

VIRGINIA: AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE ADMINISTRATION BUILDING, DINWIDDIE, VIRGINIA, ON THE 18TH DAY OF JANUARY, 1989, AT 7:30 P.M.

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

IN RE: MINUTES

Upon motion of Mr. Robertson, seconded by Mr. Harrison, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", the minutes of the January 4, 1989 Regular meeting was approved with the following amendment:

IN RE: PLANNING TECHNICIAN -- Last page of minutes, last paragraph of section, add:

"BE IT FURTHER RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the funds in the amount of \$25,000 be returned to the E911 Fund and the Treasurer be authorized to transfer these funds as needed."

IN RE: CLAIMS

Upon motion of Mr. Bracey, seconded by Mr. Moody, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, 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, using checks numbering 3042 to 3150: General Fund - \$85,472.86; Self-Insurance Fund - \$242.00, Totalling \$85,714.86.

IN RE: LIVESTOCK CLAIM - LEROY BEASLEY

Mr. L. A. Brooks, Animal Control, presented a livestock claim for Mr. Leroy Beasley, Route 1, Box 1614, Dinwiddie, VA 23841 (469-7472), in the amount of \$110.00 for five pigs killed by dogs.

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

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Mr. Leroy Beasley be awarded \$110.00 for five pigs, valued at 22.00 each.

IN RE: TRUCK REPAIR -- ANIMAL CONTROL

Mr. L. A. Brooks, Animal Control Warden, advised that the 1985 Dodge Truck's motor had locked up and a new block was needed. He advised there was over 105,000 miles on this truck. Mr. Brooks presented two bids: Interstate Motors - \$702; Dinwiddie Auto Parts - \$750.

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

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Mr. Brooks is instructed to secure another bid on the work to be done on the truck; and

BE IT FURTHER RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the Interim County Administrator is authorized to approve the work to be done based on three bids and report back to the Board at the next Board meeting.

IN RE: PRESENTATION OF AWARDS

1. Mr. John Marshall Loftis was presented a plaque for Outstanding Service from 1973 to 1988.
2. Mr. Robert Hugh Williams was presented a plaque for Outstanding Service from 1974 to 1989.

IN RE: CITIZEN COMMENTS

Mr. Richard Earl appeared before the board and again questioned Dinwiddie's involvement in the refuse firm located on Puddledock Road for which Prince George has issued Revenue Bonds. He stated they keep using Dinwiddie's name and suggested to the Board to either 'kill it or cure it'; if we are part of this, we need to acknowledge it and if we're not, we need to let them know. He stated it was misleading and needed to be corrected.

Mr. Earl questioned if it was true livestock had not been assessed since 1979 and why hadn't livestock been taxed since 1979. Mrs. Quesenberry, Interim County Administrator, advised that without action from the Board, livestock would be taxable because we do not have an ordinance on the books where they would be exempt. The Commissioner of Revenue is working on determining the exact year when it was last assessed. However, it is something that the Board is discussing right now and action would have to be taken to actually by code, exempt the livestock.

Mr. Earl raised the following questions and suggested the Board, as government figures, look into same and provide answers to the citizens: Is 71% of County land in Land Use? Is 63% of County revenue, paid by the Northern part of the County? Was there a gentlemen's agreement reached at the time a business tax was levied in the County, that a public hearing on Land Use would be held? Has the proposed race track for Dinwiddie County been approved by NASCAR? Has all of the land been obtained for the race track? Has a member of the Board of Supervisors been dumping tires in a quarry of another County resident? Did the former County Administrator, prior to Mr. Barton, go over the County Planner's head and put buildings in violation of the Master Zoning regulation? Has dirt from the Dinwiddie County Landfill been sold for \$8.00 a truck load, now Dinwiddie has to buy back dirt to cover the trash? Did the former Building Inspector approve construction without going out to see it?

