

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 4TH DAY OF OCTOBER, 1995, AT 7:30 P.M.

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

DANIEL M. SIEGEL COUNTY ATTORNEY

IN RE: AMENDMENTS TO AGENDA

Upon motion of Mrs. Everett, seconded by Mr. Clay, Mrs. Everett, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway voting "aye", the agenda was approved as presented.

IN RE: MINUTES

Upon motion of Mr. Clay, seconded by Mrs. Everett, Mr. Bracey, Ms. Everett, Mr. Moody, Mr. Clay, Mr. Haraway voting "aye", the minutes for the September 20, 1995 Regular Meeting are hereby approved in their entirety.

IN RE: CLAIMS

Ms. Ralph presented the Board with additional information concerning two checks from Accounts Payable and Payroll which were not included in the packet and the voiding of a (CDBG), Community Development Block Grant, check which would be presented to them with the corrected amount at their next regular meeting.

Upon motion by Mr. Moody, seconded by Mrs. Everett, Mr. Bracey, Mr. Moody, Mr. Clay, Mrs. Everett, Mr. Haraway, voting "aye", with exception of the claims listed on page (15) fifteen, for Jay Tronfeld and Associates in the amounts of #35946 - \$3,000.00 and #35947 - \$8,000.00 respectively:

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 #35785 - #36023 (Void #35786, #35886, #36013) for Accounts Payable -General Fund \$402,891.37, Jail Commission \$432.40, Landfill \$450.26, E911 \$624.82, Self Insurance \$6408.09, Courthouse Maintenance \$26,351.31; CDBG fund \$6,109.40; for a total of \$443,267.65.

IN RE: CITIZEN COMMENT

1. George D. Pack - 17033 Wilkerson Road, Dinwiddie, Virginia, submitted his application to the Board of Supervisors for renewal of his Business License for garbage collection.

Ms. Ralph stated that the application had been reviewed by the Director of Sanitation, Denny King, and that it was satisfactory to his department. She added that the application had not been reviewed by administration but that approval, contingent upon administrative and legal counsel review, was appropriate. Ms. Ralph stated that there was a bond which expires at the end of October, but will be renewed.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the application from Mr. George D. Pack for collection of garbage was approved for renewal contingent upon administrative and legal counsel review and approval.

2. David Thweatt, Sr. - 6205 Thweatt Drive, Disputanta, Virginia, stated that he was recently notified by Mr. Tutwiler that his permit to

collect trash had expired. He asked the Board if they would approve a temporary permit and allow him to start collecting trash immediately. It was explained that according to the county attorney, there were not provisions for temporary permitting and that he needed to provide the following information to administration for county review: Health Department approval, Business License approval, Department of Sanitation approval, and Bonding.

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

BE IT RESOLVED by the Board of Supervisor of Dinwiddie County, Virginia, that the application from Mr. David Thweatt, Sr. for collection of garbage, was approved contingent upon his fulfilling all the county requirements and presenting those requirement to administration for review.

IN RE: A-95-9 INDOOR ATHLETIC AND FITNESS CENTER

This being the time and place as advertised in the Progress Index on September 20, 1995 and September 27, 1995, for the Board of Supervisors to conduct a public hearing to consider an application submitted by Mr. George Flowers requesting an amendment to Chapter 22, Section 22-223 in Division 14, "Industrial, General, District M-2" to include "indoor athletic and fitness facilities" as a permitted use.

Mr. Flowers, the applicant was not available to speak on his behalf. Mr. Scheid stated that he had been in contact with the Airport Authority and they did not see a problem with it and hoped that the building could be put into use. Mr. Scheid added that this use would not appear offensive to other uses in an M-2 District and he felt the use was more of a general commercial use, and staff did not feel that the use would "substantially interfere with the development, continuation or expansion of commercial and industrial uses in the M-2 District."

The Planning Commission at its September 13, 1995 Regular Meeting unanimously voted to recommended approval to the Board of Supervisors.

This being a public hearing, the Chairman opened the Public Hearing. No one signed up to speak.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that Section 22-223, Division 14, "Industrial, General, District M-2" of Article IV be amended to read as follows:

(36) Indoor athletic and fitness facilities.

