

VIRGINIA: AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE ADMINISTRATION BUILDING, DINWIDDIE, VIRGINIA, ON THE 17TH DAY OF MAY, 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
	JAMES E. CORNWELL, JR.	COUNTY ATTORNEY
	CLAUDE TOWNSEND	DEPUTY SHERIFF

IN RE: MINUTES

Mrs. Wendy Quesenberry, Interim County Administrator, stated in the May 10, 1989 Special Meeting minutes, the Board met briefly after the Student Government Day meeting and during the meeting Mr. Clay advised there was a change order needed for the jail to replace the electrical service and to increase the service to 600 amp. David Lucas Electrical Contractor submitted a proposal for \$4,550. She requested this be incorporated into the May 10, 1989 Special Meeting 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 May 3, 1989 Special Meeting, the May 3, 1989 Regular Meeting were approved as presented and the May 10, 1989 Special Meeting were approved with the following amendment:

IN RE: JAIL IMPROVEMENTS -- REPLACEMENT OF BREAKER PANEL

The Chairman advised the Board that during the renovation work at the jail facility, some electrical lines were cut which because of faulty breakers, resulted in damage to the existing breaker panel. The electrician stated he could replace the existing 400 amp service with another 400 amp; or, for a small increase in cost, increase the service to 600 amp for a cost of \$4,550. The Board members agreed the 600 amp service would be more adequate and instructed the County Administrator to authorize the 600 amp service and to save the old panel box for surplus.

IN RE: CLAIMS

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 the following claims be approved and funds appropriated for same, using checks numbering 4243 to 4368: General Fund - \$74,931.04; Capital Projects - \$8,747.75; Self-Insurance - \$6,426.14; Law Library - \$105.35; E911 - \$97.63; for a total of \$90,307.91.

IN RE: AMENDMENTS TO AGENDA

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

12. Landfill Equipment
 1. Report on Traxcavator
 2. Compactor
 3. Financing
13. Jail Improvements
 1. Resolution to Carry Over State Funds
14. Executive Session
 1. Personnel

IN RE: P-89-7 -- JAMES WYATT

The vote at the May 3, 1989 meeting was tied 2 to 2 on the rezoning request of Mr. James Wyatt. Because all members were not present, it was automatically deferred until this meeting.

Attorney James Shannon, appeared before the Board on behalf of Mr. Wyatt. He advised Mr. Wyatt purchased the 15 acres in late February after conferring with County officials who advised Mr. Wyatt and Mr. Bain, his realtor, that there should be little problem with rezoning the property to B2 since there was other commercial property located north and south of this parcel. Mr. Shannon stated Mr. Wyatt's intended purpose for this land is an automobile dealership, which is his current business. Mr. Wyatt is asking to be treated as others who have appeared before the Board requesting B2 zoning.

Mr. Harrison stated if Mr. Wyatt wanted to only put a car dealership on this property, he could do so with the property's present zoning. Mr. Harrison's concern was that Mr. Wyatt had not presented any plans to the Planning Commission for development of the 15 acres and it was located in front of the Dinwiddie Middle School.

Mr. Bracey stated the County Code calls for the rezoning of this property as presented and we should do this. No where in the Code does it state that the individual has to submit a development plan when the rezoning request is submitted.

Mr. Moody advised the Code states that any property can be rezoned and every piece of property is different because each has a certain entity about it due to the location throughout the County. He stated B2 zoning has approximately 40 different uses which is a wide range of uses for a piece of property. Mr. Moody said he had no problem with rezoning five acres or whatever Mr. Wyatt needs now and when he grows in the future to bring another request before the Board.

Mr. Bracey made the motion to grant P-89-7 Rezoning Application submitted by James L. Wyatt from Agricultural, General, District A-2 to Business, General, District B-2. There was no second. Mr. Bracey and Mr. Clay voting "aye"; Mr. Harrison, Mr. Moody, Mr. Robertson voting "no", P-89-7 submitted by James Wyatt is denied.

