

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 7TH DAY OF
DECEMBER, 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:	BEN EMERSON	COUNTY ATTORNEY

IN RE: MINUTES

Upon motion of Mr. Clay, seconded by Mr. Moody, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Mrs. Everett voting "aye", the minutes for the November 16, 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 checks #31589 - #31697 (void #31589) for Payroll in the amount of \$188,587.05; checks #31698 - #31892 (void #31698) for General Fund \$87,503.33, E911 Fund \$368.00, Self Insurance \$4,124.12, Law Library \$188.05, Landfill Fund \$8,161.23 for a total of \$100,344.73.

IN RE: CITIZEN COMMENTS

1. Anne Scarborough, P.O. Box 415, Dinwiddie, VA, appeared before the Board and stated that she saw Mr. Haraway being quoted in the Dinwiddie Monitor stating that he wouldn't mind seeing a tax increase if it were \$.20 to \$.25 per hundred so that the county could pay for the proposed CIP Program. She hoped that he did not mean that and no other Board member felt that way either. Just a few weeks ago the Board passed a resolution to increase retirees pension plans and the money to pay for that came from people that do not even have a pension plan themselves. She wants to know why Dinwiddie County has so many problems with money. She did a survey of about 90 counties, which is a year behind, and she found that there are only 13 other counties in the State of Virginia that have a higher tax rate than Dinwiddie. Something must be wrong that we live in a predominantly agricultural community and Dinwiddie has to pay what they do in taxes. She feels that there are other ways to find money, like eliminating the job of Public Safety Director. She thinks that the job description could be incorporated into someone else's position.

2. Benny Sheffield, Vice President Midway PTO. He stated that he supports the proposed CIP Program fully and hopes that the Board will allocate the dollars needed so that the County schools can be renovated.

3. Mary Dunn Conover, 20522 Old Coker Lane, Carson, VA. She asked the Board to please support Central State Hospital because in a short time it will be 125 years old. She offered herself as a source if the Board had any questions or if they wanted to know anything about Central State. She asked the Board to put a good word in for Central State when they talk to area Legislators.

4. Harold Conover, 20522 Old Coker Lane, Carson, VA. He is a farmer here in the county by choice and has concerns about the agricultural community. He raises livestock and is concerned what will happen to the farmers here in the county when the new right to farm ordinance goes into effect.

5. Laura Ketron, 24404 Wedgewood Road. She stated that she had been before the Board a few weeks prior talking about the proposed CIP Program. She just wanted to come before the Board again and remind them

of how important it is that the County's schools get the help that they so greatly need.

IN RE: PRESENTATION OF 1993-94 AUDIT

John Montoro, Montoro and Associates, came before the Board and reviewed his findings in reference to the 1993-94 audit.

Mr. Montoro stated that the County's financial position is strong at the end of the year. He stated that things are run in a fiscally prudent matter. There were no over expenditures of budget items. He also added that there is a letter enclosed in the audit making suggestions on how to improve certain things.

Mr. Haraway requested that the Administration give a written response to management level employees indicating what directive action is to be taken in reference to the issues Mr. Montoro addressed in his letter. He also stated that it is a very good report and is pleased to see the report so early in the fiscal year. He was really disturbed that the County owes the State 3 million dollars because a Board elected to participate in the Virginia Early Retirement Program.

Mrs. Everett stated that she was very pleased with the Treasurer's percentage of collections. Mr. Jones' effort to get the collections in is very commendable. She also thanked Mr. Montoro for getting the audit done so early.

IN RE: C-94-9 - VIRGINIA MOTORSPORTS PARK

This being the time and place as advertised in the Dinwiddie Monitor Newspaper on November 23, 1994 and November 30, 1994, for the Board of Supervisors to conduct a public hearing to consider the request of Picture Lake Associates, T/A Virginia Motorsports Park for a conditional use permit to amend their hours of operation for the 1995 racing season.

