

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 7TH DAY OF APRIL, 1993, AT 7:30 P.M.

PRESENT: A. S. CLAY, CHAIRMAN
LEENORA EVERETT, VICE-CHAIRMAN
HARRISON A. MOODY
DONALD L. HARAWAY
EDWARD A. BRACEY, JR.
DANIEL SIEGEL

ELECTION DISTRICT #5
ELECTION DISTRICT #3
ELECTION DISTRICT #1
ELECTION DISTRICT #2
ELECTION DISTRICT #4
COUNTY ATTORNEY

IN RE: MINUTES

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes of the March 17, 1993, Regular Meeting, March 24, 1993, Continuation Meeting, and the March 31, 1993, Continuation Meeting are hereby approved in their entirety.

IN RE: CLAIMS

Upon motion of Mr. Bracey, seconded by Mr. Haraway, Mr. Moody, Mr. Haraway, Mr. Bracey, Ms. Everett, Mr. Clay 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 #23211 thru #23467, (void checks #23210 and #23330); General Fund - \$298,108.27; E911 - \$160.81; Self Insurance - \$5,195.91; CDBG - \$48.00; Capital Projects - \$27,830.62; Law Library - \$52.64; Law Enforcement - \$373.13; for a total of \$331,769.38.

IN RE: CITIZEN COMMENTS

1. Margie Ingram told the Board she was concerned about the budget. She said the Board needs to consider the older people in the county. Instead of giving it all to the children, give more to the Rescue Squad, Fire Departments, and Sheriff's Department.

IN RE: AMENDMENTS TO THE AGENDA

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

REMOVE: 14. Executive Session - 1. Personnel
2. Acquisition of Property

IN RE: PUBLIC HEARING -- P-93-1 -- ROSLYN FARMS CORPORATION

This being the time and place as advertised in the Monitor Newspaper on March 24, 1993, and March 31, 1993, for the Board of Supervisors to conduct a public hearing to consider the rezoning request of Mr. Robert Walker that Tax Parcel 21(4)2, situated on Weakley Road near Ingram Book Company be rezoned from A-2 to M-1 .

Mr. Leonard Ponder, Director of Planning, told the Board that Mr. Robert Walker has requested that Tax Parcel 21(4)2, situated on Weakley Road near Ingram Book Company be rezoned from A-2 to M-1 for the purpose of locating a cellular communication tower on that site.

Mr. Walker avers that because of the minimal height of the tower, one hundred eighty (180) feet, and the commercial and industrial nature of adjacent properties, this rezoning is reasonable and practical.

The issue before the Board of Supervisors is whether a rezoning to M-1 is reasonable and appropriate for this parcel. In light of the rezoning in the past in this area to industrial uses and the prospect for more rezoning in the future because of the railroad and the obvious changing nature of the area, the Planning Commission at its March 3, 1993

meeting recommended unanimously that P-93-1 be approved. Staff concurs with the recommendation.

Mr. David Bullock representing Centel Cellular explained the location and technical structure of the tower.

No one spoke in opposition to the rezoning request.

Mr. Ponder stated there was no opposition at the Planning Commission meeting.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that Tax Parcel 21(4)2, of the Dinwiddie County Zoning Maps situated on Weakley Road near Ingram Book Company is amended by changing the district classification from Agricultural General A-2 to Industrial, Limited M-1 for the purpose of locating a cellular communication tower on that site. In all other respects, said zoning ordinance is hereby reordained.

IN RE: PUBLIC HEARING -- C-93-1 -- ROSLYN FARMS CORPORATION

This being the time and place as advertised in the Monitor Newspaper on March 24, 1993, and March 31, 1993, for the Board of Supervisors to conduct a public hearing to consider the request of ROSLYN Farms Corporation for a conditional use permit that would allow them to construct a two hundred (200) foot tall self-support cellular communication tower on Tax Parcel 21-(4)-2, located on Weakley Road adjacent to Wythe Park Power and Ingram Book Company.

Mr. Leonard Ponder, Director of Planning, told the Board that the staff has long held that the establishment of towers such as these is a result in increased development and the increased communication needs of business and consumers. This is still the case. This tower is however in a more densely populated area than in the past and more caution must be used in the placement of this tower. The following conditions will reflect that caution.

