

VIRGINIA: AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 20TH DAY OF JULY, 1994, AT 2:00 P.M.

PRESENT:	LEENORA EVERETT, CHAIR	ELECTION DISTRICT #3
	DONALD L. HARAWAY, VICE-CHAIR	ELECTION DISTRICT #2
	EDWARD A. BRACEY, JR.	ELECTION DISTRICT #4
	HARRISON A. MOODY	ELECTION DISTRICT #1
	AUBREY S. CLAY	ELECTION DISTRICT #5
OTHER:	DANIEL M. SIEGEL	COUNTY ATTORNEY

IN RE: AMENDMENTS TO AGENDA

Upon motion of Mr. Moody, seconded by Mr. Haraway, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Mrs. Everett, voting "aye", the following amendments to the agenda were made:

Item 10 - Executive Session - Add 2.1-344(a)3 - Discussion or consideration of acquisition of real property for public purpose; 2.1-344(a)5 - Discussion concerning a prospective business or industry.

IN RE: MINUTES

Upon motion of Mr. Haraway, seconded by Mr. Moody, Mr. Moody, Mr. Bracey, Mr. Haraway, Mrs. Everett, voting "aye", Mr. Clay abstaining, the minutes of the July 6, 1994 meeting were approved as presented.

IN RE: CLAIMS

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the following claims are approved and funds appropriated for Accounts Payable FY 93-94 Year End (Total \$89,410.08) using checks #29843 - #29925 (void #29842): General Fund - \$88,650.44, Self Insurance Fund - \$39.20; Law Library Fund - \$21.80; Jail Commission Fund - \$698.64; and Accounts Payable for FY 94-95 New Year (Total \$202,362.38) using checks #29926 - #29971: General Fund \$166,391.63; E911 Fund - \$1,299.00; and Self Insurance Fund - \$34,671.75.

IN RE: CITIZEN COMMENTS

1. Bob Mengel - Mr. Robert L. Mengel, Asst. Fire Chief, Dinwiddie VFD, appeared before the Board to request funding for maintenance and repairs to the department's fire units: Inspections - \$50; Grease and Oil Changes - \$180; Minor Repairs - \$230.

Mr. Clay stated that DeWitt Country Store would perform the inspections free of charge.

The Assistant County Administrator advised the Board that \$20,000 had again been budgeted for a preventative maintenance program on the fire trucks. A decision must be made as to whether we try to contract with a firm as we did last year for mobile service or divide the \$20,000 among the Departments and let them go to the garage of their choice. The policy of the Board in the past on repairs has been to use the Capital category within the Fire Department budget for extraordinary repairs beyond the capabilities of the individual fire department budgets.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the request for funding from Dinwiddie VFD in the amount of \$410 for maintenance and repairs on the fire department units be approved; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County that the staff prepare a recommendation for the Board's review on how the preventative maintenance program should be handled to include input from the Fire Chiefs.

IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION - REPORT

Mr. Harold Dyson, Ass't. Resident Engineer, VDOT, was present to answer any questions the Board might have. He reported on the following:

1. The request for a U-Turn on Rt. 460 at the intersection of Rt. 226 for Eastbound traffic was denied. However, the Department will continue to review the intersection to see if there are other options available.

2. Mr. Moody stated there was a concern expressed from citizens on Floyd Avenue because of trucks at the Exxon Truck Stop using the road. The road is a Dead End and the cul-de-sac is not large enough for the large trucks to turn around. Mr. Dyson recommended a "No Outlet" sign be installed.

3. Mr. Bracey asked about the guard rails on Old Stage Road. Mr. Charles Gill, VDOT, stated he was securing additional bids.

4. Mrs. Everett stated the citizens on Halifax Road are very concerned about the loose gravel left after the road was re-surfaced. Several people have experienced broken windshields. Mr. Dyson advised that the contractor was responsible for installing a "loose gravel" sign and he would follow up on it.

