

VIRGINIA: AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING, DINWIDDIE, VIRGINIA ON THE 18TH DAY OF NOVEMBER, 1987 AT 7:30 P.M.

PRESENT: H.L. CLAY, JR., CHAIRMAN ELECTION DISTRICT #2  
H.A. MOODY ELECTION DISTRICT #1  
G.E. ROBERTSON, JR. ELECTION DISTRICT #2  
A.S. CLAY ELECTION DISTRICT #4  
CLAIBORNE FISHER DEPUTY SHERIFF  
J.E. CORNWELL, JR. COUNTY ATTORNEY  
ABSENT: M.I. HARGRAVE, JR., VICE-CHAIRMAN ELECTION DISTRICT #3  
IN RE: MINUTES

Upon motion of Mr. Robertson, seconded by Mr. A. Clay, Mr. Robertson, Mr. Clay, Mr. Moody, Mr. Clay voting "aye", the minutes of the November 4, 1987 meeting were approved as presented.

IN RE: TRANSFER OF FUNDS

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Treasurer is hereby authorized to transfer \$63,884.38 from the General Fund to the Water and Sewer Fund.

IN RE: CLAIMS

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

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

General Fund checks-numbering 87-2462 through 87-2671 amounting to \$133,380.74; E911 Fund check #E9-87-10 in the amount of \$7,213.66; Law Library Fund - check #LF-87-18 in the amount of \$47.64; County Construction Fund - check #CCF-87-28 in the amount of \$15,323.51; Lew Jones Subdivision - check #LEW-87-1 in the amount of \$1,154.52; Water & Sewer Fund - check #W&S-87-10 in the amount of \$85,616.90.

IN RE: PUBLIC HEARING--CONDITIONAL USE PERMIT--C-87-4--  
CONTEL CELLULAR OF RICHMOND

This being the time and place as advertised in the Progress-Index on Wednesday, November 4, and Wednesday, November 11, 1987 for the Board of Supervisors to conduct a public hearing to consider for approval a request for a conditional use permit submitted by Contel Cellular of Richmond, Virginia to erect a communications tower for cellular car telephone communications. The property is located on the south side of state route 650, approximately one mile East of interstate 85 and state route 650, owned by Mrs. Mary K. Glass.

Mr. R.J. Emerson, Jr., Director of Planning, reviewed the application and action taken by the Planning Commission which was approval at its October 14, 1987 meeting. Mr. Emerson stated there have been no objections from residents in the area.

Mr. Steve Korwan, a representative from Contel and Mr. Taylor Cralle, attorney for Contel appeared in support of the request and to answer questions.

Mr. H. Clay asked where the signal will be sent. Mr. Korwan stated it will be sent to a tower located on Johnson Road. He stated there will be no airwave interference since it is regulated by the FCC.

Mr. Robertson asked about testing of the structure for wind load. Mr. Korwan stated it has been tested and certified by a Virginia engineer.

Mr. David Lucas asked if it will emit microwaves. Mr. Korwan said no.

No one spoke in opposition.

Upon motion of Mr. A. Clay, seconded by Mr. Moody, Mr. Clay, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", the request by Contel Cellular of Richmond for a conditional use permit to erect a communications tower on Route 650 was approved.

IN RE: PUBLIC HEARING--P-87-6--RANDALL WEGMAN

This being the time and place as advertised in the Progress-Index on Wednesday, November 4, and Wednesday, November 11, 1987 for the Board of Supervisors to conduct a public hearing to consider for adoption an ordinance to change the district classification of Section 32(2) Parcel 2 from Agricultural, General, District A-2 to Agricultural, Rural Residential District A-R.

Mr. R.J. Emerson, Jr., Director of Planning, reviewed the application and the action taken by the Planning Commission which was disapproval at its October 14, 1987 meeting. Mr. Emerson stated the original plat was recorded without approval and never has been in compliance. Other reasons for disapproval were: 1. A-R is a residential zoning classification and carries restrictions of a residential area; 2. Mr. Wegman only had 6 building rights and has used those plus 2 more. 3. Water & sewer will not be available to the property for some time.

Mr. H. Clay stated as he understood it, there is no way the rezoning can be legally allowed without a change in the zoning ordinance. Mr. Emerson stated that was correct. The only inquiry on the rezoning was from Mr. Ragsdale and he brought in a copy of an agreement he had made with Mr. Wegman on the sale of the property. This agreement cannot be enforced by the County.

Mr. Robertson asked if the Planning Commission was recommending any action besides denial. Mr. Emerson stated the Planning Commission felt the Board may want to examine the parent tract ordinance because there are other people in the same position as Mr. Wegman.

Mr. Randall Wegman appeared in support of his rezoning request. He stated he had been unable to find any restrictions in the County ordinance on A-R zoning, but if they do exist, he would like to withdraw his request. He has farm animals and he does not want restrictions on what he can do. He stated he wanted a piece of property for his children to build on but could not use 119 acres, so he sold part of it. He said the previous zoning administrator, Mr. W.C. Scheid, assured him the property carried 6 building rights and he could sell 5 and build on the 6th himself. Also, he could take care of his children under the law. He then sold 4 lots, built on one himself and sold one to his daughter. Mr. Wegman then stated Mr. Dennis Martin, the zoning administrator prior to Mr. Emerson, told him he had 2 parent tracts and 2 more building rights, which he used. Later, he came to Mr. Emerson for a zoning permit and Mr. Emerson has a different translation.