IN RE: AMENDMENTS TO AGENDA

Upon motion of Mr. Robertson, seconded by Mr. Harrison, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", the following amendments were approved for addition to the agenda:

1. Landfill Trench
2. Request by Old Dominion Electric Corp. - Authorize Exemption on Air Pollution Control Equipment
3. Executive Session - 3 Personnel; 1 Legal; 4 Industrial

IN RE: PUBLIC HEARING -- A-88-37 - FLOOD PLAIN ORDINANCE

*EXTRACT*  
This being the time and place as advertised in the Progress-Index Newspaper on Wednesday, January 4 and January 11, 1989, for the Board of Supervisors to conduct a public hearing to consider for adoption an ordinance revoking and reenacting Chapter 11 of the County code of Dinwiddie, Virginia, by establishing flood plain districts, by requiring the issuance of permits for development, and by providing factors and conditions for variances to the terms of the ordinances.

Mr. Jim Cornwell, County Attorney, presented the request to revoke Chapter 11 of the Code and replace it with a new revised Flood Plain Ordinance. He stated the Federal Government drafts the Flood Plain Ordinances for all of the Counties that come under the Flood Insurance Program. The Federal Government has determined it necessary to redraft all of the Flood Plain Ordinances in the United States to make it clearer. Mr. Cornwell advised the County adopt the Flood Plain Ordinance so those persons

who have structures or construct structures in a Flood Plain District have available to them insurance through the Federal Government as a subsidized right. Without the Flood Plain Ordinance, they would not be able to participate in that Flood Insurance.

On November 9, 1988, the Planning Commission unanimously approved this change.

Mr. Pete Thrower spoke in favor of the change, no one spoke in opposition.

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

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the Dinwiddie County Code, as adopted, and as heretofore amended, be further amended by revoking and reenacting Chapter 11 - Flood Protection as follows, and in all other respects be reordained.

#### CHAPTER 11

#### ARTICLE I-GENERAL PROVISIONS

##### Section 1.1 - Purpose

The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- A. Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies.
- B. Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.
- C. Requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or foolproof against flooding and flood damage.
- D. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

##### Section 1.2 - Applicability

These provisions shall apply to all lands within the jurisdiction of Dinwiddie County, Virginia and identified as being in the 100-year flood plain by the Federal Insurance Administration.

##### Section 1.3 - Compliance and Liability

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
- B. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside the flood plain districts, or that land uses permitted within such districts will be free from flooding or flood damages.

C. This ordinance shall not create liability on the part of Dinwiddie County or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

#### Section 1.4 - Abrogation and Greater Restrictions

This ordinance supersedes any ordinance currently in effect in flood-prone areas. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this ordinance.

#### Section 1.5 - Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

#### Section 1.6 - Penalties

- A. Any person who fails to comply with any of the requirements or provisions of this ordinance or directions of the zoning officer or any other authorized employee of Dinwiddie County shall be guilty of a misdemeanor of the first class and subject to the penalties therefor.
- B. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with, this ordinance shall not excuse the violation or noncompliance to permit it to continue; and all such persons shall be required to correct or remedy such violations or noncompliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered, or relocated in noncompliance with this ordinance may be declared by the director of planning of Dinwiddie County to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this ordinance.

#### ARTICLE II - DEFINITIONS

- A. Development - any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.
- B. Flood - A general and temporary inundation of normally dry land areas.
- C. Floodplain - (a) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (b) an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.
- D. Manufactured Homes - A structure, transportable in one or more sections, which is built on a permanent chassis, and designed to be used with or without permanent foundation, when connected to the required utilities. The term also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 days.
- E. Manufactured Home Park/Subdivision - A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.
- F. Base Flood/One-Hundred Year Flood - A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

- G. Floodway- The designated area of the floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this ordinance, the floodway shall be capable of accommodation of a flood of the one hundred (100)-year magnitude.
- H. Board of Zoning Appeals- The board appointed to review appeals made by individuals with regard to decisions of the zoning administrator in the interpretation of this ordinance.
- I. Flood-Prone Area- Any land area susceptible to being inundated by water from any source.

#### ARTICLE III - ESTABLISHMENT OF ZONING DISTRICTS

##### Section 3.1 - Description of Districts

###### A. Basis of Districts

The various floodplain districts shall include areas subject to inundation by waters of the one hundred (100)-year flood. The basis for the delineation of these districts shall be the Flood Insurance Study for Dinwiddie County prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated July 1, 1978, as amended.