Mr. Wayne P. Knox, Director of Planning, advised the Board that the property is located at 8018 Boydton Plank Road and is further identified as Tax Parcel Nos. 20-(3)-A,B,C,; 20-59 and 20-59A. C-94-4, granted by the Board of Supervisors on July 20, 1994, currently regulates the hours of operation for the facility. C-92-2 granted by the Board of Supervisors on March 18, 1992, regulates special events and testing of vehicles.

The current hours of operation for the facility are:

Normal operating hours for racing events: (1994 season only)

Friday 5:00 p.m. - 11:00 p.m.
Saturday 12:00 p.m. (noon) - 11:00 p.m.
Sunday 10:00 a.m. - 6:30 p.m. with no racing until after 12:00 p.m. (noon)

For special events:

Ten (10) special events are allowed in any calendar year with racing allowed during any special event from 10:00 a.m. to 11:00 p.m. Thursday through Sunday.

The normal operating hours were subject to the following performance criteria (No. 14 in C-94-4):

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.

The applicant requests in C-94-9, that the hours of operation be amended as follows (condition #2 of C-92-2):

2. Any testing of racing cars and their accessories shall be done between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday. Normal operating hours for the weekly racing events will be as follows:

Friday - 5:00 p.m. to 11:00 p.m.

Saturday - 12:00 noon to 11:00 p.m.

Sunday - 10:00 a.m. to 6:30 p.m. with no racing until after 12:00 noon.

Ten (10) special events will be allowed in any calendar year with racing allowed during any special event from 10:00 a.m. to 11:00 p.m. Thursday through Sunday. The Monday following any such special event may be used as a "rain date" with racing allowed from 12:00 noon to 11:00 p.m.. The "rain date" may only be used to complete racing activities that were originally scheduled for the weekend immediately preceding the "rain date".

Please note that the difference between their present hours of operation and proposed hours of operation is the addition of a "rain date" in the event of inclement weather during a special event.

Staff feels the applicant has complied with the performance criteria listed previously. Landscaping has been completed per the site plan with additional landscaping being planned in the near future. The applicant has explored additional sound abatement measures by contracting with Lewis S. Goodfriend and Associates, an independent certified sound specialist. This company was mutually agreed upon by staff and the applicant after reviewing the company's qualifications and the specialist's ability to perform a sound study suitable to the County's needs. In addition, staff required the sound engineer to follow nationally accepted guidelines for measurements and content in the study. The applicant has been in contact with several residents who have on occasion expressed concerns about the impact of noise and traffic on surrounding areas. Staff has monitored the facility on many occasions to verify start and finish times. This has been supplemented by a computer printout produced by the applicant delineating racing times for each class of vehicle. These times have also been randomly monitored for accuracy. To date, Staff has not detected any violation of operating outside of their approved hours.

In the sound study, the engineer concludes that the addition of extra berming along the northern edge of the facility to block a "hole" in the existing berm will provide for additional sound abatement, particularly in the Jack Drive-Butterwood Road area. Staff & the Planning Commission concur with this opinion and would desire to include the extra berming as one of the conditions of approval of C-94-9.

The Planning Commission at its November 9, 1994 regular meeting approved C-94-9 by a vote of 7:0 with the recommendations as listed below.

Recommendation

In order to assure compliance with Virginia Code Section 15.1-49(g) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice.

Therefore, staff, with the concurrence of the Planning Commission, recommends approval of C-94-9 to amend the hours of operation for Virginia Motor Sports Park as submitted with the following conditions:

1. The applicant complete the recommended noise reduction improvements as delineated in the sound study by April 1, 1995. The applicant shall conduct a follow-up study for effect/impact of sound controls to determine if a 5 to 8 decibel reduction has been achieved in the area of location #5, where hourly A-weighted sound levels shall be measured for a period of 24 consecutive hours within three (3) months of the beginning of the 1995 racing season. If the aforementioned decibel reduction is not achieved, then another sound study shall be conducted at the expense of Virginia Motorsports Park, by an independent certified sound engineer to determine what measures should be taken to achieve said additional reduction. The sound engineer shall be mutually acceptable to the County and Virginia Motorsports Park.

