

VIRGINIA: AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING, DINWIDDIE, VIRGINIA, ON THE 6TH DAY OF AUGUST, 1997 AT 7:30 P.M.

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

IN RE: CALL TO ORDER - INVOCATION - PLEDGE OF ALLEGIANCE

Chairman Harrison A. Moody called the meeting to order at 7:38 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: AMENDMENT TO AGENDA

Chairman Moody stated that a letter had been received from Thelma Bass, requesting that her special exception request be withdrawn. The SA-97-3 Public Hearing scheduled for tonight which is Agenda Item 8, Section 8, will not be heard because of this request.

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

BE IT RESOLVED BY the Board of Supervisors of Dinwiddie County, Virginia, that Item 8, Section 8, SA-97-3 - Thelma Bass - Special Exception, be deleted from the agenda per request from the applicant.

IN RE: MINUTES

Mr. Bracey stated that at the previous Board of Supervisors meeting he had requested information from the School Board. To date he has not received this information. He stated that requested information is expected within twelve (12) days and he would like Administration to check into why he had not received this information.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes of the July 16, 1997 regular meeting and the July 16, 1997 continuation meeting are hereby approved in their entirety.

IN RE: CLAIMS

Mrs. Pamela Mann, Administrative Secretary, stated that the claims included an invoice from the Airport and Industrial Authority in the amount of \$544.94 to be drawn against the new Dinwiddie County promissory note dated May 7, 1997. There is also a supplemental claim in the amount of \$1,493.00 for the construction of the office for the Registrar. The money for this construction will come from the Physical Plant Maintenance Fund.

Upon motion of Mr. Tickle, seconded by Mr. Clay, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, 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 #1006840 - #1007086 (void checks 1006596, 1006935, 1007044 and 1006978); for Accounts Payable in the amount of \$72,470.39; General Fund FY 96-97 \$9,940.59, FY 97-98 \$48,748.79; Jail Commission FY 96-97 \$644.02; Landfill Fund FY 96-97 \$1,233.91; E911 Fund FY 97-98 \$2,330.98; Self Insurance Fund FY 96-97 \$187.50; CDBG Grant Fund FY 96-97 \$3,793.29; Payroll General Fund \$290,030.59; and CDBG Grant Fund

\$457.76. The supplement claim for Accounts Payable in the amount of \$1,493.00 from the General Fund and the invoice from the Dinwiddie County Airport and Industrial Authority in the amount of \$544.94 were also included and approved.

IN RE: APPROVAL OF REQUISITION #26 AND REQUISITION #1 --
COURTHOUSE CONSTRUCTION

Mrs. Mann stated that Requisition #28 and Requisition #1 for the Courthouse consists of payments to:

Dunbar, Milby, Williams, Pittmann & Vaughan	\$ 160.00
Gulf Seaboard General Contractors Inc.	\$ 585,057.50
ECS, LTD	<u>1,332.12</u>
Total	\$ 586,549.62

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that Requisition #28 in the amount of \$586,549.62 be approved and funds appropriated for CIP expenses for the Courthouse Project Fund.

Mrs. Wendy Weber Ralph, Assistant County Administrator, stated that she wanted the Board to be aware that this Requisition will be split between the last \$5.5 Million Bond Issue and the new \$4.1 Million Bond Issue.

IN RE: DISPOSITION OF TRIGON STOCK

Mr. R. Martin Long, County Administrator, stated that Mr. William E. Jones, Treasurer, was here to address this issue with the Board.

Mr. Jones came before the Board to present his recommendations for the disposition of the Trigon Stock. He again went over what options the Board had with regard to the Stock. Mr. Jones recommended that we place the stock with Mentor Investments, at a cost to the County of \$.05 per share, and allow them to place it in a block trading pool.

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

BE IT RESOLVED BY the Board of Supervisors of Dinwiddie County, Virginia, that the Trigon Stock be placed with Mentor Investments, at a cost to the County of \$.05 per share, allowing them to sell the shares in a block trading.

IN RE: CITIZEN COMMENTS

The following person addressed the Board:

1. Paul B. Coleman, 8018 Boydton Plank Road, representing Virginia Motorsports Park, came before the Board to request permission from them to have a fireworks display on August 23, 1997.