1. The Floodway District is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of one hundred (100)-year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in Table 2 of the above-referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map or Flood Insurance Rate Map.

2. The Flood-Fringe District shall be that area of the one hundred (100)-year floodplain not included in the Floodway District. The basis for the outmost boundary of this District shall be the one hundred (100)-year flood elevations contained in the flood profiles of the above-referenced Flood Insurance Study and as shown on the accompanying Flood Boundary and Floodway Map or Flood Insurance Rate Map.

3. The Approximated Floodplain District shall be that floodplain area for which no delineated flood profiles or elevations are provided, but where a one hundred (100)-year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study. For these areas, one hundred (100)-year flood elevations and floodway information from other federal, state, or other acceptable source shall be used, when available. When such other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

###### B. Overlay Concept

1. The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

2. Any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

3. In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain inapplicable.

##### Section 3.2 - Official Zoning Map

The boundaries of the Floodplain Districts are established as shown on the Flood Boundary and Floodway and/or Flood Insurance Rate Map which is

declared to be a part of this ordinance and which shall be kept on file at the county administrator's offices.

### Section 3.3 - District Boundary Changes

The delineation of any of the Floodplain Districts may be revised by the Dinwiddie County Planning Commission where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for possibility for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

### Section 3.4 - Interpretation of District Boundaries

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

## ARTICLE IV - DISTRICT PROVISIONS

All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code and the Dinwiddie County Subdivision Regulations. Prior to the issuance of any such permit, the Zoning Officer shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this municipality, approval shall be obtained from the Division of Soil and Water Conservation (Department of Conservation and Historic Resources). A permit from the U. S. Corps of Engineers and the Marine Resources Commission, and certification from the State Water Control Board may be necessary ( a joint permit application is available from any one of these three organizations). Further notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be provided to the Division of Soil and Water Conservation (Department of Conservation and Historic Resources), and the Federal Insurance Administration.

All applications for development in the flood plain district and all building permits issued for the flood plain shall incorporate the following information:

- A. For structures that have been elevated, the elevation of the lowest floor (including basement).
- B. For structures that have been floodproofed (nonresidential only), the elevation to which the structure has been floodproofed.
- C. The elevation of the one hundred (100)-year flood.

All manufactured homes to be placed or substantially improved within the floodplain district shall be placed on a permanent foundation and elevated and anchored in accordance with the Virginia Uniform Statewide Building Code.

### Section 4.1 - Floodway District

In the Floodway District, no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all appropriate local and/or state authorities, as required above.

The placement of any manufactured home, except in an existing manufactured home park or subdivision, within the Floodway District is specifically prohibited.

#### PERMITTED USES

In the Floodway District, the following uses and activities are permitted provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance and provided that they do not require structures, fill, or storage of materials and equipment:

- A. Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- B. Public and private recreational uses and activities, such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, horseback riding and hiking trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas.
- C. Accessory residential uses, such as yard areas, gardens, play areas, and previous loading areas.
- D. Accessory industrial and commercial uses, such as yard areas, previous parking and loading areas, airport landing strips, etc.

#### Section 4.2 - Flood-Fringe and Approximated Flood plain Districts

In the Flood-Fringe and Approximated Flood plain Districts, the development and/or use of land shall be permitted in accordance with the regulations of the underlying district provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in the Virginia Uniform Statewide Building Code and other applicable codes and ordinances.

Within the Approximated Flood plain District, the applicant shall also delineate a floodway area based on the requirement that all existing and future development not increase the one hundred (100)-year flood elevation more than one foot at any one point. The engineering principle--equal reduction of conveyance--shall be used to make the determination of increased flood heights.

Within the floodway area delineated by the applicant, no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all appropriate local and/or state authorities, as required above.

#### Section 4.3 - Design Criteria For Utilities and Facilities

##### A. Sanitary Sewer Facilities

All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

##### B. Water Facilities

All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system and be located and constructed to minimize or eliminate flood damages.

##### C. Drainage Facilities

All storm drainage facilities shall be designed to convey the flow surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and onsite waste disposal

sites. The director of planning may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

#### D. Utilities

All utilities, such as gas lines, electrical and telephone systems being placed in flood-prone areas should be located, elevated (where possible), and constructed to minimize the chance of impairment during a flooding occurrence.