BE IT FURTHER ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia that in order to assure compliance with Virginia Code Section 15.1-491(g), it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, and general welfare and good zoning practice.

In all other respects, said zoning ordinance is hereby reordained.

IN RE: C-95-2, RGC(USA) MINERALS, INC.

This being the time and place advertised in the Dinwiddie Monitor Newspaper on September 20, 1995 and September 27, 1995 for the Board of Supervisors to conduct a public hearing for the purpose of considering a request for a conditional use permit submitted by RGC (USA) Minerals, Inc. to conduct open pit mining within Dinwiddie County.

Mr. Scheid, Director of Planning, stated that the land parcels(identified as tax parcels 94-9, 94-13, 94-17, 94-18, 94-18A, 94-19, 94-19A, 94-19D, 94-20, 101-1, 101-1A, 101-3, 101-4, 101-5, 101-6, 101-7, 101-8 and 101-9) proposed for mining are zoned as General Agriculture, A-2. He added that Section 22-71(49) lists open pit mining with a conditional use permit as a permitted use. Section 22-22 of the

Extract

Zoning Ordinance addresses the review and issuance of a conditional use permit.

It was the recommendation of the Planning Commission that the conditional use permit be granted with the following conditions:

1. All required State (ie, Department of Environmental Quality, Department of Mines, Minerals, and Energy, etc.) and/or Federal permits governing this type of operation in Dinwiddie County shall be filed with the County prior to beginning the mining operation;
2. Coordination with the Virginia Department of Transportation shall be a continuous effort in order to preclude and/or correct any road problems arising from this operation;
3. Consultation with VPI&SU shall continue in order to address the issues of soil productivity and soil stabilization;
4. No mining operation or related activity shall be permitted within 200 feet of a residence unless the homeowner agrees in writing to permit such mining activity;
5. Signage must be maintained on all four sides of the property being mined; and
6. Deep wells shall not be permitted for use in the mineral extraction process.

Mr. Scheid stated that RGC has submitted a letter requesting relief from the last 3 conditions listed above. In their letter they state their reasons why such conditions are not needed. Mr. Scheid concurred it was his understanding that the Planning Commission was concerned more about the distance criteria being applied to those residents which were not under a lease agreement. Mr. Scheid stated that in regard to the deep well situation, the Planning Commission was concerned for those individuals that might lose their well water as a result of the Company withdrawing excessive amounts of water for their mining operation.

Mr. Scheid stated that RGC had a visual presentation they would make to the Board of Supervisors after which they would answer any questions from the Board.

After the video presentation, Mr. Elliot Mallard, Environmental Reclamation Superintendent for RGC, 18410 Bolsters Road, Stony Creek, VA 23882 spoke to the request. He was accompanied by Russell Clarke, Project Manager of Old Hickory and Dr. Lee Daniels from Virginia Tech. They entertained questions from the Board of Supervisors at this time. Some of the concerns of the Board were:

1. Why applicant wants to delete conditions #4, #5, and #6.
2. Citizens in this area who might be affected by the use of deep wells in the extraction process.
3. Permitting requirements for drawing water from the Nottoway River.
4. Bonding requirements for the property.
5. Distance and setback requirements.
6. Safety provisions.

This being a public hearing the Chairman opened the Public Hearing. The following persons spoke on the request:

1. R. C. Clarke, Jr. - 25313 Mill Run Road, Stony Creek, VA was concerned about the distance this use would be required to setback from residential uses because he determined that his son's house was located approximately 60 feet from one of the property RGC intends to mine. He was also concerned with the effects the deep well will have on the water supply of the residents. Mr. Clarke also felt the use would generate more noise than was originally expected.

2. Sue Lewis - 24232 Mill Run Road, Stony Creek, VA spoke in support of the operation. Stated that the county should be encouraging industrial prospects to the area. She added that she visited the site in

Florida unannounced and the operation was just what they had been told it would be.