1. The tower will be restricted to a maximum height of one hundred eighty (180) feet.
2. The base of the tower will be situated on the site to be at least one hundred thirty (130) feet from any habitable structure or from the edge of pavement of Weakley Road.
3. The tower and any buildings will be fenced in with an eight (8) foot high chain link fence with a three (3) strand barb wire top.
4. The entrance gate will be locked at all times.
5. Since this site will be very visible, a landscaping plan must be submitted and approved before a Certificate of Occupancy is issued.
6. If the towers should become inoperative for more than twelve (12) months the current owner shall be responsible for taking the tower down.
7. A copy of any FAA approval must be on file before a Certificate of Occupancy is issued.
8. A gate will be required within fifteen (15) feet of the intersection of Weakley Road and the access road to the tower and will remain locked at all times.
9. 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, Centel Cellular will investigate the problem, devise a solution, and replace any damaged equipment attributable to that problem.
10. The conditional use permit must be reviewed at least every two years for compliance with stated conditions.

Mr. David Bullock, representing Centel Cellular was present to answer questions. Mr. John Boswell and Ms. Margie Ingram asked questions concerning the danger of the tower falling and the responsibility of the property owner. Ms. Everett asked how many more towers were being proposed in Dinwiddie County.

No one spoke for, or, in opposition to the conditional use permit.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the conditional use permit request of Roslyn Farms Corporation to allow them to construct a two hundred (200) foot tall self-support cellular communication tower on Tax Parcel 21-(4)-2, located on Weakley Road adjacent to Wythe Park Power and Ingram Book Company is approved with the conditions recommended by the Planning Commission.

IN RE: PUBLIC HEARING -- A-93-3 -- ROAD NAME CHANGE ORDINANCE

This being the time and place as advertised in the Monitor Newspaper on March, 1993, and March, 1993, for the Board of Supervisors to conduct a public hearing for the purpose of adopting an Ordinance to amend Chapter 17.5 of the Dinwiddie Code, Section 17.5-27 providing for an application for street name change to be submitted directly to the Board of Supervisors for approval in the discretion of the Board or repealing Section 17.5-27 in its entirety.

The County Attorney, Daniel Siegel, read the two following proposed ordinances for the Board's consideration:

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Section 17.5-27 of the Dinwiddie Code shall be amended to read as follows, and in all other respects be reordained:

Section 17.5-27. Street Name Changes.

Any person who wishes the name of an existing street, road or alley outside the corporate limits of any town to be changed shall submit an application therefore in writing to the Board of Supervisors, stating the reason or reasons supporting such request. Any such application shall be accompanied by a proposed resolution of the Board of Supervisors, taking into account historical and any other factors which it may deem significant, shall be by a duly adopted resolution.

State law reference - Code of Virginia, Section 15.1-379.

Option #2

An Ordinance to amend Chapter 17.5 of the Dinwiddie Code, by repealing Section 17.5-27 in its entirety.

BE IT ORDAINED that Section 17.5-27 is repealed in its entirety.

This Ordinance shall be immediately effective as of this 7th day of April, 1993.

Mr. Freeman Browning stated he felt the Board should change Halligan Park Road to Halifax Road because of its historical backing and the letter he presented from the Historical Society.

Mr. George Hobbs asked "Where is the power of elected officials?" Mr. Hobbs said the Board had the power to change the 50% requirement to 75% overnight but didn't have the power to change Halligan Park Road back to Halifax Road. He stated he had documentation to prove that the name Halifax Road went back over 200 and some years. He told the Board that they allowed one man to change the road name to his Grandfather's name with no petition and no signatures. Mr. Hobbs asked if Johnny Clements had this much control over the Board that he had them under control.

Mr. Clay responded that Mr. Clements had no control over the Board; the option to change the road names was advertised in the paper and Mr. Clements requested the change. Mr. Clay asked Mr. Hobbs, if everyone was

so upset over the name of the road then why was it that the only ones complaining were him and Mr. Browning.

Mr. Hobbs said the others who signed the petition were waiting to see what happened.

No one else spoke for, or, in opposition to the ordinance.

Mr. Haraway stated at the present time Section 17.5-27 outlines procedures for any persons that wishes to change an existing road name to go through the Planning Commission and then submit it to the Board of Supervisors. If we approve the amendment before us tonight, the Planning Director and the Planning Commission will be left out of the process which will result he felt, in the following:

1. The background work in all probability, will not be as detailed and the Board will have biased information.

2. The Board of Supervisors will receive requests that are going to cause a lot of discussion that would not be necessary if the proposed name change had gone through the Planning Director and the Planning Commission.

