

VIRGINIA: AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE ADMINISTRATION BUILDING, DINWIDDIE COUNTY, VIRGINIA, ON THE 19TH DAY OF OCTOBER, 1988, AT 7:30 P.M.

PRESENT: GEORGE ROBERTSON, JR., CHAIRMAN ELECTION DISTRICT #2
AUBREY S. CLAY, VICE CHAIRMAN ELECTION DISTRICT #4
HARRISON A. MOODY ELECTION DISTRICT #1
CHARLES W. HARRISON ELECTION DISTRICT #2
EDWARD A. BRACEY, JR. ELECTION DISTRICT #3

CLAUDE TOWNSEND DEPUTY SHERIFF
JAMES E. CORNWELL, JR. COUNTY ATTORNEY

IN RE: MINUTES

Upon motion of Mr. Moody, seconded by Mr. Bracey, Mr. Bracey, Mr. Clay, Mr. Harrison, Mr. Moody, Mr. Robertson voting "aye", the minutes of the October 5, 1988 Regular Meeting were approved as presented.

IN RE: CLAIMS

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

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the following claims be approved and funds appropriated for same: checks numbering 2140 thru 2247, excluding check no. 2150 in the amount of \$223.16,. General Fund - \$131,716.67; E911 - \$22,354.05; Self Insurance - \$649.00; Capital Projects - \$2,475.00; Law Library - \$123.75, for a total of \$157,318.47. (Check No. 2150 was to be discussed in Executive Session. These totals include Check No. 2150 in the amount of \$223.16, which was later approved.)

IN RE: CITIZEN COMMENTS

1. Mrs. Kay Winn approached the Board about someone contacting her employer, questioning how she was able to attend the 2:00 Board of Supervisors Meeting on October 5, 1988, when she was supposed to be at her job. She explained how she took the time off from her personal leave as stipulated in her contract with the School Board. She has verification that an inquiry did take place. She felt her professional and personal character had been damaged by any question being asked to her employer. She felt it was unpardonable that the ones responsible would question the ethics of a professional person and she felt she was due a public apology and requested a public apology from the people involved.

2. J. S. Major advised he was not speaking to run down Dinwiddie County or the Board. He had concerns with the Executive Sessions and what went on in them. He also said there was mistrust when the administration conducted business behind closed doors instead of in the eyes of the public. He said the Board tabled the setting of dumpster rates during the July 6, 1988 board meeting and no time was stated as to when it would be brought back up. During the week he had received a letter from the landfill with the new rates on dumpster rentals. He wondered how this could happen when the issue had been tabled and not brought back into session. He asked how this matter was handled, when the Board passed it and set the new rates on dumpster rentals.

The Chairman told Mr. Major that by County ordinance, the County Administrator is authorized to set the rates for the dumpster rentals. Mr. Barton provided the Board members with a figure that the Board members agreed to, at a rate of 20%. Mr. Robertson advised that during the preparation of the budget, the

budget was prepared allowing for an increase in rental of the dumpsters.

Mr. Major asked should a matter that had been tabled at a meeting be recalled and resolved in the presence of the citizens of Dinwiddie County.

The Chairman read a letter from the County Administrator to the Board members dated September 14, 1988, regarding Dumpster Rates and Landfill Hours.

Mr. Bracey questioned the legality if the matter was tabled during a meeting and never brought back to a meeting but came to him in Memorandum form for approval. Jim Cornwell, the County Attorney, advised he would review the situation and make a response at a later time. Mr. Bracey inquired about tabling the matter again until an opinion could be received.

Mr. Cornwell advised that by resolution of the Board of Supervisors adopted in 1975, the County Administrator was given the power to set the rates for the Landfill and the bulk trash container rates. By the Solid Waste Ordinance adopted September 7, 1988, the Director of Sanitation and the County Administrator again, were given power to set the rates. Mr. Cornwell advised that the County Administrator, by ordinance adopted by the Board of Supervisors, has the power to set the rates and hours of operation of the Landfill.

Mr. Barton stated he had discussed the matter with John Loftis, Director of Sanitation. He stated Mr. Loftis advised this was discussed in January during preparation of the budget at a rate of 15%, but the Board wanted the increase to be 20%. Mr. Barton advised he had received a draft copy of the 1988 audit which showed the revenue received by the landfill for the last fiscal year at \$99,968. He advised it showed the Department had expended \$332,831. He stated that in this year's budget preparation, the budget that was adopted has \$132,000 in it for revenue. He was puzzled that if the revenue collected for the last fiscal year was \$99,968, where is an additional \$32,000 supposed to come from. He stated container rentals bring in about \$24,000 a year. He understands a contract with Central State brings in around \$74,000 per year. His point was that to raise the additional \$32,000 that is projected for this year, if the rate was doubled for Central State, and you add the 20% rental fees, the County will still not have as much money as budgeted for projected revenue for 1988-89.

The Chairman made a brief statement at this point, cautioning the citizens about making comments concerning personnel and the pending suit with the ACLU and any future questions in reference to personnel will be submitted in writing. He stated that the Board welcomed the input from the citizens, but the citizens must let the Board members do the job they were elected to do and get on with the business of the County.

Mr. Bracey made the motion to table the action on the dumpster rates until the Board sees fit to raise the rates once all the information has come in.