#### E. Streets and Sidewalks

Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

### ARTICLE V - VARIANCES: FACTORS TO BE CONSIDERED

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within the Floodway District that will cause any increase in flood levels during the one hundred (100)-year flood.
- B. The danger that materials may be swept on to other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such on the individual owners.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- J. The safety of access by ordinary and emergency vehicles to the property in time of flood.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- L. Such other factors which are relevant to the purposes of this ordinance.

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variations shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense, and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variations shall be issued only after the Board of Zoning Appeals has determined that variance will be the minimum required to provide relief from any hardship to the applicant.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one hundred (100)-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances which are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

#### ARTICLE VI - EXISTING STRUCTURES IN FLOODPLAIN DISTRICTS

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

- A. Existing structures and/or uses located in the Floodway District not be expanded or enlarged (unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements).
- B. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain district to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
- C. The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain district, to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with the provisions of the Virginia Uniform Statewide Building Code.
- D. Uses or adjuncts thereof which are, or become, nuisances shall not be permitted to continue.

IN RE: PUBLIC HEARING -- C-88-14 - ROBERT A. WILLIAMS

This being the time and place as advertised in the Progress-Index Newspaper on Wednesday January 4 and January 11, 1989, for the Board of Supervisors to conduct a Public Hearing to consider an application for a Conditional Use Permit submitted by Robert A. Williams, Jr., to operate an Auto Sales Lot on Route 622 and Route 460, in Ford, Virginia, Parcel 28-33, Zoned A-2.

In February of last year, the Board passed an amendment to the permitted uses of Agricultural District A-2, which allowed Auto Sales screened from view, 200 feet from the right-of-way of the road. Mr. Williams has applied for a Conditional Use Permit under these premises.

On January 11, 1989, the Planning Commission took action on C-88-14 and recommended that the Board of Supervisors approve this permit with the conditions that it be screened from view, and that the 200 feet setback be observed, and that no signs advertising cars or car sales be allowed.

No one spoke in favor of or against the Conditional Use Permit.

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

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Mr. Robert A. Williams, Jr. is granted a Conditional Use Permit to operate an auto sales lot on his property located on Routes 622 and 460 in Ford, Virginia, Tax Map Parcel 28-33, and currently zoned A-2 with the condition that all stipulations of the permit be met, that it be

screened from view; that there be no advertisements as far as signs of that nature are concerned; and that the 200 feet setback be observed.

IN RE: PUBLIC HEARING -- A-88-40 AND C-88-15 -- JANET CLAYTON

These two public hearings were continued by the Planning Commission, and therefore will be readvertised at a later date.

IN RE: APPOINTMENTS

1. Dinwiddie Recreation Advisory Council

EXTRACT  
Mr. Aubrey Clay recommended Mr. Gilbert Townsend be appointed representative for District 4.

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

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

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Mr. Gilbert Townsend be appointed to the Dinwiddie Recreation Advisory Council as representative for District 4, for a three year term, ending December 31, 1991.

2. Petersburg/Dinwiddie Airport Industrial Authority

The appointment for the Petersburg/Dinwiddie Airport Industrial Authority was tabled at the January 4, 1989 meeting. As the term expires January 31, 1989, it was recommended the appointment be tabled until the February 1, 1989 meeting.

Upon motion of Mr. Harrison, seconded by Mr. Bracey, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", the appointment for the Petersburg representative was tabled until the next meeting.

3. Interim Assistant County Administrator

EXTRACT  
Mrs. Wendy Quesenberry, Interim County Administrator, advised there was a need for someone to be named as Interim Assistant County Administrator to act in her place and also, someone else authorized to sign County checks. She recommended Mrs. Glenice Townsend.

Upon motion of Mr. Robertson, seconded by Mr. Bracey, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", Mrs. Glenice Townsend was appointed Interim Assistant County Administrator and is authorized to sign County checks.

