

VIRGINIA: AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE ADMINISTRATION BUILDING, DINWIDDIE, VIRGINIA, ON THE 15TH DAY OF MARCH, 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

ROY HODGES DEPUTY SHERIFF
JAMES E. CORNWELL, JR. COUNTY ATTORNEY

IN RE: MINUTES

Upon motion of Mr. Moody, seconded by Mr. Harrison, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", the minutes of the March 1, 1989 Regular Meeting, and the March 7, 1989 Continuation Meeting were approved as presented.

IN RE: CLAIMS

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 the following claims be approved and funds appropriated for same, using checks numbering 3636 - 3749: General Fund - \$65,059.02; Self-Insurance - \$177.00, for a total of \$65,236.02.

IN RE: AMENDMENTS TO AGENDA

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

- 10.a - Asbestos Testing - Jail
- 10.b - DeWitt School Property
- 10.c - Bond Issue - Educational Equipment
- 10.d - Fax Machine
- 11.3 - Executive Session - Legal

IN RE: PUBLIC HEARING - P-89-1 -- CHARLES R. JOHNSON

This being the time and place as advertised in the Progress-Index Newspaper on Wednesday, March 1 and 8, 1989, for the Board of Supervisors to conduct a public hearing to consider an Application for Amendment to the Zoning Ordinance submitted by Charles R. Johnson.

Mr. Joe Emerson, Director of Planning and Economic Development, presented the application submitted by Mr. Charles R. Johnson to rezone land parcel 20-78D, consisting of five (5) acres, from Agricultural, General, District A-2 to Business, General, District B-2. The property is located in the Rohoic Magisterial District, west of Rohoic Elementary School on Route 460.

Mr. Johnson applied for the rezoning to allow him to develop the property for commercial use. In view of the recent rezoning of the Marek property, the business zoning west of the Johnson property, and the trend down the Rt. 460 corridor towards Industrial and Commercial use, Mr. Emerson advised Mr. Johnson's request was appropriate.

The Planning Commission unanimously recommended approval of Mr. Johnson's request at its February 8, 1989 meeting.

Mr. Johnson was present to speak in favor of the amendment. He stated he planned on building a small shopping center which would have approximately six retail stores, mini-storage and auto sales lot in this area. No one spoke against the amendment.

Mr. Bracey asked Mr. Emerson if there was any written opposition because of the location next to Rohoic Elementary School. Mr. Emerson said he had not received any opposition from any of the adjacent property owners.

Upon motion of Mr. Robertson, seconded by Mr. Harrison, 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 Land Parcel 20-78D of the Dinwiddie County Zoning Maps, be amended by changing the district classification from Agricultural, General, District A-2 to Business, General, District B-2. Said property is located in the Rohoic Magisterial District west of Rohoic Elementary School on Route 460. In all other respects, said zoning ordinance is hereby reordained.

IN RE: PUBLIC HEARING -- C-89-1 -- CONDITIONAL USE PERMIT --
JOHN A. CAIRNES

This being the time and place as advertised in the Progress-Index Newspaper on Wednesday, March 1 and 8, 1989, for the Board of Supervisors to conduct a public hearing to consider a Conditional Use Permit request submitted by John A. and Doris F. Cairnes to operate an auto body repair shop on Land Parcel 69A(2)8. This property is located in the Sapony District on the southeast side of U.S. Route 1.

Mr. Joe Emerson, Director of Planning & Economic Development, presented the application for a Conditional Use Permit submitted by John A. and Doris F. Cairnes to operate an auto body repair shop on U.S. Route 1, Land Parcel 69A(2)8. Mr. Emerson advised that the Board amended Agricultural, General, District A-2 to allow auto body repair shops with a conditional use permit. Mr. Emerson advised this was an existing business and has cooperated by applying for this permit. After discussion with Jim Rice, Public Safety Officer, Mr. Emerson and the Planning Commission unanimously approved the permit with the following conditions at its February 8, 1989 meeting:

1. All statewide building codes.
2. All statewide fire prevention codes.
3. All Non-hazardous and hazardous waste disposal laws.
4. No vehicles stored over 90 days.
5. Subject to periodic inspection by the fire marshal.

