

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 18TH DAY OF SEPTEMBER, 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
	THOMAS KEARNEY	COUNTY ATTORNEY
	CLAUDE TOWNSEND	DEPUTY SHERIFF

IN RE: MINUTES

Upon motion of Mr. Tickle, seconded by Mr. Moody, 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 September 4, 1991 Regular Meeting are hereby approved in their entirety as presented.

IN RE: CLAIMS

Upon motion of Mr. Moody, 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 #15304 thru #15400 (Void #15303): General Fund - \$46,350.66; E911 - \$8.78; Capital Projects - \$813.00; Self Insurance - \$7,333.45; Law Library - \$33.82; for a total of \$54,540.39.

IN RE: CITIZEN COMMENTS

1. Beverly Mathias of Frontage Road, Petersburg, asked what the zoning laws are governing the size of political signs displayed in the County, especially in residential areas. She said the signs have become a real eyesore.

Mr. Len Ponder, Planning Director, told Ms. Mathias that there were two different sizes allowed in the County - 32 square feet for commercial, agricultural, or industrial - 4 square feet for residential areas. If there are any violations, the signs would have to be removed. Ms. Mathias asked Mr. Ponder to please check on the signs because there were some in the residential areas she felt were in violation.

2. Mr. Bob Mengel asked who was responsible for removing the political signs?

Mr. Ponder told Mr. Mengel if the signs were not down one week after the elections to call and let him know and he would have them removed.

IN RE: AMENDMENTS TO THE AGENDA

Upon motion of Mr. Moody, seconded by Mr. Tickle, Mr. Clay, Mr. Moody, Mr. Tickle, Mr. Bracey, Mr. Harrison voting "aye", the following amendments were added:

- Add - 10. a. Maintenance of Social Services Building
- 10. b. Gasoline and Fuel Oil Bids

IN RE: PUBLIC HEARING -- C-91-1 -- GEORGE HOBBS

C-91-1 was postponed until October 2, 1991.

IN RE: PUBLIC HEARING -- C-91-2 -- JAMES CIMBURKE

Extract
This being the time and place as advertised in the Progress-Index Newspaper on September 6, 1991 and September 12, 1991, for the Board of Supervisors to conduct a Public Hearing to consider a proposal for a conditional use permit to operate a kennel for boarding and training dogs

on Tax Parcel 49-7, Tract 2, located on the east side of Halifax Rd., Rt. 604, .5 miles north of Oak Grove Rd., Rt. 606.

Mr. Len Ponder, Director of Planning, stated that Mr. James Cimburke has applied for a conditional use permit to operate a kennel for boarding and training dogs on Tax Parcel 49-7, Tract 2, located on the east side of Halifax Rd., Rt. 604, .5 miles North of Oak Grove Rd., Rt. 606. The property is large and remote, lying over one half mile from Rt. 604 and containing 27 acres.

On August 14, 1991 at 8:00 p.m. the Planning Commission held a public hearing to discuss Mr. Cimburke's request for a conditional use permit. At that meeting, the Planning Commission considered the conditions recommended by the planning staff. Upon further discussion between Mr. Cimburke and the Planning Commissioners, the Planning Commission has recommended approval of the conditional use permit with the following conditions:

1. The kennel shall be located an adequate distance from the existing property lines in order to prevent conflicts with future development. (The applicant will submit plans for review by the Planning Department for approval of the kennel's location). Minimum side setbacks will be fifty (50) feet.
2. There will be no more than twenty-five (25) dogs of permanent status (i.e. any dog over six months of age and any stay over fourteen (14) days) on the property at one time.
3. Water run-off from the runs shall be controlled and directed away from any creek or stream on the property.
4. All defecatory matter will be placed in a controlled location covered, and disposed of per County and Health Department regulations.
5. Operation of the kennel is subject to approval of any and all licenses and building permits issued by the county.

Mr. James Cimburke was present to answer questions that the Board had concerning the conditional use permit.

Mr. Tickle stated to Mr. Cimburke he had reservations regarding the construction of the runs and the methods he would use to make sure the pens were cleaned properly, and drained correctly.

Mr. Cimburke told the Board that the run floor would be concrete and that the pen would be slanted with a drainage ditch for run-off. The construction of the kennels would be chain link fence, which would house one dog only per run. Mr. Tickle asked Mr. Cimburke if we would include that as a condition. Mr. Cimburke agreed.

