

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 3RD DAY OF  
AUGUST, 1994, AT 7:30 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:	PAUL JACOBSON	COUNTY ATTORNEY

Before the meeting began, Mrs. Everett announced there would not be a Public Hearing for C-94-6 - Bernard and Louise Hackney, due to the fact the application had been withdrawn.

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 agenda was amended as follows:

Add Item 12. Executive Session - Personnel - 2.1-344(a)1 - Discussion of employment, salaries, disciplining of public officers, appointees, or employees of any public body.

IN RE: MINUTES

Upon motion of Mr. Clay, seconded by Mr. Haraway, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Mrs. Everett voting "aye", the minutes of the July 20, 1994 Continuation Meeting and July 20, 1994 Regular Meeting were approved as presented.

IN RE: CLAIMS

Upon motion of 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 same using #30002-#30139 (void #29972-#30001) - Payroll: General Fund \$237,566.36; Accounts Payable (Total \$142,425.89) using checks #30145-#30252 (void #30140-#30144): General Fund - \$134,374.53, E911 Fund - \$368.00, Self Insurance Fund - \$2,401.53, Law Library Fund - \$262.55, Jail Phone Commission - \$2.09, Landfill Fund - \$5,017.19.

IN RE: RESOLUTION OF APPRECIATION - AUBREY T. PENNINGTON

Upon motion of Mr. Clay, seconded by Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Mrs. Everett voting "aye", the following resolution of appreciation was adopted and presented to Aubrey T. Pennington.

WHEREAS, Aubrey T. Pennington has served the County of Dinwiddie with distinction and integrity as a member of the Dinwiddie County Social Services Board from April, 1984 until June, 1994, and

WHEREAS, the Board of Supervisors on this 3rd day of August, 1994, is desirous of acknowledging these qualities and further to express its appreciation for this work on behalf of the County;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, hereby commends Aubrey T. Pennington for his many contributions and devoted service to the County of Dinwiddie; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that this resolution be delivered to Aubrey T. Pennington and a copy spread upon the minutes of this meeting.

IN RE: RESOLUTION OF APPRECIATION - TYRONE COLEMAN

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

WHEREAS, Tyrone Coleman has served the County of Dinwiddie with distinction and integrity as a member of the Dinwiddie County Social Services Board from July, 1990 until June, 1994, and

WHEREAS, the Board of Supervisors on this 3rd day of August, 1994, is desirous of acknowledging these qualities and further to express its appreciation for this work on behalf of the County;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, hereby commends Tyrone Coleman for his many contributions and devoted service to the County of Dinwiddie; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that this resolution be delivered to Tyrone Coleman and a copy spread upon the minutes of this meeting.

IN RE: RESOLUTION OF APPRECIATION - E. RAY HANKS

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

WHEREAS, E. Ray Hanks has served the County of Dinwiddie with distinction and integrity as a member of the Dinwiddie County School Board from July, 1986 until June, 1994, and

WHEREAS, the Board of Supervisors on this 3rd day of August, 1994, is desirous of acknowledging these qualities and further to express its appreciation for this work on behalf of the County;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, hereby commends E. Ray Hanks for his many contributions and devoted service to the County of Dinwiddie; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that this resolution be delivered to E. Ray Hanks and a copy spread upon the minutes of this meeting.

IN RE: NAMOZINE VFD - REQUEST FOR TRUCK REPAIR

Mr. Bruce Archer, Chief, Namozine VFD, requested money be appropriated for repairs to their tanker truck to replace both cylinder heads and gaskets. He stated the work was completed and the tanker was back in service. He presented the bill to the Board.

Upon motion of Mr. Haraway, seconded by Mr. Clay, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Mrs. Everett voting "aye", Namozine VFD is appropriated \$2,074.78 from the Capital Improvements category of the Volunteer Fire Departments Budget for major repairs to their tanker truck.

IN RE: CITIZEN COMMENTS

No one signed up to speak.