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

BE IT RESOLVED BY the Board of Supervisors of Dinwiddie County, Virginia, that the Virginia Motorsports Park is authorized to have a fireworks display at the Park on August 23, 1997. Said display will be contracted and conducted by Dominion Fireworks. This authorization is subject to the Building Inspection Office final inspection of the property and approval of same.

IN RE: P-97-6 -- PUBLIC HEARING -- REZONING -- JOHNNY BAIN AGENT
FOR CHARLES R. STONE
P-97-7 -- PUBLIC HEARING -- REZONING -- JOHNNY BAIN AGENT
FOR BEAR ISLAND TIMBERLAND
P-97-8 -- PUBLIC HEARING -- REZONING -- JOHNNY BAIN AGENT

FOR BEAR ISLAND TIMBERLAND

Chairman Moody requested that Mr. W. C. "Guy" Scheid, Director of Planning, come forward to present these requests. Mr. Moody further stated that the first three Public Hearings were very similar in nature and it was requested that they be presented together. Public comments will be taken after Mr. Scheid's presentation for all three cases.

P-97-6 --REZONING -- JOHNNY BAIN AGENT FOR CHARLES R. STONE

This being the time and place as advertised in the Dinwiddie Monitor on June 25, 1997 and July 2, 1997, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a public hearing for the purpose of considering a the request to change the district classification of Tax Map Parcel 6-21 containing approximately 100 acres from Agricultural, General, A-2 to Residential, Conservation, R-R. Mr. Scheid stated that the Board had before them P-97-6; P-97-7; and P-97-8. He would begin with P-97-6. The Planning Commission reviewed this rezoning request on July 9, 1997. On a 7-0 vote, the Planning Commission recommends approval of the request with proffers.

BACKGROUND INFORMATION

The subject property is located on the south side of Namozine Road (Rt. 708) approximately at the intersection with Midway Road (Rt. 739).

The property is cut over timber and consists of rolling terrain, but does not have severe slopes. There are a few drainage channels which flank the property. The two (2) main soil groups contained within the property are: Cecil (4B); and Herndon (10B). Generally, there is a slight limitation for dwellings with or without basements; moderate limitation on road construction; and moderate limitation for on-site septic systems.

The Dinwiddie County Comprehensive Plan designates this property for agricultural use. The property is located within the **Rural Conservation Area**, as designated by the Dinwiddie County Comprehensive Plan. A brief outline of the applicable strategies for this planning area follow:

Rural Conservation Area (approximately 290,000 acres; 90% of the County)

- * expected to accommodate 5% to 10% of future residential development;
- * all developments within the rural conservation areas are expected to help maintain the long-term viability of the rural characteristics, with a minimum of land use conflicts between residential and agricultural uses;
- * development in these areas will be of a very low density and thus very minimal increases in public services will be needed;
- * average overall residential density will be one (1) dwelling unit per five (5) acres, with no individual lot less than two (2) acres; and
- * prime agricultural land will be identified and preserved.

ANALYSIS

Recently, the subdivision ordinance was amended, and the definition of subdivision changed. Additionally, Section 18-12 required the rezoning of A-2 property to a residential category if the property is intended to be subdivided into three (3) parcels or more. There is large lot development immediately adjacent to this property (on the east and south side). Property immediately across Route 708 is zoned R-R. It appears this request is consistent with development found in this area. It is further mentioned that the number of use contained in R-R is significantly less than those in A-2.

PROFFERS

1. No lot shall be used except for the purpose of a single-family residence. Not more than one single-family residence, together with such outbuildings as may be appurtenant to such single-family residence, shall be erected on any Lot. The minimum area of any residence built on the Property shall be one thousand three hundred (1,300) square feet, exclusive of garages, porches, and any outbuildings. Up to one third of any such residence may be unfinished.

2. No mobile homes, manufactured housing, or house trailers, whether or not permanently attached to the Property, shall be allowed on any Lot. No structure of a temporary character including without limitation any trailer, tent, or shack, shall be allowed on any Lot. However, construction trailers used in connection with the construction of any permitted building shall be permitted for the duration of such construction. In addition, no garage, barn, or other outbuilding shall be used on any Lot as a residence temporarily or permanently at any time.

3. No Lot shall, at any time, be used or maintained as a dumping ground for rubbish, hazardous waste, or toxic substances of any nature.

4. No inoperable or unlicensed motor vehicle shall be stored on any Lot except within a fully enclosed garage or must comply with applicable county or state regulations.