Mr. Cornwell stated Mr. Bracey could make whatever motion he wished; however, the problem he had with the motion was that the Board adopted an ordinance after due advertisement and publication, giving the County Administrator and Director of Sanitation the power to set these rates. He advised an ordinance takes precedence over a motion or a resolution. He stated that if Mr. Bracey wished to address a motion to the chair and the Board wants to adopt a motion as far as instructing their employee to do something, perhaps that would be appropriate. Mr. Cornwell emphasized that this was his opinion, without due research.

Mr. Bracey stated if they knew all of this before they tabled it, why didn't the issue come up that night. He made the motion in good faith and he expected it to be carried out that way.

The Chairman suggested, and the board agreed, that Mr. Cornwell look into the matter and give a written opinion to the Board prior to the November 2nd Meeting, and in the meantime the County Administrator is instructed to hold the November rate increase invoices until after the November 2nd meeting.

3. Mr. Fred Sahl addressed the board stating he approached the Landfill issue with an open mind and wanted to be objective. He had attended the Concerned Citizens meeting and had heard Mr. Ronald Abernathy of Cord speak, as well as Mr. Melvin Davis of Dinwiddie Landfill, Inc. He said he left the meeting even more confused. He had two recommendations for the board. His first suggestion was to call upon a consultant firm for an unbiased look into the Landfill situation and make a recommendation on the county's needs. His second recommendation was for the Board to request a report on the County's financial position and how we got there and publicize it through the media to stop the unnecessary rumors.

4. Mr. Jack Mayes questioned the board regarding the 59 applications received for the County Administrator position and who was responsible for screening the applications and the narrowing down of the top ten applications. The Chairman advised the County Attorney screened the applications at the direction of the Board of Supervisors. Mr. Mayes read the County Attorney's job description and wanted to know where the County Attorney was authorized to be a personnel director. Mr. Robertson stated the legal matters assigned by the Board of Supervisors as to hiring or legal involvements therein. Mr. Mayes' concern was that out of the 59 applications, the Board only saw ten of them and being elected by the people of Dinwiddie County and lifetime or longtime residence of the County, the Board should have had the privilege of screening all of the applications.

5. Mr. Ronnie Abernathy advised at the last meeting he addressed the Board concerning the referral status of the zoning request about the Landfill. He advised their legal counsel had sent a letter the next day to the County Attorney addressing the question. As of this morning, their attorney had not received reply from his letter. Their attorney called the County Attorney, at which time he was told a letter of reply had been mailed today. Therefore, he was not able to get this item back onto the agenda. His concern was the disagreement of interpretation of a statute in the State of Virginia. He told the Board that the Planning Commission of Brunswick County let the 90 days expire on the consideration of the Virginia Beach Pipeline and thus since no action had been within the 90 day period, it is considered approved. Mr. Abernathy's concern was the state statute that says the Board of Supervisors shall refer to the Planning Commission any zoning request. At that time the Board of Supervisors can stipulate a time period, shorter than the 90 days, and they can stipulate anything they want to have particular to this issue. Mr. Abernathy wanted the Landfill issue to be done by the book and the particulars done the right way. He wanted to know the date that the Planning Commission had the matter referred to them. There are many questions that may come up later and he would like to get a referral from the Board to the Planning Commission within the timeframe, to do things by the book, and establish that there is a referral from the Board to legalize the issue.

Mr. Cornwell stated he had written Mr. Slayton, CORD's counsel, a letter that went out this date, and he read part of the letter to Mr. Slayton over the phone today, wherein he stated he looked forward to working with him, and explained to him how he interpreted the law, and why he felt the procedure followed was proper which is the procedure that has been followed in the past in the County, and he did not want to make this application a special case. Mr. Cornwell asked Mr. Slayton to review his letter and to get back to him so they could discuss it. Mr. Cornwell advised the letter had been reviewed by Mr. Barton and Mr. Emerson and he hoped to be hearing from Mr. Slayton upon receipt of the letter.

Mr. Abernathy inquired about the timeframe. Mr. Robertson asked Mr. Cornwell if there was any timeframe that was going to cause the County to be in a situation Mr. Abernathy referred to in Brunswick. Mr. Cornwell said no.

Mr. Abernathy asked what was the date of referral that the County was using, in case something came up. Mr. Cornwell said he did not have that information at hand. Mr. Cornwell advised Mr. Abernathy have Mr. Slayton call him now that they have obtained counsel and he will be directing all of his comments to him.

Mr. Abernathy advised he was doing what he was asked to do and was trying to get something off ground zero. He said what they were talking about is a term called Substantial Compliance, which is what the County policy has been in the past. What he wants is to have literal compliance so that the County does not have a problem. He is not trying to make a problem, but is trying to avoid a problem.

Mr. Robertson advised that the Solid Waste Management Dept. changed some rules with reference to our landfill that will require a liner in any future expansion, which may have to be a vinyl liner or could be a clay liner.

Mr. Abernathy requested the issue be placed back on the November 2nd agenda.

Mr. Clay requested the County Attorney to go ahead and get this issue satisfied and answered. He said the citizens have been coming to the Board every meeting and all the Board does is put them off.

