

VIRGINIA: AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD IN THE MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING, DINWIDDIE COUNTY, VIRGINIA, ON THE 17TH DAY OF APRIL, 1991, AT 7:30 P.M.

PRESENT: CHARLES W. HARRISON, CHAIRMAN ELECTION DISTRICT #2
EDWARD A. BRACEY, JR., VICE-CHAIRMAN ELECTION DISTRICT #3
HARRISON A. MOODY ELECTION DISTRICT #1
MICHAEL H. TICKLE ELECTION DISTRICT #2
A. S. CLAY ELECTION DISTRICT #4

SAMUEL SHANDS
DANIEL SIEGEL

DEPUTY SHERIFF
COUNTY ATTORNEY

IN RE: MINUTES

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes of the April 3, 1991 Continuation Meeting, and the April 3, 1991 Regular Meeting are hereby approved in their entirety.

IN RE: CLAIMS

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the following claims are approved and funds appropriated for same using checks #13260 thru #13392 (void check #13259): General Fund - \$161,599.14; E911 - \$1,501.67; Self Insurance - \$7,289.84; Capital Projects - \$5,730.81; for a total of \$176,121.46.

IN RE: AMENDMENTS TO AGENDA

Upon motion of Mr. Clay, seconded by Mr. Bracey, Mr. Bracey, Mr. Clay, Mr. Moody, Mr. Tickle, Mr. Harrison voting "aye", the following item was added to the agenda:

Under 8. 2. Change of time for the May 1, 1991 Board Meeting

IN RE: PUBLIC HEARING -- A-91-3 -- NURSERY & LANDSCAPING SERVICE

This being the time and place as advertised in the Progress-Index Newspaper on April 3, 1991 and April 10, 1991, for the Board of Supervisors to conduct a Public Hearing to consider an amendment under Section 22-185 of the Zoning Ordinance by adding permitted use number 38 "nursery and landscaping services."

Mr. Leonard Ponder, Director of Planning, said the Planning Department requests that Section 22-185 of the Zoning Ordinance be amended by adding permitted use number 38 "nursery and landscaping services." This would be an addition to the B-2 zoning district and would, in the Planning Department's opinion, be a reasonable use in that district. At the Planning Commission's April 10th meeting, they unanimously recommended approval of this amendment.

No one spoke for or against the Amendment.

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

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that its Dinwiddie County Code, as previously adopted and amended, be further amended by the following addition to Chapter 22, Section 185 thereof by the addition of Number 38 thereto, and in all other respects be reordained:

CHAPTER 22, SECTION 185

"(38) Nursery and landscaping.

This ordinance shall become effective April 17, 1991.

IN RE: PUBLIC HEARING -- P-91-1 -- REZONING TAX PARCEL 21F-(3)-4
PAUL E. BRANCH

This being the time and place as advertised in the Progress-Index Newspaper on April 3, 1991 and April 10, 1991, for the Board of Supervisors to conduct a Public Hearing to consider an application to rezone Tax Parcel 21F-(3)-4 from Residential, Limited, District R-1 to Business, General, District B-2 located at the intersection of Route 226 and 706 in the Rohoic Magisterial District.

Mr. Ponder, Director of Planning, said Paul E. Branch has applied for a rezoning of Tax Parcel 21F-(3)-4 located in the Rohoic Magisterial District from R-1, Residential, Limited, to B-2, Business, General. The B-2 zoning district "covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking, other than stocking and delivery of light retail goods, or by any nuisance factors, other than occasioned by incidental light and noise of congregation of people and passenger traffic." Mr. Branch is proposing a landscaping and nursery business on the above-referenced Tax Parcel.

This parcel is oddly-shaped and sits near the entrance to Lone Star/Tarmac. It has approximately eight hundred fifty (850) feet of road frontage on Route 226 and is approximately one hundred twenty (120) feet deep at its eastern boundary. It is a little more than two acres in size. If the lot is to be used for single family residential then at most one house could reasonably be placed on the parcel with the close proximity to Lone Star being an onerous liability to placing a house on this site.

The staff recommends approval of this rezoning. The space, noise, and traffic considerations would make placing a dwelling here very difficult. The highest and best use for this property is a commercial use that can utilize the entire property without being negatively influenced by the afore-referenced present conditions.

At the Planning Commission's March 13th meeting, they recommended approval of this rezoning.