5. Fences located in the front yard, as defined in the Zoning Ordinance of Dinwiddie County of any Lot shall be constructed only of split rails solid wood boards, or wooden pickets. Walls located in the front yard of any Lot shall be constructed of brick or stone. Fences and walls of other materials may be constructed in the side yards or rear yards, of any Lot, provided such fences or walls are screened from the view from any public road adjoining such Lot.

P-97-7 --REZONING -- JOHNNY BAIN AGENT FOR BEAR ISLAND TIMBERLANDS

This being the time and place as advertised in the Dinwiddie Monitor on June 25, 1997 and July 2, 1997, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a public hearing for the purpose of considering the request to change the district classification of Tax Map Parcel 81-34 and 81-35 containing approximately 51.0 acres from Agricultural, General, A-2 to Residential Conservation, R-R. Mr. Scheid stated that this was case P-97-7. The Planning Commission reviewed this rezoning request on July 9, 1997. On a 7-0 vote, the Planning Commission recommends approval of the request with proffers.

BACKGROUND INFORMATION

The subject property is located on the south side of Sapony Church Road (Rt. 692) approximately at the intersection with McKenney Highway (Rt. 40).

The property is cut over timber which had been filled, in part, with material from the road construction on Route 692. The land is slightly sloping and appears to drain well. The main soil type contained within the property is: Georgeville which contains the following characteristics: slight limitations on homesites; moderate limitation on road construction; and moderate limitation for on-site septic systems.

The Dinwiddie County Comprehensive Plan designates this property for agricultural use. The property is located within the **Rural Conservation Area**, as designated by the Dinwiddie County Comprehensive Plan. A brief outline of the applicable strategies for this planning area follow:

Rural Conservation Area (approximately 290,000 acres; 90% of the County)

- * expected to accommodate 5% to 10% of future residential development;
- * all developments within the rural conservation areas are expected to help maintain the long-term viability of the rural characteristics, with a minimum of land use conflicts between residential and agricultural uses;

- * development in these areas will be of a very low density and thus very minimal increases in public services will be needed;
- * average overall residential density will be one (1) dwelling unit per five (5) acres, with no individual lot less than two (2) acres; and
- * prime agricultural land will be identified and preserved.

ANALYSIS

Recently, the subdivision ordinance was amended, and the definition of subdivision changed. Additionally, section 18-12 required the rezoning of A-2 property to a residential category if the property is intended to be subdivided into three (3) parcels or more. The VDOT is in the process of upgrading Route 692. They will tar and gravel the road. The property is in close proximity to the Town of McKenney and I-85. Route 40 provides good access east and west. It is worth noting that the number of use contained in R-R is significantly less than those in A-2.

PROFFERS

1. No lot shall be used except for the purpose of a single-family residence. Not more than one single-family residence, together with such outbuildings as may be appurtenant to such single-family residence, shall be erected on any Lot. The minimum area of any residence built on the Property shall be one thousand two hundred (1,200) square feet, exclusive of garages, porches, and any outbuildings.
2. No mobile homes, manufactured housing, or house trailers, whether or not permanently attached to the Property, shall be allowed on any Lot. No structure of a temporary character including without limitation any trailer, tent, or shack, shall be allowed on any Lot. However, construction trailers used in connection with the construction of any permitted building shall be permitted for the duration of such construction. In addition, no garage, barn, or other outbuilding shall be used on any Lot as a residence temporarily or permanently at any time.
3. No Lot shall, at any time, be used or maintained as a dumping ground for rubbish, hazardous waste, or toxic substances of any nature.
4. No inoperable or unlicensed motor vehicle shall be stored on any Lot except within a fully enclosed garage or must comply with applicable county or state regulations.

P-97-8 -- REZONING -- JOHNNY BAIN AGENT FOR BEAR ISLAND TIMBERLANDS

This being the time and place as advertised in the Dinwiddie Monitor on June 25, 1997 and July 2, 1997, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a public hearing for the purpose of considering the request to change the district classification of a portion of Tax Map 32-10 and 32-11 containing approximately 100 acres from Agricultural, General, A-2 to Residential, Conservation, R-R. Mr. Scheid stated that this was case P-07-8. The Planning Commission reviewed this rezoning request on July 9, 1997. On a 7-0 vote, the Planning Commission recommends approval of the request with proffers.