2. Testing of race cars and their accessories being done between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday shall not be open to the general public or spectators. In addition, no side-by-side competition-style racing shall be permitted.

Mr. Haraway stated that he was not aware racing could commence at 10:00 a.m. on Sundays for Special Events. There could be church services going on while they were racing and he did not like the thought of that.

Mr. John Dodson, General Partner, Virginia Motorsports Park, came before the board and stated that he wanted Mr. Lewis S. Goodfriend, to come and speak about the sound study that he conducted but he wanted the Board to know how qualified Mr. Goodfriend and his firm were. He feels that the Motorsports Park has held up their part of the bargain by having the sound study done by an independent certified sound specialist. He also stated that it was very important that the Board consider giving them the rain date.

Mr. Lewis S. Goodfriend, Consulting Engineer in Acoustics, stated that he conducted the noise study at the Motorsports Park and went over his findings with the Board. He stressed the fact that his findings were conducted by all the guidelines and regulations that he must abide by.

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

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

1. Peebles Harrison, Representing Robert Ragsdale.
2. Robert Ragsdale, 8511 Boydton Plank Road, Dinwiddie, VA.
3. Wallace Rowland, 22256 Butterwood Road, Dinwiddie, VA.
4. Gwen Rowland, 7208 Jack Drive, Dinwiddie, VA.
5. Christine Avery, 7230 Jack Drive, Dinwiddie, VA.
6. Betty Ragsdale, 8306 Boydton Plank Road, Dinwiddie, VA.
7. James Merrick, 23118 Pine Grove Place, Dinwiddie, VA.

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

1. Ralph Mangum, 9013 Dabney Drive, Sutherland, VA.
2. Lucille Phares, 7901 Boydton Plank Road, Dinwiddie, VA.
3. Jack Branch, 6224 Courthouse Road, Dinwiddie, VA.
4. John Gromley, 9200 Graves Road, Matoaca, VA.

Mr. Haraway stated that he was a race fan but he did not like the idea of racing starting at 10:00 a.m. on Sundays for Special Events. He feels that they could move the time to 12:00 p.m. on Sundays for Special Events. Churches need their time to worship. He agrees that they need a rain date.

Mr. Clay agrees with Mr. Haraway about the time of racing on Sundays for Special Events.

Mr. Moody feels that the time for Special Events has been working for the past 2 years so why change it.

Mrs. Everett has no problem with the time on Sundays for Special Events. She supports Virginia Motor Sports Park in every way and has a lot of confidence in them.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that C-94-9 is approved to amend the hours of operation for Virginia Motorsports Park with the following conditions as recommended by the Planning Commission:

1. The applicant complete the recommended noise reduction improvements as delineated in the sound study by April 1, 1995. The applicant shall conduct a follow-up study for effect/impact of sound controls to determine if a 5 to 8 decibel reduction has been achieved in the area of location #5, where hourly A-weighted sound levels shall be measured for a period of 24 consecutive hours within three (3) months of the beginning of the 1995 racing season. If the aforementioned decibel reduction is not achieved, then another sound study shall be conducted at the expense of Virginia Motorsports Park, by an independent certified sound engineer to determine what measures should be taken to achieve said additional reduction. The sound engineer shall be mutually acceptable to the County and Virginia Motorsports Park.

2. Testing of race cars and their accessories being done between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday shall not be open to the general public or spectators. In addition, no side-by-side competition-style racing shall be permitted.

THE CHAIRMAN RECESSED THE MEETING AT 9:35 P.M. AND RECONVENED AT 9:45 P.M.