IN RE: PUBLIC HEARING -- A-94-1 -- PARKER OIL COMPANY

Extract

This being the time and place as advertised in the Dinwiddie Monitor Newspaper on July 20, 1994, and July 27, 1994, for the Board of Supervisors to conduct a public hearing to consider the request submitted by Lloyd Boisseau, Parker Oil Company, to amend the zoning ordinance of Dinwiddie County to allow construction of a propane bulk storage facility per Sections 22-5 and 22-71 of the Zoning Ordinance. The property is located on Tax Parcel 70-21 situated off of State Route #650, approximately three-tenths of a mile from the DeWitt exit of Interstate 85.

Mr. Wayne Knox, Director of Planning, advised this was a text amendment change to allow propane storage tanks in M-2 and A-2 zoning areas. He advised Section 22-223 of the Zoning Ordinance lists "petroleum storage" and "petroleum refining" as permitted uses as a matter of right in the M-2, General Industrial, zoning district, i.e., the uses do not require a conditional use permit. A propane bulk storage facility can be considered to be a similar use to petroleum storage. Since one of the general principles of a zoning ordinance is to attempt to group similar uses into the same zoning category, it would appear a propane bulk storage facility is best suited for the M-2 zone, along with petroleum storage. However, staff feels that a propane bulk storage facility with a conditional use permit should be permitted also in the A-2, General Agricultural District. The requirement of a conditional use permit would permit the inclusion of conditions and safeguards that would provide for the general health, safety and welfare. This recommendation is consistent with Section 15.1-489 of the code of Virginia relative to purposes of zoning ordinances and Section 15.1-488 of the Code of Virginia.

Mr. Knox advised Section 15.1-488 states that "regulations shall be uniform for each class or kind of buildings and uses throughout each district, but the regulations in one district may differ from those in other districts." Therefore, the placement of a propane bulk storage facility in the A-2 zoning classification (a less intensive zoning category) with a conditional use permit and permitting the use as a matter of right in the M-2 zoning district (a more intensive zoning category) would satisfy the requirements of Section 15.1-488 of the Code of Virginia. The propane bulk storage facility would be listed as Section 22-71(59) in the A-2 zone and Section 22-223(10) amended to read "petroleum storage/propane storage" in the M-2 zone.

Mr. Knox stated that although the Planning Commission recommends both sections be changed, upon further review by the staff their recommendation is that action be taken on A-2 districts and requested action on M-2 districts be tabled until further research is done and further consideration by the Planning Commission is done.

Mr. Haraway commented that the citizens need guidance in the right direction from County staff when dealing with different regulations required by the County. Mr. Bracey requested applicants be informed of all the options involved when applying for zoning issues.

This being a public hearing, the Chairman opened the floor for public comment:

Kay Winn, 15211 Winnwood Lane, Dinwiddie, VA 23841 appeared stating she supported the request of Mr. Boisseau. She did question the radius of notification. Mr. Knox stated that according to the zoning ordinance, all adjacent property owners within 300 ft. of the subject parcel must be notified. Ms. Winn also questioned if there would be a limitation of the size of bulk storage facilities. She requested large tank farms not be allowed in the A-2 districts. The staff advised this would be handled under the conditional use permit process, depending on the site.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that Section 22-71 of the Dinwiddie County Code pertaining to permitted uses in the Agricultural, General, District A-2 be amended to read as follows:

(59) Propane bulk storage facility, with a conditional use permit.

Extract

This Ordinance shall be immediately effective as of this 3rd day of August, 1994.

IN RE: PUBLIC HEARING -- C-94-5 -- A.M.E. ZION CHURCH

This being the time and place as advertised in the Dinwiddie Monitor Newspaper on July 20, 1994, and July 27, 1994, for the Board of Supervisors to conduct a public hearing to consider the request of A.M.E. Zion Church for a conditional use permit that would allow them to construct a personal care facility for the aged per Section 22-23 and Section 22-71(37) of the Dinwiddie County Zoning Ordinance. The property is located on Tax Parcel 57(1)-75 and is part of an 80 acre tract of land situated off of Bishop Street in Dinwiddie, Virginia, between Interstate 85 and the Seaboard Coastline Railroad.

