

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 2ND DAY OF DECEMBER, 1992, AT 7:30 P.M.

PRESENT:	EDWARD A. BRACEY, JR., CHAIRMAN	ELECTION DISTRICT #4
	A. S. CLAY VICE-CHAIRMAN	ELECTION DISTRICT #5
	HARRISON A. MOODY	ELECTION DISTRICT #1
	DONALD L. HARAWAY	ELECTION DISTRICT #2
	LEENORA EVERETT	ELECTION DISTRICT #3
	BENJAMIN EMERSON	COUNTY ATTORNEY
	CLAUDE TOWNSEND	DEPUTY SHERIFF

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IN RE: MINUTES

Upon motion of Mr. Haraway, seconded by Mr. Moody, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes of the November 18, 1992 Regular Meeting and the November 18 Continuation Meeting are hereby approved in their entirety.

IN RE: CLAIMS

Upon motion of Mr. Moody, seconded by Ms. Everett, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey 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 #21663 thru #21909, (void checks #21662): General Fund - \$256,789.41; E911 - \$2,243.64; Self Insurance - \$1,985.17; Law Enforcement Fund - \$244.35; Law Library - \$14.00 for a total of \$261,276.57.

IN RE: CITIZEN COMMENTS

1. Robert Ragsdale appeared before the Board to address them about the general reassessments. He stated that the Board had asked the members of the Board of Assessors to commit perjury when they asked them to sign off on the real estate books for the county, especially after the Board of Assessor told the Supervisors that they did not agree with the reassessments. He also stated that the County Administrator was supposed to meet with them in December and January and he did not show up for either of the meetings. He said the County Administrator told him that Mr. Edward Titmus told him not to meet with them. Mr. Ragsdale asked the Board members to contact Mr. Titmus to see if he did indeed tell the County Administrator not to meet with the Board of Assessors.

The Chairman instructed the Assistant County Administrator to make a note of the question for Mr. Titmus and to give it to him after the meeting so he could address the issue.

Mr. Ragsdale stated that the last time he was up here he was cut off. He said the study the County Administrator made out like he had given to him voluntarily, about the noise level at drag strips from Texas, he had to ask for it. He stated he had found out about the study, not from anyone in the county, but by himself, and called the County Administrator and he said he made out like he didn't have it. Mr. Ragsdale said he had to request the information and the County Administrator finally gave the study to him. Mr. Ragsdale stated the report was a lot different than what was reported to the Board at the public hearings. He told the Board he didn't think any of the Board members would want the drag strip near their homes and that he didn't know who the Board members were representing but he felt they should be representing the citizens of the County.

2. Mr. Phil Dean, Leadbetter, Inc., stated he had the conditional use permit to do the drag strip. He said he had just heard recently on the news of some of the more recent reactions to the approval. He said he was here tonight to say why they had suffered a set-back due to Mr. Evers deciding with some conflict that he had with respect to the admissions tax



IN RE: COUNTY ADMINISTRATOR COMMENTS

1. The County Administrator asked the Board to leave Friday, April 2, 1993 open on their calendars for a ceremony at Tudor Hall. He explained he didn't have all the details yet but he was certain they would want to attend.

2. The Southside Virginia Legal System has alerted the Tri-City area of an extermination fraud alert.

3. Friends of the Library is having an Open House, December 4, 1992 from 3:00 p.m.- 6:00 p.m. and the Board is invited to attend.

4. VACO sent a notice that on Wednesday, November 25, 1992, the Commission on Early Childhood and Child Day Care Programs approved recommendations for new regulation and licensing of Virginia's child day programs. Four regional public hearings will be held to receive public comments on December 8, 9, 10, and 11, 1992 on the Commission's recommendations.

5. Mr. Joe Lyle called to inform us that the bridge over Hatcher's Run Creek on US #1 North will not be completed until March 1, 1993, due to the State miscalculating elevations.

6. The Assistant County Administrator told the Board that the School tour would be best for January 14, 1993 for the School Board if that date would be alright with the Board of Supervisors. The Board agreed to meet on that date.

7. Jimmy Maitland of the Extension Office asked the Board to meet with his staff on December 16, 1992 at 12:00 noon to discuss issues pertaining to his department.

8. The E911 system is to be switched over on December 18, 1992 and information is to be distributed county-wide.

IN RE: RESOLUTION -- VIRGINIA POWER LINE

Mr. Clay said he had several citizens who had contacted him regarding adoption of a resolution objecting to the routing of the Virginia Power line from the Clover generating facility.

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

WHEREAS, the Virginia Electric and Power Company, hereafter referred to as Virginia Power, has filed an electrical transmission line (Case No. PUE920058) through Dinwiddie County, Virginia and five other Southside Virginia counties; and

WHEREAS, the Dinwiddie County Board of Supervisors has received significant objection to the routing of this line due to the numerous adverse effects upon the county and the lack of positive advantages from the line when constructed and operating; and

WHEREAS, as noted in said Application No. 197 (Page 4) ONLY two (2) of the (7) listed transmission line configurations were evaluated; and

WHEREAS, there exist other alternate configurations and solutions, than the seven listed on Page 4 of Application No. 197, for accomplishing the transmission of electrical power from the Clover generating facility that would impose fewer adverse effects upon the citizens of Dinwiddie County and the other affected Southside citizens;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, prior to hearing arguments concerning Application No. 197, to require Virginia Power to:

(1) Make detailed and thorough studies and evaluations of other transmission line configurations, including the upgrading or paralleling of present transmission lines, for the utilization of the electric power produced by the Clover generating facility, which would produce fewer

motion. Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey voting "aye",

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Mr. Aubrey S. Clay, Mr. Max Roberts, Ms. Becky Tilson, Mr. Glen Powell, Mr. Terry Jones, Ms. Barbara Wilson, Mr. Tommy Gibbs, and Mr. Roy Hodges (alternate) are hereby reappointed to the Transportation Safety Commission for a term of one year, expiring December 31, 1993.