Mr. Bracey stated he did not think auto body shop should be limited to 90 days.

No one spoke in favor of the permit.

Mr. Douglas Reese voiced his concern regarding the need to prevent junk yards. No one else spoke against the permit.

Upon motion of Mr. Bracey, 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 John A. and Doris F. Cairnes be granted a Conditional Use Permit to operate an auto body repair shop on Land Parcel 69A (2) 8, located on U.S. Route 1 in the Sapony District with the following conditions:

Must be in compliance with:

1. All statewide building codes.
2. All statewide fire prevention codes.
3. All Non-hazardous and hazardous waste disposal laws.
4. No vehicles stored in public view for over 90 days.
5. Subject to periodic inspection by the fire marshal.

IN RE: PUBLIC HEARING -- C-89-2 -- CONDITIONAL USE PERMIT --
ARTHUR M. BURTON

This being the time and place as advertised in the Progress-Index Newspaper on Wednesday March 1 and 8, 1989, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to consider a Conditional Use Permit request submitted by Arthur M. Burton to operate a Day Care Center on Land Parcels 9-27A, 9-67B, 9-66A. The property is located in the Rohoic District on Route 226 and is presently zoned Residential, General, R-2 Conditional.

Mr. Emerson advised this was another housekeeping measure, as the Day Care Center has been in operation at this location since 1966.

Mr. Emerson advised in October the Board amended Residential, General, District R-2 to allow as a permitted use "Day Care Centers" with a conditional use permit. At the same meeting the Board approved a conditional rezoning for Mr. Burton changing the classification from R-1 to R-2. The Conditional Use Permit was added to Day Care Centers for use in situations where special conditions exist and no rezoning is required. In Mr. Burton's situation, a rezoning was required and the Planning Commission felt a conditional rezoning gave more control over the use of the property. In view of the existing proffered conditions, Mr. Emerson saw no reason to add additional restrictions on Mr. Burton. However, Mr. Emerson requested the Board to adopt the same conditions as the conditional rezoning on the conditional use permit.

Mr. Emerson advised the Planning Commission unanimously recommended approval of Mr. Burton's conditional use permit with the same conditions as the conditional rezoning at its February 8, 1989 meeting.

No one spoke in favor of or against the permit.

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 Arthur M. Burton be granted a Conditional Use Permit to operate a Day Care Center on his property located on Route 226 in the Rohoic District, Land Parcel 9-27A, 9-67B, and 9-66A; zoned Residential, General, R-2 Conditional, with the same proffered conditions as the conditional rezoning being applied:

Permitted Uses: All uses in Residential, General, District R-2 will be waived, except for "Day Care Centers" (with a Conditional Use Permit), and all other uses and restrictions in Residential, Limited, District R-1 will remain in effect. Thus, permitted uses shall be as follows:

Permitted Uses:

1. Single Family Dwellings
2. Schools
3. Churches
4. Parks and Playgrounds
5. Off-Street parking as required by this Chapter
6. Accessory Building
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), requirements for installation of a mobile home with a conditional use permit.
12. "Day Care Centers" (with a conditional use permit)

Violation of Proffers: In the event of a breach by Mr. Arthur M. Burton of these proffers and a failure to cure such breach, the zoning administrator shall have the right to take such actions as set forth in Section 22-24(c) of the Dinwiddie County Zoning Ordinance.

IN RE: PUBLIC HEARING -- A-88-34 -- HOME OCCUPATIONS - R-1
-- A-88-35 -- HOME OCCUPATIONS - R-1A
-- A-88-36 -- HOME OCCUPATIONS - A-R

This being the time and place as advertised in the Progress-Index Newspaper on Wednesday, March 1 and 8, 1989, for the Board of Supervisors to conduct a Public Hearing to consider amendments to Section 22-114, Section 22-127 and Section 22-96, to allow as a permitted use "Home Occupation, as defined, conducted by the occupant" to Residential Limited, District R-1; Residential, Limited, District R-1A; and Agricultural, Rural Residential, District A-4.