IN RE: JAIL RENOVATION

Mr. John Chenault, of Chenault & Associates appeared before the board to give a synopsis of the current renovation work planned for the jail. He was hired by the previous administration to verify existing conditions at the jail facility, which involves code compliance with the Department of Health, Department of Corrections and the State Fire Marshal's Office. Mr. Chenault developed a set of working drawings and specifications that have been accepted by both the State Fire Marshal's Office and the Department of Corrections. The budget was set at \$200,000. Since then, Chenault & Associates has been asked to investigate the water situation at the jail, particularly the piping and treatment of the system. Mr. Russ Harrison, of Bohannon, Staley & Associates, Engineers in Richmond, was with Mr. Chenault to explain the reasons the pipes need to be replaced at the jail. Mr. Chenault handed the board a cost update reflecting Sitework - \$12,000; General Building Costs \$87,500; Reroofing two areas - \$22,000; Plumbing replacement of existing cell fixtures - \$62,000; New Boiler/heating system - \$26,500; Replace water piping - \$42,000; Water treatment System - \$3,800; Heating & Electrical old jail facility for water treatment system - \$7,500; with a contingency of 5% at \$13,165, for a project Grand Total of \$276,465. The pipes have been eaten up by the acid in the water and need replacing. They will be replaced with copper piping and a water treatment system to avoid this problem in the future.

Mr. Harrison Moody asked Mr. Chenault if the Code would allow for plastic piping. He replied that copper was the better use in piping. Mr. Russ Harrison advised the plastic piping is new on the market and hasn't been tested for longevity. It has been used in residences, but when it is used in larger piping, more is required. Mr. Harrison recommended replacing copper with copper, and installing a treatment system.

Mr. Harrison Moody asked about the latest on the Regional Jail. Mr. Robertson advised the Sheriff said there was going to be a meeting in November that he wanted the Chairman of the Board of Supervisors and the County Administrator to attend.

Mr. Barton said the County was faced with a jail renovation at the present location with a minimum cost of \$450,000 to \$500,000. We still have not resolved the sewage problem at the jail. A new facility could cost \$2.5 million.

Mr. Robertson instructed the staff to ask for an increase in the grant from the Department of Corrections, and then report back to the Board with their findings. Mr. Moody asked the staff to look into the Regional Jail concept also.

IN RE: E-911 SYSTEM

Mr. Taylor Turner and Lowell Scott, of R. Stuart Royer & Associates, appeared before the Board to discuss the E-911 System, and the Housenumbering system, and to give a brief synopsis of the status, the need for the system, and what will be required in the future to maintain the system.

They started about a year ago on this project as a result of the Board of Supervisor's decision to implement an E-911 Emergency Telephone System. The most important part of developing this type of system is to have an adequate methodology to give addresses to new residences and the new buildings within the County. The project involved developing this system with an adequate mapping system so that new and existing residences and buildings could be numbered throughout the County. This is the only way you can adequately develop an E911 so that somebody can locate the place of an emergency not only today, but in the future as well. There were four major tasks that had to be done to accomplish the project:

1. Develop mapping and a system by which numbers could be assigned. This has been completed. The maps are completed, with all existing occupied dwellings, businesses and buildings have been identified. Numbers and addresses have been assigned to those units.
2. Develop a system to notify the citizens of the County of any address change. This required the developing a data base. This has been done and the information is ready to be delivered to the County. What is needed is approval of the letters of notification that will be sent to the County residents.
3. Develop a wall map so copies can be distributed to people that will show the County with all of the street names that have been assigned by the Board.
4. Develop a book that would have all of the roads and street names with indexes so that it would be a handy document for the planner, real estate agents, etc.

The wall map and book map have been completed and are ready to be delivered. All they are waiting on is a notification as to how many copies are needed and if none are required, they will deliver the original document.

Mr. Robertson asked about a certain percentage of citizens having to notify the telephone company or post office of a change in address before a certain phase can be reached.

Mrs. Wendy Quesenberry, Assistant County Administrator, answered that C&P's data base is built on service addresses of the citizens and the people that use the telephone numbers. They build their data base by requests from the individual telephone owner. Their instruction to us is that before they can start building the data base, using the new addresses developed by R. Stuart Royer & Associates, that 95% of the people have to notify the telephone company of their new address. Mr. Robertson voiced his concern with the 95% citizen input before the data base would be built.

Mr. Turner offered his assistance in writing the letters to get the project moving forward. He felt it was a vital issue to all the citizens in Dinwiddie County.

The roads are current, with updates, up through July. Any houses that have been built or roads put in since July need to be added. Mr. Turner recommended a work session with the maps to go through the details of updating the maps if the Board desires.

Mr. Barton advised the Board the next step is to get permission to advertise for the streetnaming and housenumbering ordinance. Ms. Quesenberry asked the Board to advise her of any changes they desired before the ordinance is advertised for public hearing.

Mr. Harrison asked if there would be any cost to maintain the maps. Ms. Quesenberry asked Mr. Turner to briefly explain what had to be done to keep the maps up to date.

Mr. Turner explained how streets and numbering could be added to the existing map. He advised this had to be done on a monthly basis and by someone who understands ruler distances, and can scale from an intersection and draw a square for a house. We know the roads are in the right place. As far as getting the distances, subdivisions are easy, its out in the countryside that it becomes more difficult. The person that maintains these maps has to understand scales, has to be able to read a map, and needs to be able to make transfers to that map.