IN RE: APPOINTMENTS -- BOARD OF ZONING APPEALS

Upon motion of Ms. Everett, seconded by Mr. Clay, Mr. Clay, Mr. Moody, Ms. Everett, Mr. Haraway, Mr. Bracey voting "aye", Mr. William P. Seay and Mr. Ronnie Abernathy are recommended for reappointment to the Board of Zoning Appeals by the Circuit Court Judge.

IN RE: APPOINTMENTS -- DINWIDDIE COUNTY WATER AUTHORITY

Mr. Haraway nominated Mr. John Clements and Mr. Joseph R. Patterson for reappointment to the Dinwiddie County Water Authority. Mr. Clay seconded the motion.. Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey voting "aye",

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Mr. John Clements and Mr. Joseph R. Patterson are hereby reappointed to the Dinwiddie County Water Authority for a term of four years, expiring December 31, 1996.

IN RE: APPOINTMENTS -- COMMUNITY AT RISK

Mr. Moody nominated Ms. Kay Walker for appointment to the Community Policy and Management Team. Mr. Haraway seconded the motion.. Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey voting "aye",

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Ms. Kay Walker is hereby appointed to the Community Policy and Management Team.

IN RE: RESOLUTION -- LEGAL HOLIDAYS

The County Administrator informed the Board that the Clerk of the Circuit Court had received notification that the clerk's office could be closed for the designated days of December 25th and January 1st as defined in Section 17-41 (8). In order to be closed on any other day a resolution would have to be duly adopted by the governing body of such county or city and approved by the Judge of the Circuit Court and filed in the office of the clerk. The days of December 24th and 31st, 1992 have been declared holidays by the Governor for State employees. It has been the County's policy to observe all State holidays.

Mr. Haraway stated he would approve "only if no overtime was accrued due to closure."

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

WHEREAS, the General District Court and other State Offices will be closed on December 24 and 25, 1992; and

WHEREAS, the General District Court and other State Offices will be closed on December 31 and January 1, 1993; and

WHEREAS, the Board of Supervisors of Dinwiddie County, Virginia has voted to close county offices on December 24 and December 31;

NOW, THEREFORE, BE IT RESOLVED, that all county offices will be closed on December 24 and 31, 1992 which are hereby established as general holidays for the employees of Dinwiddie County, Virginia.

Cross references - Penalty for Class 4 misdemeanor, 1-11.

State Law reference - Right of person to kill dog found killing or injuring livestock, Code of Virginia Section 3.1-796.116.

Upon motion of Ms. Everett, seconded by Mr. Haraway, Ms. Everett, Mr. Haraway, Mr. Moody voting "aye", Mr. Clay, Mr. Bracey voting "nay", the County Attorney was authorized to advertise the Weapons Ordinance for public hearing at the January 6, 1993 meeting.

IN RE: APPOINTMENT -- DINWIDDIE COUNTY CERTIFICATION COMMITTEE

Mr. Haraway nominated the following persons for reappointment to the Dinwiddie County Certification Committee: Mr. William Tucker, J. Kimbrough Jones, Ms. Minna Fisher, Mr. Harold M. Walker; Mr. Clay seconded the motion. Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey voting "aye",

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Mr. William Tucker, J. Kimbrough Jones, Ms. Minna Fisher, Mr. Harold M. Walker are hereby reappointed to the Dinwiddie County Certification Committee for a term of four years, expiring December 31, 1996.

IN RE: APPOINTMENT -- DINWIDDIE COUNTY AIRPORT INDUSTRIAL AUTHORITY

The appointments for the Dinwiddie County Airport and Industrial Authority will be made at the December 16, 1992 meeting.

IN RE: APPOINTMENT -- DISTRICT 19 CHAPTER 10 BOARD

Ms. Everett nominated Mr. Kenneth Wright for reappointment to the District 19 Chapter 10 Board which was seconded by Ms. Everett. Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey voting "aye",

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Mr. Kenneth Wright is hereby reappointed to the District 19 Chapter 10 Board for a term of four years, expiring December 31, 1996.

IN RE: APPOINTMENT -- DINWIDDIE COUNTY PLANNING COMMISSION

Mr. Haraway nominated Mr. W. "Guy" Scheid and Mr. Walter R. Kelly for reappointment to the Dinwiddie County Planning Commission which was seconded by Ms. Everett. Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey voting "aye",

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Mr. W. "Guy" Scheid and Mr. Walter R. Kelly are hereby reappointed to the Dinwiddie County Planning Commission for a term of four years, expiring December 31, 1996.

IN RE: APPOINTMENTS -- RECREATION ADVISORY BOARD

Mr. Moody nominated the following persons for appointment to the Recreation Advisory Board: Representative for business in the community, Mr. Duncan Lyle, Sr.; Representatives for women in the community - Ms. Sarah Parker and Ms. June Harvell; Female student representative - Ms. Courtney Warf; and Male student representative - Mr. Duncan Lyle, Jr.; Mr. Haraway seconded the motion. Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey voting "aye",

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Mr. Duncan Lyle, Sr., Ms. Sarah Parker and Ms. June Harvell, Ms. Courtney Warf and Mr. Duncan Lyle, Jr., are hereby appointed to the Recreation Advisory Board for a term of three years, expiring December 31, 1995.