Mr. Tickle indicated he would like to see conditions attached. Mr. Clay stated he has a problem with imposing conditions that can't be enforced.

Upon motion of Mr. Moody, seconded by Mr. Bracey, Mr. Bracey, Mr. Clay, Mr. Moody, Mr. Harrison voting "aye", Mr. Tickle "abstained", the rezoning of Tax Parcel 21F-(3)-4 located in the Rohoic Magisterial District from R-1, Residential, Limited, to B-2, Business, General was approved.

IN RE: DINWIDDIE COUNTY SOLID WASTE AUTHORITY -- A-91-4

This being the time and place as advertised in the Progress-Index Newspaper on March 31, 1991 and April 7, 1991, for the Board of Supervisors to conduct a Public Hearing to consider an ordinance to create the Dinwiddie County Solid Waste Authority.

No one spoke for or against the ordinance creating the Dinwiddie County Solid Waste Authority.

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

WHEREAS, the Board of Supervisors of Dinwiddie County, Virginia, did on the 17th day of April, 1991, after due and careful consideration, by resolution, propose the creation of a garbage and refuse collection and disposal authority for Dinwiddie County, Virginia, and

WHEREAS, the Board of Supervisors of Dinwiddie County, Virginia, did cause to be published in the Petersburg Progress-Index, a newspaper of general circulation in Dinwiddie County, Virginia, a notice to the general public of their intent, which notice was published on March 31, 1991 and April 7, 1991 calling for a public hearing on April 17, 1991, at

7:30 p.m. in the Meeting Room of the Board of Supervisors, located at the Pamplin Administration Building, Dinwiddie County Administration Complex, 14016 Boydton Plank Road, Dinwiddie, Virginia, and

WHEREAS, at said hearing from evidence presented and statements of interested persons, it is in the judgment of the Board of Supervisors of Dinwiddie County, Virginia, that there is much support for the creation of such an authority, and that there is no substantial opposition to the creation of such an authority, and that there is no substantial opposition to the creation of same.

BE IT THEREFORE RESOLVED, that the Dinwiddie County Board of Supervisors does hereby adopt the attached resolution of the Board of Supervisors of Dinwiddie County, Virginia, creating the Dinwiddie County Solid Waste Authority and to that end does direct that the County Attorney and County Administrator take such action as they may deem necessary or appropriate to file same with the State Corporation Commission with the request that the appropriate charter be granted.

Unanimously adopted this 17th day of April, 1991 the following members of the Board of Supervisors of Dinwiddie County, Virginia being present: Charles W. Harrison, Edward A. Bracey, Jr., Aubrey S. Clay, Harrison A. Moody, and Michael H. Tickle.

DINWIDDIE COUNTY BOARD OF SUPERVISORS

By /s/ Charles W. Harrison, Chairman

(SEAL)

A copy TESTE:

Dewey P. Cashwell
Clerk

IN RE: ARTICLES OF INCORPORATION OF DINWIDDIE COUNTY SOLID WASTE AUTHORITY

BE IT ORDAINED, by the Board of Supervisors of Dinwiddie County, Virginia as Follows:

SECTION I. That it is the intention of the Board of Supervisors of Dinwiddie County, Virginia, to create an authority under the Virginia Water and Sewer Authorities Act, as amended (Code of Virginia, 1950, 15.1-1239 to 15.1-1270, inclusive) (the "Act") for the purpose of acquiring, financing, construction, equipping, operating and maintaining a garbage and refuse collection and disposal system or systems and other property and facilities incidental thereto, including but not limited to recycling facilities, for the purpose of furnishing such services and facilities to residents within the legal boundaries of Dinwiddie County (the "County") as of this date.

The Board of Supervisors of the County hereby finds and determines that the inclusion of information concerning specific projects and other items referred to in Section 15.1-1242(A)(3) of the Act is impracticable. Therefore, the Dinwiddie County Solid Waste Authority shall have all of the powers and authority permitted by the Act.

Extract
The Board of Supervisors of the County hereby finds and determines that operation by the Dinwiddie County Solid Waste Authority or contract for such operation, in spite of any potential anticompetitive effect, is important in order to provide for the development and/or operation of a regional system of garbage and refuse collection and disposal for two or more units.