BACKGROUND INFORMATION

The subject property is located on the west and east side of Route 631 (Claiborne Road) adjacent to Hatcher's Run. The western tract was timbered several years ago and the eastern tract is being selective cut at present. The slope is slight to severe. The major soil group is Cecil (4B & 4C) with the following characteristics: moderate limitation on septic system; slight to moderate limitations on homesites; and moderate limitation on streets. The property is well drained and flows into Hatcher's Run.

The Dinwiddie County Comprehensive Plan designates this property for agricultural use. The property is located within the Rural Conservation

Area, as designated by the Dinwiddie County Comprehensive Plan. A brief outline of the applicable strategies for this planning area follow:

Rural Conservation Area (approximately 290,000 acres; 90% of the County)

- * expected to accommodate 5% to 10% of future residential development;
- * all developments within the rural conservation areas are expected to help maintain the long-term viability of the rural characteristics, with a minimum of land use conflicts between residential and agricultural uses;
- * development in these areas will be of a very low density and thus very minimal increases in public services will be needed;
- * average overall residential density will be one (1) dwelling unit per five (5) acres, with no individual lot less than two (2) acres; and
- * prime agricultural land will be identified and preserved.

ANALYSIS

Recently, the subdivision ordinance was amended, and the definition of subdivision changed. Additionally, section 18-12 required the rezoning of A-2 property to a residential category if the property is intended to be subdivided into three (3) parcels or more. There are several large lot subdivisions in the area, such as: Dabney Estates, Trench Drive, Trench Road, Edwin Drive and Frances Drive. There has been considerable roadside development along White Oak Road, Claiborne Road, and Butterwood Road. It appears that this request is consistent with development in the Sutherland area. It is further mentioned that the number of uses contained in R-R are significantly less than those in A-2.

PROFFERS

1. No lot shall be used except for the purpose of a single-family residence. Not more than one single-family residence, together with such outbuildings as may be appurtenant to such single-family residence, shall be erected on any Lot. The minimum area of any residence built on the Property shall be one thousand three hundred (1,300) square feet, exclusive of garages, porches, and any outbuildings. Up to one third of any such residence may be unfinished.
2. No mobile homes, manufactured housing, or house trailers, whether or not permanently attached to the Property, shall be allowed on any Lot. No structure of a temporary character including without limitation any trailer, tent, or shack, shall be allowed on any Lot. However, construction trailers used in connection with the construction of any permitted building shall be permitted for the duration of such construction. In addition, no garage, barn, or other outbuilding shall be used on any Lot as a residence temporarily or permanently at any time.
3. No Lot shall, at any time, be used or maintained as a dumping ground for rubbish, hazardous waste, or toxic substances of any nature.
4. No inoperable or unlicensed motor vehicle shall be stored on any Lot except within a fully enclosed garage or must comply with applicable county or state regulations.
5. Fences located in the front yard, as defined in the Zoning Ordinance of Dinwiddie County of any Lot shall be constructed only of split rails solid wood boards, or wooden pickets. Walls located in the front yard of any Lot shall be constructed of brick or stone. Fences and walls of other materials may be constructed in the side yards or rear yards, of any Lot, provided such fences or walls are screened from the view from any public road adjoining such Lot.

Mr. Scheid stated that the applicants representative Mr. Bain was present. The first application was submitted by Stone Container, the other two were submitted by Bear Island Timberland. Mr. Scheid stated he was now available for questions on these cases. Mr. Scheid addressed the issues of mobile homes; double wides; earthworks; roads; and the acreage requirements. It was suggested that Mr. Bain add the additional proffer to P-97-8 to cover the Civil War earthworks.

Mr. Bain came before the Board and also addressed the questions regarding the roads and earthworks issues. He assured the Board that any earthworks found would be preserved. Mr. Bain agreed to the addition of proffer number six (6) to case P-97-8. He further stated that if the persons he represented had a problem with the wording of this proffer he would bring the matter back before the Board.

ADDITIONAL PROFFER P-97-8 -- REZONING -- JOHNNY BAIN AGENT FOR BEAR ISLAND TIMBERLANDS

6. If any Civil War earthworks are found on the property, Bear Island will speak with the County Planner on ways to preserve, as much as possible, these historical breakworks.

PUBLIC HEARINGS

Chairman Moody opened the Public Hearings for P-97-6; P-97-7; & P-97-8. There being no citizens signed up to speak, Mr. Moody asked if there was anybody present wishing to speak.