IN RE: APPOINTMENTS -- TRANSPORTATION SAFETY COMMISSION

Mr. Haraway nominated the following persons for reappointment to the Transportation Safety Commission: Mr. Aubrey S. Clay, Mr. Max Roberts, Ms. Becky Tilson, Mr. Glen Powell, Mr. Terry Jones, Ms. Barbara Wilson, Mr. Tommy Gibbs, and Mr. Roy Hodges (alternate); Ms. Everett seconded the

A fee of twenty dollars (\$20.00) shall be charged for the reinspection of work not completed, ready or open for access. The reinspection fee shall be paid prior to performance of any reinspection.

IN RE: DISCUSSION OF REVISIONS TO WEAPONS ORDINANCE

The County Attorney, presented the following Weapons Ordinance for the Board's consideration.

Sec. 15.1-1. Definitions

When used in this section the following words shall have the meanings ascribed to them as follows:

Ammunition shall mean a cartridge, pellet, ball, missile or other projectile adapted for use in a firearm.

Firearm shall mean a weapon in which ammunition may be used or discharged by explosion, pneumatic pressure or mechanical contrivance, including any hand gun, pistol, shotgun, rifle, BB gun, or pellet gun, but shall mean a toy pistol or toy rifle.

Sec. 15.1-2. Discharging weapons.

a. Upon completion of the petition process described below, the areas within the county to which this section applies may be established, enlarged, or reduced upon amendment hereto properly adopted by the board of supervisors. Any property owners residing in a definable area may request the board of supervisors to establish or extend the restrictions of this section to their area by a petition signed by a majority of the property owners within said area. Said petition must accurately describe the definable area at issue and must list the name or names of all property owners within said area. Upon consideration of said extension, after notice and public hearings as required by the Code of Virginia, said extension may be approved by the board of supervisors, in its discretion.

b. In the areas of the county described in subsection 15.1-2 (a) above, it shall be unlawful for any person to willfully discharge any firearm: (i) from, in, on or across any street, sidewalk, alley, roadway, or school property or within one hundred (100) yards thereof; or (ii) within one hundred (100) yards of any building occupied or used as a dwelling, any tent, trailer or vehicle or any place where the public gathers; provided that this section shall not apply to any law enforcement officer in the performance of his official duties or to any other person whose actions are otherwise justifiable or excusable at law in the protection of his or her life or property, or are otherwise specifically allowed by law, including Section 15.1-3 below; and, further provided, that nothing in this section shall prevent the construction, use or operation of any target range or shooting range which is constructed and operated in accordance with the Dinwiddie Code.

c. Violation of this section shall constitute a Class 1 misdemeanor.

Cross references - Penalty for Class 1 misdemeanor, 1-11.

State Law references - Similar provisions, Code of Virginia, 18.2-280 and 18.2-286; authority of county to prohibit discharge of weapons in certain areas, 15.1-518.

Sec.15.1-3. Discharge of a firearm at a songbird or domestic animal.

a. It shall be unlawful for any person to discharge any firearm or other weapon at a songbird, pet, or other domestic animal, so as to wound or kill the same; provided that this section shall not apply to a law enforcement officer or animal warden in the performance of his official duties, to any person finding a dog in the act of killing or injuring livestock or poultry on land utilized by the livestock when the circumstances show that such chasing is harmful to the livestock, or to any act otherwise specifically allowed by law.

b. Violation of this section shall constitute a Class 4 misdemeanor.

- (11) Water pump ..... 3.00
- (12) Electric dryer ..... 3.00
- (13) Meter Base ..... 10.00
- (14) Exhaust fan ..... 2.00
- (15) Electric meter and disconnect box for mobile home. 10.00
- (16) Electric motors, each:
  - (a) 1/2 to 1 horsepower ..... 5.00
  - (b) More than 1 and up to 5 horsepower ..... 10.00
  - (c) More than 5 horsepower ..... 15.00
- (17) Temporary electric service ..... 10.00

(e) Electrical permits, commercial. Commercial charges will be made when electricity is connected to meter separate from one and two-family dwelling. Fee shall be as follows: One (1) percent of contract price up to fifteen thousand dollars (\$15,000.00); over fifteen thousand dollars (\$15,000.00), one-half percent (1/2%) for remainder of contract price.

(f) Plumbing permits, residential. The fee for each plumbing permit requiring an inspection shall be as follows:

- (1) Base ..... \$20.00
- (2) Each fixture, drain or other connection requiring a trap ..... 4.00

(g) Plumbing permits, commercial. Fee shall be as follows: One (1) percent of contract price up to fifteen thousand dollars (\$15,000.00); over fifteen thousand dollars (\$15,000.00), one-half percent for remainder of contract price.

(h) Heating and air conditioning with ducts, residential. Fee shall be as follows:

- (1) Base fee ..... 20.00
- (2) Each room with four (4) ducts or less ..... 4.00
- (3) Each room with more than four (4) ducts ..... 5.00
- Plus, for each duct over four (4) ..... 1.00
- (4) New or replacement boiler or furnace ..... 20.00

(i) Heating and air condition, commercial. Fee shall be as follows: One percent (1%) of contract price up to fifteen thousand dollars (\$15,000.00); over fifteen thousand dollars (\$15,000.00), one-half percent (1/2 %) for remainder of contract price.