Ms. Quesenberry asked Mr. Turner if he was stating that no special drafting expertise was needed to maintain maps. Mr. Taylor said it was not necessary. Ms. Quesenberry stated in that case, the answer to Mr. Moody's question is there should be no additional cost besides the County's staff time.

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

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Wendy W. Quesenberry is authorized to advertise a public hearing for the streetnaming and housenumbering ordinance.

IN RE: PUBLIC HEARING -- A-88-27 - DAY CARE CENTERS IN R-2

This being the time and place as advertised in the Progress-Index Newspaper on Wednesday, October 5, and Wednesday, October 12, 1988, for the Board of Supervisors to conduct a Public Hearing to consider for adoption an ordinance to allow as a permitted use Day Care Centers in Residential, General, District R-2.

Mr. Joe Emerson, Director of Planning, presented this amendment. He advised this is basically a housekeeping measure.

Division 8: Residential General District R-2.

Section 22-139: Composition; purposes.

Residential, general, District R-2 is composed of certain medium to high concentration of residential uses, ordinarily located between residential and commercial areas, plus certain open areas where similar development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life composed of an adult population with some children, and to permit certain commercial uses of a character unlikely to develop general concentration of traffic, crowds of customers and general outdoor advertising. To these ends, retail activity is sharply limited and this district is protected against encroachment of general commercial or

industrial uses. All residential types of structures for both permanent and transient occupancy and including institutions are permitted, plus structures for commercial uses conforming to the pattern of the district. This residential district is not completely residential as it includes public and semipublic, institutional and other related uses. However, it is basically residential in character and, as such, should not be spotted with commercial and industrial uses.

Some similar permitted uses now allowed in the R-2 zone are:

- 6) Schools
- 8) Rest Homes
- 9) General Hospitals, with conditional use permit
- 10) Clubs and lodges
- 11) Parks and playgrounds
- 12) Professional Offices
- 13) Home occupations

Since R-2 is basically a mixed use zone, it appears that the request to allow "Day Care Centers" as a permitted use in the conformance with other permitted uses. Mr. Emerson suggested that if the Board approved the amendment to R-2, to approve it worded as "Day Care Centers, with a conditional use permit". Mr. Emerson felt that a conditional use permit is necessary because in some R-2 situations, special conditions may be necessary.

At their September meeting, the Planning Commission unanimously recommended approval of this amendment.

No one spoke in favor or opposition to the Amendment.

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

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Section 22-139 of the Dinwiddie County Zoning ordinance be amended to include "Day Care Centers" as a permitted use with a Conditional Use Permit. In all other respects, said ordinance is hereby reordained.

IN RE: PUBLIC HEARING A-88-33 -- HAZARDOUS MATERIALS
INCIDENT CLEANUP

This being the time and place as advertised in the Progress-Index Newspaper on Wednesday, October 5 and Wednesday, October 12, 1988, for the Board of Supervisors to conduct a Public Hearing to amend Section 23 of Article II of Chapter 2 of the code of Dinwiddie entitled, Office of Emergency Services, which amendment requires any person causing or contributing to an emergency or disaster shall be responsible for all expenses incurred by Dinwiddie County.

Mr. Jim Rice, Public Safety Officer presented the amendment to allow the County to charge for services rendered during certain incidents. He stated that County, Volunteer Fire Departments, and Rescue Squads could incur tremendous expenses during an incident which the County would need to be reimbursed for. He pointed out that in most cases, this reimbursement would be covered by insurance.

Mr. Gilbert Charboneau spoke in favor of the amendment; no one spoke in opposition.

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

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the Dinwiddie County Code, as previously adopted, be amended by the following changes to Section 23 of Article II of Chapter 2 and all other respects be reordained.

Any person causing or contributing to an emergency or disaster shall be responsible for all expenses incurred by Dinwiddie County in responding to, controlling, and handling such emergency or disaster. Such expense would include but not be limited to equipment cost, material, hazardous material, emergency response operations, immediate accident or incident site clean-up costs, all expenses incurred in preventing or alleviating damage, loss, hardship, or suffering caused by accidents or incidents involving hazardous materials, and any other incidents beyond hostile fires or medical emergencies. The local coordinator of Emergency Services is hereby authorized to seek such reimbursement by any legal means including civil process in the appropriate courts in the Commonwealth of Virginia.

IN RE: PUBLIC HEARING -- P-88-8 - ARTHUR BURTON

This being the time and place as advertised in the Progress-Index Newspaper on Wednesday, October 5 and Wednesday, October 12, 1988 for the Board of Supervisors to conduct a public hearing to consider for adoption an ordinance to amend the zoning ordinance to change the district classification of Land Parcels 9-67A, 9-67B and 9-66A from Residential, Limited, District R-1 to Residential, General, District R-2.

Mr. Joe Emerson, Director of Planning, presented the request from Arthur M. Burton. The property is located on State Route 226 in the Rohoic District and is currently operated as a Day Care Center.

Residential, Limited, District R-1 is composed of certain quiet, low-density residential areas, plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children and to prohibit all activities of a commercial nature. To these ends, development is limited to relatively low concentration and permitted uses are limited basically to single-unit dwellings providing homes for the residents plus certain additional uses, such as schools, parks, churches and certain public facilities that serve the residents of the district. No home occupations (including room renting) are permitted.