Mr. Emerson explained that at the February 8, 1989 Planning Commission meeting, they unanimously approved addition of Home Occupations as a permitted use in R-1, R-1A and A-R with the following restrictions.

"Home Occupations, as defined, conducted by the occupant" with the following stipulations:

1. No outside storage or evidence of occupation.
2. No advertising on site or by signs near the property.
3. No public garages (as defined).
4. No occupation that is allowed in an Industrial M-2 Zone.
5. No operations between 10 p.m. and 9 a.m.

No one spoke in favor of or against the amendments. Mr. T. VanPelt questioned advertising on a pickup truck. Mr. Emerson said that is not considered advertising under these amendments.

Upon motion of Mr. Moody, seconded by Mr. Harrison, 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 Section 22-114 of the Dinwiddie County Code is hereby amended to add as permitted use in Residential, Limited, District R-1 zone the following use:

Home Occupations as defined by Section 22-1 of this Code, conducted by the occupant and subject to the following stipulations and conditions:

- (1) No outside storage or evidence of occupation.
- (2) No advertising on site or by signs near the property.
- (3) No public garages (as defined).
- (4) No occupation that is allowed in an industrial M-2 zone.
- (5) No occupations between 10 p.m. and 9 a.m.

BE IT FURTHER ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Section 22-127 of the Dinwiddie County Code is hereby amended to add as permitted use in Residential, Limited, District R-1A zone the following use:

Home Occupations as defined by Section 22-1 of this Code, conducted by the occupant and subject to the following stipulations and conditions:

- (1) No outside storage or evidence of occupation.
- (2) No advertising on site or by signs near the property.
- (3) No public garages (as defined).
- (4) No occupation that is allowed in an industrial M-2 zone.
- (5) No occupations between 10 p.m. and 9 a.m.

BE IT FURTHER ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Section 22-96 of the Dinwiddie County Code is hereby amended to add as permitted use in Residential, Limited, District A-R zone the following use:

Home Occupations as defined by Section 22-1 of this Code, conducted by the occupant and subject to the following stipulations and conditions:

- (1) No outside storage or evidence of occupation.
- (2) No advertising on site or by signs near the property.
- (3) No public garages (as defined).

- (4) No occupation that is allowed in an industrial M-2 zone.
- (5) No occupations between 10 p.m. and 9 a.m.

IN RE: PUBLIC HEARINGS -- A-88-40 AND C-88-15 -- JANET D. CLAYTON

This being the time and place as advertised in the Progress-Index Newspaper on Wednesday, March 1 and 8, 1989, for the Board of Supervisors to conduct a Public Hearing to consider an Application for Amendment to the Zoning Ordinance, as well as an Application for Conditional Use Permit submitted by Janet D. Clayton.

Mr. Emerson advised Mrs. Clayton has submitted an application seeking to rezone the district classification of land parcels 9-3 and 21-1, located in the Rohoic District, from Residential R-1 to Agricultural A-2. The property is located on the north side of the N & W Railway east of the Lone Star-Tarmac Quarry Operation near State Route 633. The reason for Mrs. Clayton's request is that she has been approached by Lone Star Tarmac to operate a quarry upon her property. Under the current residential zoning, a quarry operation is not allowed. After a two month study of the proposal, the Planning Commission approved a conditional rezoning and a conditional use permit based upon proffers made by Mrs. Clayton and Lone Star-Tarmac.

William D. Allen, III, Esq., representing Janet D. Clayton, appeared to speak in favor of the requests. He stated State Route 633 will not be used as a route for transporting the products; instead, the already existing entrance onto Route 266 will be utilized. He stated 107 acres will be used to permit the sand, gravel and crushed stone operation. He stated it will be 7 to 10 years before mining will commence on the property. Also, there is a buffer and sound barrier that will be adhered to. No one else spoke in favor of the requests.