(j) Fire Suppression. Fees shall be as follows: One percent (1%) of contract price up to fifteen thousand dollars (\$15,000.00); over fifteen thousand dollars (\$15,000.00), one-half percent (1/2 %) of remainder of contract price.

(k) Amusement Devices. The fees for amusement devices shall be as follows:

- (1) Kiddie Rides ..... \$15.00
- (2) Major Rides ..... 25.00
- (3) Spectacular Rides ..... 45.00

Section 6-21. Plan examination fee.

When the complexity of design warrants outside review, the Building Official shall select a qualified plan reviewer and the applicant shall pay the county for this review. Prior to review, the applicant shall be advised of the necessity of outside review and of its estimated cost if that information is available.

Section 6-22. Charge for inspection visit when building not open or job not ready for inspection.

the top of the sign being ten (10) feet or less from the ground, thirty dollars (\$30.00)

- b. More than ten (10) square feet in surface area (more than twenty (20) square feet for a double-faced sign) or a sign the top of which is more than ten (10) feet from the ground, Fifty Dollars (\$50.00).
- (7) Removal of a building or structure from one lot to another or to a new location within the same lot, thirty-five dollars (\$35.00)
- (8) Demolition of building or structure, twenty-five dollars (\$25.00) .
- (9) The fee for the erection or installation of a structure other than a building shall be calculated at a rate of one percent (1%) of the actual cost of the work.
- (10) Chimney, twenty-five dollars (25.00).
- (11) Roof shingles, tin, cedar shakes, twenty dollars (\$20.00)
- (12) Fences, one percent (1%) of the contract price; minimum fee twenty dollars (\$20.00)
- (13) Tanks, removal or installation (underground or above ground):
  - (a) 600 gallons and under, forty dollars (\$40.00) each.
  - (b) More than 600 gallons to 1,000 gallons, fifty dollars (\$50.00) each.
  - (c) More than 1,000 gallons and over, sixty dollars (\$60.00) each.

(d) Electrical permits, residential. Residential charges will be made when electricity is connected to one or two-family dwelling meter. The fees for a permit to install, alter or remove any building services equipment, electrical equipment or electrical services equipment shall be as follows:

- (1) Base Fee.....\$20.00
- (2) For light outlets:
  - From 1 to 5 outlets, inclusive .....\$ 2.00
  - 6 to 15 outlets, inclusive ..... 4.00
  - 16 to 50 outlets, inclusive ..... 6.00
  - 51 outlets and over .....12.00
- (3) For receptacle outlets:
  - From 1 to 5 outlets, inclusive .....\$ 2.00
  - 6 to 15 outlets, inclusive ..... 4.00
  - 16 to 50 outlets, inclusive ..... 6.00
  - 51 outlets and over ..... 12.00
- (4) Electric range ..... 3.00
- (5) Nonduct electric heat, per room ..... 3.00
- (6) Water heater ..... 3.00
- (7) Connecting neon signs ..... 5.00
- (8) New furnace hookup (nonreplacement) ..... 3.00
- (9) Room air conditioner wiring and receptacle ..... 3.00
- (10) Water pump ..... 3.00

following Amendment to Section 6-18, 6-21 and 6-22 of the Dinwiddie Code which would allow for an increase in portions of the Dinwiddie County Building Permit, Plan Examination, Electrical, Plumbing, Heating and Air Conditioning, Fire Suppression, Amusement Devices.

Mr. Dwayne Abernathy presented the following increases and changes for building permit fees for the county.

No one spoke for or against the Amendment.

Upon motion of Ms. Everett, seconded by Mr. Moody, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey, voting "aye",

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, DINWIDDIE, VIRGINIA, THAT THE Dinwiddie County Code, be further amended by the following additions and changes to Chapter 6, Section 18, 21, and 22 "Permit Fees - Generally" to increase certain permit fees for building, plumbing, electric, heat/air and to add a category of fees for administrative services, fire suppression, and amusement devices, all as follows, and in all other respects be reordained:

Section 6-18. Permit Fees--Generally.

(a) Generally. No permit required by the building code to begin work for new construction or any other building operation shall be issued until the fees prescribed by this section have been paid, nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the square footage of the construction or other building operation, increase in the cost or amount of work involved or any other reason, has been paid. For the purposes of this section, the area of a structure shall be determined by its exterior dimensions.

(b) Administrative Services. The fees for administrative services shall be as follows:

(1) Permit amendments, extensions, reinstatement and change of ownership/contract change. (Twenty Dollars) \$20.00

(2) If an application for a permit is cancelled by written request to the Building official within 6 months of the application date or within 12 months of the issue date, a refund will be granted. The following fees will be deducted from the refund:

- a. residential, commercial and other related permits, 30% of fee.
- b. all other permits 20% of fee.

(3) Duplication of permits and inspection slips ..\$3.00 ea.

(c) Building Permits. Building permit fees shall be as follows:

(1) Single-story dwellings, including additions, and remodeling, eight cents (\$0.08) per square foot.

(2) Industrial building, detached garages, carports, storage buildings, churches, schools, basements, second and higher stories, seven cents (\$0.07) per square foot.

(3) Installation or set-up of mobile homes:

- a. single-wide, fifty dollars (\$50.00)
- b. Double-wide, seventy-five dollars (\$75.00)

(4) Addition of brick or other siding to a building, and/or replacement windows, one percent (1%) of contract price.

