

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 SEPTEMBER, 1996, AT 7:30 P.M.

PRESENT: AUBREY S. CLAY, CHAIRMAN (ABSENT) ELECTION DISTRICT #5
HARRISON A. MOODY, VICE-CHAIR ELECTION DISTRICT #1
EDWARD A. BRACEY, JR. ELECTION DISTRICT #4
MICHAEL H. TICKLE ELECTION DISTRICT #2
LEENORA EVERETT ELECTION DISTRICT #3

BEN EMERSON COUNTY ATTORNEY

IN RE: AMENDMENTS TO AGENDA

Upon motion of Mrs. Everett, seconded by Mr. Tickle, Mrs. Everett, Mr. Tickle, Mr. Moody voting "aye", Mr. Bracey voting "abstain",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the following be added to the agenda:

Delete - 6. Resolution of Appreciation.

Add - 11. Executive Session - b. Section 2.1-344(a)
6-Investment of public funds - Financing of School CIP.

IN RE: MINUTES

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes for the August 21, 1996 Regular Meeting and the August 28, 1996 Continuation Meeting are hereby approved in their entirety.

IN RE: CLAIMS

Upon motion of Mrs. Everett, seconded by Mr. Tickle, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Moody 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 #1002720 - 1002906 (void #1002720) for Accounts Payable in the amount of \$141,549.58; General Fund \$131,564.31, Jail Commission \$69.12, Self Insurance Fund \$8,739.47, Fire Programs/EMS Fund \$450.30, Law Enforcement Fund \$726.38; and Payroll in the amount of \$272,062.68; General Fund \$271,985.18 and E911 Fund \$77.50.

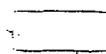
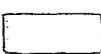
IN RE: APPROVAL OF INVOICE #25 FROM REQUISITION #6 -- CIP PROGRAM

Mr. Charles W. Burgess, Jr., County Administrator, stated that at the last meeting the Board approved Requisition #6 which included Invoice #23, 24 & 26 and excluded Invoice #25 from Hening, Vest & Covey for CIP expenses for the Courthouse Project Fund. Invoice #25 was excluded because the Board questioned the hours that the architects stated that they worked. Mr. Burgess then presented a summary of where the hours were spent.

Mr. Tickle stated that he was still not happy with the bill for the hours of services that they say that they provided. He then stated that he would like to see a summary of how much more money it will cost the County for Architectural Services. He also stated that he would like to know how many other projects the architects were working on because there was no way that they could work on more than one project at a time if they were putting in that many hours on each one.

Mr. Bracey stated that he could see both sides but it had to end sometime. They had no other way but to pay the bill or take them to court and dispute the charges.

Extract



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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that Invoice #25 from Hening, Vest & Covey in the amount of \$37,387.76 is approved to be included in Requisition #7 and funds appropriated for CIP expenses for the Courthouse Project Fund.

IN RE: APPROVAL OF REQUISITION #7 -- COURTHOUSE
PROJECT/CONTRACTOR'S FIRST DRAW

Mr. Burgess stated that they received the first request for payment from Gulf Seaboard General Contractors in the amount of \$225,484.40 for construction services on the new Courthouse. He stated that he and Mr. Donald Faison, Construction Inspector, were satisfied with the work that they have completed so far and felt that they were entitled to their first draw.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the first draw from Gulf Seaboard in the amount of \$225,484.40 be approved to be included in Requisition #7 and funds appropriated for CIP expenses for the Courthouse Project Fund.

IN RE: A-96-9 -- EDUCATION RETREAT CENTER -- A-2 -- PUBLIC HEARING

This being the time and place as advertised in the Dinwiddie Monitor on August 21, 1996 and August 28, 1996 for the Board of Supervisors to conduct a public hearing in order to hear public comments on an ordinance to amend Section 22-71 of the Dinwiddie County Zoning Ordinance by adding "education retreat center" as a permitted use in the Agricultural, General, District A-2.