No one spoke in opposition to the requests.

Upon motion of Mr. Robertson, seconded by Mr. Harrison, 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 Land Parcels 9-3 and 21-1, Rohoic District, of the Dinwiddie County Zoning Maps, be amended by changing the district classification from Residential R-1 to Agricultural A-2. Said property is located on the north side of N & W Railway east of the Lone Star-Tarmac Quarry Operation near State Route 633. In all other respects, said zoning ordinance is hereby reordained.

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 Janet D. Clayton be granted a Conditional Use Permit to allow sand, gravel and crushed stone operations on a portion of Parcels 9-3 and 21-1, Rohoic District, located on the north side of N & W Railway, east of the Lone Star-Tarmac Quarry operation, near State Route 633. The portion of the parcels for which the permit is sought consists of approximately 107 acres (of the approximately 222 acres in the 2 parcels) and excludes land in the northern and eastern ends of the Parcels. The following proffered conditions shall be applicable:

(1) A buffer zone with a minimum width of 75 feet shall be maintained between the northern, eastern, and southern boundary lines of the aggregate tract composed of Land Parcels #9-3 and #21-1 and any mining operations on the tract or any storage piles of dirt or other overburden removed in the process of mining.

(2) Trees, including evergreens, and other vegetation shall be planted, or shall be allowed to remain if already in place, in the buffer zone to aid as a barrier to sight from adjoining properties.

(3) Dirt and other overburden which is removed and relocated in the process of mining may not be placed within the buffer zone, nor may it be piled to a level which exceeds the height of trees or other vegetation serving as barriers to sight.

(4) State Route No. 633 will not be used as a route for the transport of stone or other mined materials.

IN RE: PUBLIC HEARING -- A-89-4 -- SMOKE DETECTORS

This being the time and place as advertised in the Progress-Index Newspaper on March 1 and 8, 1989, for the Board of Supervisors to conduct a Public Hearing to consider an amendment to Chapter 10 of the Dinwiddie County Code to add Article IV, Smoke Detectors in Certain Buildings.

Mr. Jim Rice, Public Safety Officer, presented the ordinance, which the County Attorney pointed out was copied from the State Code.

The following spoke in favor of the ordinance: Mr. Butch Henshaw, Assistant Chief, Ford VFD; Mr. Bob Mengel, Chief, Dinwiddie VFD; Mr. Bill Queen, Chief, Namozine VFD; Mr. Willard Walker; and Mr. Doug Reese.

Mr. J. S. Major opposed the government regulating his personal safety.

Mr. Harrison did not feel five days was sufficient time for the owner to make repairs to malfunctioning smoke detectors and wanted it changed to 15 days.

Upon motion of Mr. Harrison, seconded by Mr. Robertson, 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 previously adopted, be amended by the following additions to Chapter 10 and in all other respects be reordained:

That Article IV be added as follows:

ARTICLE IV. SMOKE DETECTORS IN CERTAIN BUILDINGS

Sec. 10-26. Smoke detectors required.

The owner or owners of the following structures or buildings shall install smoke detectors in such structures or buildings:

- (1) Any building containing one or more dwelling units.
- (2) Any hotel or motel regularly used, offered for, or intended to be used to provide overnight sleeping accommodations for one or more persons.
- (3) Rooming houses regularly used, offered for, or intended to be used to provide overnight sleeping accommodations.

Sec. 10-27. Types of smoke detectors--Method of installation.

Such smoke detectors shall be either battery operated or AC powered units and shall be installed in conformance with the provisions of the Uniform Statewide Building Code.

Sec. 10-28. Certificates, Rented, or Leased Units.

Any owner required by this article to install smoke detectors in any unit which is rented or leased, at the beginning of each tenancy and at least annually thereafter, shall furnish the tenant with a certificate that all required smoke detectors are present, have been inspected, and are in good working order.

Sec. 10-29. Tenants' and owners' interim responsibilities.