(5) Swimming Pools, thirty dollars (\$30.00)  
Fence around pool, ten dollars (\$10.00)

(6) Signs:

- a. Up to ten (10) square feet in surface area, (twenty (20) square feet for a double-faced sign),

Mr. Gene Baxter spoke in favor of the ordinance.

No one spoke in opposition.

Upon motion of Mr. Moody, seconded by Ms. Everett, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey, voting "aye", Mr. Clay "abstaining", the following Disclosure Ordinance was tabled until a ruling from the General Assembly is received as to whether the County needs to be included in the Statute authorizing its adoption:

d. Each application for rezoning or a conditional use permit shall include the following information:

1. A list of the names and addresses of all persons owning any legal or equitable interest in the real property which is the subject of the application as a title owner, lessee, easement owner, contract purchaser, assignee, optionee, licensee or noteholder, including trustees, beneficiaries of trust, general partners, limited partners and all other natural or artificial persons owning any such interest; provided, however, that the names and addresses of governmental entities and public service companies owning recorded easements over the subject property need not be disclosed.

2. If any of the persons disclosed under Section 22-23 (d) (1) is a corporation, then the application shall also list the names and addresses of any shareholders who own ten (10) percent or more of any class of stock issued by such corporation and, where such corporation has ten (10) or fewer shareholders, a list of the names and addresses of all of the shareholders. If any of the persons disclosed under Section 22-23 (d) (1) is a partnership, joint venture, limited liability company, trust or other artificial person other than a corporation, then the application shall also list the names and addresses of any persons having any interest therein equal to ten (10) percent or more of the total of such interests and, where ten or fewer persons own all such interest, a list of the names and addresses of all such persons. For any corporation, partnership, joint venture, limited liability company, trust or other artificial person whose owners are unknown to the applicant and whose stock identities cannot be ascertained by the exercise of due diligence and for any corporation that has more than 100 shareholders or whose stock is regularly traded on a stock exchange or in the over the counter market, the applicant may so certify in lieu of providing a list of its stockholders or other persons having an interest therein.

3. If any of the persons disclosed under Section 22-23 (d) (2) is a corporation, partnership, joint venture, trust or other artificial person, the application shall be sworn to under oath before a notary public or other official before whom oaths may be taken, stating whether or not any member of the Planning Commission or Board of Supervisors or of any of their immediate households owns any legal or equitable interest in the real property which is subject of the application as a title owner, easement owner, contract purchaser, lessee, assignee, optionee or licensee either individually or by ownership of an interest in a corporation trust, partnership, joint venture, limited liability company or other entity owning any such interest. If any member of the Planning Commission or Board of Supervisors or of any of their immediate households owns any such interest, the application shall identify each such Commissioner, Supervisor or household member and describe the nature and extent of his ownership interest. Otherwise, no further disclosure of the ownership of the real property which is the subject of the application or petition is required.

e. If, prior to every public hearing, held in connection with such application, there has been any change in the ownership of the real property that is the subject of the application so as to make the information submitted under subsection 22-23 (d) inaccurate or incomplete, the applicant or petitioner shall, before such public hearing is held, file a list with the zoning administrator updating and correcting the information previously disclosed under subsection 22-23 (d).

IN RE: A-92-11 -- BUILDING PERMIT FEES

This being the time and place as advertised in the Progress-Index Newspaper on November 19, 1992, and November 26, 1992, for the Board of Supervisors to conduct a public hearing to consider for adoption the

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that the conditional use permit to place a 12' x 28" unmanned rock aggregate exterior building and a guy tower of up to four hundred (400) feet for use as a communication tower on an approximate five acre site one (1) mile north of 751 on Route 627 is approved with all the conditions stated above. In all other respects, said zoning ordinance is hereby reordained.

IN RE: A-92-7 -- ASSOCIATION FOR THE PRESERVATION OF CIVIL  
WAR SITES, INC.

This being the time and place as advertised in the Progress-Index Newspaper on November 18, 1992, and November 25, 1992, for the Board of Supervisors to conduct a public hearing to consider for adoption an Amendment to Section 22-71(6) and Section 22-114(4) to add "including interpretative and visitor structures or buildings and the required parking per Section 22-237 of the Dinwiddie County Code."

Mr. Leonard Ponder, Director of Planning, told the Board that the Association for the Preservation of Civil War Sites, Inc. (APCWS), has requested that Section 22-71(6) and Section 22-114(4) be amended to add "including interpretative and visitor structures or buildings and the required parking per Section 22-237 of the Dinwiddie County Code." The applicant contends that this code amendment would be in conformance with the intent of the R-1 and A-2 zoning districts and would support the preservation of natural and cultural resources of the County.

The APCWS intends to build an interpretative center on Duncan Road near Tudor Hall and this type of code amendment is necessary to do so. The various issue associated with the type of facility, mainly traffic, would be addressed by the scheduled widening of Duncan Road and the site plan review process. Another area of interest has to be the U.S. Route 1 and Duncan Road intersection. The increased traffic from this facility would require a realignment of the intersection, an issue that has already been raised with VDOT. This code amendment application merely asks for an expansion of the permitted use.

Staff realized that the issues raised above and others are important, however they are better addressed in the site plan review process, as evidenced by the road improvements for Hardees, McDonalds, Ingram Book Company, and Wal Mart. At its November 11, 1992 meeting the Planning Commission unanimously recommended approval of A-92-7.

Upon motion of Mr. Moody, seconded by Mr. Clay, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey voting "aye",

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that Section 22-71(6) and Section 22-114(4) is hereby amended to add "including interpretative and visitor structures or buildings and the required parking per Section 22-237 of the Dinwiddie County Code." In all other respects, said zoning ordinance is hereby reordained.