No one spoke for or against the conditional use permit request.

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

BE IT ORDAINED BY the Board of Supervisors of Dinwiddie County, Virginia that the conditional use permit to operate a kennel for boarding and training dogs on Tax Parcel 49-7, Tract 2, located on the east side of Halifax Road, Route 604, .5 miles north of Oak Grove Road, Route 606, was approved with the conditions recommended by the Planning Commission with the added condition that the kennel floors be constructed of concrete with proper drainage.

IN RE: PUBLIC HEARING -- C-91-3 -- VIRGINIA CELLULAR LIMITED PARTNERSHIP

This being the time and place as advertised in the Progress-Index Newspaper on September 6, 1991 and September 12, 1991, for the Board of Supervisors to conduct a Public Hearing to consider a proposal for a conditional use permit for the purpose of constructing and operating a cellular telephone exchange consisting of a radio tower, an equipment

building, and an external emergency generator to be located on property zoned A-2 and further identified as Tax Parcel 26-(3)-5, located on Route 620 in the Darvills Magisterial District.

Mr. Len Ponder, Director of Planning, stated that the Virginia Cellular Limited Partnership has submitted a request for a conditional use permit for the purpose of constructing and operating a cellular telephone exchange consisting of a radio tower, an equipment building, and an external emergency generator.

At the August 14, 1991, Planning Commission meeting, the Commissioners recommended approval of this conditional use permit accompanied with the following conditions. This property is zoned A-2 and per Section 22-71(45), "communication tower(s) with station", are allowed with a conditional use permit.

1. The conditional use permit must be reviewed at least every two years for compliance with the stated conditions.
2. A minimal amount of natural trees or shrubbery shall be disturbed by placement of the tower on the property. Additional landscaping or screening to buffer adjacent property owners from the base of the tower may be required by the Director of Planning.
3. If the tower becomes inoperable for more than one year it must be taken down by the current or final property owner.
4. An eight foot security fence will be required around the base of the tower and the equipment building.
5. There must be a locked gate installed at the front of the property line.
6. The tower must be operated in a manner to insure no interference to radio and television signals or other technical equipment.

Mr. Walter Witt, attorney for Virginia Cellular Limited Partnership, stated that there would be absolutely no interference with T.V. or radio reception and as a result, the Company had suggested and accepted a condition to that effect in the application for the permit. He stated the applicant here is a public utility and as such is required to expand its services to meet the demand. This project will provide cellular telephone service within a fourteen mile radius of the property. The project will be constructed in strict accordance with the regulations of the Federal Communications Commission and Federal Aviations Administration. He submitted that the proposed project is a much needed public service project which will have no adverse impact on the public health, safety or welfare. He stated that some questions were raised at the Planning Commission meeting on property values in the vicinity, and as a result he had with him an expert appraiser, Mr. Lawrence Solsman, who had conducted a study of similar installations in areas close to the proximity of this one.

Mr. Larry Solsman, Real Estate appraiser, told the Board that he had looked at Prince George, Petersburg, and Goochland and his study showed virtually no impact of any type on sales of property located in the vicinity of these towers.

Mr. John Rodman, Construction Supervisor, told the Board the Prince George site serves the eastern side of Petersburg, Hopewell and Prince George County, where this one would be serving Rt. 460 on the western side of Petersburg which is this part of the County.

Mr. Bracey asked at the present time how many towers are presently located in the County?

Mr. Ponder stated that there are now three towers in the County, and one radio tower.

Mr. Bracey asked where is the end, or is this just the beginning; and financially what will this tower or these towers do for Dinwiddie's tax base, other than providing a service for Virginia Cellular.

Mr. Rodman said these facilities are valued at approximately 1.2 million dollars each, so whatever the tax rate is for such a capital investment is what the County would see as revenue from it.

Mrs. Marston, Commissioner of Revenue, told the Board that the value does not go into it. The tax rate is based on the height, plus the width; also there are factors multiplied into it that the State Department of Taxation regulates. But at the present time she said she couldn't tell the Board exactly what the base rate was.

No one spoke for the conditional use permit.

The following opposed the conditional use permit:

Sidney Williams of 9710 White Oak Church Road told the Board his property adjoins the property where Virginia Cellular wanted to construct the tower. The tower is being built directly across and in front of their house and it is way less than 500' from the base of the guidewire to their house. He said it was going to be an eyesore and they have been there for fifteen years and they didn't want a tower there.

