

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 19TH DAY OF JUNE, 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

DANIEL SIEGEL COUNTY ATTORNEY

IN RE: MINUTES

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 minutes of the June 4, 1991 Continuation Meeting, June 5, 1991 Regular Meeting, are hereby approved in their entirety.

IN RE: CLAIMS

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 following claims are approved and funds appropriated for same using checks #14052 thru #14255 (void check #14054): General Fund - \$123,306.57; E911 - \$7,006.75; Capital Projects - \$172,986.36; Self Insurance - \$10,437.87; Law Library - \$248.47; CDBG Grant - \$23,900.00 for a total of \$337,886.02.

IN RE: CITIZEN COMMENTS

1. Mr. George Hobbs, of Route 1 Box 76B, Carson, VA 23830, told the Board he had been in the Planning Office and spoke to Len Ponder regarding the removal of the fluid requirement on the conditional use permit for his salvage yard. Mr. Hobbs said Mr. Ponder told him that he could put the application in for the requirement to be removed but that instead of taking it off, Mr. Ponder might add additional conditions. Mr. Hobbs stated that he knew of another conditional use permit for a salvage yard that had been issued after his and there was no requirement for the removal of fluids on that permit. After Mr. Ponder made that statement he never filed an application.

Mr. Ponder stated he told Mr. Hobbs he could make application but he couldn't make it for him. Also, if another conditional use permit came before the Planning Commission, he could get additional conditions added to it.

Mr. Hobbs stated he would be in the next day to file an application.

2. The County Administrator introduced to the Board, Ms. Ellen Davenport, representative from Virginia Association of Counties. He said Ms. Davenport was here to sit in on one of our meetings and watch the activities of Dinwiddie County.

Ms. Davenport informed the Board that she was visiting Board of Supervisors' meetings throughout the State to get a better idea of what the issues are and be able to hear them instead of reading about them in the paper. VACO does exist to support County officials like Dinwiddie and to promote and protect the interest of Counties that are serving the people of Virginia. At the present time, VACO is working on the legislative program for 1992 and welcomes any suggestions the Board may have.

IN RE: OFFICE ON YOUTH AND COMMUNITY SERVICES

Ms. Diane Galbreath, Director of Office on Youth and Community Services, told the Board that the Cornerstone Theatre Company will be returning to the community in August of this year. The AME Zion Institute in Dinwiddie is putting them up. Area churches are providing food and beverages and items during the day. Fifty members will be traveling with

the group. Ms. Galbreath stated the group will perform outside the Dinwiddie Elementary School. Ms. Galbreath requested a Special Entertainment Permit for the performance since there will be over 200 people attending. She also asked the Board if the County could help with the cost of \$100.00 a night at AME Zion which is a total of \$700.00 for the seven nights. It was suggested that the \$700.00 could be taken from the Recreation budget for 90-91. The Board instructed Ms. Galbreath to try and raise as much money as possible from donations and the Board would consider making up the difference.

Ms. Galbreath also gave the annual report for the Office on Youth and Community Services.

IN RE: LITTER CONTROL GRANT -- FY 1992

Ms. Galbreath stated that funds for the Litter Grant provided through the Virginia Department of Waste Management to Virginia localities is used to educate the area children in litter control.

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

WHEREAS, the Virginia Waste Management Act provides for the allocation of public funds for the purpose of enhancing litter control and recycling activities; and

WHEREAS, these funds are provided through the Virginia Department of Waste Management to Virginia localities by annual grants; and

WHEREAS, having reviewed and accepted the Guidelines for use of said funds;

NOW THEREFORE BE IT RESOLVED THAT, the Board of Supervisors of Dinwiddie County, Virginia as indicated; in the attached Application (Form DLCR-2); hereby, authorizes the County Administrator to plan, budget, and apply for a FY 1992 Litter Control Grant.

IN RE: FLOOD PROTECTION CODE -- A-91-6

This being the time and place as advertised in the Progress-Index Newspaper on June 5, 1991 and June 12, 1991, for the Board of Supervisors to conduct a Public Hearing to consider an amendment under Chapter 11, Flood Protection, of the Zoning Ordinance by adding Sections 7, 15, and 16.