IN RE: A-92-9 -- DISCLOSURE ORDINANCE

This being the time and place as advertised in the Progress-Index Newspaper on November 19, 1992, and November 26, 1992, for the Board of Supervisors to conduct a public hearing to consider an amendment to Chapter 22 of the Dinwiddie County Code to provide for disclosure of ownership interests in property subject to rezoning or conditional use permit applications.

Mr. Benjamin Emerson, County Attorney, presented the Board with the disclosure ordinance for their consideration and explained that due to a discovery he had made he questioned whether or not the ordinance could be considered by the Board. In their research, Counsel discovered the localities who adopted similar ordinances did so by authority of the General Assembly and were listed in the legislation. The Board could ask the General Assembly to amend the Statute to include the County by special legislation.

Mrs. Anne Scarborough questioned why the public hearing was held before the ordinance was completely researched; she injected she was in favor of the ordinance.

difficult to see from any adjacent residential use on Route 627. Security will be addressed in the conditions through the use of security fencing at the tower and a gate at Route 627. It would also seem that any issues concerning air traffic would be moot as the FAA would have to okay this tower and require either visible colors or strobe lights.

Since this site is secluded and would have minimal or no impact on adjacent property owners, at its October 14, 1992 meeting the Planning Commission recommended C-92-5 to be approved with the following conditions:

1. The conditional use permit must be reviewed at least every two years for compliance with 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. A metal gate to be locked at all times, will be installed at the wood line of the existing right-of-way to the tower.

5. If any property owner should have any interference problems with his or her electrical communications equipment which is confirmed by the County Planning Department to have been caused by this tower, Virginia Cellular Limited Partnership will investigate the problem, devise a solution, and replace any damaged equipment attributable to that problem.

6. The tower will be limited to a height of three hundred (300) feet.

7. The tower will be placed on Tax Parcel 17-33 at least one thousand (1,000) feet from the property line of Tax Parcels 17-46 and 17-32. The new tower height can be adjusted upward in twenty (20) foot increments commensurate to any decrease in the current elevations of the base of the tower with a maximum allowable height of four hundred (400) feet.

The following people spoke in favor of the conditional use permit request:

1. Mr. Larry Bickings
2. Mr. Steve Barbie

The following people spoke in opposition of the conditional use permit request:

1. Ms. Pearl Branch
2. Mr. Raymond Henshaw
3. Mr. Chester Sedivy
4. Mr. Thomas Tucker
5. Mr. John Sharp

Mr. Clay interjected that the objection was to the location; he asked if there could be a compromise and agree to move the tower back on the property.

Mr. Moody said the Planning Commission made compromises already and he would hate to have the community up-in-arms. He said he felt the spot was best for all concerned.

Ms. Everett said she visited the area and it was pretty remote. She stated she hoped we didn't have to have too many more of the towers. Ms. Everett said the FAA signed off on the permit and there was no problem with the flight patterns.

The Chairman said he liked people to be good neighbors and wanted to see if all could be happy with the issue.

Upon motion of Ms. Everett, seconded by Mr. Haraway, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey voting "aye",

1. Ms. Julia Summey
2. Wallace Rowland

Ms. Everett asked if the present A-2 zoning allowed a craft shop or antique shop? Mr. Ponder replied it would allow it but it is constrained by the setback requirements. The B-2 zoning has less setback requirements.

Mr. Haraway wanted to know if Ms. Harrison put the shop in the present rental house, would it still need to be rezoned. Mr. Ponder said no.

The Chairman stated he had a problem with the request being denied by the Planning Commission. He said that just about everything around it is commercial. The Director of Planning stated that they didn't want to see it rezoned in a piecemeal fashion. The Chairman said he felt the Planning Commission should review the request again or he could not vote yes.

Mr. Gilbert Wood, Chairman, Planning Commission, explained that he felt since Jimmy Bland's case on Rt. 226 which was in a residential area and very similar to this case was denied this case should follow suit and be denied also. He said he did not know of any other business zoning up to Wal-Mart on this side of Rt. 460.

Mr. Haraway stated he could support the request if the rental house was torn down. He asked if the permit could be labeled to allow only an antique shop. The reply was no.

Mr. Clay agreed that there just didn't seem to be enough property for the rental house and the business.

Ms. Everett said she would like to see whole corner rezoned.

Mr. Moody stated he had a problem with overcrowding and he may be able to consider a conditional rezoning request if it were presented.

Upon motion of Mr. Haraway, seconded by Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Clay, voting "aye", Mr. Bracey voting "nay",

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that the rezoning request from Ms. Frances Harrison for a parcel of property described as Tax Parcel 20-36B, and .907 acre parcel located at the southwest corner of Butterwood Road (Rt. 632) and U.S. Route 460 from A-2 to B-2 is denied.

IN RE: RECESS

The Chairman declared a recess at 9:06 P.M. The meeting reconvened at 9:26 P.M.

IN RE: PUBLIC HEARING -- C-92-5 -- PETERSBURG CELLULAR PARTNERSHIP

This being the time and place as advertised in the Progress-Index Newspaper on November 18, 1992, and November 25, 1992, for the Board of Supervisors to conduct a public hearing to consider an application from Centel Cellular, Petersburg Cellular Partnership requesting a conditional use permit to place a 12' x 28" unmanned rock aggregate exterior building and a guy tower of up to four hundred (400) feet for use as a communication tower on an approximate five acre site, one (1) mile north of 751 on Route 627.