IN RE: RESOLUTION -- DISTRIBUTION OF LOTTERY FUNDS

EXTRACT  
The Chairman advised that at the last Board of Supervisors meeting, Mr. Fred Sahl appeared asking that the Board consider preparing a resolution to ask the State Legislature to return the lottery money to each locality. The following resolution was prepared and will be forwarded to Mr. Beasley Jones, Mr. Jay DeBoer, and Mr. Richard Holland.

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

WHEREAS, the Legislature of Virginia has recently enacted Chapter 40 of Title 58.1 of the code of Virginia ("The State Lottery Law"); and,

WHEREAS, by the terms of Section 58.1-4022 of such enactment, all revenues (and interest thereon) are to be deposited to the State Lottery Fund, not to the appropriated except "upon actual and audited collections

... and shall in no event be predicated upon an estimation of such revenues."; and,

WHEREAS, it is, in the opinion of the Board of Supervisors of Dinwiddie County, Virginia, extremely unwise for the Legislature of Virginia to imperil any necessary State functions by making them dependent upon uncertain future lottery revenues; and,

WHEREAS, the several Counties and Cities of the Commonwealth of Virginia have become, through the growth of under-funded and unfunded State and Federally mandated programs, and because of the end of Federal Revenue Sharing which at one time ameliorated the burden of such programs, unduly dependent upon local taxation, to the great distress of their citizens;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the Legislature of Virginia is urgently enjoined to adopt legislation, in the form of an amendment to Section 58.1-4022(D) requiring the Treasurer of Virginia to transfer to the governing bodies of the several Counties and Cities of Virginia, in proportion of their several populations, no later than thirty days after receipt of the funds required by such Section to be paid into the General Fund by the Comptroller, and to be by the governing bodies of such Counties and Cities disposed of as to them (and to their citizens) seems best in light of local requirements and needs.

BE IT FURTHER RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the County Administrator is directed to forward a true copy of this Resolution to the Honorable Richard J. Holland, Senator, 15th Senatorial District, the Honorable R. Beasley Jones, Delegate, 62nd District, the Honorable Jay W. DeBoer, Delegate, 63rd District.

IN RE:           ADVERTISEMENT -- AMENDMENT TO BUSINESS LICENSE TAX

Mr. Jim Cornwell, County Attorney, advised that last year the Business License Tax was adopted. However, there is one group of people who are taxed that he feels should not be and they are the ones who do arts and crafts in their home to be sold at arts and craft shows conducted by governmental bodies or nonprofit clubs or civic organizations. Mr. Cornwell asked permission to advertise an amendment to Section 13-1.3.

Upon motion of Mr. Bracey, seconded by Mr. Harrison, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Clay voting "aye", Mr. Robertson voting "no", Mr. Jim Cornwell is authorized to advertise for a public hearing an amendment to Section 13-1.3 Business License Tax.

IN RE:           RESCUE SQUAD AMBULANCE

Mrs. Wendy Quesenberry, Interim County Administrator, requested this action be postponed. Before the Board can accept the Certificate for Lease, the ambulance must be received and verified that we have received it. The ambulance is due Friday, therefore action will be taken at a later date.

IN RE:           BUDGET & FINANCIAL ASSISTANCE

Mrs. Wendy Quesenberry, Interim County Administrator, asked authorization to contract with Spencer Elmore of Robinson, Farmer, Cox Associates for assistance, when needed, during the budget process. She advised they took tremendous steps last year in working towards re-establishing the County's fiscal position and felt Mr. Elmore played a big role in this. His estimated cost is between \$3,000 and \$4,000, and there is money in the County Administrator's budget to cover this.

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

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA that Robinson, Farmer, Cox Associates be hired to assist on an as needed basis, in the preparation of the County's 1989-90 Budget, at an estimated cost of \$3,000 to \$4,000.

IN RE:           ARBITRAGE LAW AUDIT

Mrs. Wendy Quesenberry, Interim County Administrator, advised that the County was not able to certify last year that they would not be issuing more than \$5 million in bonds, therefore we fall under the Arbitrage Law. Basically, any interest earnings above the rate we borrowed at is taxable. To certify this amount, an audit must be done. She recommended Robinson, Farmer, Cox Associates can best do this audit as they are familiar with the County's records. They have quoted a price range of \$1,000 to \$3,500 maximum, depending upon the number of days worked.