Mr. Len Ponder, Director of Planning, told the Board this is a housekeeping measure as these amendments are mandated to be in compliance with the Federal Emergency Management Agency regulations.

No one spoke for or against the amendment.

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

BE IT ORDAINED by the Board of Supervisors of DINWIDDIE COUNTY, VIRGINIA, that Chapter 11 of the Dinwiddie Code is hereby amended to add the following sections:

Section 11-7. DEFINITIONS.

(TO REPLACE CURRENT SECTION 11-7 (4).)

- (4) Manufactured Home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
- (10) Expansion to an Existing Manufactured Home Park or Subdivision - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

- (11) Historic Structure - Any structure that is:
- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary determined by the Secretary to qualify as a registered historic district;
 - (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
 - (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior, or,
 - (2) Directly by the Secretary of the Interior in states without approved programs.
- (12) Existing Manufactured Home Park/Subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the initial effective date of these regulations.
- (13) New Construction - For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" commenced on or after effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
- (14) New Manufactured Home Park/Subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the initial effective date of these regulations.
- (15) Recreational Vehicle - A vehicle which is:
- (a) built on a single chassis;
 - (b) 400 square feet or less when measured at the largest horizontal projection;
 - (c) designed to be self-propelled or permanently towable by a light duty truck; and
 - (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.
- (16) Start of Construction - The date the building permit was issued, provided the actual start of construction, repair,

reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration on any wall, ceiling, floor, or other structural part of building, whether or not the alteration affects the external dimensions of the building.

- (17) Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (18) Substantial Improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

Section 11-15. Manufactured Homes

1. Manufactured homes that are placed or substantially improved on sites:
- (i) outside of a manufactured home park or subdivision,
 - (ii) in a new manufactured home park or subdivision,
 - (iii) in an expansion to an existing manufactured home park or subdivision, or
 - (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood,

Shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation collapse and lateral movement.

2. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of paragraph one above of this section shall be elevated so that either
- (i) the lowest floor of the manufactured home is at or above the base flood elevation, or
 - (ii) the manufactured home chassis is supported by

reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

Section 11-16. Recreational Vehicles

Recreational vehicles placed on sites shall either:

- (i) be on the site for fewer than 180 consecutive days, and
- (ii) be fully licensed and ready for highway use, or
- (iii) meet the permit requirements for placement and the elevation and anchoring requirements for manufacture homes in section 11-15.

This ordinance shall become effective upon passage.

Mr. Clay stepped out of the room at 8:15 p.m. and returned to the meeting at 8:22 p.m.

IN RE: PERMITTED USE -- M-1 & M-2 -- A-91-7

This being the time and place as advertised in the Progress-Index Newspaper on June 5, 1991 and June 12, 1991, for the Board of Supervisors to conduct a Public Hearing to consider for adoption an ordinance to amend Chapter 22, of the Zoning Ordinance by adding a permitted use to Sections 22-210 (25) and 22-223 (35).

Mr. Len Ponder, Director of Planning, stated to the Board A-91-7 is a request by the Planning Department to add as a permitted use twenty-five (25) and thirty-five (35) to Sections 22-210 and 22-223, respectively, "General contractors, to include sheet metal, heating, ventilation, and air conditioning, general construction, and any other fitting this definition at the discretion of the zoning administrator." This code amendment allows for the above-referenced industries to be allowed as permitted uses in the M-1 and M-2 zoning districts.

Mr. Bracey stated that he didn't agree with the "discretion of the Zoning Administrator" clause; he felt the reasons for the decision should be included in writing to the applicant.

Mr. Moody said that some recommendations should be left to the Zoning Administrator.

Mr. Tickle suggested a standard document for the applicant if the request is turned down.

No one spoke for or against the adoption of the code amendment.

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

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the Dinwiddie Code, as previously adopted and amended be further amended by the following addition to Chapter 22, Section 210 thereof by the addition of Number 25 thereto; and

BE IT FURTHER AMENDED, by the following addition to Chapter 22, Section 223 thereof by the addition of Number 35 thereto, and in all other respects be reordained:

Chapter 22, Section 210

"(25) General contractors, to include sheet metal, heating, ventilation and air conditioning, general construction, and any other fitting this definition at the discretion of the zoning administrator."