Mr. Leonard Ponder, Director of Planning, told the Board that Centel Cellular, Petersburg Cellular Partnership has applied for a conditional use permit to place a 12' x 28" unmanned rock aggregate exterior building and a guy tower of up to four hundred (400) feet for use as a communication tower on an approximate five acre site one (1) mile north of 751 on Route 627. This property is currently zoned A-2 and requires a conditional use permit for this use.

The major issues in cases such as this are normally aesthetics, security, air traffic, and property values. From an aesthetic and property value standpoint this site is very secluded and would be

6. All parking surfaces will be paved with either asphalt or concrete to eliminate dust and dirt issues.

7. A uniformed security service will make hourly inspections from dusk to dawn and report any violations to the respective enforcement agencies.

8. Parking will be allowed as shown on the sketch with the removal of the spaces shown perpendicular to Ford Avenue. A cul-de-sac will be constructed in that area with the turning radius to be built according to VDOT standards. There will be at least a thirty-five (35) foot buffer provided between Ford Avenue and the closest paved point of the cul-de-sac.

The following people spoke in favor of the conditional use permit:

1. Mr. Dick Goyne

The following people spoke in opposition of the conditional use permit:

1. Mr. Douglas Jennings stated he was not necessarily against the rezoning. He asked for a copy of the conditional use permit and who to report violations to.

2. Mr. Raymond De Luchi, questioned if the trucks parked overnight would be monitored. Mr. Chip Holt stated the State was the enforcement agency.

Upon motion of Mr. Moody, seconded by Mr. Haraway, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey voting "aye",

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that the conditional rezoning request from Delta Oil of Tax Parcels 21B(3) Blk 3-11 and 21B (10) - A, for an area of approximately five (5) acres, from R-1, Residential, Limited to B-2 Business, General, is approved with all the conditions as recommended by the Planning Commission. In all other respects, said zoning ordinance is hereby reordained.

IN RE: PUBLIC HEARING -- P-92-3 -- FRANCES R. HARRISON

This being the time and place as advertised in the Progress-Index Newspaper on November 18, 1992, and November 25, 1992, for the Board of Supervisors to conduct a public hearing to consider a request from Mrs. Frances R. Harrison to rezone from A-2 to B-2 a parcel of property described as Tax Parcel 20-36B, a .907 acre parcel located at the southwest corner of Butterwood Road (Rt. 632) and U.S. Route 460.

Mr. Leonard Ponder, Director of Planning, stated that Mrs. Harrison has recently purchased this property and plans to put a business there in the future.

This particular parcel is located along the U.S. 460 corridor which has seen a rapid commercialization in the past few years. The industrial growth at the Airport Industrial Park along with commercial projects such as the Bank of McKenney, Fas Mart, and Marek's Markets are examples of this growth. Further west, Wal-Mart and Tindall Concrete give more evidence of this type of growth.

It is reasonable to assume that this growth will continue, particularly at major intersections. One need only look at the above examples at the Route 226 and Route 460 intersection to see how this growth should and does happen at intersections. In spite of the growth in the area the Planning Commission at its November 11, 1992 meeting recommended that the Board of Supervisors deny this rezoning request and address the obvious commercial nature of this area in the comprehensive plan review.

The following people spoke in favor of the rezoning request:

1. Ms. Frances Harrison

The following people spoke in opposition of the rezoning request:

Mr. Deluchi said he was concerned about the pollution problems also. The County Administrator said the EPA issued the permits for the facility.

Mr. Deluchi asked if the Water Authority had repaid the \$255,000? The County Administrator said the repayment was being worked on.

Mr. Deluchi asked if the interest rate for the bond issue for the landfill had been set? He was informed that it would be in the range of 5.3%.

IN RE: AMENDMENTS TO THE AGENDA

Upon motion of Mr. Moody, seconded by Ms. Everett, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey voting "aye", the following amendments were approved.

Remove: 8. Tri-City Literacy Council  
Add: 12. Executive Session  
1. Personnel

IN RE: P-92-2 -- DELTA OIL & ASSOCIATES

This being the time and place as advertised in the Progress-Index Newspaper on November 18, 1992, and November 25, 1992, for the Board of Supervisors to conduct a public hearing to consider a conditional rezoning of Tax Parcels 21B(3) Blk 3-11 and 21B (10) - A from R-1, Residential, Limited to B-2 Business, General.

Mr. Leonard Ponder, Director of Planning, stated that this rezoning would be for an area of approximately five (5) acres and would address the increased parking needs that both Delta Oil Company and Hardees are experiencing.

When Delta Oil Company purchased the property the Exxon Servicecenter and Hardees currently occupy, they also purchased the property upon which they are asking for a rezoning. This property has frontage on Interstate 85 and a small amount of frontage on Ford Avenue. Although this property is currently zoned R-1, the County has in the past recognized the need for rezoning major intersections and roadways for commercial uses. This can be seen by looking at the U.S. 460 - Rt. 226 intersection, Interstate 85, U.S. 460 intersection, and others.

The major issues in this conditional rezoning are protection of the neighbors from truck traffic, noise, and congestion. Another issue is that of maintaining a secure neighborhood and at the same time maintaining the viability of the business.

