month.

She also took this opportunity to publicly express her appreciation to Mr. Donald Faison and Mr. David Jolly who have assisted her office recently with some issues about their building. She stated she felt they had gone above and beyond the call of duty. The gentlemen who came down from the State and went through the building doing an inspection were highly complementary of these two (2) gentlemen. He stated he normally does not see that kind of commitment and response.

IN RE: SUPERINTENDENT OF SCHOOLS – REPORT

Mrs. Troilen Seward, Superintendent of Schools, came forward presenting her monthly report. She stated there has been an increase of 516 students in a four (4) year period from 1995 to 1999. She also reported there were 578 students enrolled in the after school remediation program with regard to the Standard of Learning (SOL) scores that were received back from January 1999. She put out a plea for teachers stating that thus far 26 new teachers will be needed for the coming school year. This is from retirements and resignations.

There was discussion regarding the situation in Colorado and the safety of schools in Dinwiddie County. There was discussion regarding the press and students copying and getting ideas from the news.

IN RE: SCHOOLS – SUPPLEMENTAL APPROPRIATION #9 - FY 1999

Mrs. Seward stated on April 2, 1999 they received a grant from the Crater Regional Partnership to assist with the goals of SVRTC. This \$50,000 is to be distributed equally among the seven districts that are members of SVRTC and are included in the Crater Regional Partnership. These districts are Dinwiddie, Hopewell, Colonial Heights, Petersburg, Prince George, Greenville, and Sussex. In order to facilitate the distribution of these funds to the various districts, the School Board needs to have a \$50,000 supplemental appropriation approved. At the April 13th meeting of the Dinwiddie County School Board, Mrs. Seward was authorized to request this supplemental appropriation of \$50,000 in the SVRTC Fund.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Supplemental Appropriation #9 - FY 1999 is hereby approved for the SVRTC Fund for the Dinwiddie County School Board for the County's portion of the \$50,000 grant funds from the Crater Regional Partnership to assist with the goals of SVRTC.

IN RE: RECREATION – REPORT

Mr. Timothy C. Smith, Recreation Director, came forward presenting his monthly report for March 1999.

There was discussion regarding the upcoming Senior's Picnic. The picnic is planned for May 19th at Picture Lake Campground.

IN RE: WASTE MANAGEMENT – REPORT

Mr. Denny E. King, Director of Waste Management, came forward giving his report for March/April 1999. He stated the log he kept for the Board was a pain but felt it was worth it for them to see what he does.

IN RE: WASTE MANAGEMENT – CLOSURE CONSTRUCTION - APPLICATION FOR PAYMENT NUMBER 3

Mrs. Ralph stated enclosed in the Board's packets was Application for Payment Number 3 in the amount of \$35,041.80, less 5% retention \$1,752.09 making the current payment amount due \$33,289.71 for R. M. Soderquist for the Dinwiddie County Sanitary Landfill Closure. This estimate covers the period from February 25, 1999 through March 19, 1999. Also included was a copy of Change Order Number 3 covering the quantity overrun on the cushion layer and Change Order Number 4 covering the reworking of the cover at the old landfill (shooting range). The overrun in the cushion layer quantities (Change Order Number 3) was a result of replacing the required material on the larger than anticipated area. The extra quantity for the cushion layer is in correlation with the additional unclassified excavation, which covered the removal of the additional unsuitable material that was encountered. Change Order Number 4 covers the regrading of the old landfill (shooting range) to provide for a positive run-off of the stormwater, thereby reducing the amount of infiltration, which should reduce the amount of leachate that is generated. The only remaining item that may experience a slight overrun on the quantities is Item UP-6 Landfill

Seeding. Mr. Soderquist should be completing the remaining bid items within the week.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Change Order Number 3 and 4 totaling \$33,289.71 contained in Payment Application Number 3 be approved and funds appropriated from the CIP Fund.

Mr. Bracey left the Board room prior to the motion and returned after the vote had been taken.