5. Mrs. Everett requested the following: Reflectorized sign on U.S. #1 designating the entrance to the Pamplin Administration Complex; reflector on the North side of U.S. #1 indicating the entrance to Sterling Road; reflectors at the intersection of U.S. #1 and Rt. 460W for Westbound traffic.

IN RE: BRIDGE PROJECT ON ROUTE 647

The Virginia Dept. of Transportation is evaluating the environmental impacts of the proposed highway project on Rt. 647 in Dinwiddie County. The Dept. is proposing to replace the existing 1962 wooden deck bridge over Stony Creek with a concrete structure.

The Board members stated they have not received any comments on the project.

Upon motion of Mr. Moody, seconded by Mr. Bracey, Mr. Moody, Mr. Bracey, Mr. Clay, Mr. Haraway, Mrs. Everett voting "aye", the VDOT is advised there have been no comments on the project and are authorized to proceed with the project.

IN RE: COMMISSIONER OF THE REVENUE - REPORT

Mrs. Deborah Marston, Commissioner of the Revenue, presented a report on the Meals Tax and Admissions Tax collections. She indicated she would be presenting recommendations for ordinance changes concerning the Business Licenses in September.

IN RE: TREASURER - REPORT

Mr. William Jones, Treasurer, submitted his reports on cash and funds balances for the month of June, 1994. He also recommended that the delinquent tax list not be published. He felt the other collection

methods his office is using are more effective. The Board agreed and no action was taken.

IN RE: COMMONWEALTH'S ATTORNEY - REPORT

Mr. T. O. Rainey, III, Commonwealth Attorney, was present to discuss a cooperative agreement with the City of Petersburg for the Community Diversion Incentive Program. Mr. Rainey stated that the Judges were in favor of the program as an alternative means of punishment or fee collection method.

The Board expressed a concern about any administrative burden on the present staff. Mr. Rainey stated it was his understanding that the administration of the program would be handled by the City of Petersburg. The County Administrator pointed out that the agreement should be amended to include County residents only. Mr. Bracey stated he was very concerned about the need for supervision.

Upon motion of Mr. Haraway, seconded by Mr. Bracey, Mr. Haraway, Mr. Bracey, Mr. Moody, Mr. Clay, Mrs. Everett voting "aye", the County Administrator is authorized to execute an agreement with the City of Petersburg to enter the Community Diversion Program with the understanding that referrals to Dinwiddie County will be Dinwiddie County residents only.

IN RE: SHERIFF - REPORT

Mr. B. M. Heath, Sheriff, or a representative, was not present.

IN RE: BUILDING INSPECTOR - REPORT

Mr. Dwayne Abernathy, Building Inspector, submitted his report for the month of June, 1994. He stated there has been an increase in the number of double-wide mobile homes.

IN RE: ANIMAL WARDEN - REPORT

Mr. John Mellick, Animal Warden, submitted his report for the month of June, 1994.

IN RE: DIRECTOR OF PLANNING - REPORT

Mr. Wayne Knox, Director of Planning, provided his report to the Board. He presented the following items:

1. Right-to-Farm - Proposed Plan for Zoning Ordinance Revisions

a. Assign this task to a sub-committee of the Planning Commission. This committee would be composed of a representative from the following entities - the Extension Service, Farm Bureau, ASCS and the Planning Commission. Comments would be funneled through these agencies.

b. This sub-committee would report it's findings to the Planning Commission on October 12, 1994.

c. A public hearing would be conducted in November or December, 1994 to consider the amendments to the zoning ordinance.

d. Board consideration of the proposed text amendments would be considered at the March 1995 meeting. This would allow for consideration of the proposed legislation that will be filed at the General Assembly's 1995 session.

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mr. Bracey, Mr. Clay, Mr. Moody, Mr. Haraway, Mrs. Everett voting "aye", the proposed plan for addressing zoning ordinance revisions for the Right-to-Farm legislation is approved as presented.

2. Amendment A-94-1 - Parker Oil will be presented to the Board in September.

3. P-94-4 - Delta Oil Company - The applicant has proffered a 60-day trial period for a non-uniformed security service.

4. River Run Subdivision - McIlwaine property - is under review. Mr. Haraway asked if the homes proposed were going to be of higher value. Mr. Knox stated he had heard \$100,000+.