Except for smoke detectors located in hallways, stairwells, and other public or common areas of multi-family buildings, interim testing, repair and maintenance of smoke detectors in rented or leased units shall be the responsibility of the tenant; however, the owner shall be obligated to service, repair or replace any malfunctioning smoke detectors within fifteen (15) days of receipt of written notice from the tenant that such smoke detector is in need of service, repair, or replacement.

Sec. 10-30. Exemptions.

Any building containing fewer than four (4) dwelling units which was not in compliance with the preceding sections of this chapter on July 1, 1984, shall be exempted from the requirements of this article until such time as that building or any dwelling unit therein is sold or rented to another person.

IN RE: PUBLIC HEARING -- A-89-5 -- FARM MACHINERY -- TAX EXEMPTION
PUBLIC HEARING -- A-89-6 -- FARM ANIMALS -- TAX EXEMPTION

This being the time and place as advertised in the Progress-Index Newspaper on Monday, February 27 and Monday March 6, 1989, for the Board of Supervisors to conduct a public hearing to consider for adoption an ordinance to amend Chapter 19 of the Dinwiddie County Code to add Article X - Exemptions, Section 19-117 - Farm Machinery and Section 19-118 - Farm Animals.

Mr. Jim Cornwell introduced the amendments and gave a brief background on each. He advised that it had been brought to his attention that Farm Machinery had been assessed separately for taxation purposes and that the tax rate had been set at zero for the past few years. The question arose concerning assessment of property that had a tax rate of zero. Assessment had not been done due to the fact the tax had been dropped on Farm Machinery. He looked into the situation and quoted Section 58.1-3505 of the Code of Virginia. From his review of the County ordinances, he found that the County advertised and passed an ordinance imposing a separate tax rate on Farm Machinery on May 21, 1980. He said this ordinance was appropriate under the State Code. He noted that this action has been continued annually by adoption of separate tax rates for Farm Machinery. However, he cannot find any advertisement for or the adoption of any ordinance designating Farm Animals as a separate category and exempting them from taxation. The same ordinance which delineated Farm Machinery as a separate class, only addressed any exclusion of Farm Animals by the phrase "excluding livestock" in parenthesis after the setting of the rate for personal property. After research, he felt it was the intent of the Board to exclude Farm Animals from taxation. However, to resolve any question this action needs to be addressed by formal Board action.

In the response to the assessment of Farm Machinery, Mr. Cornwell could find no Board action exempting Farm Machinery from taxation. He did find action establishing it as a separate classification for valuation and rate setting. Although the rate on Farm Machinery has been zero for the last few years, this does not relieve the Commissioner of the Revenue of the burden of assessment. Only exempting Farm Machinery from taxation would avoid assessment by the Commissioner of the Revenue.

To resolve these issues, Mr. Cornwell suggested the Board consider passage of ordinances clarifying the Board's actions of May 24, 1980, and establishing Farm Machinery and Farm Animals as separate classes for valuations for taxation. As part of these ordinances, the Board could exempt one or both of these classes from taxation. Should the Board not desire to exempt either or both classes from taxation, the Board should set a rate on the nonexempt class at the same time it sets all of the other tax rates.

Mr. Cornwell advised that since 1980, Farm Animals have not been assessed or taxed. Farm Machinery was assessed and taxed, however, the tax rate has been set at zero over the past few years. Thereafter, the Commissioner of the Revenue stopped assessing it. Although the tax rate is set at zero, this does not relieve the Commissioner of the Revenue from assessing Farm Machinery due to the fact it is taxable property. However, if Farm Machinery is exempt, it does not have to be assessed.

Regarding Farm Animals, Mr. Cornwell, Mr. Bolte and Mrs. Marston could find no Board action exempting Farm Animals from taxation. Around 1980, Farm Animals simply stopped being assessed and taxed. He felt this was due to a misunderstanding between the Board and the Commissioner of the Revenue. He stated that Farm Animals needed to either be assessed and taxed, or assessed with a rate of zero, or exempted.