3. Dorothy B. Roney - 2007 McKenney Highway, Stony Creek, VA expressed her concern about the effects deep wells or several operational wells would have on the wells of adjacent property owners.

4. Gail Seay, 26486 Cox Road, Dinwiddie, VA stated that she had past experience with the effects deep wells have on surrounding properties. She said when Virginia Power came into Surry County, they were supposed to get water from the James River however Virginia Power utilized some wells and consequently several residential well went dry because of the drop in the water table.

There being no others persons desiring to speak, Chairman Haraway closed the public hearing and offered Mr. Mallard a chance for rebuttal.

Mr. Mallard came forward and gave a brief geological description of the water table as well as the aquifer. He stated that RGC does not intend to use the deep wells in the area for its mining process. He stated that an analysis had been performed on the Nottoway River, and less than 1% of the water from the River would be lost during average flow to extract water for the mining process. He said the only other reason they would use water would be to water the crops which will be planted on the reclaimed land. He added that this area is not a Groundwater Protection Area therefore the chances of the water table being affected by a deep well is minimal.

Mr. Mallard stated that he had talked in length with the Virginia Department of Environmental Quality, and Ray Jenkins at the Piedmont Regional Office, and RGC is not required to have a permit to draw water out of the Nottoway River.

Mr. Bracey asked if RGC was able to get water from the river, why is there such a need for a deep well?

Mr. Mallard said he would need water to irrigate the crops placed on the reclaimed land.

Mr. Bracey offered that there would probably be plenty of water available from the river or from adjacent property owners.

Mr. Everett alerted Mr. Mallard to the fact that condition #6 states that deep wells shall not be permitted for use in the mining extraction process and therefore this condition should not pose a problem for them if it remained.

Mr. Mallard then began addressing the issue of setback by saying that they had to meet setback requirements of (DMME) which requires that they cannot operate within 200 feet of any household on the Old Hickory site.

It was also discussed that this operation would be active seven days a week, 24 hours a day. The vehicles which would be transporting the products will operate 6 days a week, 12 hours a day. Mr. Bracey suggested that RGC and the Old Hickory community might work out some arrangement for Sundays.

After further discussion from the Board of Supervisors and the applicant, Mr. Haraway asked the Board if they were ready to make a motion.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the conditional use permit request submitted by RGC(USA) Minerals, Inc. to conduct open pit mining be approved with the following conditions:

1. All required State (ie, DEQ, DMME, etc.) and/or Federal permits governing this type of operation in Dinwiddie County shall be filed with the County prior to beginning the mining operation;

2. Coordination with the Virginia Department of Transportation shall be a continuous effort in order to preclude and/or correct any road problems arising from this operation;
3. Consultation with VPI&SU shall continue in order to address the issues of soil productivity and soil stabilization;
4. No mining operation or related activity shall be permitted within 200 feet of a residence unless the homeowner agrees in writing to permit such mining activity;
5. Signage must be maintained on all four sides of the property being mined; and
6. Deep wells shall not be permitted for use in the mineral extraction process.

Extract

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that in order to assure compliance with Virginia Code Section 15.1-491(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.

IN RE: AWARD OF CONTRACT - BANKING SERVICES

Bill Jones stated that he had received 4 proposals and gave the Board of Supervisors some background on how the committee (consisting of county staff) had arrived at their recommendation for the awarding of a contract for banking services. He stated that they had interviewed several banks who had submitted proposals responding to the RFP for banking services to the County. He stated that some of the concerns they had addressed were the costs of the services and the compatibility of their system with our system to facilitate direct deposit. The unanimous recommendation from the committee was to award the contract to the Bank of Southside Virginia. Mr. Jones added that this contract was a 5 year contract with a June 30th yearly renewal date.

Extract

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the bid for banking services for the County of Dinwiddie be awarded to the Bank of Southside Virginia; and

BE IT FURTHER RESOLVED, by the Board of Supervisors of Dinwiddie County, that the County Attorney is hereby authorized to draft a contract upon successful negotiation with the Bank of Southside Virginia.