5. Mrs. Everett asked if anything had been done to investigate the possibility of requiring developers to set aside property within proposed subdivisions for recreational purposes such as Prince George does. Mr. Knox stated he had discussed this with developers and it is an issue of money and the size of the development.

6. Mr. Clay stated he would like for the Board to be informed of items when they are being advertised for the Planning Commission.

IN RE: SOCIAL SERVICES DIRECTOR

Mrs. Peggy McElveen expressed her appreciation to the Board and the Administrative staff, especially Mr. Eli Clanton and Mr. Isaac Clanton for their assistance throughout the 1993-94 year.

IN RE: SUPERINTENDENT OF SCHOOLS - REPORT

The Superintendent sent word to the Board that he was involved in interviewing architects and would have a full report for the Board at their August meeting.

IN RE: RECREATION - REPORT

Mr. Tony Rinaldi, Recreation Director, submitted his report for June, 1994. Mr. Rinaldi discussed the following items with the Board:

1. He indicated the County received the ISTEPA grant for development of the White Oaks Battlefield site.

2. Maintenance Coordinator - Upon motion of Mr. Bracey, seconded by Mr. Haraway, Mr. Bracey, Mr. Haraway, Mr. Clay, Mr. Moody, Mrs. Everett voting "aye", the Recreation Director was authorized to advertise the position of Maintenance Coordinator left vacant by the resignation of Mr. Michael VanDunk.

3. Purchase of Shelter - Mr. Rinaldi presented three bids for the purchase of a shelter for protection of his equipment housed at the Middle School: Harrison's Mobile Home Auto Sales & Service - 24x31 - \$3100; Sonny Clements - 25x31 - \$4450; with a 14x12 shelter - \$5,475. Mr. Rinaldi recommended accepting the bid from Harrison's of \$3100. Mr. Rinaldi stated he had received permission from Dr. Gaul and the School Board to place the building on the school property.

The Board expressed a concern for the longevity of aluminum and asked Mr. Rinaldi to seek price quotes on a fully enclosed wooden building as well as a cement block building.

4. Lights at Dinwiddie Elementary - Mr. Rinaldi stated he had talked with Dr. Gaul about installing lights at the field at Dinwiddie Elementary School. This would lighten up the load using the Middle School and provide a field for Babe Ruth and the increasing youth sports. The estimated cost is \$18,000 - \$22,000 of which the School Board is willing to participate. There are no funds available in the Recreation budget. No action was taken.

IN RE: PUBLIC SAFETY DIRECTOR

Mr. Dave Nichols, Public Safety Director, presented his reports on fire and EMS responses for the month of June, 1994. He also distributed copies of the approved Emergency Operations Plan for the County. He reported that the SCBA airpack committee is currently evaluating 5 brands and will provide a detailed report as information becomes available. Ford Co. 2 has appointed an apparatus committee to begin the specifications for the budgeted pumper/tanker.

Mr. Nichols advised the Board that he has received several calls about open burning in subdivisions. The burning is in compliance with State law; however, it is bothering the neighbors. The Board members indicated that they did not feel it was enough of a burden to institute additional regulations.

IN RE: DIRECTOR OF WASTE MANAGEMENT

Mr. Dennis King, Director of Waste Management, presented his report for the month of June, 1994. He advised the Board that the progress on the manned site at Rohoic is nearing completion. However, there were no applications submitted for the parttime position. He stated his plans were to re-advertise the position on a broader scale.

Mr. Bracey stated he was called about a problem with the dumpsters at the jail over the 4th of July holiday and asked Mr. King if he could hire additional help on the holidays.