The following spoke in favor of exempting both Farm Machinery and Farm Animals: R. C. Clarke - President, Dinwiddie County Farm Bureau, Wayne Barnes, Granville Maitland, Robert Spiers. Mr. Gilbert Wood asked for a definition of farm animal. Mr. Doug Reese asked if the exemption would apply to a business.

No one spoke against the ordinances.

Upon motion of Mr. Moody, seconded by Mr. Bracey, 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 previously adopted and amended, be further amended by the following changes and additions to Chapter 19 by the addition of Article X and Section 117 thereto, and in all other respects be reordained:

ARTICLE X. EXEMPTIONS

Section 19-117. Farm Machinery

Pursuant to Section 58.1-3505 of the Code of Virginia, farm machinery and farm implements as therein defined and classified are hereby declared to be a separate class of property for local taxation separate from other such classification of real or personal property and such farm machinery and farm implements as so defined shall be hereafter exempt from local taxation by the County of Dinwiddie.

BE IT FURTHER ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the Dinwiddie County Code, as previously adopted and amended, be further amended by the following changes and additions to Chapter 19 by the addition of Section 118 thereto, and in all other respects be reordained:

ARTICLE X. EXEMPTIONS

Section 19-118. Farm Animals

Pursuant to Section 58.1-3505 of the Code of Virginia, farm animals as therein defined and classified are hereby declared to be a separate class of property for local taxation separate from other such classification of real or personal property and such farm animals as so defined shall be hereafter exempt from local taxation by the County of Dinwiddie.

IN RE: PUBLIC HEARING -- A-89-7 -- ARTS & CRAFTS - LICENSE EXEMPTION

This being the time and place as advertised in the Progress-Index Newspaper on Wednesday, March 1 and 8, 1989, for the Board of Supervisors to conduct a public hearing to consider an amendment to Section 13-1.3 of the Dinwiddie County Code.

Ms. Fran Hart, Director of Parks & Recreation, presented this ordinance to amend the Business License Tax to exempt sales of goods for arts and crafts shows which are sponsored by nonprofit clubs or civic organizations, and governmental bodies.

Mr. Robertson asked if the home occupations would be included under this. Mr. Cornwell stated that home occupations are still subject to Business License Tax. Ms. Hart explained this is for people who want to participate in a single event, or an Arts & Crafts Fair and who make their wares as hobbies and not wholesale.

Mary Conover spoke in favor of this amendment. No one opposed the amendment.

Upon motion of Mr. Moody, seconded by Mr. Robertson, 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 January 1, 1987, be amended by the following change to Chapter 13, Section 13-1.3 and in all other respects be reordained:

Sec. 13-1.3. Limitation with respect to sales at art and craft shows.

Notwithstanding any provision contained herein, no license tax shall be imposed or levied upon any person solely because of the sale of goods by that person at any arts and crafts show conducted in Dinwiddie County by any governmental body or any non-profit club or civic organization.

IN RE: FAIR HOUSING PROCLAMATION

Mrs. Wendy Quesenberry, Interim County Administrator, advised that April has been designated as "Fair Housing Month" and the Southside Board of Realtors and the Community Housing Resource Board have asked the surrounding communities to join with them in promoting fair housing by adopting a proclamation. She requested the Chairman be authorized to be present to sign the proclamation on Wednesday, March 22, 1989 at 12:00 noon at Petersburg City Hall.

Upon motion of Mr. Robertson, seconded by Mr. Bracey, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", the Chairman is authorized to sign the following proclamation designating April as Fair Housing Month.

WHEREAS, the month of April 1989 marks the 21st anniversary of the passage of the National Fair Housing Law, Title VIII of the Civil Rights Act of 1968; and

WHEREAS, the Fair Housing Law was constructed and adopted with the goal of elimination of discrimination of housing opportunities and to further housing choices for all Americans; and

WHEREAS, it is proper at this time to reflect upon the intent and the accomplishments of the National Fair Housing Law and the Virginia Fair Housing Law to reiterate and reinforce all efforts undertaken toward the protection of all persons;

NOW THEREFORE BE IT RESOLVED THAT THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, does hereby proclaim April 1989 as "FAIR HOUSING MONTH" in Dinwiddie County and ask the people of Dinwiddie County to join in reaffirming the belief of and commitment to the principles of equality and justice for all.