Mr. W.C. Scheid, Director of Planning, came before the Board and stated that this amendment request has been made by an individual because it is his intention to establish such a use in the County. Furthermore, the applicant believes that this use is more compatible with uses within an agricultural district rather than those in a commercial or residential zoning district. It is envisioned that such a use would be comparable to the 4-H facility located in Wakefield. The Planning Commission unanimously approved the request.

Mr. Bracey asked what was the definition of an "educational retreat center".

Mr. Scheid stated that they still had to bring their recommendation to the Planning Commission and then ultimately to the Board but they came up with the following: A building or complex of buildings and/or structure or structures that house Administrative Offices, temporary living quarters, a dining facility and such other structures or facilities which provide cultural, recreational and/or educational programs on a short term basis for a small group of people.

Mr. John Bradshaw, applicant, came before the Board and stated that he is requesting this amendment because he would like to establish a small retreat on a piece of property that he owns which is zoned A-2. He stated that if this was approved by the Board they would still have to come before the Board and request a conditional use permit to operate an educational retreat center.

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

No one signed up to speak.

Upon motion of Mrs. Everett, seconded by Mr. Tickle, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Moody 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:

(61) Educational retreat center, with a conditional use permit.

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

IN RE: A-96-10 -- DAY CARE CENTER -- B-2 -- PUBLIC HEARING

This being the time and place as advertised in the Dinwiddie Monitor on August 21, 1996 and August 28, 1996 for the Board of Supervisors to conduct a public hearing in order to hear public comments on an ordinance to amend Section 22-185 of the Dinwiddie County Zoning Ordinance by adding "day care center" as a permitted use in the Business, General, District B-2.

Mr. W.C. Scheid, Director of Planning, came before the Board and stated that this amendment has been discussed at a previous Planning Commission meeting and the Planning Commission unanimously approved the request.

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

No one signed up to speak.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that Section 22-185 of the Dinwiddie County Code pertaining to permitted uses in the Business, General, District B-2 be amended to read as follows:

(42) Day care center.

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

IN RE: A-96-11 -- ALL USES PERMITTED IN M-1 - M-2 -- PUBLIC HEARING

This being the time and place as advertised in the Dinwiddie Monitor on August 21, 1996 and August 28, 1996, for the Board of Supervisors to conduct a public hearing to consider adding "all uses permitted in M-1" as a permitted use under Section 22-223, Industrial, General, District M-2.

Mr. W.C. Scheid, Director of Planning, came before the Board and stated that this amendment has been discussed at a previous Planning Commission meeting and the Planning Commission unanimously approved the request.

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

No one signed up to speak.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that Section 22-223 of the Dinwiddie County Code pertaining to permitted uses in the Industrial, General, District M-2 be amended to read as follows:

(37) All uses permitted in M-1.

IN RE: A-96-12 -- EXEMPTION UNDER SECTION 22-237 (c) IN A-2 FOR CHURCHES, HUNTING CLUBS, LODGES, RURITANS & OTHER CIVIC ORGANIZATIONS -- PUBLIC HEARING

This being the time and place as advertised in the Dinwiddie Monitor on August 21, 1996 and August 28, 1996, for the Board of

Extract

Extract

Supervisors to conduct a public hearing to consider deleting the first sentence in Section 22-237 (c) and insert the following in its place "any parcel of land used as a public parking area shall be constructed of concrete, asphalt or other equivalent permanent dustless surface, except that, in Agricultural, General, District A-2, churches, hunting clubs, lodges and ruritans and such other civic organizations shall be exempt".

Mr. W.C. Scheid, Director of Planning, came before the Board and stated that this amendment was proposed by the BZA as a result of a variance granted to the DeWitt Rocky Run Ruritan Club for relief from paving their parking lot. The BZA felt that Section 22-41 (d) addressed the issue such that this amendment to the Zoning Ordinance should be made. The Planning Commission voted 6-1 to recommend approval of this amendment to the Board of Supervisors.