Loretta Williams stated that she had heard the company was building three towers in Dinwiddie County. She said the fence that has been erected around the property is two strands of barbed wire that looks terrible. Ms. Williams said she didn't want the tower there but it looked as if it was going to be built anyway.

Mr. Witt asked the Board if he could respond to some of the questions that had been asked. He asked Mr. Rodman to address the issue of the fence that Ms. Williams raised the question about.

Mr. Rodman said generally on these sites the fence is erected around the base of the tower to keep anyone from harming the equipment or themselves. He stated the company intended to do whatever was necessary to close the road off to the transmitter site to unauthorized vehicles. He commented that at the base of the tower an eight foot chain link fence with three strands of barbed wire at the top is installed. At the road a farm type gate, about 14' wide with enough fence over to a ditch to keep unwanted traffic out is sufficient.

The Chairman asked if the base of the guidewire could be placed anywhere else to prohibit exposure to the Williams.

Mr. Rodman stated that there is an engineering factor in where the guidewires are placed. Because of the shape of the tower in order to get the orientation of the antennas needed a guideline has to be placed due south. Guide towers always, its almost a scientific fact, will fall in a collapsing motion; they don't fall like trees.

Mr. Moody stated that at the Planning Commission meeting the same question had been raised because of the location of the William's house. Mr. Moody said Mr. Bass was to get the information to him regarding the collapsing of towers and he had not received any data yet.

Mr. Witt stated that it was his fault, and he had a report from the Andrews Corporation, which is the tower structural engineer for this and other towers which are constructed by Virginia Cellular. He submitted the report to the Chairman and other Board members. He stated that of the 3,000 plus towers which were manufactured, fewer than 1% had experienced any kind of failure, most of the failures were the direct result of tornados. The report indicated when towers encounter unusual stresses, towers fold when they fall.

Mr. Bracey asked if the company was planning the location of a third tower, Mr. Rodman stated not at the present time.

Mr. Thomas Van Pelt of Old Vaughan Road, stated that the gentleman was probably correct about the tower falling. He stated that he had experience with towers and his company had an H Tower, which is constructed a whole lot better than the one Mr. Witt referred to and a

tornado laid it flat, just as if you sawed off a tree. He stated that 460 is our prime tornado area. Secondly, the gentleman referred to 800 megahertz on the transmitter of this 15 to 20 watt, the subharmonic of that is 400 megahertz which gets into your T.V., half power is 7 and one-half watts, and we all know that C.B. radio's operate at 5 watts or less and we have had problems with C.B. radios. These folks are one-third more in their power, so with that in consideration, I wish the Board would examine this further.

Mr. Witt stated that there was absolutely no possibility of interference with radio or T.V. As evidence, Virginia Cellular has accepted the condition of the permit and if there is interference of either, the permit could be rescinded.

Ms. Amy McDowell, Quaker Road stated that there was a proposed site next to her house and Ms. McDowell's neighbor told her she has a contract.

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 action on the Virginia Cellular Limited Partnership's request for a conditional use permit for the purpose of constructing and operating a cellular telephone exchange consisting of a radio tower, an equipment building, and an external emergency generator, Tax Parcel 26-(3)-5, located on Route 620 in the Darvills Magisterial District, be postponed until October 16, 1991.

IN RE: DINWIDDIE VOLUNTEER FIRE CHIEFS ASSOCIATION

Mr. Donald Porter, of the Namozine Volunteer Fire Department, stated, we, the Fire Chief's Association, address you tonight in unison, as a voice of one, regarding the issue of fire equipment needs and acquisition of this fire equipment for the next five years.

This body was formed back in 1979 in an attempt to advise the Board and offer guidance as to what we feel are the needs of the overall fire service as it relates to the entire county. We come to you tonight in an attempt to make you aware that we have found that the one on one approach to our individual Board Representative is not the fashion in which to address this serious and financially burdensome issue.

We do not come before you tonight lightly with this proposal just as Fire Chief's , but as concerned citizens and tax payers as well. We know that what this proposal is suggesting is, at first, going to appear to be one of an overwhelming proposition; however, one presented, we feel it will be a workable plan.