IN RE: PUBLIC HEARING -- A-89-8 -- R. J. ENTERPRISES, INC.

This being the time and place as advertised in the Progress-Index Newspaper on Wednesday, May 3 and May 10, 1989, for the Board of Supervisors to conduct a Public Hearing to consider an amendment to the Zoning Ordinance.

Mr. R. J. Emerson, Director of Planning, presented an application submitted by R. J. Enterprises, Inc. to amend Section 22-196 of the Code of Dinwiddie County to allow as a permitted use "Storage Warehouses with a Conditional Use Permit" in Division 13, Shopping Center District, B-3. Permitted uses in Shopping Center District B-2 include the following:

- Retail commercial and service establishments serving the needs of the market area, including those uses ordinarily accepted as shopping center uses.

- A veterinary hospital, with a conditional use permit.

R. J. Enterprises has made this request to amend B-3 to allow the corporation the right to apply for a Conditional Use Permit and Building Permit to construct "Storage Warehouses" on their B-3 property. If the request is approved, R. J. Enterprises will have to reapply to the Planning Commission and the Board for a Conditional Use Permit before they will be issued a building permit.

The Planning Commission, at their April meeting, unanimously recommended approval of this request.

Mr. Rudy Hawkins and James Murphy, the stockholders of R. J. Enterprises, Inc., appeared before the Board. Mr. Hawkins presented his

plan for the property. He stated the mini-storage facility will have low density lighting, operating hours 7:00 a.m. to 7:00 p.m., with the area totally fenced in. Mr. Robertson asked if a wooden privacy fence could be erected as he had received a request from an adjacent property owner. Mr. Hawkins advised a wooden privacy fence will be erected at the property line blocking the view of adjacent property owners and presented Mr. Robertson with a statement from Russell Fencing authorizing them to erect the fence.

No one spoke in opposition to the request.

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 22-196 of the Code of Dinwiddie County, as previously adopted, be amended to add as a permitted use "Storage Warehouses with a Conditional Use Permit" in Division 13, Shopping Center District, B-3, and in all other respects be reordained.

IN RE: PUBLIC HEARING -- A-89-9 -- SECTION 22-223

This being the time and place as advertised in the Progress-Index Newspaper on Wednesday, May 3 and May 10, 1989, for the Board of Supervisors to conduct a Public Hearing to consider an amendment to Section 22-223 of the Dinwiddie County Code to add as a permitted use "Generation and Cogeneration of Electricity" to Division 14, Industrial, General, District M-2.

Mr. R. J. Emerson, Director of Planning, presented the amendment. He stated the Staff is requesting this amendment to the County Code in order to accommodate current and future industrial prospects. Virginia Power has been directed by the S.C.C. to purchase power from the private sector and this has produced many cogeneration projects in the Richmond-Petersburg area. Dinwiddie has been viewed by several projects and the County should be prepared to accommodate these tax-lucrative industries when they are going through the site-selection process. Therefore, he requested endorsement of the proposed amendment.

The Planning Commission unanimously recommended approval of this amendment at their April meeting.

Ms. Kay Winn requested a definition of generation and cogeneration electricity. Mr. Emerson explained that generation electricity is generally done by burning of something to produce steam and is the end user. Cogeneration is when someone from the private sector (host industry) produces electricity and sells it to the end user.

No one spoke in favor of the amendment; Ms. Kay Winn spoke in opposition to the amendment.

Upon motion of Mr. Harrison, seconded by Mr. Robertson, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", Mr. Bracey voting "no",

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the Dinwiddie County Code, as previously adopted, be amended to add as a permitted use "Generation and Cogeneration of Electricity" to Section 22-223, Division 14, Industrial, General, District M-2, and in all other respects be reordained.

IN RE: PUBLIC HEARING -- P-89-3 -- R. BEASLEY JONES

This being the time and place as advertised in the Progress-Index Newspaper on Wednesday, May 3 and May 10, 1989, for the Board of Supervisors to conduct a Public Hearing to consider a rezoning application submitted by R. Beasley Jones.