Residential, General, District R-2 is composed of certain medium to high concentration of residential uses, ordinarily located between residential and commercial areas, plus certain open areas where similar development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life composed of an adult population with some children, and to permit certain commercial uses of a character unlikely to develop general concentration of traffic, crowds of customers and general outdoor advertising. To these ends, retail activity is sharply limited and this district is protected against encroachment of general commercial or industrial uses. All residential types of structures for both permanent and transient occupancy and including institutions are permitted, plus structures for both permanent and transient occupancy and including the district. The residential district is not completely residential as it includes public and semipublic institutional and other related uses. However, it is basically residential in character and, as such, should not be spotted with commercial and industrial uses.

On the property in question, the Day Care Center has been in operation since 1965. Apparently, this was allowed to happen in staff error. Due to the business license, this error came to Mr. Emerson's attention. Mr. Emerson suggested that in order for Mr. Burton to remain in business that he do a conditional rezoning to R-2, the zone that allows for commercial operations. After the rezoning is approved, R-2 must be amended to allow Day Care

Centers as a permitted use. Under the conditional rezoning, Mr. Burton will proffer back all uses in Residential, District R-2, except for those uses as listed in Residential R-1 which are as follows:

Section 22-114.

1. Single family dwelling
2. Schools
3. Churches
4. Parks and playgrounds
5. Off-street parking as required by this chapter
6. Accessory buildings
7. Public utilities
8. Business signs only to advertise the sale or rent of the premises upon which erected.
9. Church bulletin boards and identification signs
10. Directional signs
11. Security mobile homes, in an area used for commercial operation (nonconforming use), for security purposes subject to the normal requirements for installation of a mobile home with a conditional use permit.

If granted this conditional rezoning, Mr. Burton would be allowed one additional use which would be Day Care Centers, therefore he would not be able to practice other uses allowed in R-2 other than the Day Care Center and R-1 is what the surrounding properties are zoned at this time. Since this is a housekeeping measure and the Day Care Center has existed there for years without any apparent problems, it would be staff recommendation that this rezoning be granted.

The Planning Commission, at their September meeting, unanimously recommended approval of this conditional rezoning to the Board of Supervisors.

No one spoke in favor of or in opposition to this Amendment.

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

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Land Parcels 9-67A, 9-67B and 9-66A as shown on the Dinwiddie County Zoning Maps, be amended by changing the district classification from Residential, Limited, District R-1 to Residential, General, District R-2. Said property is located on State Route 226 in the Rohoic District and is currently operated as a Day Care Center. In all other respects, said zoning ordinance is hereby reordained.

IN RE: PUBLIC HEARING -- P-88-9 - DINWIDDIE TRACTOR & EQUIPMENT

This being the time and place as advertised in the Progress-Index Newspaper on Wednesday, October 5 and Wednesday, October 12, 1988, for the Board of Supervisors to conduct a Public Hearing to consider for adoption an ordinance to amend the Zoning Ordinance by changing the district classification of Land Parcel 21-38 from Residential, Limited, District R-1 to Business, General, District B-2.

Mr. Joe Emerson, Director of Planning, presented the rezoning application submitted by Dinwiddie Tractor and Equipment, Inc. The property is located on the corner of Rt. 1 and Rt. 641 in the Rohoic District and contains 4.57 acres.

Residential, Limited, District R-1 is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children and to prohibit all activities of a commercial

nature. To these ends, development is limited to relatively low concentration and permitted uses are limited basically to single-unit dwellings providing homes for residents plus certain additional uses, such as schools, parks, churches and certain public facilities that serve the residents of the district. No home occupations (including room renting) are permitted.

Business, General, District B-2 covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking, other than stocking and delivery of light retail goods, or by any nuisance factors, other than occasioned by incidental light and noise of congregation of people and passenger vehicles. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, printing presses, restaurants, taverns and garages and service stations.

The property in question is located at the entrance of the Airport. It apparently has been operated as a service station and as a tractor and implement company in the past. Unfortunately, this is another one of the rezonings that should have taken place years ago. At this location it seems that this property should never have been zoned residential to begin with. It appears that its best use is a business piece of property and when the Comprehensive Plan is redone and the land use is examined, the uses around the Airport will be changing. However, at this point in time, it is necessary to rezone this property so a building permit can be issued to remodel the existing structure. Since businesses have existed there for years without any apparent problems, there appears to be no reason to deny this request.

This request was unanimously recommended to the Board of Supervisors for approval by the Planning Commission at its September meeting.

No one spoke in favor of or in opposition to this change.

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

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Land parcel 21-38, containing 4.57 acres, as shown on the Dinwiddie County Zoning Map be amended by changing the district classification from Residential, Limited, District R-1 to Business, General, District B-2. In all other respects, said zoning ordinance is hereby reordained.

IN RE: PUBLIC HEARING P-88-11 -- DINWIDDIE COUNTY
FARM BUREAU

This being the time and place as advertised in the Progress-Index Newspaper on Wednesday, October 5 and Wednesday, October 12, 1988, for the Board of Supervisors to conduct a Public Hearing to consider for adoption an ordinance to amend the zoning ordinance by changing the district classification of Land Parcel 45D(1)-12A from Residential, Limited, District R-1 to Business, General, District B-2.