The immediate need at this time is the acquisition of two (2) pumpers. Keeping in mind the overwhelming cost of two pieces of fire apparatus, we are respectfully asking that one be purchased by January 1992 and the second in July 1992 or as soon thereafter as possible. This would place the orders in two separate budget years; however, would get them ordered and on the way. Most fire apparatus manufacturers today require no money up front and generally exceed a year in the manufacturing process. This allows the County "breathing space", so to speak, to budget and plan for the payment of this equipment. Then, after this need is addressed, another truck could be ordered as deemed necessary for the next needed company.

The second point that we wish to bring to the attention of the Board is the fashion in which the Board may opt to address the financial means to obtain this equipment.

On August 14, 1991, a representative from one of the local apparatus manufacturers addressed the Chief's Association meeting with the lease/purchase program of which the Board is fully aware, as we understand, due to the recent school bus purchases. We know that cash and carry is always the best way for the County to do business; however, under the current budget constraints, this lease/purchase plan seems a viable alternative for us at this time.

We come before you tonight asking you to bring this proposal onto the agenda and that you pass a resolution supporting this proposal, so as

to begin the process to provide the citizens of Dinwiddie County to adequate fire protection that they deserve and for which they feel that they are paying their taxes.

Respectfully Submitted by the Chief's Association of Dinwiddie County,

Robert Lewis, Jr., Chief, Company 1; Mark L. Rowland, Chief, Company 2; David Runion, Chief, Company 3; Francis W. Stevens, Chief, Company 4; Charles Rideout, Chief, Company 5; William F. King, Chief, Company 6.

The Board directed the County Administrator to meet with the Fire Chief's Association to review their request and work with them on a recommendation for the Board's consideration. Mr. Porter told the Board that the situation is serious and something needed to be done right away. He said that the Association would notify the County Administrator when they would be meeting.

IN RE: RESOLUTION -- OPPOSING DEPARTMENT OF WASTE MANAGEMENT
LANDFILL PERMIT APPLICATION FEES

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

WHEREAS, the Counties, Cities and Towns became aware that the Department of Waste Management intends to assess Permit Application Fees associated with treatment, storage and disposal of nonstandard solid wastes; and

WHEREAS, these Permit Application Fees will not be a one time fee but will be recurring fees; and

WHEREAS, it was not the intent of Department of Waste Management to assess such fees when the new solid waste management regulations were adopted since a change to the statute was made in the 1990 session of the Virginia Legislature; and

WHEREAS, nonhazardous landfill design and applications must be prepared by registered professional engineering companies to specifications determined by the Department of Waste Management; and

WHEREAS, the Department of Waste Management justification for assessing Permit Application Fees is to cover costs incurred in performing specific administrative functions such as issuance of permits, permit modifications, or certifications to applicants; and

WHEREAS, the Department of Waste Management estimates that it will require a considerable number of man-hours and costs estimated as high as \$36,000 to have their engineers, geologists and others review work submitted by registered professional engineers, geologists and others employed by the Counties, Cities and Towns; and

WHEREAS, Permit Application processing is a normal part of a regulatory agency's business which should be funded as a normal part of their budget paid from the general fund and not from special funds as proposed; and

WHEREAS, the imposition of Permit Application Fees exacerbate an already heavy, unfunded, mandate thrust upon the Counties, Cities and Towns by the Department of Waste Management to meet their new regulations; and

WHEREAS, it appears that the Department of Waste Management, by and through the Permit Application Fee process is intent on building a bureaucratic autonomous empire which is not dependent upon the Commonwealth for funding, but still costs the taxpayers money; and

WHEREAS, it appears ludicrous that the Department of Waste Management needs to spend a considerable number of man-hours reviewing the work of registered professional engineers and geologists all of whom are insured for malpractice, which provides alternative remedies for the Department should their work fail to meet required specifications;

Extract

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Dinwiddie, Virginia strongly urges the General Assembly to amend the Virginia Waste Management Act, Sec. 10.1-1402(16), Code of Virginia to exempt the Counties, Cities and Towns from the burden of Permit Application Fees; and

BE IT FURTHER RESOLVED, by the Board of Supervisors of the County of Dinwiddie, Virginia that all other Counties, Cities and Towns be invited to submit similar resolutions and that the Delegates and Senators representing all of the Cities, Counties and Towns be asked to co-sponsor Bills in the 1992 session of the legislature to effect this change.