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

No one signed up to speak.

Mr. Bracey stated that he would like a time limit set on this issue for the Board to revisit it and reconsider adding other exemptions besides the ones that were presented.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that Section 22-237 (c) of the Code of the County of Dinwiddie be amended and reordained as follows:

Delete the first sentence in 22-237(c) which reads "Any parcel of land used as a public parking area shall be constructed of concrete, asphalt, or other equivalent permanent dustless surface." and in its place insert the following: "Any parcel of land used as a public parking area shall be constructed of concrete, asphalt, or other equivalent permanent dustless surface, except that, in Agricultural, General, District A-2, churches, hunt clubs, lodges, ruritans and such other civic organizations shall be exempt."

BE IT FURTHER ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that this amendment shall be revisited by the Board in six months to reconsider adding other exemptions besides the ones that were recommended.

IN RE: A-96-13 -- AMENDMENT TO SECTION 22-4 OF ZONING ORDINANCE TO
 REQUIRE FOOTING SURVEY -- PUBLIC HEARING

This being the time and place as advertised in the Dinwiddie Monitor on August 21, 1996 and August 28, 1996, for the Board of Supervisors to conduct a public hearing to consider amending Section 22-4 of the Dinwiddie County Zoning Ordinance by adding paragraph (b) which will require a footing survey whenever a structure is located within 5 feet of the required setback or frontage requirement of the applicable zoning district.

Mr. W.C. Scheid, Director of Planning, came before the Board and stated that the BZA has heard several requests for variances which could have been avoided had the ordinance been in effect. He also stated that the Planning Commission unanimously recommended the request.

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

No one signed up to speak.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that Section 22-4 of the Code of the County of Dinwiddie be amended and reordained as follows:

Section 22-4. Compliance with chapter in issuing permits and licenses.

(a) All departments, officials and public employees of the county vested with the duty or authority to issue permits or licenses shall conform to the provisions of this chapter. They shall issue permits for uses, buildings or purposes only when they are in harmony with the provisions of this chapter. Any such permit, if issued in conflict with the provisions of this chapter, shall be null and void.

(b) Whenever any proposed building or structure is within five (5) feet of the required setback or yard, the owner or developer shall set, at the time of footing inspection, survey markers locating the required setback or yard, which have been set and certified by a land surveyor licensed under the laws of the Commonwealth of Virginia. The owner or developer should also submit a certified plat depicting the building corners, zoning setback and yard requirements, and property lines that were located during a field survey of the property to be submitted to the Zoning Administrator. The markers shall remain in place and undisturbed until the completion of the foundation wall.

IN RE: A-96-17 -- AMENDMENT PERTAINING TO MUZZLELOADING RIFLES --
 PUBLIC HEARING

This being the time and place as advertised in the Dinwiddie Monitor on August 21, 1996 and August 28, 1996 in order for the Board of Supervisors to hear public comments on an Ordinance to amend Section 15-3 to the Code of the County of Dinwiddie to delete the ban on telescopic sites for muzzle-loading rifles due to changes in state law and regulations for muzzle-loading rifles.

Mr. Ben Emerson, County Attorney, came before the Board and stated that in order for the County Code to comply with the State Code this needed to be considered.

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

No one signed up to speak.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that Section 15-3 of the Code of the County of Dinwiddie, Virginia is hereby amended and reordained as follows:

I. Section 15-3. Hunting with certain rifles prohibited; exceptions.

It shall be unlawful and a Class 3 misdemeanor for any person to hunt with a rifle of a caliber larger than .22 in the county, except in the hunting of groundhogs (woodchucks) between March 1 and August 31; however, this section shall not apply and does specifically exempt from the above provisions the hunting of game species with a muzzle-loading rifle during the prescribed open seasons for the hunting of game species as established by the Commission of Game and Inland Fisheries; provided, however, that the use of such muzzle-loading rifle in the hunting of deer may only be from a stand located at least ten (10) feet in elevation above the ground; and "accelerator" cartridges are strictly prohibited from use in conjunction with said muzzle-loading weapons.