Mr. Joe Emerson, Director of Planning, presented the rezoning application submitted by Dinwiddie County Farm Bureau. The property is located in the area of Dinwiddie Courthouse on U.S. Route 1 in the Rowanty District.

Residential, Limited, District R-1 is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children and to prohibit all activities of a commercial

nature. To these ends, development is limited to relatively low concentration and permitted uses are limited basically to single-unit dwellings providing homes for the residents plus certain additional uses, such as schools, parks, churches and certain public facilities that serve the residents of the district. No home occupations (including room renting) are permitted.

Business, General, District B-2 covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking, other than stocking and delivery of light retail goods, or by any nuisance factors, other than occasioned incidental light and noise of congregation of people and passenger vehicles. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, printing presses, restaurants, taverns, garages and service stations.

The Dinwiddie County Farm Bureau property is currently zoned for Residential, District R-1. It has been in existence since some time in the mid 1960's, apparently around 1966 to 1968. At the time when the building permit was issued, the property should have been rezoned to a business use. Unfortunately, it was either staff error or merely overlooked and this did not take place. Therefore, this is basically a housekeeping measure and there seems to be no reason to deny this request.

This request was unanimously recommended to the Board of Supervisors for approval by the Planning Commission at its September meeting.

No one spoke in favor of or opposition to this Amendment.

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

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Land Parcel 45D(21)-12A containing .55 acres, as shown on the zoning maps be amended by changing the district classification from Residential, Limited, District R-1 to Business, General, District B-2. In all other respects, said zoning ordinance is hereby reordained.

IN RE: PUBLIC HEARING -- C-88-9 - DANIEL BOND &
ALAN JACOBS

This being the time and place as advertised in the Progress-Index Newspaper on Wednesday, October 5 and Wednesday, October 12, 1988, for the Board of Supervisors to conduct a Public Hearing to consider for approval a conditional use permit to operate an auto salvage yard.

Mr. Joe Emerson, Director of Planning, presented the application for a conditional use permit submitted by Daniel Bond and Alan Jacobs to operate an auto salvage yard on a 32 acre portion of land parcel 68-28. The property is currently zoned Agricultural A-2 which does allow for vehicle salvage yards screened with a conditional use permit.

The definition of vehicle salvage yard is any lot or place encompassing a minimum of five (5) acres which is exposed to the weather, upon which more than fifty (50) but less than five-hundred (500) motor vehicles of any kind, incapable of being operated, may be temporarily stored while awaiting dismantling.

At their September meeting, the Planning Commission unanimously recommended to the Board of Supervisors approval of this conditional use permit with the following conditions:

1. A 200 ft. wooded buffer from road right-of-way.

2. A 50 ft. wooded buffer from adjacent property lines.
3. Require that all fluids be drained from engine, rear end, transmission and be disposed of property, as per direction of the County Public Safety Officer.
4. All batteries must be removed from vehicles, stored on a concrete pad and covered adequately as per direction of the County Public Safety Officer.
5. All vehicles must be of a temporary nature and shall not remain on the property for longer than one year. These vehicles shall be taken to or crushed by a demolisher licensed by the Division of Motor Vehicles.
6. All work done in any garage within visibility of the road must be done undercover and kept out of sight from the public.
7. All current cars and debris on the previous site be cleaned up.

No one spoke in favor of the permit.

Mr. Douglas Reese questioned how will compliance with the proper disposal of the vehicle fluids be supervised and under what schedule.

Mr. Jim Rice, Public Safety Officer, answered that if the transmission fluids, the rearend fluids, the antifreeze, etc., are mixed, they are then considered a hazardous waste and a hazardous waste permit would have to be obtained and the cradle to grave requirement would be in effect. When the owners of the property, once they get the hazardous waste storage permit, accumulate sufficient amounts, it has to be stored in a secured area. When they accumulate sufficient amounts, it would have to be disposed of and the property documentation would have to be forwarded to the County in order to comply with the cradle to grave ordinance. Mr. Rice advised he would make them aware of the State requirements. Inspections will be made semi-annual by the Public Safety Officer in compliance with his duties, or as he sees fit.

Mr. Joe Emerson read a letter of opposition he received from Joseph and Mildred Zahralban, 111 East Drive, North Massapequa, NY 11758, who is an adjacent property owner.

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

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the application submitted by Daniel Bond and Alan Jacobs for a conditional use permit to operate an auto salvage yard on a 32 acre portion of Land Parcel 68-28, located on U.S. Route 1, in the Sapony District, is hereby approved with the conditions as recommended by the Planning Commission and stated herein.

Extract

IN RE: PARTICIPATION IN THE GOVERNOR'S EDUCATIONAL
TECHNOLOGY INITIATIVE - SCHOOL BOARD

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

WHEREAS, the Dinwiddie County Board of Supervisors recognizes the need to expand learning experiences now available through technology to students in the Dinwiddie County School Division; and,

WHEREAS, the Dinwiddie County School Board is eligible for approximately \$43,500 in subsidized technological equipment through the Governor's Educational Technology Initiative Procurement and Financing Program; and,

WHEREAS, the Governor's Educational Technology Initiative Procurement and Financing Program provides a vehicle for the purchase and financing of microcomputers, satellite and associated

equipment at a substantial savings to participating localities; and,

WHEREAS, the Dinwiddie County School Board has requested the approval of the Dinwiddie County Board of Supervisors to participate in this program;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that it does hereby authorize the County Administrator to sign the Memorandum of Agreement between the County and the Department of Education authorizing participation in the Governor's Educational Technology Initiative Procurement and Financing Program for the purchase and financing of approximately \$43,500 of subsidy eligible equipment, and

BE IT FURTHER RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the County Administrator is hereby authorized to transmit the Letter of Agreement to the Department of Education on behalf of this Board.