Chapter 22, Section 223

"(35) General contractors, to include sheet metal, heating,

- it?
- g. Landscaping - can cut back in this area.
 - h. Rescue Coverage - would rather have someone to answer call for help than have a beautiful lawn.

3. Gloria Bain stated the School System and the Rescue Departments had the hardest time getting funding.

4. James McKenzie asked if our tax dollars were being used wisely by the School system. He questioned who evaluates the Superintendent and the Assistant Superintendent.

Dr. Vaughan told Mr. McKenzie the School Board does his evaluation and the Assistant Superintendent. The funds for operation came from funding of the budget by the Board of Supervisors. Direct distribution of the funds were at the discretion of the School Board which is appointed by the Board of Supervisors.

The Assistant County Administrator read the Tax Rates for the coming year and stated no increases were proposed.

No one spoke for or against the Tax Rates for FY 1991-92.

The action for the acceptance of the proposed FY 1991-92 Budget and tax rates was continued to the June 26, 1991, Continuation meeting.

IN RE: PUBLIC HEARING -- A-91-12

This being the time and place as advertised in the Progress-Index Newspaper on June 12, 1991, for the Board of Supervisors to conduct a Public Hearing to consider for adoption an ordinance which provides for adding a section to the Dinwiddie Code which increases the compensation paid to the members of the Board of Supervisors.

Mr. Calvin Vaughan praised the Board of Supervisors for their leadership and highly recommended the increase in compensation.

Mrs. Gloria Bain told the Board that none of the other County employees were getting raises and this was not the year for a raise for the Board.

Mr. Thomas VanPelt, spoke against the increase in compensation.

Mr. Bracey made a motion not to increase the compensation paid to the members of the Board of Supervisors. There was no second to the motion. The Chairman ruled that the motion failed.

Mr. Dan Siegel, County Attorney, pointed out that there were two options available to the Board. With this method of holding a public hearing, the Board could, by ordinance, increase their salary each year.

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

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Article III of Chapter 2 of the Dinwiddie Code is hereby amended to add section 2-46 as follows:

Section 2-46

Pursuant to the authority of Section 14.1-45 et seq of the 1950 Code of Virginia, as amended, members of the Board of Supervisors shall be compensated at the rate of \$400.00 per month, the Chairman at the rate of \$450.00, Vice Chairman at the rate of \$425.00 per month effective January 1, 1992.

This Ordinance shall become effective January 1, 1992.

Mr. Bracey requested that the adoption of Robert's Rules of Order be placed on the July 3 agenda for consideration.

IN RE: PUBLIC HEARING -- REDISTRICTING PLAN -- A-91-13

ventilation and air conditioning, general construction, and any other fitting this definition at the discretion of the zoning administrator."

This ordinance shall become effective June 19, 1991.

IN RE: The Chairman declared a ten minute recess at 8:24 p.m. The meeting reconvened at 8:33 p.m.

IN RE: NURSERY AND LANDSCAPING SERVICES -- A-91-8

This being the time and place as advertised in the Progress-Index Newspaper on June 5, 1991 and June 12, 1991, for the Board of Supervisors to conduct a Public Hearing to consider for adoption an ordinance to amend Chapter 22 Section 71 of the Zoning Ordinance by the addition of permitted use fifty-six (56) "Nursery and landscaping services".

Mr. Len Ponder, Director of Planning, stated the Planning Department requests the addition of permitted use fifty-six (56) to Section 22-71 of the Zoning Ordinance to allow "nursery and landscaping services" to the A-2 zoning district as a permitted use.

The residential and commercial growth the County is currently experiencing is creating a demand for this type of business. As we have just created this same use as permitted in B-2 districts, the Planning Department feels this is a logical extension into the A-2 Zoning District.

No one spoke for or against the zoning ordinance.

Gloria Bain said she would like some protection in a residential area.