Mr. Wegman then asked for an interpretation of Sec. 18-3, paragraph 7 of the County Code.

Mr. J.E. Cornwell, Jr., County Attorney, stated the issue before the Board was a rezoning request, not the division of land.

A general discussion was held on division of the property. Also, questions were asked by two individuals present, who had

purchased property from Mr. Wegman, concerning their building rights. They were told to bring their plats to the zoning administrator and they would be reviewed.

Mr. Moody asked Mr. Wegman what would prevent his children from selling to someone else. Mr. Wegman stated the Board could put stipulations on the rezoning.

Mr. Wegman stated he did not want the AR zoning if it had restrictions. He would withdraw his request.

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

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia accepts Mr. Randall Wegman's withdrawal of rezoning application P-87-6; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Planning Commission is instructed to review the parent tract ordinance and make recommendations to the Board.

IN RE: VEHICLE LICENSE ORDINANCE CHANGES

Mr. J.E. Cornwell, Jr., County Attorney, presented three (3) amendments to the vehicle license ordinance, dealing with Sections 14-17a, 14-19 and 14-22. Mr. Cornwell presented two alternatives to amend Section 14-17a. Mr. T.O. Rainey, III, Commonwealth Attorney, selected the alternative he felt comfortable with prosecuting.

Upon motion of Mr. Robertson, seconded by Mr. A. Clay, Mr. Robertson, Mr. Clay, Mr. Moody, Mr. Clay voting "aye", the County Attorney was authorized to advertise for public hearing at the December 16, 1987 meeting, the amendments to Sections 14-17a, 14-19 and 14-22 as presented.

IN RE: DENIAL OF INSURANCE CLAIMS--TODD EVANS, WENDAL GIVENS & DESTRY BROWN

Mr. J.E. Cornwell, Jr., County Attorney, stated three insurance claims were presented at the last meeting: Todd Evans, Wendal Givens and Destry Brown. Action was postponed until this meeting. Mr. Givens had been asked to submit additional information concerning his claim. To date, Mr. Cornwell stated he had not received the information nor had any contact from the other two claimants.

Mr. Cornwell recommended that the three claims be denied.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the insurance claims made by Todd Evans, Wendal Givens and Destry Brown be denied.

IN RE: CABLETELEVISION AGREEMENT--MODIFICATION TO LEASE

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the County Administrator be authorized to sign the modification to the cabletelevision agreement with Dinwiddie Cable TV to allow additional equipment to be installed at their receiving station located at the Namozine VFD.

IN RE: METHODIST CHURCH SUBDIVISION--REQUEST TO VACATE PLAT

Mr. J.E. Cornwell, Jr., County Attorney, presented a request from Mr. D. Carleton Mayes to vacate the subdivision plat of the Methodist Church Subdivision. The subdivision has seven

lots, two owned by the Methodist Church and the remaining owned by Mr. Mayes.

Mr. Cornwell explained there are two ways to vacate the plat, one by filing with the Circuit Court and one by Board action. To prevent an additional burden on the church having to file with the Circuit Court, he recommended the Board vacate the plat by ordinance.

Mr. Cornwell stated he was not aware of any opposition by the church.

Upon motion of Mr. A. Clay, seconded by Mr. Moody, Mr. Clay, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", the County Attorney was authorized to draft an ordinance for public hearing on December 16, 1987 to vacate the Methodist Church Sub-division.

IN RE: APPROVAL OF AGENTS TO SELL 1988 COUNTY VEHICLE LICENSES AND DOG LICENSES

Upon motion of Mr. Robertson, seconded by Mr. Moody, Mr. Robertson, Mr. Moody, Mr. Clay, Mr. Clay voting "aye", the following were approved to act as agents for 1988 to sell county vehicle licenses and dog licenses, bond amounts to remain the same:

County Vehicle Licenses

Namozine Fire House	William Queen
WHF Ruritan Building	Paul Walk
Flat Rock Grocery	Fred Rogers
B&J's Market	Calvin Ellington
(Formerly Jarrett's Food Center)	

Dog Licenses

Wallace's Supermarket	Robert Wallace
Baltimore Corner Grocery	Diane Bishop
Edgehill Supermarket	Louis Dowdy
Country Hardware	George Williams
B&J's Market	Calvin Ellington
(Formerly Jarrett's Food Center)	
Bolster's Store	Mike Barnes

IN RE: RESCUE SQUAD -- AUTHORIZATION TO SELL 1983 CHEVROLET AMBULANCE

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Dinwiddie Rescue Squad be authorized to sell by sealed bid a 1983 Chevrolet ambulance, now located at the School Vehicle Maintenance Facility.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Robertson, seconded by Mr. Moody, Mr. Robertson, Mr. Moody, Mr. Clay, Mr. Clay voting "aye", pursuant to Sec. 2.1-344 (1) and (6) of the Virginia Freedom of Information Act, the Board moved into Executive Session at 8:39 P.M. to discuss legal and personnel matters. The meeting reconvened into Open Session at 9:50 P.M.

IN RE: ADJOURNMENT

Upon motion of Mr. Robertson, seconded by Mr. A. Clay, Mr. Robertson, Mr. Clay, Mr. Moody, Mr. Clay voting "aye", the meeting was adjourned at 9:51 P.M.

ATTEST:  
W.C. KNOTT

  
H.L. CLAY, JR., CHAIRMAN