IN RE: WASTE MANAGEMENT – BID RESULTS FOR TRASH TRUCK-CAB & CHASSIS

Mr. King stated the bids were received on the trash truck cab and chassis and are as follows:

1. Colonial Tuck Sales - Volvo	\$94,928.00
2. Peterbuilt	\$76,626.00
3. Va. Truck Center - Mack	\$79,603.42

Mr. King stated his recommendation is to purchase the Mack. For the additional \$2977.00 we would sacrifice the use of their current on hand Mack parts inventory on the new truck. The Peterbuilt has the vulnerable fiberglass roof which cracks and breaks much easier than aluminum (the old Kenworths had fiberglass roof tips and were patched frequently – generally these trucks are fitted with a refuse body that has an optional large steel protective cover over the cab). The Peterbuilt does not have a self adjusting clutch which means more work for him, poly-vee belt with auto tensioning which again means more work for him, the horn cannot be mounted beneath the cab but on the roof meaning it would be torn off within a week, no electric wipers (they have antique air wipers that are jerky and will not allow one to have a delay feature, and it has an aluminum flywheel housing and the threads wallow out. If the Peterbuilt actually met the specs it would be more expensive than the Mack.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia authorization is granted for Administration and Waste Management to proceed with the ordering of the Mack trash truck cab/chassis for a cost not to exceed \$79,603.42.

IN RE: PUBLIC SAFETY OFFICER – REPORT

Mr. David M. Jolly, Public Safety Officer, came forward to present his monthly report.

Mr. Jolly began by thanking Ms. McElveen for her assistance.

Mr. Jolly's second item was to state this was Secretary's Week and Secretary's Day and he wanted to say hats off to his and the rest of the staff's.

Mr. Jolly stated he would now move forward with his report. There were a few items he wanted to bring to the Board's attention.

Mr. Jolly stated the re-chassis of the original EMS ambulance is complete and was picked up yesterday. It is now having the final touches put on it to put it back in service which should occur next week. He took this opportunity to thank Mr. Tony Burrows for all his help in this project.

Mr. Jolly stated they have received two (2) new Zoll 12 lead EKG machines. These machines were funded through a donation from the Titmus Foundation. Together the cost was \$14,000.00. Training has begun and they are working with the OMD to get the necessary protocols in-place so they can be put in service.

Mr. Jolly reported the Namozine Fire & Rescue had purchased the Cairns Iris Thermal Imaging system. The price of this equipment was over \$25,000. They have received several donations from civic groups. Mr. Jolly asked if the Board would like to see this equipment on display at the next Board meeting.

After discussion it was decided to display and demonstrate the equipment before the May 5th Board meeting.

IN RE: PUBLIC SAFETY OFFICER – SOFTWARE REQUEST

Mr. Jolly stated several months ago a grant was received for computers through Fire Programs. These computers have been received. We are currently in the process of getting the reimbursement for those. He stated he was seeking approval of the Board to fund the software for the Fire and EMS reporting from capital line item 101-032200-3310. The amount requested for this software is \$5,362.00. This would provide software for DEMS, his office and any fire stations that come on board. Through a research process they had reached the conclusion that it was easier and more cost effective to go on and purchase the user license for all the software as opposed to piece meal it as we go.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for the Public Safety Director to purchase software for the Fire and EMS reporting with funds being appropriated from capital line item 101-023300-3310 in the amount of \$5,362.00.

IN RE: FIRE AND RESCUE ASSOCIATION – REPORT

Mr. Charles Lewis, Chairman of the Fire Rescue Association, came forward stating the Fire Rescue Association had been getting committees together in order to have the entire County uniform in their policies and procedures.

There was discussion regarding the benefit dance to be held for Jamie Harold on May 8, 1999 at the McKenney Gym and the blood drive to be held to benefit Jamie Harold and other Fire and EMS workers on Saturday, May 15, 1999 at the Dinwiddie Fire Station.

IN RE: COUNTY ATTORNEY – REPORT

Mr. Dan Siegel, County Attorney, stated he had no report but was available for questions.