IN RE: A-94-3 - PRIVATE SEWAGE DISPOSAL FACILITIES

This being the time and place as advertised in the Dinwiddie Monitor Newspaper on November 23, 1994 and November 30, 1994, for the Board of Supervisors to conduct a public hearing to consider the request of James E. Belshan to make amendments to Chapter 21, Section 98 of the Dinwiddie County Code.

Mr. Wayne P. Knox, Director of Planning, advised the Board that this section pertains to the location and placement of private sewage disposal facilities (septic fields) near natural drainageways and the area surrounding Lake Chesdin. The current setback requirement is 150 feet. This amendment, if adopted, would reduce the 150 foot setback for private sewage disposal facilities to 100 feet from every lake, pond, canal, river, stream or natural drainageway outside a 2,000 foot radius around Lake Chesdin. The 150 foot setback would remain for the area inside a 2,000 foot radius around Lake Chesdin.

Mr. Richard Hartman, General Manager of the Appomattox River Water Authority and Mr. Tim Jones, Area Supervisor for the Virginia Department of Health, concur with Mr. Belshan that the proposed setback reduction will not affect the area around Lake Chesdin or compromise the environmental integrity of any other water courses. Staff feels that this reduction will permit more flexibility in the placement of septic fields, thus allowing more advantageous placement of new dwellings and additions to existing dwellings.

Per your earlier request, the Planning Commission has reviewed and by consensus has no objections to the amendment so long as staff received favorable responses from the ARWA and the Health Department. Staff, after reviewing the language of the amendment with the County Attorney, recommends approval of A-94-9.

Mr. James E. Belshan was present to support his request.

Mrs. Everett stated that this was a public hearing, but no one signed up to speak.

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 the Dinwiddie County Code, as previously adopted and amended, be further amended by the following addition and reenactment of Chapter 21, Section 98 thereof by the amendment to subsection (c), and the addition of subsection (d) thereto, and all other aspects be reordained:

Chapter 21, Section 98(c) & (d)
Article IV, Private Sewage Disposal Facilities

(c) In addition to any other provisions of this Code, all septic systems or individual sewage disposal systems employing subsurface soil absorption facilities located within two thousand (2000) linear feet of the shoreline of Lake Chesdin must be setback at least one hundred fifty (150) feet from every other lake, pond, canal, river, stream or natural drainageway (intermittent or perennial), as a means of maintaining the environmental integrity of said waters. This one hundred fifty (150) foot setback line shall be measured from a point one hundred sixty-one (161) feet above sea level which is three (3) feet above the spillway elevation and three (3) feet below the flood easement elevation around Lake Chesdin.

(d) In addition to any other provisions of this Code, all septic systems or individual sewage disposal systems employing subsurface soil absorption facilities not located within two thousand (2000) linear feet of the shoreline of Lake Chesdin must be setback at least one hundred (100) feet from every lake, pond, canal, river, stream or natural drainageway (intermittent or perennial) as a means of maintaining the environmental integrity of said waters. This distance shall be measured from the shoreline of the water body, except for natural drainageways which are defined as naturally occurring, concave landscapes in which a permanent or intermittent stream channel is visibly formed; in which case distances shall be measured from the edge of the channel.

This ordinance shall become effective December 8, 1994.

IN RE: A-94-5 - MEALS TAX

Mrs. Wendy Ralph, Assistant County Administrator, Deborah M. Marston, Commissioner of Revenue, and William E. Jones, Treasurer, appeared before the Board and presented an ordinance to amend Sections 19-134 and 19-135 of the Code of Dinwiddie County. It would provide that payment of the County Meals Tax and submittal of required Meals Tax report forms shall be to the County Treasurer rather than the Dinwiddie County Commissioner of Revenue.

Mrs. Everett stated this was a public hearing, but no one signed up to speak.