Extract
IN RE: GYPSY MOTH SUPPRESSION PROGRAM

Mr. James C. Maitland, Extension Agent for Dinwiddie County, appeared to answer any questions the Board may have as a result of his letter on the Cooperative Gypsy Moth Suppression Program provided to them in their Board Package. The spots that have been reported in the County will be treated by the Virginia Department of Agriculture and Consumer Services at no charge. The cost is for the County's cooperation in setting up traps in other areas of the County to see what the extent and spread of the Gypsy Moth is. The trap costs .76 each and he is asking for 100 traps at \$76.00; he has asked for 300 burlap bands at a cost of .065 each, at a cost of \$19.50, for a total of \$95.50. The Piedmont Agriculture will cost share one-half of that, so once we purchase the initial cost, we will get one-half of the money back.

The County Administrator recommended this and have the costs charged to account 8204-5611.

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

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that funds be allocated from account 8204-5611 in the amount of \$95.50 to purchase materials for the Gypsy Moth Suppression Program which will be matched by the State; and,

BE IT FURTHER RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, Piedmont Agriculture will reimburse the County for one-half of the \$95.50 once the initial purchase has been made.

IN RE: LETTER TO VDACS -- GYPSY MOTH PROGRAM

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

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the County Administrator is authorized to sign a letter to the Virginia Department of Agriculture and Consumer Services stating the Board of Supervisors will cooperate in the Gypsy Moth Suppression Program and agrees to purchase the traps and burlap bands.

Extract
IN RE: APPOINTMENT -- GYPSY MOTH COORDINATOR

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

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Mr. James C. Maitland, Sr., Dinwiddie County Extension Agent, be appointed as Gypsy Moth Coordinator for Dinwiddie County.

Extract
IN RE: RESCUE SQUAD AMBULANCE - TITLE ACCEPTANCE

Mrs. Wendy W. Quesenberry, Interim County Administrator, advised the Dinwiddie Rescue Squad bought a used 1985 GMC ambulance from the Ettrick-Matoaca Rescue Squad for \$5,126. The Rescue Squad is asking the county to accept the title and appropriate money for the insurance program with Chesterfield Insurers.

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

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the title to the 1985 GMC Ettrick-Matoaca Rescue Squad is accepted and placed under the County's insurance program with Chesterfield Insurers from account 3202-5312.

Extract
IN RE: APPOMATTOX RIVER WATER AUTHORITY MEMBERS

Mr. Richard Barton, County Administrator, stated Mr. Richard Hartman, Director of the Appomattox River Water Authority, has requested the Board's opinion on the expansion of the Authority, with the intent of building Lake Genito as a water supply reservoir. This would be adding Amelia, Cumberland, and Powhatan Counties as members.

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

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA:

To encourage the development of Lake Genito and insure an abundant water supply for this region in the future, the Board of Supervisors of Dinwiddie County recommends the County participate in expanding the ARWA, if the following conditions were included in the contract:

1. Retain all of the conditions relating to Dinwiddie County contained in the present Lake Chesdin agreements.
2. Expedite construction of the project to contain the cost. it will be more expensive the longer it is delayed.
3. Commencing now, assure Dinwiddie County that no viable industrial prospect that meets EPA, the Commonwealth, and ARWA environmental requirements be denied water from Lake Chesdin or the proposed Lake Genito.

Extract
IN RE: APPOINTMENT - ALTERNATE TO APPOMATTOX RIVER WATER AUTHORITY

Mr. George Robertson advised that Dr. Darrell Rice, who the Board appointed as Dinwiddie's representative for the Appomattox River Water Authority and who is currently chairman of that committee, had indicated to him that each locality can have an alternate to the ARWA in the event of illness, etc.

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

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the Board appoint an alternate to the Appomattox River Water Authority.

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

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, Mr. George Robertson be appointed as an alternate to the Appomattox River Water Authority for the term of November 30, 1988 to November 30, 1992.

IN RE: APPOINTMENT - APPOMATTOX BASIN INDUSTRIAL DEVELOPMENT CORPORATION (ABIDCO)

The terms of Milton I. Hargrave, Jr. and Harrison Moody expired September 30, 1988 on the Board of Directors of the Appomattox Basin Industrial Development Cooperation (ABIDCO). Action was deferred at the last meeting and the question was asked if two Board members could serve. A copy of the By-Laws were provided. It has been determined that two Board of Supervisor members can serve at one time.

Mr. Bracey nominated Mr. Harrison and Mr. Moody. Mr. Moody nominated Milton I. Hargrave, Jr.

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

Mr. Bracey, Mr. Clay, Mr. Harrison, Mr. Robertson voting "aye", Mr. Moody voting "nay", Mr. Charles W. Harrison was elected to serve on the Appomattox Bason Industrial Development Corporation (ABIDCO), term expiring September 30, 1989.