IN RE: SCHOOL BOARD - REIMBURSEMENT OUT OF MEALS TAX FUND DEVELOPMENT PHASE OF THE CAPITAL IMPROVEMENT PROJECT

Mr. Burgess called the attention of the Board of Supervisors to copies of invoices and a Dinwiddie School Board check showing a payment of one hundred fifty-one thousand, six hundred seventy-six dollars and ninety cents (\$151,676.90) to the architects (Ballou, Justice & Upton and Associates Architects) for professional services rendered thru completion of the Design Development Phase of the schools Capital Improvement Project. He stated that this information was being submitted by the Dinwiddie County School Board Office for reimbursement from the Meals Tax Fund as directed by the Board of Supervisors.

Mr. Bracey asked that a detailed breakdown be submitted for these services to insure that we are not re-billed for them at a later date.

Extract

Mr. Burgess assured Mr. Bracey that this invoice represents 100% payment of the Design Development Phase and there should not be anymore invoices received because this phase of the project is complete.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that Mr. Jones, Treasurer, is authorized to transfer one hundred fifty-one thousand, six hundred seventy-six dollars and ninety cents (\$151,676.90) from the Meals Tax Fund to the School Construction Fund in

order to cover the invoice representing 100% payment of the Design Development Phase of the Capital Improvement Project.

IN RE: COUNTY ADMINISTRATOR COMMENTS

1. Mr. Burgess advised the Board that the workshop planned between the Board of Supervisors and the Planning Commission will not be able to convene on October 18, 1995, due to some key players not being able to attend. For discussion purposes it was suggested that Wednesday, October 25, 1995 be the date for the workshop. Mr. Burgess stated that he would inform the Board as to the feasibility of meeting on this date.

IN RE: BOARD MEMBER COMMENTS

Mr. Bracey asked that the Board minutes reflect 100% completion of the Design Development Phase of the School Capital Improvement Project.

IN RE: RESOLUTION - 125TH ANNIVERSARY OF CENTRAL STATE HOSPITAL

Mrs. Everett stated that Central State Hospital would be celebrating their 25th Anniversary on Saturday, October 7, 1995 and she felt that it was appropriate for the Board of Supervisors to adopt a resolution.

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

WHEREAS, Central State Hospital has been providing mental health care services for 125 years; and

WHEREAS, the Board of Supervisors is proud to recognize Central State Hospital as a member of our community and for the quality mental health services they have provided;

NOW THEREFORE BE IT RESOLVED that the Dinwiddie County Board of Supervisors of Dinwiddie County, Virginia commends Central State Hospital on their 125TH ANNIVERSARY and encourages the citizens to join in this celebration.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Moody, seconded by Mr. Bracey, Mr. Bracey, Mr. Clay, Mr. Moody, Mrs. Everett, Mr. Haraway voting "aye", pursuant to the Virginia Freedom of Information Act, Section 2.1-344(a) 1-Discussion of employment, salaries, disciplining of public officers, appointees, or employees of any public body; Section 2.1-344(a) 7-Consultation with Legal Counsel; Section 2.1-344(a) 5-Prospective Industry Update; the Board moved into Executive Session at 9:02 P.M. A vote having been made and approved, the meeting reconvened into open session at 10:54 P.M.

IN RE: CERTIFICATION

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

WHEREAS, the Board of Supervisors of Dinwiddie County convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

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

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies; and (2) only such public business matters as were identified in the motion

Extract

convening the executive meeting were heard, discussed or considered by the Board of Supervisors of Dinwiddie County, Virginia.

IN RE: SCHOOL BOARD AUCTION

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

Extract
BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that upon legal advice from the County Attorney, their motion of September 6, 1995 dealing with the School Board Auction be amended to state that no county employee will be permitted to participate in the School Board Auction.

IN RE: ADJOURNMENT

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mrs. Everett, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway voting "aye", the meeting adjourned at 11:00 p.m to be continued to October 18, 1995 at 1:00 p.m. at the Board Meeting Room for an Executive Session.

Donald L. Haraway

Donald L. Haraway
Chair, Board of Supervisors

ATTEST: *Charles W. Burgess, Jr.*
Charles W. Burgess, Jr.
County Administrator

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