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

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA that Robinson, Farmer, Cox Associates be hired to conduct the audit and prepare the necessary paperwork to comply with the Arbitrage Law, at a cost of between \$1,000 to \$3,500 maximum, depending upon the number of days worked.

IN RE:           LANDFILL TRENCH

Mr. 'Spike' Wells, Acting Director of Sanitation, advised there was a need to finish digging a trench that was started a few months ago and is two-thirds finished. He advised it was too big a job for the landfill tractor to handle. He had contacted three people and received bids from them: Horace Davis - \$3,000; Garland Davis - \$2,844; William Bowen - Unable to bid. After some discussion, Mr. Wells was instructed in future jobs to seek other bulldozing firms and individuals with bulldozers within the County who could assist the Landfill.

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

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA that the bid of \$2,844 submitted by Mr. Garland Davis be accepted to complete the trench work at the Landfill.

Mrs. Wendy Quesenberry, Interim County Administrator, advised that the County was not awarded the bid to contract with Central State Hospital in picking up their trash. The bid was awarded to Bay Disposal, of Norfolk, Virginia. However, Bay Disposal has asked to contract with us to use our Landfill, so we will still be taking care of Central State Hospital's trash, even though we won't be picking it up. We have quoted Bay Disposal the price of \$240.00 per load. The containers are currently three years old and we have quoted Bay Disposal the price of \$16,000 for 52 containers, two-thirds of the original cost, based on a nine-year life. Central State Hospital had a contract with the County for \$74,000 per year. With Bay Disposal, the County will contract with them for approximately \$40,000, based on their usage of the Landfill. The County will not be providing the trucks or manpower, so there will be a savings.

IN RE:           OLD DOMINION ELECTRIC COOPERATIVE -- TAX EXEMPTION

Mrs. Wendy Quesenberry, Interim County Administrator, advised Old Dominion Electric Cooperative met last Thursday with the Commissioner of Revenue, Mr. Clay and Mrs. Quesenberry to see what kind of taxes they would be facing when they came into the County. They were aware of the County's tax laws and amounts, and knew that the State Corporation Commission does the assessing of their facilities, equipment and property and that is not up to the County. However, they do fall under the Real Estate rate that is set by the County and they had based their figures on the .80 tax rate. They were interested in the part of the code which allowed local governing bodies to exempt air pollution control equipment for utilities. We asked for cost figures on what the County would be giving up if the County decided to exempt this utility, and this amounted to approximately \$900,000 annually. We advised them we would present this to the board and if the Board chose to consider this, we would have to have authorization to advertise for a public hearing which would decide whether or not to exempt only their air pollution control equipment. We would still be getting approximately \$2.7 million in taxes, even with this exemption.

Mr. Robertson stated Old Dominion Electric Cooperative coming to us was a good sign that we were still being considered. If we said no to this particular request for reduction in taxes of \$900,000, we could lose the entire project, so he would rather get two-thirds of the project and lose one-third, than not get any of the project at all. He strongly urged the Board to give favorable consent to this at the approval level.

Upon motion of Mr. Robertson, seconded by Mr. Harrison, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", the County Administrator is authorized to advertise for a public hearing on February 15, 1989, to consider an ordinance for tax exemption on air pollution control equipment for Old Dominion Electric Cooperative.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Bracey, seconded by Mr. Moody, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", pursuant to Section 2.1-334 (1), (4) and (6) of the Virginia Freedom of Information Act, the Board moved into Executive Session at 8:52 p.m. to discuss three personnel, one legal, and four industrial matters. A vote having been made and approved, the meeting reconvened into Open Session at 10:42 p.m.

IN RE: RESOLUTION -- DINWIDDIE AIRPORT AUTHORITY

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

WHEREAS, an industry is interested in locating in the Dinwiddie County Airport Park; and,

WHEREAS, this industry will provide employment and contribute to the tax base of Dinwiddie County; and at the same time, enhance the marketability of the Airport Park; and,

WHEREAS, the Dinwiddie County Board of Supervisors is aware of negotiations between the industry and the Airport Authority;

NOW THEREFORE BE IT RESOLVED THAT THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, encourages the Airport Authority to assist the industry in locating in the Industrial Park; and,

BE IT FURTHER RESOLVED THAT THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, will assist the Airport Authority through the budgetary process in the location of this industry.