Upon motion of Mr. Moody, seconded by Mr. Bracey, 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 19-134 and 19-135 of the Dinwiddie Code shall be amended to read as follows, and in all other respects be reordained:

Section 19-134. Payment and Collection of tax.

Every seller of food with respect to which a tax is levied under this article shall collect the amount of tax imposed under this article from the purchaser on whom the same is levied at the time payment for such food becomes due and payable, whether payment is to be made in cash or on credit by means of a credit card or otherwise. The amount of tax owed by the purchaser shall be added to the cost of the food by the seller who shall pay the taxes collected to the county in the same manner and at the same times as payments to the county of the county's retail sales tax are made. Except as may be otherwise expressly set forth in this article, the meals tax imposed under this article shall be administered by the Commissioner in the same manner as the county's retail sales tax and shall be subject to the same penalties for violations thereof, including, without limitation, the penalties provided for in Section 58.1-635 and

58.1-636 of the Code of Virginia, except that all monetary penalties, payments and reports required to be made hereunder shall be made to the County Treasurer and not to the state tax commissioner. Taxes collected by the seller shall be held in trust by the seller for the benefit of the county until remitted to the county.

Section 19-135. Reports and remittances generally.

Every seller of food with respect to which a tax is levied under this article shall make out a report upon such forms and setting forth such information as the Commissioner may prescribe and require, showing the amount of food charges collected and the tax required to be collected, and shall sign and deliver such report to the County Treasurer with a remittance of such tax. Such reports and remittance shall be made on or before the twentieth day of each month, covering the amount of tax collected during the preceding month.

These Ordinances shall be effective January 1, 1995.

IN RE: A-94-6 - ADMISSIONS TAX

Mrs. Wendy Ralph, Assistant County Administrator, Deborah M. Marston, Commissioner of Revenue, and William E. Jones, Treasurer, appeared before the Board and presented an ordinance to amend Sections 19-22 and 19-123 of the Code of Dinwiddie County. It would provide that payment of the County Admissions Tax shall be made to the County Treasurer rather than the Dinwiddie County Commissioner of the Revenue, that checks in payment of such tax need not be certified, that collection of such tax be quarterly for regularly scheduled events with receipts of less than \$5.00 per month, that fines for violation of the Ordinance shall not exceed the maximum amount allowed by law and that the County Treasurer and the County Commissioner of the Revenue may waive interest and penalties under certain circumstances.

Mrs. Everett stated this was a public hearing, but no one signed up to speak.

Upon motion of Mr. Haraway, 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 19-22 and 19-123 of the Code of Dinwiddie shall be amended to read as follows, and in all other respects be reordained:

Section 19-122. Collection and remittance; records.

Each event operator liable for the payment of the admissions tax imposed hereunder shall collect said tax on behalf of the county and pay the same to the Treasurer of Dinwiddie County by cash, or check made payable to the Treasurer of Dinwiddie County, within five (5) days after each event, except that when receipts for events held on a regular basis total less than five dollars (\$5.00) per month remittance of the admissions tax imposed hereunder shall be made quarterly and paid to the Treasurer of Dinwiddie County within five (5) days after the last day of the calendar year quarter in which such events occurred. Each operator shall keep complete records showing the number of tickets sold to such event and the number of persons attending. Such records shall be available for inspection by the commissioner of revenue or the county sheriff at all times before, during or within ninety (90) days following the event.

Section 19-123. Enforcement.

Anyone conducting an event in the county without the permit required under this chapter, or anyone who fails to collect and pay the admissions tax imposed hereunder or violates any other provision of this article shall be guilty of a Class 1 misdemeanor and punished by a fine not to exceed the maximum amount allowed by law or twelve (12) months in jail. Each failure, refusal, neglect or violation, and each day's continuance thereof, shall constitute a separate offense. Failure to collect or pay the admission tax herein imposed shall cause the event operator to be personally liable for the same and the bond posted

Extract

hereunder to be forfeited to the county for collection. There shall also be imposed upon the event operator a penalty of ten (10) percent for failure to pay the admission tax when due, and in addition such amount shall accrue interest at the rate of ten (10) percent per annum until paid. Either the Commissioner of the Revenue or the Treasurer of Dinwiddie County shall have the right to waive interest and penalty upon a determination that the failure to pay this tax was due to excusable neglect.