Mr. Wayne Knox, Director of Planning, advised the Board the use is currently allowed in A-2 zoning districts with a conditional use permit. The Planning Commission has recommended approval of the application with the following conditions:

1. Before any construction can begin, a site plan prepared by an engineer, must be submitted to the Planning Department for approval. This site plan shall include all phases of the proposed development, i.e., adult/child daycare center, assembly building. This site plan shall include a grading plan showing the current topography of two feet contours and the finished site also at two feet contours.

2. An erosion and sediment control plan for all land disturbing activities must be submitted and approved by the Planning Department. This will include a stormwater management plan which will include controls during the construction phase, as well as during field operation of the facility.

3. A copy of all applicable state and federal permits must be on file with the Planning Department before a Certificate of Occupancy will be issued.

4. Before any building permits will be issued, a complete set of building plans, prepared by a registered architect, must be submitted to the Building Department for approval.

5. Location, type, size and height of all exterior signs shall be submitted to the review and approval of the Zoning Administrator, per the Sign Ordinance.

6. All construction must be completed on phase one of this development, including parking and landscaping, before any permits will be let for additional construction.

7. This conditional use permit shall apply to the proposed sixty (60) bed personal care facility and related on-site accessory uses only.

Mr. Leroy Reynolds, Architect, from Raleigh, North Carolina, appeared representing A.M.E. Zion Church. He stated this was a 60 bed, ambulatory personal care facility to accommodate residents from this area and surrounding counties.

This being a public hearing, the Chairman opened the floor for public comment: No one appeared to speak.

Upon motion of Mr. Bracey, seconded by Mr. Moody, 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 conditional use permit request of A.M.E. Zion Church to allow them to construct a personal care facility for the aged on Tax Parcel 57(1)-75 and is part of an 80 acre tract of land situated off of Bishop Street in Dinwiddie, Virginia, between Interstate 85 and the Seaboard Coastline Railroad, is approved with the conditions recommended by the Planning Commission.

IN RE: PUBLIC HEARING -- C-94-6 -- BERNARD & LOUISE HACKNEY

This being the time and place as advertised in the Dinwiddie Monitor Newspaper on July 20, 1994, and July 27, 1994, for the Board of Supervisors to conduct a public hearing to consider the request of Bernard and Louise S. Hackney for a conditional use permit to construct and operate a dog kennel per Section 22-23 and Section 22-71(36) of the Dinwiddie County Zoning Ordinance. The property is located on Tax Parcel 46-9 and is part of a 57 acre tract of land situated off of Quaker Road (Rt. 660) in Dinwiddie, VA.

Mr. Wayne Knox, Director of Planning, advised the Board the applicants have officially withdrawn their application for a conditional use permit and requested the Board to accept their withdrawal.

Upon motion of Mr. Bracey, seconded by Mr. Haraway, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Mrs. Everett voting "aye", the board accepts the withdrawal of the request for a conditional use permit submitted by Bernard and Louise S. Hackney.

IN RE: PUBLIC HEARING -- P-94-3 -- DELTA OIL & ASSOCIATES

This being the time and place as advertised in the Dinwiddie Monitor Newspaper on July 20, 1994, and July 27, 1994, for the Board of Supervisors to conduct a public hearing to consider an amendment of Delta Oil Company's conditional zoning, approved by the Board of Supervisors on December 2, 1992, located in the Rohoic Magisterial District, on Tax Parcel 21B(3) Blk 3-11 and Tax Parcel 21-B(10)A, at U.S. Route 1. Delta Oil Company wishes to delete conditional #7, "A uniformed security service will make hourly inspections from dusk to dawn and report any violations to the respective enforcement agencies." Delta Oil stated they will train key employees in property security and surveillance and maintain a log of inspections of the expanded truck parking area.

Mr. Wayne Knox, Director of Planning, advised the Planning Commission recommended approval of this application subject to the applicant's written proffer to conduct a sixty (60) day trial period to determine the impact of the requested deletion. The following is a summary of the proffer by the applicant:

1. The applicant shall provide to the Planning Department copies of any incident reports related to the truck parking area generated by a bonafide law enforcement agency.
2. A logbook will be kept by employees delineating inspection times and conditions of the truck parking area. This logbook shall be open for inspection by the Planning Department as needed.
3. The applicant will attempt a sixty (60) day trial period without a uniformed security service. The applicant understands that reinstatement of the uniformed security service may occur in the event of unresolved problems relating to the expanded truck parking.