IN RE: REDISTRICTING PLAN -- PERMISSION TO ADVERTISE

Mr. Jim Cornwell, County Attorney, advised that we have been sued by the American Civil Liberties Union and other parties and the request was to redistrict Dinwiddie County. He asked the board for permission to advertise for a public hearing on the proposed redistricting plan for Dinwiddie County, pursuant to those settlement negotiations, to be held February 15, 1989.

Upon motion of Mr. Bracey, seconded by Mr. Harrison, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", the County Attorney is authorized to advertise for a Public Hearing on the proposed redistricting plan for Dinwiddie County, to be held February 15, 1989.

IN RE: DINWIDDIE COUNTY WATER AUTHORITY - AUTHORIZATION FOR FEASIBILITY STUDY

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

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the Dinwiddie County Water Authority is hereby requested to immediately do feasibility studies toward locating and

constructing a sewer plant for Dinwiddie County, including obtaining the necessary location, permit and funds for such plant, and

BE IT FURTHER RESOLVED THAT THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, shall financially assist the Dinwiddie County Water Authority in such effort.

IN RE: RESOLUTION -- INDUSTRIAL ACCESS ROAD FUNDS

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

WHEREAS, the proposed Tex-Ark Joist Company site is served by an undeveloped road at the present time; and

WHEREAS, Tex-Ark Joist Company plans to locate a facility; and

WHEREAS, the County and developers agree to provide the necessary right-of-way at no cost to the Commonwealth; and

WHEREAS, the location of Tex-Ark Joist Company in Dinwiddie County will aid the economy of the County and area in general; and

WHEREAS, the Board of Supervisors of Dinwiddie County concurs with the use of Industrial Access Funds for this project; and

WHEREAS, Industrial Access Road Funds are available under 33.1-221 of the Code of Virginia to improve or construct access to these industrial sites;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, this 18th day of January, 1989, that it does hereby request that the Virginia Department of Transportation Commission commit Industrial Access road funds to relocate, improve and construct an Industrial Access Road to said industrial site.

IN RE: RESOLUTION -- INDUSTRIAL RAIL ACCESS

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

WHEREAS, Tex-Ark Joist Company has expressed its intent and desire to the Dinwiddie County Board of Supervisors to locate its industrial operations in the County, which will involve a capital investment of \$3 million and create 200-250 new jobs; and,

WHEREAS, this business and its operations will require rail access; and,

WHEREAS, this railroad access is anticipated to provide a movement of undetermined rail cars per year; and

WHEREAS, officials of Tex-Ark Joist Company have reported to the County their intent to apply for Industrial Access Railroad Track Funds from the Commonwealth of Virginia ~~in the amount of \$200,000~~; and,

WHEREAS, Tex-Ark Joist Company has requested that the Dinwiddie County Board of Supervisors provide a Resolution concerning support for its application for said funds which are administered by the Virginia Department of Transportation;

NOW THEREFORE BE IT RESOLVED THAT THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, hereby endorses and supports the application of Tex-Ark Joist Company for ~~\$200,000~~ in Industrial Access Railroad Track Funds; and,

BE IT FURTHER RESOLVED THAT THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA hereby makes known its desire and intent to assist the Virginia Department of Transportation in providing the maximum financial assistance to Tex-Ark Joist Company for the purpose of locating its industrial facility in Dinwiddie County.

EXTRACT

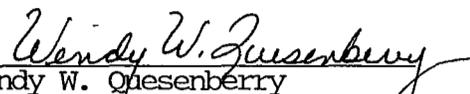
EXTRACT

Amended  
Feb 15, 1989  
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IN RE: ADJOURNMENT

Upon motion of Mr. Moody, seconded by Mr. Bracey, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", the meeting was adjourned at 10:55 p.m.

  
Aubrey S. Clay  
Chairman, Board of Supervisors

ATTEST:   
Wendy W. Quesenberry  
Interim County Administrator

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