These Ordinances shall be effective on January 1, 1995.

IN RE: A-94-7 - TRANSIENT OCCUPANCY TAX

Mrs. Wendy Ralph, Assistant County Administrator, Deborah M. Marston, Commissioner of Revenue, and William E. Jones, Treasurer, appeared before the Board and presented an ordinance to amend Sections 19-117 and 19-119 of the Code of Dinwiddie County. It would provide that collection of Transient Occupancy Tax be quarterly for regularly scheduled events with receipts of less than \$5.00 per month and that fines for violation of the ordinance shall not exceed the maximum amount allowed by law.

Mrs. Everett stated this was a public hearing, but no one signed up to speak.

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 19-117 and 19-119 of the Dinwiddie Code shall be amended to read as follows, and in all other respects be reordained:

Section 19-117. Collection and remittance.

It shall be the duty of each hotel, motel, boarding house, and travel campground to collect from the occupant the tax hereby imposed and levied at the time of renting the room or space to be occupied, and the taxes imposed, levied and collected during each calendar month shall be reported and paid by each such business to the treasurer on or before the fifteenth day of the second calendar month thereafter. For regularly scheduled events with receipts of less than five dollars (\$5.00) per month, such reporting and payment shall be made on a quarterly basis to the treasurer on or before the fifteenth day of the second calendar month after the end of the preceding calendar year quarter. The required report shall be in a form prescribed by the commissioner of revenue who shall be responsible for enforcement of this article.

Section 19-119. Violation, penalty and interest.

A violation of any provision of this article shall constitute a misdemeanor punishable by a fine of not more than the maximum amount allowed by law, twelve (12) months in jail, or both. In addition to such penalty, the commissioner shall assess the amount of the tax owed hereunder personally against the violator, including interest from when such tax was due, owing and payable at the rate of ten (10) percent and with a ten (10) percent penalty on such tax for nonpayment and collect the same by any method allowed by the Code of Virginia.

These Ordinances shall be effective January 1, 1995.

IN RE: A-94-8 - BUSINESS LICENSE

Mrs. Wendy Ralph, Assistant County Administrator, Deborah M. Marston, Commissioner of Revenue, and William E. Jones, Treasurer, appeared before the Board and presented an ordinance to amend Sections 13-1.2, 13-22, 13-90 and 13-186 of the Code of Dinwiddie County. It would provide that the rate of Business License Tax levied on a direct seller whose total sale exceed four thousand dollars per year shall be sixteen cents per one hundred dollars, that every license tax assessable under chapter 13 of the code for the previous license tax year shall be due and payable to the County Treasurer on March 1 or if such day is not a business day the next following business day, that the minimum annual

Business License Tax for every contractor, builder and developer shall be \$35.00, and the fines for violation of the ordinance shall not exceed the maximum amount allowed by law.

Mrs. Everett stated this was a public hearing, but no one signed up to speak.

Action is postponed till December 21, 1994.

IN RE: A-94-9 - ITINERANT MERCHANT

Mrs. Wendy Ralph, Assistant County Administrator, Deborah M. Marston, Commissioner of Revenue, and William E. Jones, Treasurer, appeared before the Board and presented an ordinance to amend Section 13-138 of the Code of Dinwiddie County. It would provide that the Business License Tax for any person doing business as an Itinerant Merchant at an organized event of five days or less shall be \$50.00 for each such organized event.

Mrs. Everett stated this was a public hearing, but no one signed up to speak.

Action is postponed till December 21, 1994.