Mr. Mark E. Holt, III, President, Delta Oil Company, representing Delta Exxon Thrift Mart, appeared to answer any questions.

Mr. Moody stated at the Planning Commission meeting, discussion was brought up regarding the lights that were out and some of the shrubbery that had died that relates to the original conditional zoning. Mr. Holt advised one bulb was burned out and a lightning strike caused a short circuit that knocked out one bank of lights. He stated that all lights are burning at this time. Mr. Holt also advised that four of the 81 bushes planted have died this summer and will be replaced in the fall.

Mrs. Everett advised the Board has requested VDOT to install "No Outlet" signs on Ford Ave. for trucks. Mr. Holt stated he has been in contact with the Subdivision Engineer for VDOT who is making a study of the situation.

This being a public hearing, the Chairman opened the floor for public comment:

1. Mrs. Alice Hogwood, 25316 Ford Ave., Petersburg, VA, appeared voicing her concern regarding the lights being out. Mrs. Hogwood stated the letter she received regarding the public hearing was a rezoning issue. She presented a petition with 38 names requesting the Board not to rezone the property from R-1, Residential Limited, to B-2, Business General. After review of the Planning Department's letter, the Board said the letter was confusing and could be misconstrued.

2. Mrs. Maxine Partin, 25318 Ford Ave., Petersburg, VA, appeared complaining about the trash thrown over the fence onto her property, as well as the lights being out.

3. Mrs. Carol Lunsford, 15713 Gatewood Rd, Dinwiddie, VA, (Mrs. Hogwood's daughter) appeared feeling the residents were misled about the meeting. She voiced her concern regarding the traffic problems, and stated she had never seen a security officer there, and if there were security officers they should have reported the lights being out.

Regarding the litter issue, Mr. Holt advised they had a full time custodian that dumps trash and picks up litter on a daily basis. Mr. Moody asked and Mr. Holt agreed to get permission from the landowners and have his custodian pickup trash generated by the truck stop.

Mr. Bracey stated he has seen security patrol at the facility, but feels Delta Oil employees will monitor the property better and serve the community better.

Upon motion of Mr. Bracey, seconded by Mr. Clay, 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 proffers by Delta Oil Company as listed below are accepted with final consideration by the Board of Supervisors to be heard at the October 5, 1994, meeting:

1. The applicant shall provide to the Planning Department copies of any incident reports related to the truck parking area generated by a bonafide law enforcement agency.

2. A logbook will be kept by employees delineating inspection times and conditions of the truck parking area. This logbook shall be open for inspection by the Planning Department as needed.

3. The applicant will attempt a sixty (60) day trial period without a uniformed security service. The applicant understands that reinstatement of the uniformed security service may occur in the event of unresolved problems relating to the expanded truck parking.

Mr. Haraway requested the Planning Commission be more specific when sending out notices so citizens will know what issues will be addressed at the meetings.

IN RE: PUBLIC HEARING -- SV-94-1 -- LARRY K. GILBERT

This being the time and place as advertised in the Dinwiddie Monitor Newspaper on July 20, 1994, and July 27, 1994, for the Board of Supervisors to conduct a public hearing to consider a vacation of Findlay Street by Larry Gilbert.

Mr. Wayne Knox, Director of Planning, advised this is a paper street shown on Tax Map #75A, Plat Book 1, Page 81, as part of the Carson Plat. It is situated between Lots #1 of Block G and Lot #6 of Block F on the north side of Carson Road (Rt 703). It further extends across Carson Road between Lots #1, #7 and #9 of Block C and Lots #6, #8A, and #9A, of Block B. It is Mr. Gilbert's desire to vacate this paper street because it remains a recorded, unopened street on his land. The staff recommends the request be granted with the provision that each abutting property

owner be given twenty percent (20%) of the land constituting Findley Street.

This being a public hearing, the Chairman opened the floor for public comment: No one appeared to speak.