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

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the Dinwiddie Code, as previously adopted and amended be further amended by the following addition to Chapter 22, Section 71 thereof by the addition of Number 56 thereto; and in all other respects be reordained:

"(56) Nursery and landscaping services."

This ordinance shall become effective June 19, 1991.

IN RE: PUBLIC HEARING -- FY 1991-92 BUDGET AND TAX RATES

This being the time and place as advertised in the Progress-Index Newspaper on June 12, 1991, and The Monitor Newspaper on June 19, 1991, for the Board of Supervisors to conduct a Public Hearing to consider for adoption the FY 1991-92 Proposed Budget and tax rates.

The County Administrator and Assistant County Administrator gave a brief overview of the proposed budget. The Chairman then asked for public comment.

1. Health Department - Ms. Margaret Hendricks stated the Health Department had received \$18,000 less than requested; the State match is \$28,000. Ms. Hendricks stated she hoped the Home Health Care would have fairly high revenues for the year. If at the year end settlement there was money left over, the county would receive 39% of the balance. Ms. Hendricks stated if the Health Department ran into difficulty during the year she hoped she could come to the Board for help.

2. Mrs. Ann Scarborough had the following concerns:

- a. Travel - above \$25,000
- b. Extra Help - above \$90,000
- c. Travel - meals alone March - May \$1,220
- d. Ms. Scarborough said she hoped the funds left over were not being spent unnecessarily.
- e. Professional Services - \$62,000 - feels citizens could be used.
- f. E-911- Extra Help - how much longer are we going to need

This being the time and place as advertised in the Progress-Index Newspaper on June 12, 1991, for the Board of Supervisors to conduct a Public Hearing to consider for adoption amendment A-91-13, the proposed Redistricting Plan for Dinwiddie County.

Mr. Daniel Siegel, County Attorney, made the presentation of the Redistricting Plan to the Board. He stated that there were some minor changes that needed to be made from a calculation standpoint to keep the plan within the deviation required by the Justice Department. Mr. Siegel advised the Board if the plan sounded suitable with the amendments, a vote could be taken at the June 26 meeting to adopt the new Redistricting Plan.

No one spoke for or against the Redistricting Plan.

The public hearing was closed.

IN RE: APPOINTMENTS -- SCHOOL BOARD

Mr. John Crawley stated the appointments for Election Districts #2 and #3 needed to be postponed until the boundaries for the election districts are defined and adopted.

The Assistant County Administrator told the Board all names to be considered should be mentioned at this meeting. If any one was here that was interested in the appointment and wanted to speak, they could address the Board.

Mr. Tickle mentioned the following names:

Donald Haraway Ruby Evans
Carol Fisher

Mr. James McKenzie spoke for Ruby Evans.

The Chairman stated he had letters from the following persons who were interested in being appointed to the School Board:

Viola King Greg Davis

Mary Ascue spoke against reappointing Donald Haraway.

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mr. Clay, Mr. Tickle, Mr. Moody, Mr. Tickle, Mr. Harrison voting "aye", the Board continued the Public Hearing for the School Appointments to June 26, 1991, at 7:30 p.m.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Clay, seconded by Mr. Moody, Mr. Bracey, Mr. Clay, Mr. Moody, Mr. Tickle, Mr. Harrison voting "aye", pursuant to Section 2.1-344 (1) Personnel, of the Virginia Freedom of Information Act, the Board moved into Executive Session at 10:20 p.m. A vote having been made and approved, the Board returned into open session at 11:05 p.m.

IN RE: CERTIFICATION OF EXECUTIVE MEETING

Upon motion of Mr. Clay, seconded by Mr. Moody, Mr. Bracey, Mr. Clay, Mr. Harrison, Mr. Tickle, Mr. Moody 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. Tickle, seconded by Mr. Clay, Mr. Bracey, Mr. Clay, Mr. Moody, Mr. Tickle, Mr. Harrison voting "aye", the meeting adjourned at 11:13 p.m., to be continued at 7:30 p.m., June 26, 1991.

Charles W. Harrison
Charles W. Harrison
Chairman, Board of Supervisors

ATTEST: Dewey P. Cashwell, Jr.
Dewey P. Cashwell, Jr.
County Administrator