Mr. Moody requested to abstain from this issue due to a possible conflict of interest.

Mr. R. J. Emerson, Director of Planning, presented the application. Mr. R. Beasley Jones has submitted an application to rezone land parcels 31-8 and 44-2 from Agricultural, General, District, A-2 to Agricultural, Rural Residential, District, A-R. The property is located in the Rowanty Magisterial District on State Route 627, north of Dinwiddie High School.

Agricultural, General, District, A-2 covers the portion of the County into which urban-type development could logically expand as the need occurs. As a general rule, it surrounds residential sections. Domestic water and sewage facilities, police and fire protection and other services necessary to accommodate urban-type development already exist in the district or can be economically extended as urbanization takes place. This district is established for the specific purpose of (1) providing for the orderly expansion of urban development into territory surrounding incorporated areas within or adjacent to the county; (2) confining such development to such locations as can feasibly be supplied urban-type facilities; and (3) discouraging the random scattering of residential, commercial, and industrial uses into the area.

Agricultural, Rural Residential, District A-R is to encourage continued agricultural and forest use, protect environmentally and ecologically sensitive areas and preserve the natural beauty of rural areas of the county where urban services (i.e., water and sewer mains, etc.) are not planned. At the same time, the district is intended to provide development flexibility by allowing for spacious residential development for those who choose to live in a rural environment. All subdivision proposals will be carefully reviewed prior to granting an A-R classification to ensure that the proposal is compatible with the surrounding environment and existing land uses. All County ordinances will be in full effect in this district. Should a central water/sewer system be constructed, it shall meet the minimum standards and requirements promulgated by the Dinwiddie County Water Authority and appropriate state regulatory agencies.

Mr. R. Beasley Jones, through his agent, Mr. Jerry Cook, of Cook and Associates Realty, Inc., has applied for a rezoning from A-2 to A-R in order to develop two acre lots with 200 feet of road frontage along State Route 627.

The reason given on the application for rezoning states that the changes are necessary in order to meet the demand of the home buying market for this area of the County; the developer would be able to price the two acre lots lower and that should be more affordable than the allowable three acre minimum lot sizes.

In February of 1987, the Planning Commission approved a rezoning from Agricultural, A-2 to Agricultural, Rural Residential, A-R along State Route 627 north of Mr. Jones's property for Mr. William Walker. At that time, there existed no other form of relief for the parent tract ordinance under which Mr. Walker was constrained and he could not develop his property except for three - one acre lots; three - five acre lots; and one residual piece of property.

Since that time, the Planning Commission and the Board of Supervisors have worked together and devised a new way of subdividing agricultural properties which allow for three acre lots with 300 feet of road frontage along a state maintained road. It was brought up at the time that the county did not wish to have strip development in agricultural areas and that was the main reason for the parent tract law. It was also felt that the parent tract law denied people who owned large pieces of land the right of developing their property.

Therefore, it was the consensus of the Board of Supervisors and the Planning Commission that it would be more fair to limit the use of the property by a size rather than a number of lots.

Mr. Emerson stated there were two ways to review this rezoning:

(1) The rezoning to Agricultural, Rural Residential, District A-R will limit the uses that are available to this property while it does allow for development in a smaller area of two acres, 200 feet of road frontage; it also does not allow mobile homes; will only allow single family dwellings; parks, play grounds, and recreation areas; schools -

private or public; churches; off-street parking as required; and accessory buildings as defined. This is quite a bit less than what is allowed in an Agricultural, A-2 area. Basically, it would allow development of this property with residential restrictions.

Mr. Jones only wants to rezone the road frontage and not the property behind the road frontage lots.

(2) The rezoning is a circumvention of the current existing subdivision and zoning ordinance. Agricultural, Rural Residential basically is intended for areas that were in transition; which may be an arguable point whether or not this area is in transition. However, agricultural, rural residential is a subdivision zoning.