3. There will be additional costs associated with road name changes.

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

BE IT ORDAINED that:

Section 17.5-27 (5) of the Dinwiddie Code shall be amended to read as follows:

(5) In order to expedite the implementation of the enhanced 911 emergency system and to maintain the integrity and accuracy of the county's street maps (furnished to all police, fire and rescue units), a moratorium shall be in effect until April 7, 1997.

This Ordinance shall be immediately effective as of this 7th day of April, 1993.

IN RE: PUBLIC HEARING -- A-93-10 -- FIRE HYDRANT ORDINANCE

This being the time and place as advertised in the Monitor Newspaper on March 24, 1993, and March 31, 1993, for the Board of Supervisors to conduct a public hearing for the purpose of adopting an Ordinance to amend the Dinwiddie Code, Section 6 by adding Plans Review for Section 6-24 Fire Protection and Fire Hydrant Requirements.

Mr. David Nichols, Public Safety Officer, presented the following ordinance to the Board for their consideration:

It shall be the responsibility of the fire marshal to assist the building inspector in the review of construction plans for compliance with the fire protection provisions of the Uniform Statewide Building Code, the Statewide Fire Prevention Code, and any other applicable statutes, codes or regulations, prior to the issuance of a building permit. During the site and/or construction plans review process for new construction, or alteration thereof or change in use as originally permitted of any building or structure other than detached one and two family dwellings, the building inspector shall have the authority to require the installation of fire hydrants as he deems necessary to have water available for fire fighting purposes. The need for such fire hydrants will be determined by the use and size of the structure involved and the availability of water in the area of the property. The number of fire hydrants, their placement and the desired flow shall be determined by regulations established from nationally recognized standards.

State law reference - Authority for above section, Code of Virginia 15.1-510, 27-97, 27-98 and 36-98, Volume I New Construction Code, Virginia Uniform Statewide Building Code; S 1015.1 BOCA National Building Code/1990 Edition.

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

BE IT ORDAINED that Chapter 6 of the Dinwiddie Code shall be amended to add Section 6-24 as presented.

This Ordinance shall be immediately effective as of this 7th day of April, 1993.

IN RE: APPOINTMENTS -- OFFICE ON YOUTH COMMISSION

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

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the following people, are hereby appointed to the Dinwiddie County Youth Services Citizens Board or Youth Commission:

AGENCY REPRESENTATIVES:

| | | | |
|---------------------------|-------------------------|------|------|
| Patsy Barnes | Extension Services | 5/91 | 5/94 |
| Pat Perkins | Social Services | 5/91 | 5/94 |
| *Carla Jones | Probation Counselor | 5/93 | 5/95 |
| Blair Warden | Mental Health Services | 5/92 | 5/95 |
| **George Rivers | Dinwiddie Deputy (DARE) | 5/93 | 5/96 |
| **Sharon Yates | Middle School Teacher | 5/93 | 5/96 |
| **Jeanne O'Brien Nunnally | Elementary Teacher | 5/93 | 5/96 |

CITIZEN REPRESENTATIVES:

| | | | |
|------------------|-------------------|------|------|
| Gene Winfield | Winfield Plumbing | 5/92 | 5/95 |
| *Cindy Olgers | Olger's Taxidermy | 5/93 | 5/95 |
| *Wanda Johnson | Fort Lee | 5/93 | 5/96 |
| *Charlie Hawkins | Retired | 5/93 | 5/94 |
| **Kenneth Hawkes | Postal Worker | 5/93 | 5/96 |

YOUTH:

| | | | |
|----------------------|---------|------|------|
| *Matt Hume | Student | 5/93 | 5/94 |
| *Courtney Warf | Student | 5/93 | 5/94 |
| *Jay Ragsdale | Student | 5/93 | 5/94 |
| **Sharmonique Taylor | Student | 5/93 | 5/94 |
| **Shavaris Parham | Student | 5/93 | 5/94 |
| **Cindy Conn | Student | 5/93 | 5/94 |

***BOLD** Current members for re-appointment

*Completing unexpired term for a member resigning

**New persons now being recommended for appointment

Others fulfilling term

IN RE: RESIGNATION -- M. KENNETH WRIGHT

Upon motion of Mr. Bracey, seconded by Ms. Everett, Mr. Bracey, Mr. Moody, Mr. Bracey, Ms. Everett, Mr. Clay voting "aye", the resignation of Mr. M. Kenneth Wright as the representative to the District 19 Community Services Board is hereby accepted.

IN RE: COUNTY ADMINISTRATOR COMMENTS

1. The County Administrator assured the public that no commitments have been made for the courthouse project and that the media would be notified before any final decisions were made.