IN RE: FINANCING FOR CARSON VOLUNTEER FIRE DEPARTMENT VEHICLE

The County of Prince George has completed a lease purchase agreement with Sanwa GEL of Towson, Maryland. The County went through the procurement procedure to establish the lowest interest rate for financing of the fire apparatus with a 7.2395% interest rate. The fire apparatus for Company #3 in Carson came to a total of \$169,977. Dinwiddie County has obligated participation of one-third of the cost of the vehicle which is \$56,659. The annual payments at 7.2395% interest will be \$13,907.33. The payment date of September 3, 1992 coincides with the lease purchase agreement the County has established with Sanwa and would have no effect on the date Dinwiddie County makes payment to Prince George County.

Upon motion of Mr. Tickle, seconded by Mr. Bracey, Mr. Bracey, Mr. Clay, Mr. Moody, Mr. Tickle, Mr. Harrison voting "aye", the County administrator was authorized to make a lump sum payment of \$56,659 to the County of Prince George, for the County's share in the purchase of a fire truck for the Carson Volunteer Fire Department.

IN RE: MAINTENANCE OF THE SOCIAL SERVICES BUILDING

The Assistant County Administrator informed the Board that she obtained an estimate for the list of improvements that has been requested by the Social Services Department. Before she reviewed the costs on the repairs, she gave a report on the amounts that have already been expended from this year's budget for some emergency repairs (with the exception of the tanks, which have to be removed). This amount is quite significant:

- | | |
|--|---------|
| 1. 200 Amp electrical service | \$1,046 |
| 2. Air conditioner replacement | 1,165 |
| 3. Remove and replace 2 - 500 gal tanks (No price yet) | |
| 4. Maintenance items - bathroom, folding doors - taken care of | |

The list of repairs and cost for the additional repairs requested is as follows:

- | | |
|-----------------------|--------------|
| 1. Light Fixtures | \$1,700 |
| 2. Painting Buildings | 1,500 |
| 3. Office Heat/air | 500 |
| 4. Storage Shelves | No price yet |

The Assistant County Administrator explained to the Board that at the present time, no money has been budgeted for these extra repairs. The Administration's suggestion is to hold off on the items except for the lights in the hallway and the heat for the office spaces until we are further into the budget year.

Upon motion of Mr. Clay, seconded by Mr. Moody, Mr. Bracey, Mr. Clay, Mr. Moody, Mr. Tickle, Mr. Harrison voting "aye", the County Administrator was authorized to proceed with those items necessary for safety and liability purposes which includes replacing the light fixtures and installing heating/air facilities for the newly divided office space in the Social Services Building.

IN RE: GASOLINE AND FUEL OIL BIDS

The Assistant County Administrator presented eight bids for the gasoline and fuel oil requirements for the County. She explained the bid process to the Board. She recommended the low bid from Barksdale Fuels for gasoline and diesel and Parker Oil Company for #2 fuel oil.

The Board members questioned the Assistant County Administrator regarding a fixed price from the firms. After some discussion the Board recommended checking with the firms to see if it is possible to get a fixed price for one year for the gasoline and fuel oil for the County.

Upon motion of Mr. Clay, seconded by Mr. Bracey, Mr. Bracey, Mr. Clay, Mr. Moody, Mr. Tickle, Mr. Harrison voting "aye", the County Administrator was authorized to investigate the possibility of obtaining fixed prices from the vendors on the gas and fuel oil requirements and to award the contract to the low bidders as recommended if no fixed price can be obtained for one year.

IN RE: NAMOZINE VOLUNTEER FIRE DEPARTMENT TRUCK REPAIR

The County Administrator advised the Board that the bill for the lettering for the Namozine Volunteer Fire Department truck was \$250.00. He asked the Board to approve payment of the bill.

Extract

Upon motion of Mr. Clay, seconded by Mr. Bracey, Mr. Bracey, Mr. Clay, Mr. Moody, Mr. Tickle, Mr. Harrison voting "aye", the payment of the \$250.00 for lettering the Namozine Volunteer Fire truck was approved to be funded from the capital outlay category within the fire departments budget.

IN RE: BOARD MEMBER COMMENTS

1. Mr. Clay asked for a report on accrued vacation history for the year for the County employees including the County Administrator.

2. Mr. Bracey said he had not noticed the E911 numbers posted on the buildings; he stated that it needed to be done.

Mr. Len Ponder passed out the accounting information on the street signs which Mr. Bracey had requested from the planning department.

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 9:25 p.m., to be continued at 5:00 p.m. October 2, 1991.

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

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