Mr. Bracey, Mr. Clay, Mr. Harrison, Mr. Robertson voting "aye", Mr. Moody "abstaining", Mr. Harrison Moody was elected to serve on the Appomattox Basin Industrial Development Corporation (ABIDCO), term expiring September 30, 1989.

IN RE: APPOINTMENT -- HEALTH SYSTEM AGENCY BOARD OF DIRECTORS

A vacancy exists with the Central Virginia Health Systems Agency, Inc. Mr. Clay requested the appointment be postponed and reminded the Board to give careful consideration to the nominees.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Moody, seconded by Mr. Clay, Mr. Bracey, Mr. Clay, Mr. Harrison, Mr. Moody, Mr. Robertson voting "aye", pursuant to Section 2.1-344(A1) of the Virginia Freedom of Information Act, the Board moved into Executive Session at 10:05 p.m. to discuss personnel matters.

A motion having been made and approved, the meeting reconvened into Open Session at 11:37 p.m.

IN RE: RESIGNATION -- JOHN LOFTIS, DIRECTOR OF SANITATION

Upon motion of Mr. Bracey, seconded by Mr. Harrison, Mr. Bracey, Mr. Clay, Mr. Harrison, Mr. Moody, Mr. Robertson voting "aye", the retirement resignation of Mr. John Loftis, Director of

Sanitation, was accepted with regrets, effective December 31, 1988. Mr. Loftis will be on leave beginning in November, 1988.

IN RE: RESIGNATION -- TAMMY ABERNATHY, SECRETARY II

Upon motion of Mr. Moody, seconded by Mr. Clay, Mr. Bracey, Mr. Clay, Mr. Harrison, Mr. Moody, Mr. Robertson voting "aye", the resignation of Ms. Tammy Abernathy, Secretary II, was accepted with regrets, effective October 21, 1988.

IN RE: AUTHORIZATION TO ADVERTISE -- SECRETARY II

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

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA that the County Administrator is authorized to advertise the vacancy for the position of Secretary II, Secretary to the County Attorney and County Planner.

IN RE: E-911 SYSTEM IMPLEMENTATION - IN-HOUSE

Mr. Richard Barton, County Administrator, requested that his September 29, 1988 Letter of Recommendation on the Implementation of E911 System be made a part of the record. It is the recommendation of the County Administrator that a Planning Technician not be hired and that the work for the E911 System be assigned to the existing personnel. The letter is as follows:

"In view of the attached letter with many points well taken, and in view of our financial condition, rather than employ a Planning Technician at this time, I recommend the implementation procedure, specifically house numbering and road naming as outlined in the proposed ordinance, be conducted jointly by the Assistant County Administrator and the Public Safety Officer as agents of the Planning Director.

Wendy is familiar with all the roads, road names, and many of the residents in the County. Jim Rice will be involved in the E911 process after it is in operation, and therefore, should be thoroughly involved in its implementation. Administratively, this would successfully get the program started with an overview by the Planner.

Your concurrence will be appreciated."

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

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA that the E911 Implementation System be implemented by in-house personnel and a Planning Technician not be hired.

IN RE: AUTHORIZATION FOR PAYMENT FOR OVERTIME
WEEKEND HELP - LANDFILL

Mr. Richard Barton, County Administrator, presented a Memorandum dated September 29, 1988, from John Loftis, Director of Sanitation, requesting overtime payment for weekend help.

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

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that authorization is granted for overtime payment for weekend help at the Landfill.

IN RE: AUTHORIZATION TO ADVERTISE - DIRECTOR OF SANITATION

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

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the County Administrator is authorized to advertise the vacancy for the position of Director of Sanitation.

IN RE: AUTHORIZATION TO HIRE TEMPORARY SECRETARY

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

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the County Attorney and County Planner have authorization to hire temporary secretarial help beginning October 24, 1988, until a Secretary II position can be filled.

IN RE: CLAIM PAYMENT

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

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that check no. 2150 in the amount of \$223.16 be paid and funds appropriated for same.

IN RE: EXECUTIVE SESSION

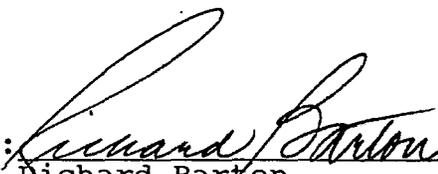
Upon motion of Mr. Bracey, seconded by Mr. Moody, Mr. Bracey, Mr. Clay, Mr. Harrison, Mr. Moody, Mr. Robertson voting "aye", pursuant to Section 2.1-344(A1) of the Virginia Freedom of Information Act, the Board moved into Executive Session at 11:50 p.m. to discuss personnel matters.

A motion having been made and approved, the meeting reconvened into Open Session at 2:05 a.m., October 20, 1988.

IN RE: ADJOURNMENT

Upon motion of Mr. Clay, seconded by Mr. Bracey, Mr. Bracey, Mr. Clay, Mr. Harrison, Mr. Moody, Mr. Robertson voting "aye", the meeting adjourned at 2:06 a.m., October 20, 1988.


George E. Robertson, Jr.
Chairman, Board of Supervisors

ATTEST: 
Richard Barton
County Administrator