IN RE: CRATER PLANNING DISTRICT COMMISSION'S EDA PLANNING GRANT GRANT -- \$55,000

The County Administrator told the Board he had received the following letter from Ms. Martha Burton, Assistant to the Executive Director, Crater Planning District Commission.

The Commission has been notified that it is eligible to receive \$55,000 in EDA Planning Funds, effective July 1, 1993. The application must be in on May 14. Once again Crater Planning Commission asked the Board to submit a letter of endorsement of the Commission's application.

Upon motion of Mr. Bracey, seconded by Mr. Haraway, Mr. Bracey, Mr. Haraway, Mr. Moody, Ms. Everett, Mr. Clay voting "aye", the Crater Planning District Commission's request of endorsement for \$55,000 in EDA Planning Grants Funds was approved.

IN RE: RESOLUTION -- NATIONAL LIBRARY WEEK

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

WHEREAS, we are fortunate to have excellent library facilities available and convenient for our use in this community; and

WHEREAS, in books are stored the accumulated wisdom of the ages, and the individual, who does not read has very little advantage over the person who cannot read; and

WHEREAS, a special week of activities has been planned at Appomattox Regional Library to celebrate National Library Week, including Open House and Bedtime Storytime programs, all of which will be open to the public;

NOW THEREFORE, the Board of Supervisors of Dinwiddie County, Virginia does proclaim the week of April 18-24, 1993 as LIBRARY WEEK in Dinwiddie County, urging all citizens to visit their local branch of the Appomattox Regional Library during this special week to acquaint themselves with the many fine services offered; and further to join them in extending our commendation to those who have worked so diligently to make this institution an asset to our community.

IN RE: PROCLAMATION -- CHILD ABUSE PREVENTION MONTH

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

WHEREAS, the incidence and prevalence of child abuse and neglect have reached alarming proportions in the United States, where 35,583 reports of child abuse and neglect were reported and 9,242 were substantiated in Virginia during fiscal year 1991-92; where 35 of 122 reports in Dinwiddie County were substantiated and where there were 32 child fatalities related to abuse and neglect in Virginia in 1991-92;

WHEREAS, Virginia and Dinwiddie County face a continuing need to support innovative programs to prevent child abuse and assist parents and family members when child abuse occurs; and

WHEREAS, in Virginia and Dinwiddie County we have dedicated individuals and organizations who work daily to counter the problem of child abuse and neglect and to help parents obtain the assistance they need; and

WHEREAS, all children deserve freedom from verbal abuse, sexual abuse, emotional and physical abuse and neglect; and

WHEREAS, we believe all children deserve to have BLUE RIBBON DAYS, including loving hugs, warm homes, tender care, parents and adults who listen and promote self-esteem, give quality time, provide necessary food, shelter, clothing, medical attention; and

WHEREAS, it is indeed appropriate and fitting to focus attention upon the problem of child abuse and neglect in Virginia and Dinwiddie County;

NOW, THEREFORE, the Board of Supervisors of Dinwiddie County, Virginia does proclaim the month of April, 1993 as CHILD ABUSE PREVENTION MONTH in Dinwiddie County, and call upon our citizens to observe the month with appropriate programs, blue ribbons and other activities.

IN RE: DISABILITY SERVICES BOARD -- AMENDMENT

The County Administrator stated that there was a need for some modifications to the laws and by-laws of the Disability Services Board. The modifications were made to restrict the Disability Services Board to what the State Legislature fully intended, which was an advisory board in its capacity and not one involved in direct service delivery. The County Administrator stated the document presented was the amended laws and by-laws for the organization for adoption by the Board.

Mr. Daniel Siegel, County Attorney, told the Board after going through some of the background of this statute, while it is not stated in the statute that a public hearing is required, there is a reference somewhere in the statute to an ordinance adopted as an ordinance which would then bring in the public hearing requirement. The County Attorney stated it would be safer to do it that way, rather than to take a chance.

Upon motion of Mr. Bracey, seconded by Ms. Everett, Mr. Bracey, Mr. Haraway, Mr. Moody, Ms. Everett, Mr. Clay voting "aye", the County Attorney was authorized to advertise for a public hearing to adopt the amended Disabilities Services Board laws and by-laws.