IN RE: A-94-10 - PERSONAL PROPERTY TAX

Deborah M. Marston, Commissioner of Revenue, appeared before the Board and presented an ordinance to amend Section 19-2 of the Code of Dinwiddie County by adding subsection (c). It would provide that tangible Personal Property Tax returns shall be filed in the office of the Commissioner of the Revenue for the current tax year no later than February 15 of such current tax year or if such day is not a business day the next following business day.

Mrs. Everett stated this was a public hearing, but no one signed up to speak.

Upon motion of Mr. Clay, seconded by Mr. Moody, 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 19-2 of the Code of Dinwiddie shall be amended to read as follows, and in all other respects be ordained:

Section 19-2. Due date for taxes on real estate, tangible personal property and machinery and tools; penalty and interest on delinquencies, personal property return filing date.

(a) County taxes on real estate, tangible personal property and machinery and tools shall be paid, by or on behalf of persons owing such taxes, on or before the fifth day of December of each year or the first business day thereafter, if the fifth of December is not a business day.

(b) If taxes referred to in subsection (a) above are not paid on or before the due date prescribe in such subsection, there shall be added thereto a penalty in the amount of ten (10) percent of the taxes due. In addition to the penalty provided herein, any such taxes that remain unpaid on the first day of the month next following the month in which such taxes become due shall be delinquent and interest thereon of ten (10) percent per annum shall be added to the amount of taxes or levies due from such taxpayer, which when collected by the treasurer, shall be accounted for in his settlement.

(c) Tangible personal property tax returns shall be filed in the office of the commissioner of the revenue no later than February 15 of such current tax year or, if such day is not a business day, the next following business day.

This Ordinance shall be effective January 1, 1995.

IN RE: APPROPRIATION OF INDOOR PLUMBING/REHABILITATION FUNDS

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Mr. Wayne P. Knox, Director of Planning, appeared before the Board and stated that the County has been awarded funding for the Indoor Plumbing/Rehabilitation Program, in the amount of \$90,020.00. The breakdown of area coverage is as follows:

\$ 60,020.00 - County wide
\$ 30,000.00 - West Petersburg

He also stated that the money has been reserved by the Virginia Department of Housing and Community Development for our use, but it must be spent initially by the County. Therefore, he respectfully requested the Board of Supervisors to appropriate the amount of \$90,020.00 to cover these costs.

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 \$90,020.00 be appropriated from funds provided by the Virginia Department of Housing and Community Development for the Indoor Plumbing/Rehabilitation Program.

IN RE: APPOINTMENT - CRATER HEALTH DISTRICT

The Board received a memo stating that Susan Chappell did not desire to be reappointed.

Upon motion of Mr. Bracey, 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 Sharon Grenoble is hereby appointed to the Crater Health District for a term expiring December 31, 1997.

IN RE: APPOINTMENT - BOARD OF ZONING APPEALS

Upon motion of Mr. Bracey, 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 Ms. Thelma Jones is recommended to the Circuit Court Judge for reappointment to the Board of Zoning Appeals.

IN RE: APPOINTMENT - PLANNING COMMISSION

Action was postponed till December 21, 1994.

IN RE: APPOINTMENT - DINWIDDIE COUNTY WATER AUTHORITY

Upon motion of Mr. Haraway, 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 Thomas J. Leftwich be reappointed to the Dinwiddie County Water Authority for a term expiring December 31, 1998.

IN RE: APPOINTMENTS - TRANSPORTATION SAFETY COMMISSION

Upon motion 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 following persons are hereby reappointed to the Transportation Safety Committee for a term of one year, expiring December 31, 1995:

A. S. Clay T. E. Gibbs, Jr. Rebecca Tilson Terry Jones
Barbara Wilson Daniel Lee Glen Powell John Roy Hodges; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that these appointments are contingent upon their desire to be reappointed.

Extract

IN RE: PAYROLL FOR DECEMBER

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

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, authorizes the December payroll to be issued December 22, 1994.