IN RE: RESOLUTION APPROVING PAYMENT OF FUNDS FROM LANDFILL CLOSURE BONDS TRUST ACCOUNT INTO ESCROW ACCOUNT UNDER ESCROW AGREEMENT WITH VIRGINIA BIO-FUEL CORPORATION

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

WHEREAS, the provisions of the financing of the closure for the County landfill with \$1,120,000 Industrial Development Authority of Dinwiddie County, Virginia Lease Revenue Bonds (Dinwiddie Landfill Closure Project) Series 1992 (the "Bonds") provided for a scheduled release of proceeds from the sale of the Bonds by the Trustee for the Bondholders, Signet Trust Company, but not to extend beyond August 1, 1994; and

WHEREAS, there are minor improvements still to be completed and final permits to be obtained from State authorities relating to the completion of the closure of the County landfill which may extend the final draw from the proceeds from such Bonds beyond August 1, 1994;

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Chairman of the Board of Supervisors or the County Administrator are each hereby authorized and directed to take such action, including but not limited to the execution of documents therefor, and the County Attorney is directed to review and draft such documents related thereto, as may be necessary or appropriate to obtain the final disbursement of monies in the trust account for the Bonds held by the Trustee and the deposit of the same in the Escrow Account under the Escrow Agreement, dated as of March 4, 1994, between the County and Virginia Bio-Fuel Corporation, including but not limited to amending such Escrow Agreement, to accommodate such actions.

This resolution shall be immediately effective this 20th day of July, 1994.

IN RE: VIRGINIA BIO-FUELS

Mr. Ted Baxter, representing VBF, was present to update the Board on the co-composting facility. He stated that the test results were favorable on the sawdust being hauled into the landfill from Georgia Pacific. He also indicated they were working on ways to increase the speed of the processing at the plant.

IN RE:                    SURVEY OF LOCAL INTEREST IN PROVIDING EDUCATIONAL PROGRAMS  
FOR AT-RISK FOUR-YEAR-OLD CHILDREN

Upon motion of Mr. Moody, seconded by Mr. Haraway, Mr. Moody, Mr. Haraway, Mrs. Everett voting "aye", Mr. Bracey voting "nay", and Mr. Clay "abstaining", the County Administrator was authorized to return the survey indicating the County's interest in accessing funds to provide educational programs for At-Risk four-year-old children. The County Administrator indicated he had discussed the program with the Superintendent of Schools and Director of Social Services and they both felt the funds would not be available until next year; therefore, there would be time to analyze the program at that time.

IN RE:                    RESOLUTION REQUESTING SENATOR CHARLES ROBB TO CO-SPONSOR  
S.993 IN THE SENATE OF THE UNITED STATES

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

WHEREAS, S.993 has been introduced in the Senate of the United States by the Honorable Dirk Kempthorne of Idaho; and

WHEREAS, Senator Kempthorne's S.993 will require the federal government to pay for the mandates that they impose on state and local governments and establish a fiscal note process so that when Congress votes on various measures affecting state and local governments, the members of Congress are aware of the fiscal impact; and

WHEREAS, S.993 is the most significant and far-reaching unfunded mandates legislation ever introduced in the Congress of the United States; and

WHEREAS, as of May 1, 1994, Senator Kempthorne's bill had received 54 out of 100 Senate co-sponsors; and

WHEREAS, Senator John Warner of Virginia has already displayed his commitment to this issue by signing on to S.993; and

WHEREAS, although Senator Charles Robb has communicated his concern about unfunded mandates and has indicated that he "fully endorses the concept of identifying and restricting unfunded federal mandates," to date he has declined to co-sponsor S.993; and

WHEREAS, a recent NACO survey estimated that a minimum of 12 percent of local budgets support unfunded federal mandates; and

WHEREAS, unfunded federal mandates regularly force local tax increases and/or service cutbacks, restrict the rights of state and local voters and officials to determine their own priorities, and allow the Congress to avoid direct responsibility for increasing taxes; and

WHEREAS, the Constitution of the United States guarantees a federal, state and local partnership and unfunded federal mandates undermine the responsibility of the state and local level; and

WHEREAS, S.993 is endorsed by the National Association of Counties, the United States Congress of Mayors, the National League of Cities, the National School Boards Association, the National Governors Association, the Council of State Governments, and the National Conference of State Legislatures; and

WHEREAS, reduction and elimination of unfunded mandates is the number one priority of the Virginia Association of Counties;

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County, Virginia implores Senator Charles Robb to demonstrate his concern about unfunded mandates to the local governments of the Commonwealth of Virginia by immediate co-sponsorship of S.993.