IN RE: BUILDING AND GROUNDS SUPERINTENDENT REPORT

Mr. Donald W. Faison, Building and Grounds Superintendent, came forward to present his report for the month.

Mr. Faison stated he also would like to begin by thanking Mrs. Mann for all she did for him.

Mr. Faison also thanked Ms. McElveen for her kind words. He stated he figured he was just doing what was asked of him regarding her building.

IN RE: HEALTH DEPARTMENT RENOVATIONS AND REPAIRS – CHANGE ORDER NUMBER ONE

Mr. Faison stated a change order request had come in from Arizona, LTD on the Health Department renovations and repairs. Change Order Number One (1) would consist of the following five (5) changes to the original contract:

1. Demo walls, ceiling, and cabinets from Room 118A.
Patch walls and floors and install new acoustical ceiling tile and grid in Room 118.

A. Install two 2X4 lay in light fixtures.

Price \$1,220.00

2. Install acoustical ceiling and grid in Office 111.

A. Install two lay in light fixtures.

Price \$ 420.00

3. Install a 2' wide by 3' tall sliding glass window between room #s 112 and 115.

Price \$ 390.00

4. Room 104-Remove a section of damaged floor tile (approximately 5X7), prep floor, and install new tile.

Price \$ 150.00

5. In lieu of replacing all of the vinyl tile, we will prep floor where cabinets were removed, and install a new vinyl tile border.

Price (\$ 200.00)

TOTAL CHANGE ORDER \$ 1,980.00

*Note: A. They will be using two existing light fixtures from existing high ceiling area of Room 104 and we will be purchasing two.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to the County Administrator and the Superintendent of Buildings and Grounds to enter into Change Order Number One in the amount of \$1,980.00 on the Health Department renovations and repairs.

IN RE: AWARD OF CONTRACT – CENTRAL YORK CORP.
DINWIDDIE COUNTY JAIL HEATING AND COOLING

Mr. Faison stated they had received the bids on the Dinwiddie County Jail HVAC as reported at the April 7th meeting. Mr. Faison stated he had negotiated with Central York Corporation and reduced the bid price from \$84,500.00 down to \$79,800.00. The contract is to be complete within ninety (90) days.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to the County Administrator and Superintendent of Buildings and Grounds to enter into a contract with Central York Corporation of Richmond for a price not to exceed \$79,800.00 for the Jail HVAC equipment.

IN RE: SIDEWALK REPAIRS – REQUEST TO OBTAIN
BIDS

Mr. Faison stated repairs were needed to the sidewalks around the Pamplin Administration Building and a small median at the Department of Social Services. There had also been a request for a walkway between the Pamplin Administration Building and the new Courthouse. After discussion it was decided to obtain bid for repairs only and an alternate for complete new sidewalk work.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to the Superintendent of Buildings and Grounds to solicit bids for sidewalk renovations and repairs.

IN RE: COUNTY ADMINISTRATOR COMMENTS

Mr. Long stated he did not think he would be able to go back to his office at this point after two (2) other reports if he did not thank Mrs. Mann today primarily as well as the entire clerical staff here at the office. Today is designated as Professional Secretaries Day.

IN RE: COUNTY ADMINISTRATOR COMMENTS – VLGMA
SUMMER CONFERENCE

Mr. Long requested authorization to attend the Virginia Local Government Management Association Summer Conference being held June 23 through 26, 1999 at the Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for the County Administrator to attend the Virginia Local Government Management Association Summer Conference being held June 23 through 26, 1999 at the Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

IN RE: ABIDCO – REGIONAL FORUM ON U.S. ROUTE 460
IMPROVEMENTS

Mr. Long stated he had received a memorandum from Charles E. Townes, President regarding the Regional Forum on U. S. Route 460 Improvements to be held May 17, 1999 at 7:00 P.M. at Richard Bland College.