IN RE: RESOLUTION -- NATIONAL VOLUNTEER WEEK - APRIL 18-24, 1993

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

WHEREAS, the foundation of a humane and just society is the people's willingness to work together for the common good; and

WHEREAS, experience teaches us that government by itself cannot solve all of our nation's social problems; and

WHEREAS, our country's volunteer force of 94.2 million people is our greatest treasure; and

WHEREAS, only self-sacrificing individuals mobilized to help others can stem the tide of poverty, hunger, homelessness, spouse and child abuse, and other problems that afflict society; and

WHEREAS, the giving of oneself in service to another empowers the giver and the recipient; and

WHEREAS, volunteering creates an opportunity to better oneself; and

WHEREAS, it is the duty of all our citizens to honor our dedicated volunteers and celebrate the volunteer programs which contribute to the life of our communities throughout Dinwiddie County, Virginia;

NOW, THEREFORE, the Board of Supervisors of Dinwiddie County, Virginia does proclaim the week of April 18-24, 1993 as National Volunteer Week in Dinwiddie County, and urge their fellow citizens to observe this period by considering how they can devote a portion of their lives each week to people in need, or an important cause or group.

IN RE: VRS EARLY RETIREMENT -- DEBT FUND

The Assistant County Administrator told the Board that a new fund titled "VRS Early Retirement - Debt Fund" is needed to be established by the Board and \$192,260 from the County's general fund moved to this account and stay there until the School Board draws upon this account to make their budgeted debt payment to VRS.

Upon motion of Mr. Bracey, seconded by Ms. Everett, Mr. Bracey, Mr. Haraway, Mr. Moody, Ms. Everett, Mr. Clay voting "aye", the Treasurer was authorized to establish the VRS Early Retirement - Debt Fund and transfer \$192,260 from the General Fund into the VRS Debt Fund for future School Board payments to VRS.

IN RE: TIMBER SALE

The Assistant County Administrator said at an earlier meeting the Board had discussed the sale of timber on a 7 acre parcel of property the

County owns behind Rohoic Elementary School. The Board also included an adjoining property owner, therefore it was going to be a joint sale. Two out of the three foresters that have been contacted have come back and said they would not recommend including the adjoining property because it could cause the value of the County's timber to go down. The Assistant County Administrator said she understood it was being considered initially to accommodate the adjoining land owner. She stated she was bringing it back tonight to the Board to get guidance on whether the Board wanted to go forward with the sale of the timber. She asked the Board if they wanted to proceed with the sale of the timber or were they just trying to accommodate the adjoining land owner.

The consensus of the Board was to proceed with the sale of the timber the County owns without the adjoining property owner.

The Assistant County Administrator stated she would bring back the results of pursuing someone to handle the sale of the timber for the County for Board action.

IN RE: AUTHORIZATION TO ADVERTISE FOR PUBLIC HEARING -- EASEMENT
FOR SEWER LINE AT DINWIDDIE COUNTY HIGH SCHOOL

The County Attorney asked the Board for authorization to advertise for a public hearing to convey an easement to the Water Authority for a right-of-way near the Dinwiddie County High School for a sewer line.

Upon motion of Ms. Everett, seconded by Mr. Bracey, Mr. Bracey, Mr. Haraway, Mr. Moody, Ms. Everett, Mr. Clay voting "aye", the County Attorney was authorized to advertise for a public hearing to convey an easement to the Water Authority for a right-of-way near the Dinwiddie County High School for a sewer line at the May 5, 1993 meeting.

IN RE: BOARD MEMBER COMMENTS

1. Mr. Moody stated he had received several calls from concerned citizens in regard to the sale of alcoholic beverages at the Fall Festival. He said the Board had not made any decision at this time, but he said he felt the Board should calm the people's nerves.

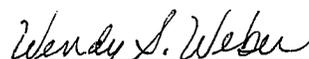
Upon motion of Mr. Moody, seconded by Mr. Haraway, Mr. Bracey, Mr. Haraway, Mr. Moody, Ms. Everett, Mr. Clay voting "aye", the sale of alcoholic beverages at the Fall Festival will not be pursued.

2. Ms. Everett welcomed the new Battlefield Park Superintendent, Mr. Mike Hill.

IN RE: ADJOURNMENT

Upon motion of Mr. Bracey, seconded by Mr. Moody, Mr. Haraway, Mr. Moody, Mr. Bracey, Ms. Everett, Mr. Clay, voting "aye", the meeting adjourned at 8:41 p.m. to be continued to April 21, 1993 at 12:00 P.M.


Aubrey S. Clay
Chairman, Board of Supervisors

ATTEST: 
Dewey P. Cashwell
County Administrator