IN RE: LOCAL GOVERNMENT OFFICIALS CONFERENCE

The County Administrator stated that the Local Government Officials Conference is scheduled for August 14 - 16, 1994 in Charlottesville and asked if any Board members were interested in attending. He stated he would be attending a committee meeting on Sunday afternoon. Mr. Bracey stated he would like to attend.

IN RE: STATUS OF SELECTION OF ARCHITECTURAL FIRM - COURTHOUSE & BUILDING RENOVATION

The County Administrator advised the Board that the Architectural Review Committee met and held interviews with five architectural firms for the new courthouse and county building renovation project. The Committee is requesting authorization to begin negotiations with the first firm on the priority list which is Henning, Vest, Covey Architectural Group. If negotiations cannot be completed with this firm, the Committee will come back to the Board for authorization to negotiate with the second firm. If the Board chooses not to proceed to the second firm at that time, the only other option would be to go back out to bid.

Upon motion of Mr. Moody, seconded by Mr. Haraway, Mr. Moody, Mr. Haraway, Mr. Clay, Mr. Bracey, Mrs. Everett voting "aye", the County Administrator was authorized to proceed with negotiations with Henning, Vest, Covey Architectural Group, and further to include Mr. Milton I. Hargrave, Jr., and Board members Mr. Bracey, and Mr. Clay in the negotiation process.

IN RE: DISCUSSION OF FINANCIAL ADVISORY SERVICES

The County Administrator discussed with the Board the feasibility of preparing a request for proposals for financial advisory services. It is apparent with the magnitude of capital projects being contemplated and the monies involved, we are in need of obtaining sound financial advice for the structuring of the debt commitments. A financial advisor would be able to provide input and analysis which would examine different methods for the structuring of the debt other than the traditional level principal method. The services could be obtained on an hourly basis and should not exceed \$20,000. The cost of any such services could be reimbursed to the County as a part of the issuance of any bonds related to the projects. Mr. Haraway stated he was glad to see the suggestion and recommended the County go out for request for proposals for comparison. Action was postponed until the August 17, 1994 meeting.

IN RE: BOARD MEMBER COMMENTS

1. Mr. Haraway stated he enjoyed meeting earlier with the Airport Authority. He received material that referenced the Petersburg Municipal Airport and wondered why it was not the Dinwiddie Airport. He was informed that it was probably a part of the original legislation creating the Authority but staff will verify that.

2. Mrs. Everett had the following comments:

- a. Mr. Harold Walker is the Chairman of the School Board; Mrs. Carol Fisher is Vice-Chair.
- b. The Sheriff's Department has 4 trained EMD's, effective June 22.
- c. Under the Anti-Crime Bill, the County is eligible to receive \$108,760.
- d. Mr. Russell Garrison was appointed to serve on the Commission of Game and Inland Fisheries.
- e. John Mazza has been appointed to the State Aviation Board.
- f. The EMS Task Force met July 18, 1994 and will continue to meet on Mondays. Subcommittees have been appointed. Ms. Sheri Hoover is Chair and Ms. Dawn Titmus is Secretary.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Moody, seconded by Mr. Haraway, Mr. Moody, Mr. Haraway, Mr. Clay, Mr. Bracey, Mrs. Everett voting "aye", pursuant to the Virginia Freedom of Information Act, Section 2.1-344(a)1 Personnel - Discussion of performance, salaries, disciplining of public officers, appointees, or employees of any public body; Section 2.1-344(a)3 - Discussion or consideration of acquisition of real property for public purpose; Section 2.1-344(a)5 - Discussion concerning a prospective business or industry; and 2.1-344(a)7 Legal - Discussion of Co-Composting Contract; Bond Issue - WWTP, the Board moved into Executive Session at 4:52 P.M. and continued the Executive Session at the Home Place Restaurant. Upon motion of Mr. Moody, seconded by Mr. Haraway, Mr. Moody, Mr. Haraway, Mr. Clay, Mr. Bracey, Mrs. Everett voting "aye", the meeting reconvened into Open Session at 7:15 P.M.