Dinwiddie County Solid Waste Authority further is specifically authorized to embark upon such garbage and refuse collection and disposal system facilities, including but not limited to, recycling facilities, in its sole discretion and at such times and in such geographical areas, as it may deem appropriate and to be in the best interest of the citizens of the County.

SECTION II. The proposed Articles of Incorporation are as follows:

"In compliance with the Virginia Water and Sewer Authorities Act, as amended (Code of Virginia 15.1-1239 to 15.1-1270, inclusive) the Board of Supervisors of Dinwiddie County, Virginia, pursuant to a resolution duly adopted signifying its intention to form a garbage and refuse collection and disposal authority, hereby certifies:

1. The name of the Authority shall be the Dinwiddie County Solid Waste Authority, and the address of its principal office shall be Pamplin Administration Building, 14016 Boynton Plank Road, Dinwiddie, Virginia 23841.

2. The name of the incorporating subdivision is the County of Dinwiddie, and the names and addresses and terms of office of the first members of the Dinwiddie County Solid Waste Authority are as follows:

<u>Name</u>	<u>Address</u>	<u>Ending Term of Office</u>
Charles W. Harrison	4702 Fairway Rd Petersburg, VA 23803	12/31/91
Edward A. Bracey, Jr.	PO Box 224 Dinwiddie, VA 23841	12/31/91
Harrison A. Moody	11001 Green Meadows Ln Blackstone, VA 23824	12/31/91
Michael H. Tickle	2600 Oxford Dr Sutherland, VA 23885	12/31/91
Aubrey S. Clay	12516 Hills Dr DeWitt, VA 23840	12/31/91

The commencement of the terms of office of the first members shall begin on the date of the issuance of a Certificate of Incorporation by the State Corporation Commission.

The number of members of the Dinwiddie County Solid Waste Authority shall be the same as the number of members of the Board of Supervisors of Dinwiddie County, which currently is five. Each member of the Board of Supervisors of Dinwiddie County shall be a member of the Dinwiddie County Solid Waste Authority for a term to run concurrent with such member's term on the Board of Supervisors.

The purposes for which the Dinwiddie County Solid Waste Authority is created are to acquire, purchase, lease, construct, reconstruct, improve, extend, equip, operate, maintain and finance a garbage and refuse collection and disposal system within, without, or partly within and without the County of Dinwiddie, and to otherwise have, possess and exercise the powers granted by the Virginia Water and Sewer Authorities Act and as otherwise authorized or permitted by law.

The Dinwiddie County Solid Waste Authority shall have all of the powers authorized under the Virginia Act and as otherwise authorized or permitted by law.

IN WITNESS WHEREOF the Board of Supervisors of Dinwiddie County, Virginia, the governing body of Dinwiddie County, Virginia, has caused these Articles to be executed in the name of the County by Charles W. Harrison, Chairman of said Board, and the seal of the County of Dinwiddie to be affixed hereto by the Clerk of this Board, this 17th day of April, 1991."

BOARD OF SUPERVISORS
DINWIDDIE COUNTY, Virginia

ATTEST: Dewey P. Cashwell

IN RE: AMENDMENT OF "MOTOR VEHICLES AND TRAFFIC" CODE A-91-5

This being the time and place as advertised in the Progress-Index Newspaper on March 31, 1991 and April 7, 1991, for the Board of

Supervisors to conduct a Public Hearing to amend Section 14-3 of Article I of Chapter 14 of the Dinwiddie Code entitled "Motor Vehicles and Traffic" which provides for adoption of state law as to Motor Vehicles and traffic and driving under the influence of alcohol or drugs.

No one spoke for or against the amendment.

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

BE IT ORDAINED, by the Board of Supervisors of Dinwiddie County, Virginia, that Article I of Chapter 14 of the Dinwiddie Code is hereby amended to replace section 14-3(a) with the following:

Sec. 14-3.

(a) Pursuant to the authority of section 46.2-1313 of the Code of Virginia, all of the provisions and requirements of the laws of the Commonwealth contained in title 46.2 and in article 2 (section 18.2-266 et seq.) of Chapter 7, Title 18.2 of the Code of Virginia, as amended, except those which by their very nature can have no application to or within the County, are hereby adopted and made a part of this Chapter as fully as though set out herein and are hereby made applicable within Dinwiddie County.

This Ordinance shall become effective immediately.