Editor's note - for special act authorizing county to adopt above section, see Acts, 1964, Ch. 59.

Cross references - Penalty for Class 1 misdemeanor, Section 1-11; animals and fowl, Ch. 4.

Extract

State law reference: Code of Virginia, Section 29.1-528; 4 Va. Admin. Code Section 15-90-80.

IN RE: P-96-3 -- LEONARD HARRISON -- PUBLIC HEARING

This being the time and place as advertised in the Dinwiddie Monitor on August 21, 1996 and August 28, 1996 for the Board of Supervisors to consider a request by Leonard Harrison to change the district classification of land parcel 21-113A from residential, R-1 to business, B-2. The parcel contains approximately 10 acres and is located at 5906 Boydton Plank Road.

Mr. W.C. Scheid, Director of Planning, came before the Board and stated that there is a single family house on the property which the applicant wishes to convert to commercial use. The applicant owns other tracts of land in this area, some of which are zoned B-2. The parcel is located to the rear of the parcel and it appears logical to the applicant that the commercial zoning should continue to Route 1.

Mr. Scheid stated that the Planning Commission reviewed this rezoning application at their August 14, 1996 public hearing. The applicant Mr. Leonard Harrison, voluntarily agreed to profer, in writing, that he would not construct a building and/or parking/loading area within forty (40) feet of the Route 1 highway right-of-way line. In view of the above, the Planning Commission unanimously recommended that rezoning request P-96-3 be approved by the Board of Supervisors.

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

No one signed up to speak.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that parcel 113A of Section 21 of the Dinwiddie County Zoning Maps, located at 5906 Boydton Plank Road, is amended by changing the district classification from Residential, Limited, R-1 to Business, General, B-2 with the following condition proffered by the applicant:

No building or parking/loading area will be located within forty(40) feet of the Route 1 highway right-of-way line.

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, general welfare and good zoning practice.

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

IN RE: BOARD MEMBER COMMENTS

1. Mr. Bracey stated that he was pleased with the Courthouse Project and the time and effort that Mr. Donald Faison, Construction Inspector, was putting into it, and how he was handling the paving of the parking lot at the Jail.

2. Mr. Moody commended the Planning Department on their productivity.

3. Mr. Tickle requested an update on the several issues in the past that the Board requested to be brought back to them. He would also like an explanation as to why they have not been brought back to the Board sooner.

Mr. Tickle also stated that he had an opportunity to look at the Courthouse construction area and he saw a stream of water and he requested an explanation of the proposed retention basis because he was not on the Board when that was discussed.

IN RE: EXECUTIVE SESSION

Upon motion of Mrs. Everett, seconded by Mr. Tickle, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Moody 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 - Commissioner staffing; Section 2.1-344(a) 6-Investment of public funds - Financing of School CIP.; following a ten minute recess the the Board moved into Executive Session at 9:12 P.M. A vote having been made and approved the meeting reconvened into Open Session at 10:52 P.M.

IN RE: CERTIFICATION

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

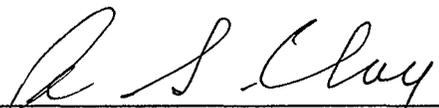
WHEREAS, the Board of Supervisors of Dinwiddie County convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

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;

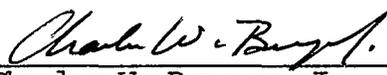
NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting to which this certification resolution applies; and (2) only such public business 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 Mrs. Everett, seconded by Mr. Tickle, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Moody voting "aye", the meeting adjourned at 10:57 P.M. to be continued until September 18, 1996 at 12:00 Noon for an Executive Session to discuss Personnel and Investment of public funds.



Aubrey S. Clay
Chair, Board of Supervisors

ATTEST: 

Charles W. Burgess, Jr.
County Administrator

/rlm