The Planning Commission, at its April meeting, was divided on this proposal. The problem seemed to have arisen over the mixed zones. When the vote was taken, there were three votes for approval, three votes for disapproval, and one abstention. Due to the tie vote, it was recommended as a denial.

Mr. Jerry Cook, of Cook & Associates Realty, Inc., and Mr. Ronald Gordon, Surveyor, met with Mr. Emerson and the plan conforms to all County ordinances.

Ms. Pauline Gholson requested the new homes be of high caliber as this was a quiet, family oriented long standing neighborhood and this proposed subdivision is across the road.

Mrs. Anne Scarborough asked the Board to stick to their ordinances concerning Agriculture zoning for the entire County. If the Board rezoned this land it would have to rezone each request presented in the future. She urged the Board to consider what they wanted agricultural zoned land to stand for.

Mr. Harrison asked if the Board was violating the zoning ordinance to turn down some and approve others. Mr. Emerson advised each piece of property is judged individually as an independent piece separate from itself and each one has different characteristics. The Board is not setting any precedence by approving or disapproving this particular piece.

Mr. Clay voiced his concern over the roads being maintained by the residents and not by the State.

After a lengthy discussion, Mr. Robertson requested to postpone their decision until the next meeting. Mr. Jones called for the Board to vote unless they had good reason.

Mr. Bracey made the motion to approve P-89-3 to rezone land parcel 31-8 and 44-2 from A-2 to A-R. There was no second. Mr. Bracey and Mr. Clay voted "aye"; Mr. Harrison and Mr. Robertson voted "no"; Mr. Moody abstained. The motion failed.

IN RE: RESOLUTION TO REASSESS

EXTRACT

Mrs. Wendy Quesenberry, Interim County Administrator, advised the State Code requires Counties to reassess every four years. The State does allow for an extension to six years and to be eligible for this extension, the Board would have to adopt a resolution asking for the extension to six years. At this time, it requires approximately 18 months to complete the general reassessment. In order to have the reassessment completed by December, 1991, it must be included in the 1990-91 budget which the cost is estimated to be between \$150,000 to \$200,000.

Mr. Harrison requested the Commissioner of the Revenue provide him with the costs and how much increase in assessment value the County will receive to see if it is feasible for the County to spend \$150,000 to reassess every four years or six years.

Mrs. Marston advised the 1986 general reassessment cost approximately \$100,000 which began in July, 1984 and took effect January 1, 1986. At that time there was an approximate 12% increase of assessment over six years. She advised Mr. Fred Forberg or Mr. Otha Fraher of the State Department of Taxation would come talk to the Board and offer

suggestions and alternatives on general reassessment. The Board instructed her to setup an appointment in June.

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 reassessment for Dinwiddie County will be done in six-year intervals in accordance with Section 51.8-3252, Code of Virginia.

IN RE: CERTIFICATION COMMITTEE -- TERMS OF OFFICE

EXTRACT Mrs. Wendy Quesenberry, Interim County Administrator, advised the establishment of terms of office for the Certification Committee was postponed at the last meeting. The Certification Program does not give any guidance in this area. She suggested staggered terms of 2, 3 and 4 year terms. When reappointed, the individual would serve a four year term.

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 the terms of office for the Certification Committee be staggered terms of 2 years, 3 years and 4 years; and,

BE IT FURTHER RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the present Certification Committee serve the terms as listed below:

2 year term from 9-7-88 to 9-7-90:

Mrs. Rennie Bridgeman, Sr. - District #1
Mrs. Ann Blazek - District #2
Mr. Raymond Ellis - District #3

3 year term from 9-7-88 to 9-7-91

Mr. Charles C. Crowder - District #2
Mr. Calvin Milton - District #2
Mr. William Bolte - District #4

4 year term from 9-7-88 to 9-7-92

Mrs. Minna Fisher - District #1
Mr. J. Kimbrough Jones - District #2
Mr. Harold M. Walker - District #3
Mr. William Tucker - District #4

Mr. Robertson advised Mr. Calvin Milton requested he be removed as a Certification Committee member. Mr. Robertson requested Dr. Richard Grenoble be appointed to replace Mr. Milton for the remainder of his term.