IN RE: RESOLUTION TO SELL PARCELS FOR DELINQUENT REAL ESTATE TAXES

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

Resolution of the Board of Supervisors of Dinwiddie County authorizing Thomas K. Kearney and the law firm of Natkin, Heslep, Siegel and Natkin, P.C. to institute the necessary law suits to enforce the lien of the county on certain parcels of land, arising from delinquent real estate taxes, and to sell said parcels at public auction pursuant to the terms of the 1950 Code of Virginia, as amended which govern said sales.

WHEREAS, the Dinwiddie County Board of Supervisors (the "Board") has determined a need exists to actively collect delinquent real estate taxes in Dinwiddie County (the "County"), and

WHEREAS, the Board has approved of the sale of said properties in order to collect the delinquent taxes, and

WHEREAS, the Board has retained the services of Natkin, Heslep, Siegel, and Natkin, P.C. to affect the sale of said properties and desires to formally authorize said law firm to conduct said sale,

NOW, THEREFORE, BE IT RESOLVED, that the Dinwiddie County Board of Supervisors hereby authorizes Thomas K. Kearney and the law firm of Natkin, P.C. to perform all acts necessary to enforce the County's lien for delinquent real estate taxes and to sell the properties in question in order to collect said taxes.

This resolution shall be effective immediately.

IN RE: TIME CHANGE OF REGULAR MEETING OF BOARD OF SUPERVISORS

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

WHEREAS, the Dinwiddie County Board of Supervisors (the "Board") has determined a need exists to change the time of the regularly scheduled meeting on May 1, 1991 from 7:30 p.m. to 2:00 p.m.,

NOW, THEREFORE, BE IT RESOLVED, that the Dinwiddie County Board of Supervisors hereby authorizes the change in time of the May 1, 1991 regularly scheduled meeting from 7:30 p.m. to 2:00 p.m.

IN RE: E911 UPDATE

Mr. John Clarke, E911 Planning Technician, updated the Board on the progress of implementing the 911 System. He also submitted a project assignment outline for the temporary help.

Mr. Clarke suggested to the Board that an ordinance be adopted for naming private drives in the County since the department needed guidelines for naming of these drives in the future.

Mr. Moody said he didn't feel that an ordinance needed to be adopted but that Mr. Clarke should present a policy to the Board at the May 1, 1991 meeting. Mr. Bracey agreed.

IN RE: POSITION ANNOUNCEMENT -- DIRECTOR OF RECREATION

Upon motion of Mr. Moody, seconded by Mr. Clay, Mr. Clay, Mr. Moody, Mr. Tickle, Mr. Harrison, voting "aye", Mr. Bracey voting "nay", Mr. B. Dean Martin was appointed to the position of Recreation Director.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Clay, seconded by Mr. Tickle, Mr. Bracey, Mr. Clay, Mr. Moody, Mr. Tickle Mr. Harrison voting "aye", pursuant to Section 2.1-344 (1) Personnel, Section 2.1-344 (5) Industrial, and Section 2.1-344 (7) Legal, of the Virginia Freedom of Information Act, the Board moved into Executive Session at 8:48 P.M. A vote having been made and approved, the meeting reconvened into Open Session at 10:20 P.M.

IN RE: CERTIFICATION OF EXECUTIVE MEETING

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

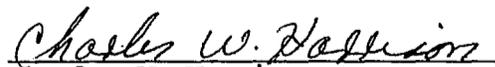
WHEREAS, the Board of Supervisors of Dinwiddie County convened an Executive Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

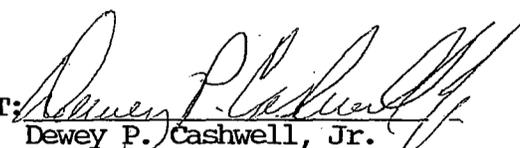
WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board of Supervisors of Dinwiddie County, that such Executive meeting was conducted in conformity with the Virginia law;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies; and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board of Supervisors of Dinwiddie County, Virginia.

IN RE: ADJOURNMENT

Upon motion of Mr. Moody, seconded by Mr. Tickle, Mr. Bracey, Mr. Clay, Mr. Moody, Mr. Tickle, Mr. Harrison voting "aye", the meeting was continued until 12:00 noon Sunday, April 21, 1991, which meeting will then be continued until 12:00 noon May 1, 1991.


Charles W. Harrison
Chairman, Board of Supervisors

ATTEST: 
Dewey P. Cashwell, Jr.
County Administrator