Mr. Haraway asked if this required a survey and new deeds. Mr. Knox advised it did, at the landowner's expense.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that Findlay Street is hereby declared a vacant street, shown on Tax Map #75A, Plat Book 1, Page 81, as part of the Carson Plat; situated between Lots #1 of Block G and Lot #6 of Block F on the north side of Carson Road; extending across Carson Road between Lot #1, #7 and #9 of Block C and Lots #6, #8A and #9A of Block B, with each abutting property owner receiving twenty percent (20%) of the land constituting Findlay Street.

IN RE: COUNTY ADMINISTRATOR COMMENTS

1. Mr. Burgess pointed out an invitation to the Regional Welcome Reception honoring Major General Thomas W. Robison, Commander of Fort Lee and requested Board input.

2. Mr. Burgess would like to reschedule the discussion on use of reserve funds. The staff recommends waiting until September, when the County should have some pre-audit figures which would project the reserve funds from last Fiscal Year.

IN RE: RPF - FINANCIAL ADVISORY SERVICES

Upon motion of Mr. Haraway, seconded by Mr. Clay, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Mrs. Everett voting "aye", the County Administrator is authorized to proceed with an RFP to seek Financial Advisory Services.

IN RE: BOARD MEMBER COMMENTS

1. Mr. Moody advised the Planning Commission has formed a Right to Farm Subcommittee consisting of the following:

Planning Commission	Harrison Moody
	Daniel Lee
Extension Service	Jimmy Maitland
Dinwiddie Farm Bureau	Open
Soil Conservation Service	Robert Spiers
Southside Home Builders Association	Gilbert Martin
Agri-Business Community	John Parker
Business Community	George Robertson

Mr. Bracey felt the committee was loaded with farmers and questioned where the citizens were. Mr. Moody advised the Planning Commission presented a list of people and associations and the Committee was picked by the consensus of the Planning Commission members, who are appointed by the Board. Mrs. Everett stated this was not a farm related matter, in that it was a County related matter. She stated she felt more citizens should be on the committee. Mr. Moody stated the committee members are more knowledgeable about agriculture issues and realizes there needs to be a balance. The Board needs to give the subcommittee their thoughts and concerns.

John Robert Frazier, President, Dinwiddie County Farm Bureau, advised the Board they have appointed a committee to work with drafting some of the input that farm bureau needs to have to go into these new ordinances. He advised Jimmy Maitland and Robert Spiers are also serving on his committee.

Extract

2. Mr. Clay was concerned with zoning issues taking too long to be processed and felt someone was delaying the process and the staff should work on moving things faster.

3. Mr. Haraway asked for a report on the drainage problems. Mr. Tim Davis, Zoning Administrator, advised he had met with the developers of Mansfield, and representatives of VDOT regarding current drainage easements that are nonfunctional, and they have Section 8 of Mansfield in for preliminary review. He recommended Mr. Haraway might want to wait a month or two to meet with the citizens.

4. The Assistant County Administrator advised the Board that the gasoline and fuel contract would be bid out in the next month or two.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Haraway, seconded by Mr. Moody, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Mrs. Everett voting "aye", pursuant to the Virginia Freedom of Information Action, Section 2.1-344(a)1 - Personnel - Discussion of employment, salaries, disciplining of public officers, appointees, or employees of any public body, the Board moved into Executive Session at 9:55 p.m., following a ten minute recess.

Upon motion of Mr. Clay, seconded by Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Mrs. Everett voting "aye", the meeting reconvened into Open Session at 10:43 p.m.

IN RE: CERTIFICATION

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

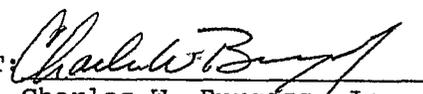
WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board of Supervisors of Dinwiddie County, that such Executive meeting was conducted in conformity with the Virginia law;

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.

IN RE: ADJOURNMENT

Upon motion of Mr. Moody, seconded by Mr. Haraway, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Ms. Everett, voting "aye", the meeting adjourned at 10:45 P.M.

  
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LeeNora Everett  
Chair, Board of Supervisors

ATTEST:   
Charles W. Burgess Jr.  
County Administrator