IN RE: CERTIFICATION

Upon motion of Mr. Clay, seconded by Mr. Haraway, Mr. Clay, Mr. Haraway, Mr. Moody, Mr. Bracey, Mrs. Everett 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 excepted 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.

THE CHAIRMAN RECESSED THE MEETING TO RECONVENE AT 7:30 P.M. AT THE PAMPLIN ADMINISTRATION BUILDING. Mr. Bracey left the meeting at this time.

IN RE: PUBLIC HEARING - C-94-4 - PICTURE LAKE ASSOCIATES

This being the time and place as advertised in the Progress-Index on Wednesday, July 6, 1994 and Wednesday, July 13, 1994 for the Board of Supervisors of Dinwiddie County, Virginia to consider for approval a request by Picture Lake Associates, owners of Virginia Motorsports Park to amend their original conditional use permit application to operate a motor sports complex per Section 22-22 and 22-23 of the Dinwiddie County Zoning Ordinance. The property, consisting of 462 acres + is identified as Tax Parcels 20-3-A,B,C, 20-59, and 20-59A and is located on U.S. #1 at 8018 Boydton Plank Road.

Mr. Wayne Knox, Director of Planning, presented the amendment and the recommendation from the Planning Commission which was approval with the following condition (#14) and attached provisions:

14. For the 1994 racing season ending November 20, 1994, normal operating hours for the weekly racing events will be as follows:

Friday 5:00 P.M. - 11:00 P.M.  
Saturday 12:00 P.M. - 11:00 P.M.  
Sunday 10:00 A.M. - 6:30 P.M. with no racing until after  
12:00 P.M.

1. Completion of landscaping of site as required on site plan.

2. Explore additional berming, tree planting, man-made partitions, particularly on the north side as a means of noise deflection.

3. Submit a sound study performed by an independent certified specialist, mutually agreed upon by the applicant and the Planning Department, with the focus on minimizing the impact of noise. This study shall be submitted to the Planning Department.

4. Continue to work with residents group to minimize the impact of noise and traffic on the surrounding areas.

5. The Planning Commission will perform review of status and impact of events and studies at the end of racing season, November 1994.

6. The County, in conjunction with the applicant will develop a monitoring system of racing start and finish times. The responsibility of monitoring will be assumed by the Zoning Administrator or appropriate County agency.

The Chairman then opened the public hearing.

Mr. John Dodson, representing VMP, appeared before the Board in support of the amendment. Mr. Pat McMahon, State Dept. of Tourism, also spoke in support of the amendment and Virginia Motorsports Park.

1. Mr. Ralph Mangum spoke in support of the amendment.
2. Mr. Larry Smith, Jr. appeared in support of the amendment.
3. Mr. Larry Smith, Jr. appeared in support of the amendment.
4. Mr. William Peyton appeared in support of the amendment.
5. Mr. Franklin Coleman spoke in support of the amendment.
6. Mr. Bruce Sisk appeared in support of the amendment.
7. Mr. Mike Moore appeared in support of the amendment.
8. Mr. Ernie Lumpkin appeared in support of the amendment.
9. Mr. Todd Atkinson spoke in support of the amendment.
10. Mr. William Hammond appeared in support of the amendment.
11. Mr. Lonnie Johnson spoke in support of the amendment.
12. Mr. Fred Bilter spoke in support of the amendment.
13. Mr. James Epps appeared in support of the amendment.
14. Mr. Mark Plymoles spoke in support of the amendment.
15. Mr. Clyde Boze, Jr. appeared in support.
16. Mr. Dana McDaniel, Attorney, with the firm Williams, Mullen, Christian & Dobbins, appeared to represent the homeowners around the racetrack. He spoke in opposition to the amendment. He asked the Board to defer revision until they could incorporate limitations on the noise levels into the conditions.
17. Mrs. Betty Ragsdale spoke in opposition to the amendment.
18. Mrs. Christine Avery spoke in opposition to the amendment.
19. Mr. Rufus Killingsworth spoke in opposition to the amendment.
20. Mr. Wallace Rowland spoke in opposition to the amendment.
21. Mr. Ham Avery spoke in opposition to the amendment.
22. Ms. Danielle Rowland appeared in opposition to the amendment.
23. Ms. Gwen Rowland spoke in opposition to the amendment.
24. A letter from Mrs. Patsy Barnes was read in support of the amendment.
25. Mr. Rudolph Mangum, Jr. spoke in support of the amendment.