IN RE: SELF CONTAINED BREATHING APPARATUS

Mr. Charles W. Burgess, Jr., County Administrator, recommended to the Board that action on the breathing apparatuses for the fire departments be postponed until discussion of the 1995-96 budget due to lack of funds in the current budget.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that action for the purchase of the self contained breathing apparatuses be postponed until discussion of the 1995-96 budget.

IN RE: LANDFILL VACANCY

Mrs. Wendy Weber Ralph, Assistant County Administrator, stated that there is a vacancy at the landfill for a Scale House Attendant and asked for authorization to advertise.

Upon motion of Mr. Moody, seconded by Mr. Bracey, 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 Administration is authorized to advertise for the position of Scale House Attendant at the Landfill.

IN RE: ADOPTION OF RESOLUTION FOR VIRGINIA COOPERATIVE EXTENSION COUNCIL

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

WHEREAS, Virginia Cooperative Extension is a joint program of the federal, state and local governments in cooperation with Virginia Tech and Virginia State Universities.

WHEREAS, Virginia Cooperative Extension contributes significantly to the quality of life and economic development of the Commonwealth of Virginia.

WHEREAS, the educational programs and services of Virginia Cooperative Extension are available to every resident of the Commonwealth without regard to socio-economic status, race, age, or any other consideration.

WHEREAS, a 1992 study conducted by the Virginia Department of Planning and Budget cited Virginia Cooperative Extension as a major player in prevention and early intervention programs.

WHEREAS, the programs and services of Virginia Cooperative Extension are delivered to residents via local agents and volunteers.

WHEREAS, since 1989, Virginia Cooperative Extension has lot 60 extension agents statewide.

WHEREAS, Virginia Tech's 1995 budget amendment request represents a restoration of funding to the levels necessary to allow existing programs to continue.

WHEREAS, if this funding is not restored, an additional 45 Extension positions will be lost, and 29 in the Agriculture Experiment Station.

Extract

AND, WHEREAS, Virginia Cooperative Extension and Research have suffered a 22 percent General Fund reduction since 1990.

THEREFORE, BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia does hereby formally endorse Virginia Tech's 1995 Budget Amendment request of \$2,989,000 with \$1,500,000 for Cooperative Extension and \$1,398,000 for the Experiment Station; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Virginia State University's General Fund support for Cooperative Extension be maintained at current levels.

AND BE IT FINALLY RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia encourages local Extension Leadership Councils to disseminate and promote the intent of this resolution to appropriate state and local officials.

IN RE: RESOLUTION IN SUPPORT OF CENTRAL STATE HOSPITAL

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 a resolution be prepared in support of Central State Hospital, which would oppose turning the facility into a prison and include its value not only to the community but it's value as a mental health facility in this area.

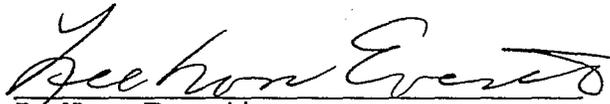
IN RE: BOARD MEMBER COMMENTS

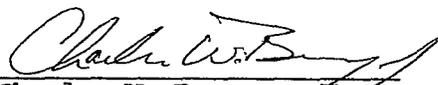
Mr. Clay stated that he would like to see an ordinance adopted stating that Politicians must have their public advertisements removed within ten days after the elections.

Mr. Bracey agreed with Mr. Clay.

IN RE: ADJOURNMENT

Upon motion of Mr. Haraway, seconded by Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Mrs. Everett, voting "aye", the meeting adjourned at 10:55 P.M. to be continued to December 21, 1994 at 12:00 noon for a luncheon with the Extension Office to be held in the Extension meeting room.


Lee Nora Everett
Chair, Board of Supervisors

ATTEST: 
Charles W. Burgess, Jr.
County Administrator

/rle