IN RE: TARGET RANGE PERMIT -- OLD HICKORY HUNT CLUB

Mr. Jim Rice, Public Safety Officer, presented an Application for a Target Range Permit from Old Hickory Hunt Club to conduct a Turkey Shoot on March 18, 1989, on property approximately 1/4 mile west of the intersection of Routes 40 and 619, on Route 40. The Turkey Shoot is an annual event; however, this will be at a new location. Mr. Rice has visited the site and recommended approval of the permit.

Upon motion of Mr. Bracey, seconded by Mr. Moody, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", the Old Hickory Hunt Club is granted a Target Range Permit to hold a Turkey shoot on March 18, 1989 on property owned by Old Hickory Hunt Club, 1/4 mile west of the intersection of Routes 40 and 619, on Route 40, with all conditions stated therein.

EXTRACT

IN RE: BOAT LANDING OPERATION

Mrs. Wendy Quesenberry, Interim County Administrator, requested the Awarding of the Contract be postponed until the April 5th meeting, as she was in the process of working details out with the Game Commission.

IN RE: ASBESTOS TESTING -- JAIL

EXTRACT
Mr. Jim Rice, Fire Marshal, advised that State law requires an asbestos survey be conducted in the jail before a building permit can be issued for the proposed renovations. He contacted six companies that are licensed to conduct such surveys for prices and had received four bids:

BCM Engineers, Inc.	\$3,750.00
Schneider & Associates, Inc.	\$2,000.00
Jordan Enterprises, Inc.	\$1,300.00
Analytics Laboratory	\$ 600.00

Mr. Rice recommended acceptance of the low bid of \$600.00 from Analytics Laboratory of Richmond, Virginia.

Upon motion of Mr. Harrison, 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 Analytics Laboratory, of Richmond, Virginia, be awarded the bid for \$600.00 to perform an asbestos survey of the jail.

IN RE: DEWITT SCHOOL PROPERTY UPDATE

Mr. Jim Cornwell, County Attorney, advised the DeWitt School Property deed had been received quit claiming the property back to the County. The County's expense for recording the deed will be around \$12.00. There will be no consideration paid for the return of the property.

IN RE: BOND ISSUE -- EDUCATIONAL EQUIPMENT

Mrs. Wendy Quesenberry, Interim County Administrator, presented the following for Dr. Vaughn, who had a prior commitment. She advised that at an earlier meeting, Dr. Vaughn, Superintendent of Schools, asked permission to enter a statewide program where educational equipment will be purchased and financed by the State through a Bond Issue. The equipment involved 27 computers and seven printers for the Middle School; a Satellite Dish, TV, VHS Recorder, Fax Machine and telephone for the High School. The total cost for this equipment is \$50,289.75. She stated the County has to follow the procedures of a Bond Issuance; however, the State will make the payments. She stated upon her request, Dr. Vaughn rechecked and there will no up front money required from the County. The Bond payments will be made by the State for the first two years. The remaining funding must be reappropriated by the General Assembly. She requested permission to advertise for a public hearing.

Mr. Bracey asked if this was the same proposal as previously requested, as he did not recall where Bond issuance was mentioned in that particular proposal. Mrs. Quesenberry stated this was the same proposal he asked for previously. She advised this is a Statewide Bond Issue, through the Virginia Public School Authority. Mr. Bracey stated this is to be totally taken care of by the State of Virginia. Mrs. Quesenberry said the General Assembly would appropriate the funds for two years, and at the previous meeting, Dr. Vaughn stated he thought they would continue the payments. Mr. Bracey requested Mrs. Quesenberry to get an understanding from Dr. Vaughn that this is the School Board's responsibility and not the County's. Mr. Bracey asked Mrs. Quesenberry who is going to pay for the advertisement. She advised the bill for advertisement will be forwarded to the School Board.