Mr. John Dodson gave a brief rebuttal to some of the issues raised.

Mr. Robert Ragsdale supported his wife's statement that he came home around 2:30 P.M. and cars were testing and doing something on the track before 5:00 P.M.

The Chairman closed the public hearing at 8:40 P.M. and asked for Board comments.

Mr. Moody stated he was also a Planning Commission member and he was in favor of extending the hours and completing all the studies during the trial period.

Mr. Clay stated he could sympathize with the people who have the noise, but he supported the longer hours.

Mr. Haraway indicated his concern that nothing physically had been done by VMP to reduce the noise level. He noticed that there are 16 or 17 Sundays without racing and asked if the hours were extended, is there any guarantee that they still will not race on those Sundays. Mr. Ken Kohrs, General Manager for VMP, stated there was no intent to add any more Sundays and on some weekends, there is no racing at all.

The County Administrator pointed out that there is no completion date for the sound study and suggested inserting "on or by November 20, 1994" into #3 under condition 14.

Mr. Moody pointed out that #5 should include "and studies" which was the motion made by the Planning Commission.

Mrs. Everett stated she had confidence in the management and she had a concern for the people with the noise problems and asked for cooperation and support in the extension of hours.

Upon motion of Mr. Moody, seconded by Mr. Clay, Mr. Moody, Mr. Clay, Mrs. Everett voting "aye", Mr. Haraway voting "nay", amendment to the Conditional Use Permit C-94-4 requested by Picture Lake Associates was approved with the following condition:

14. For the 1994 racing season ending November 20, 1994, normal operating hours for the weekly racing events will be as follows:

Friday	5:00 P.M. - 11:00 P.M.
Saturday	12:00 P.M. - 11:00 P.M.
Sunday	10:00 A.M. - 6:30 P.M. with no racing until after 12:00 P.M.

1. Completion of landscaping of site as required on site plan.
2. Explore additional berming, tree planting, man-made partitions, particularly on the north side, as a means of noise deflection.
3. Submit a sound study performed on or by November 20, 1994 performed by an independent certified specialist, mutually agreed upon by the applicant and the Planning Department, with the focus on minimizing the impact of noise. This study shall be submitted to the Planning Department.
4. Continue to work with residents group to minimize the impact of noise and traffic on the surrounding areas.
5. The Planning Commission will perform review of status and impact of events and studies at end of racing season (November 1994).
6. The County in conjunction with the applicant will develop a monitoring system of racing start and finish times. The responsibility of monitoring will be assumed by the Zoning Administrator or appropriate County agency.

*Extract*

IN RE: CHANGE IN MEETING TIME

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the time for the regular meeting scheduled for September 7, 1994 at 7:30 P.M. be changed to 2:00 P.M.; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the time for the regular meeting scheduled for September 21, 1994 at 2:00 P.M. be changed to 7:30 P.M.

IN RE: ADJOURNMENT

Upon motion of Mr. Haraway, seconded by Mr. Clay, Mr. Haraway, Mr. Clay, Mr. Moody, Mrs. Everett voting "aye", the meeting was adjourned at 8:57 P.M. to be continued until 6:00 P.M., August 3, 1994 for an Executive Session for legal purposes at the Pamplin Administration Building.



LeeNora Everett  
Chair, Board of Supervisors

ATTEST:



Charles W. Burgess, Jr.  
County Administrator