IN RE: COURT SERVICES – REQUEST TO APPLY FOR GRANT FUNDS FOR COMPUTERS

Mr. Long stated he had spoken with H. L. Parrish, with Court Services, and he requested permission to apply for a one time grant fund for localities under a certain amount of money for State Political Subdivisions, it is under \$5,000.00. Mr. Parrish has a grant request for \$4,400.00 for two (2) Personal Computers to be utilized in that office. Mr. Parrish will purchase the PC's and the grant funds will come through the County. Mr. Long requested the Board's authorization to sign this grant agreement for auditing purposes.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to the County Administrator to execute the grant application for Court Services in the amount of \$4,400.00 for the purchase of two (2) Personal Computers with no local funds required.

IN RE: COUNTY ADMINISTRATOR COMMENTS – TOUR OF BUSINESSES

Mr. Long stated he would like to complete the tour of the County businesses – RGC Plant; Phillip Morris; and the Comfort Group. He proposed the dates of May 7th or May 21st. These are both Fridays.

After discussion the Board decided to allow Mr. Long to set the tour and Board members will try to set their schedules in order to attend.

IN RE: BUILDING AND GROUNDS SUPERINTENDENT – DINWIDDIE COUNTY JAIL – HVAC

Mr. Faison again came forward to show and explain to the Board the color of the duct work which will be placed on the Dinwiddie County's Jail. The Board agreed the altered plans and color were agreeable with them.

IN RE: RECOGNITION OF SECRETARY

Mrs. Everett stated to Mrs. Mann that they had planned to recognize her at the beginning of the meeting but she was not there! She stated Mrs. Mann did a fantastic job as do all of the clerical employees. She told Mrs. Mann she was a very special Administrative Assistant and Secretary and everything else.

IN RE: BOARD MEMBER COMMENTS

Mr. Moody – He thanked Mrs. Mann for all she did for the Board.

Mr. Haraway – No comments

Mr. Bracey – He thanked Mrs. Mann stating he hoped she stayed around a long time.

Mr. Bracey continued that each month the Board receives the Code Compliance Summary which he thought was very good. He stated he heard that young man, referring to David Thompson, is doing a good job and staying on top

of things. He stated he felt every once in a while the employees need to be told thank you. He hoped someone would pass this on to Mr. Thompson.

Mr. Clay – No comments

Mrs. Everett – She reported the Pamplin Civil War Museum is scheduled to open the end of this month with the official dedication May 26th.

IN RE: BOARD MEMBER COMMENTS – BIRTH MARKER FOR MR. ROBERT B. PAMPLIN

Mrs. Everett stated there is a group in the County who plan to erect a birth marker in honor of Mr. Robert B. Pamplin. This marker will be placed out on his home place which is next to the Wal-Mart Distribution Center. She requested the County draft a resolution for presentation to Mr. Pamplin. She would also like to have the weekend designated at Pamplin Weekend.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a resolution be drafted in honor of Mr. Robert B. Pamplin and the weekend of May 29th be designated as Pamplin Weekend in the County.

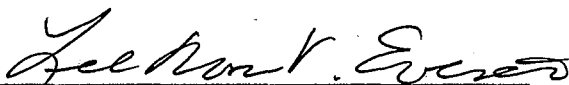
IN RE: BOARD MEMBER COMMENTS CONTINUED

Mrs. Everett continued that several Board members attended the Crime Solvers Dinner and she felt the County was well represented.

She stated yesterday the Library recognized its volunteers and held a reception for them. The volunteers were presented with gifts at the Carson Branch. Mrs. Everett stated there was a lot of conversation regarding the safety of the Rohoic Branch due to the construction in that area. The volunteers and staff feel it is critical the County do something to get this library branch located in the Eastside Elementary School.

IN RE: ADJOURNMENT

Upon motion of Mr. Moody, seconded by Mr. Haraway, Mr. Moody, Mr. Bracey, Mr. Haraway, Mr. Clay, Mrs. Everett voting "aye", the meeting adjourned at 4:15 P.M. until 7:00 P.M. Wednesday, May 5, 1999 to view the new Cairns Iris Thermal Imaging System at the Pamplin Administration Building.


Lee Nora V. Everett
Chairman, Board of Supervisors

ATTEST: 
R. Martin Long
County Administrator

/pam