Staff has consistently maintained that zoning along such major intersections as these be commercial. Staff maintains this position in this case, while recognizing the fact that this particular neighborhood is going through a transition period to a more commercial look. At its November 11, 1992 meeting the Planning Commission recommended that the Board of Supervisors approve P-92-2 with the following conditions:

1. No ingress or egress will be allowed from this property to Ford Avenue. Current traffic patterns for the Exxon Servicenter will be maintained.
2. An eight (8) foot solid wood fence will be erected on a four (4) foot high berm along all property lines except that line that runs along Interstate 85. Between the fence and the property line, trees and shrubbery will be planted per the sketch submitted to constitute a sight and sound buffer between the parking area and the adjacent residential uses.
3. No more signage will be allowed on this rezoned parcel.
4. All lighting will be directed to the inside of the rezoned parcel.
5. A Site plan will be submitted to the Planning Office to include a storm water management plan.

that he felt like it was not a venture he could pursue. Mr. Dean stated he had continued to investigate the development of the track and feels that he is near putting together a very worthwhile group to bring the track to Dinwiddie. He said construction could start soon after the first of the year and is targeting a mid-summer opening with a drag racing facility. He said they had a tremendously positive reaction to what Leadbetter, Inc., is putting together from the NAHRA. He expressed his appreciation to the entire community for their support. He stated that everything possible was being done to minimize the noise level for the complex and to be a good neighbor to the community. He stated that he had a number of meetings with the Crater Criminal Justice Academy which represents some 30 communities and they have an interest in being able to use the facility for training for fire and rescue. He said they were trying to get all the expertise that they could to do this thing right, and that they do plan to continue with the project.

Mr. Haraway responded that he was the representative for the area where the race track is proposed. He said he did agree that he had heard a lot of people in favor of the race track. Especially in areas outside of Dinwiddie County; but that he felt this is true with most things, that as long as you don't put it in my back-yard, fine. But that he had received numerous telephone calls from people who live within two miles of the race tracks including two churches, and they are extremely concerned about the noise level that will be generated from the track. He said he felt they would feel a little bit differently about this if it was something that was going to occur two or three times a year, but with something that was going to occur two or three times a week for eight to nine months a year is one of their main concerns. He told Mr. Dean it would help if he could set some meetings with these people to show some tapes or anything else they could do to help these people. Because they are really concerned about the noise level and he didn't feel it was going to be smooth sailing for Leadbetter if they built this track, because of the opposition right now and the feeling they have towards the track.

Mr. Dean said he could not change the nature of this venture and that they certainly would do that. He said it was their intention to make it a successful venture and he didn't think they could do that with a lot of ill will and a lot of animosity from those nearby. We will make any attempt we can to soften that and make something that could be viable to everyone. Mr. Dean stated that they did, however, recognize the ultimate potential economic value that the track would be to the County. He said they would do all that they could do to minimize the negative impact.

3. Mr. Nick Krauzer of Gibson Drive told the Board he was concerned about the property values and noise level of the track. He asked for a reply to the letter from the Board to Mr. Ragsdale about the noise level as to why there were no conditions set about the noise level?

The County Administrator stated that at no point did anyone state a need for a measurement in decibels. He said rather there was a limited amount of hours of operation for the track. But that based on the feeling at the time, there was not a concern for the noise level.

4. Mr. Jerome E. Walden, Jr., Claremont Street, Petersburg, racer, told the Board that in order for him to race he has to travel 20,000 to 25,000 miles a year. He said he had seen in the newspaper where the citizens are concerned about the noise level at the track but no one would be able to determine what the levels would be until the track was constructed. He did however state that within a 200 yard radius the noise level would decrease. Mr. Walden said he certainly would like to have a home track.

5. Mr. Raymond DeLuchi, Floyd Avenue, asked what kind of fuel the proposed power plant near Ingram Book Company was going to use and how much noise would be generated from the facility.

The County Administrator told him the power plant was a small facility which would use diesel fuel to generate steam for usage by other proposed projects for the northern end of the county. The engines would be located inside the insulated building, which would create a minimal amount of noise.

adverse effects upon the citizens and environment of Dinwiddie County and the other involved Southside counties, and

(2) Make copies of these studies available to the Commission and to the Board.

IN RE: BOARD MEMBER COMMENTS

1. The Chairman stated that he had received a letter from John Chappell regarding the Dinwiddie Babe Ruth League's use of a baseball field. He said he thought the problem had been resolved but apparently it had not. Mr. Bracey asked that the Board meet with Mr. John Chappell and Mr. Tony Rinaldi in Executive Session at the next meeting to discuss personnel matters.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Clay, seconded by Mr. Haraway, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey, voting "aye", pursuant to the Virginia Freedom of Information Act, Section 2.1-344(a) (1) personnel; the Board moved into Executive Session at 11:31 P.M. A vote having been made and approved, the meeting reconvened into Open session at 12:40 A.M.

IN RE: CERTIFICATION OF EXECUTIVE MEETING

Upon motion of Mr. Haraway, seconded by Ms. Everett, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey, voting "aye", the following 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;

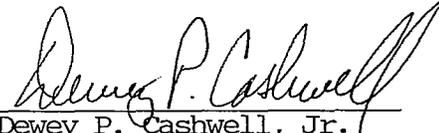
NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this 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. Clay, Mr. Clay, Ms. Everett, Mr. Haraway, Mr. Moody, Mr. Bracey voting "aye", the meeting adjourned at 12:35 A.M., to be continued to 6:00 P.M. December 3, 1992, for a Legislative Dinner at the Home Place Restaurant, Spring Creek Road, Dinwiddie, Virginia.

  
Edward A. Bracey, Jr.  
Chairman, Board of Supervisors

ATTEST:

  
Dewey P. Cashwell, Jr.  
County Administrator