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

Board is authorized to advertise for a public hearing regarding a Bond Issue on Educational Equipment to be held at the April 5, 1989 meeting.

IN RE: FAX MACHINE REQUEST

Mrs. Wendy Quesenberry advised that she was looking into the purchase of a Fax Machine and stated that it has almost become a necessity in doing business with industries and financing. She was asked to look into prices of a Fax Machine to see if there was anything that could be done before the upcoming budget. She stated Jim Cornwell had obtained prices and there was a Fax Machine available through State Contract which would allow the County to lease it through June, and budget for the payoff in July. She stated the Administrative Office already has a phone number and line that can be dedicated to the Fax Machine. She stated they had the information and asked the Board for their guidance.

Mr. Clay stated he would like to find out more about the request before making his decision. Mr. Bracey stated that the office was at a disadvantage in not having one, due to the Economic Development needs, and he felt it would help some of the other agencies in the County and recommended approval.

Mr. Cornwell stated he reviewed specifications on 21 machines from six different manufacturers and the prices vary. However, the one listed on State Contract is between \$800 and \$1,000 under actual retail price.

Mr. Harrison recommended waiting until budget time to consider the purchase of the machine. Mr. Bracey requested the County not use anyone else's Fax Machine until one is purchased by the County. Mr. Clay agreed with Mr. Bracey.

Mr. Moody asked the cost of sending a document through Fax lines, as opposed to Federal Express. Mr. Emerson stated it was the cost of the telephone call, as opposed to \$12.00 Federal Express.

Upon motion of Mr. Bracey, seconded by Mr. Harrison, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", the Fax Machine purchase was tabled until April 5, 1989.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Harrison, seconded by Mr. Moody, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", pursuant to Section 2.1-344 (5), (6) and (7) of the Virginia Freedom of Information Act, the Board moved into Executive Session at 9:40 p.m. to discuss investment of funds, industrial and legal matters. A vote having been made and approved, the meeting reconvened into Open Session at 10:42 p.m.

IN RE: AUTHORIZATION OF CHAIRMAN TO SIGN BOND AGREEMENT

EXTRACT

Mr. Jim Cornwell, County Attorney, advised that Tex-Ark Joist Company will be locating in the County soon and the Dinwiddie Industrial Development Authority will be issuing \$3,000,000 worth of Bonds for that industry to build the building. The Dinwiddie Industrial Development Authority will own the building and will lease it to the Company. The lease payments will make the payments on the Bond. Tex-Ark Joist Company and the Dinwiddie Industrial Development Authority have been working with FinCorp Capital Markets, of Richmond, Virginia, on the Bonds. FinCorp is willing to purchase the Bonds; however, it needs the Board's authorization, as well as the Dinwiddie Industrial Development Authority to authorize them to purchase the Bonds. He requested a Resolution authorizing the Chairman of the Board of Supervisors to sign a letter of agreement to FinCorp's commitment to purchase the \$3,000,000 bonds for Tex-Ark Joist.

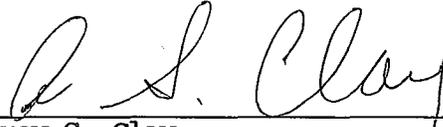
Upon motion of Mr. Robertson, seconded by Mr. Moody, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye",

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the Chairman of the Board of Supervisors is authorized to

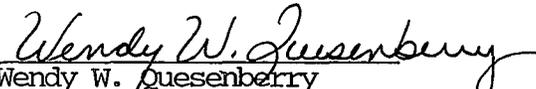
sign a letter of agreement with FinCorp Capital Markets to purchase \$3,000,000 bonds for Tex-Ark Joist Company, Inc.

IN RE: ADJOURNMENT

Upon motion of Mr. Harrison, seconded by Mr. Robertson, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", the meeting was adjourned at 10:48 p.m.



Aubrey S. Clay
Chairman, Board of Supervisors

ATTEST: 
Wendy W. Quesenberry
Interim County Administrator