Upon motion of Mr. Robertson, seconded by Mr. Harrison, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", Dr. Richard Grenoble was appointed to serve the unexpired term of Mr. Calvin Milton, expiring September 7, 1991.

IN RE: BINGO AND RAFFLE PERMIT -- DEWITT, DINWIDDIE, ROCKY RUN ATHLETIC ASSOCIATION

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

WHEREAS, the DeWitt, Dinwiddie, Rocky Run Athletic Association has submitted an application for a Bingo and Raffle Permit for Calendar Year 1989; and

WHEREAS, DeWitt, Dinwiddie, Rocky Run Athletic Association meets the requirements as set out in Section 18.2-340.10 of the Code of Virginia and has paid the Ten Dollar (\$10.00) application fee.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that DeWitt, Dinwiddie, Rocky Run Athletic Association be granted a Bingo and Raffle Permit for the Calendar Year 1989.

IN RE: LANDFILL EQUIPMENT

EXTRACT
Mr. "Spike" Wells, Acting Director of Sanitation, advised the Traxcavator was down and it was costing \$100 per hour to contract the work out. Mr. Wells advised a trash compactor was needed. He advised most of the Landfills in surrounding areas have a compactor and are very satisfied with it. He suggested the tractor be repaired to have it move dirt only.

The Interim County Administrator advised even though the County has to go out on bid, Mr. Wells had received two quotes wherein a compactor would cost approximately \$170,000; and a tractor would cost approximately \$230,000.

Upon motion of Mr. Bracey, seconded by Mr. Robertson, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", the County Administrator is authorized to pursue procurement of a compactor on a rental basis until bids are received.

The County Administrator advised that when the Trash Truck was approved, she would like to purchase under the existing lease agreement the County has with Signet Bank. The Bank is watching the market in order to lock in the best interest rate. If this should fall before July 1, she would like to have the authorization to let the Bank lock in on an interest rate, payments to begin in the next budget year.

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 the County Administrator is authorized to lock in an interest rate with Signet Bank for the purchase of a trash truck under the existing lease purchase agreement.

IN RE: JAIL IMPROVEMENTS - FUNDING

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

WHEREAS, the 1988 General Assembly appropriated \$89,000 towards the construction/renovation of the jail facility; and

WHEREAS, those funds have not been requested because the renovation work has not been completed; and

WHEREAS, the contract has been awarded and construction should be completed in FY 89-90;

NOW THEREFORE BE IT RESOLVED THAT THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA requests the Department of Corrections to carry over the \$89,000 appropriated for the Dinwiddie County Jail Facility to the second year of the biennium, FY 89-90.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Harrison, seconded by Mr. Bracey, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", pursuant to Section 2.1-344(1) of the Virginia Freedom of Information Act, the Board moved into Executive Session at 9:45 p.m. to discuss personnel matters. A vote having been made and approved, the meeting reconvened into Open Session at 10:15 p.m.

IN RE: BUDGET WORK SESSION

Mrs. Wendy W. Quesenberry, Interim County Administrator, presented the Board with a copy of the proposed 1989-90 budget. After reviewing the

final revisions, the Board authorized advertisement of the proposed budget and tax rates as presented.

IN RE: ADJOURNMENT

Upon motion of Mr. Robertson, seconded by Mr. Bracey, Mr. Bracey, Mr. Harrison, Mr. Moody, Mr. Robertson, Mr. Clay voting "aye", the meeting was adjourned at 10:35 p.m.



A. S. Clay, Chairman

ATTEST: 

Wendy W. Quesenberry
Interim County Administrator