1. Mr. Tom Green, 19312 Namozine Road, adjacent property owner to P-97-6, came before the Board. He was concerned about mobile homes or double wides being allowed on this property. Mr. Moody stated that if this property is rezoned mobile homes and double wides will not be allowed.

2. Mr. B. Z. Clarke, an adjacent property owner to Claiborne Road, understood that they were allowing mobile homes and double wides on Claiborne Road. Mr. Moody stated that if the rezoning is approved they will not allow mobile homes and double wides. Mr. Clarke stated that this is a historical area and he would like see it preserved as much as possible.

There being no other person desiring to speak on P-97-6; P-97-7; and P-97-8, Mr. Moody declared the Public Hearings closed.

P-97-6 -- REZONING --JOHNNY BAIN AGENT FOR CHARLES R. STONE

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia that the Zoning Map of the County of Dinwiddie be amended by changing the district classification of Section 6, Parcel 21, containing approximately 100 acres, from Agricultural, General, A-2 to Residential, Conservation, R-R. Said property is generally bounded as follows: to the north by State Route 708 (Namozine Road); to the south by the lands of Marvin Joyner, Larry Williams, Terry Allen, Emmett Reese Elmer Jeter, Marvin Gilliam, and Michael Newcomb; and to the west by State Route 739 (Midway Road) and the lands of Barbara Potts and Jeffery Canter. This rezoning shall include proffers recommended by the Planning Commission. This ordinance shall become effective immediately and in all other respects, said zoning maps remain unchanged, and

BE IT 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 was initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice.

P-97-7 -- REZONING --JOHNNY BAIN AGENT FOR BEAR ISLAND TIMBERLANDS

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia that the Zoning Map of the County of Dinwiddie be amended by changing the district classification of Section 81, Parcels 34 & 35, containing approximately 51 acres, from Agricultural, General, A-2 to Residential, Conservation, R-R. Said property is generally bounded as follows: to the north by State Route 692 (Sapony Church Road); to the east and south by the lands of Vannie Drumgoole and the Green family (c/o Phillip Johnson); and to the west by the McKenney Highway and the lands of Fontasia Fitzgerald. This rezoning shall include proffers recommended by the Planning Commission. This ordinance shall become effective immediately and in all other respects, said zoning maps remain unchanged, and

BE IT 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 was initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice.

P-97-8 -- REZONING --JOHNNY BAIN AGENT FOR BEAR ISLAND TIMBERLANDS

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia that the Zoning Map of the County of Dinwiddie be amended by changing a 50 acre portion of Section 32, Parcel 10 and a 50 acre portion of Section 32, Parcel 11, from Agricultural, General, A-2 to Residential, Conservation, R-R. Said portions of the above referenced parcels are generally bounded as follows:

1. Section 32, Parcel 10 - to the north by Hatchers Run; to the east by Claiborne Road (State Route 613) as measured approximately 1500 feet in a southerly direction from Hatchers Run; to the south by the lands of Bear Island Timberlands to a creek; and to the west by a creek measuring at its furthest point a distance of 1460 feet from Claiborne Road; and
2. Section 21, Parcel 11 - to the north by Hatchers Run; to the west by Claiborne Road (State Route 613) as measured approximately 1200 feet in a southerly direction from Hatchers Run; to the south by the lands of Bear Island Timberlands approximately 1600 feet from Claiborne Road along an existing logging road; and to the east by the lands of Bear Island Timberlands, said line being roughly parallel to Claiborne Road and connecting the logging road with Hatchers Run. This rezoning shall include proffers as recommended by the Planning Commission. This ordinance shall become effective immediately and in all other respects, said zoning maps remain unchanged, and

BE IT 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 was initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice.

Request
IN RE: P-97-9 -- PUBLIC HEARING -- REZONING -- HERBERT PHILLINGANE

This being the time and place as advertised in the Dinwiddie Monitor on June 25, 1997 and July 2, 1997, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a public hearing for the purpose of considering a request to change the district classification of a portion of Tax Map/Parcel 75-2 containing approximately 38 acres from Agricultural, General, A-2 to Rural, Residential, RR-1. Mr. Scheid came before the Board stating that this case was reviewed by the Planning Commission on July 9, 1997. On a 7-0 vote, the Planning Commission recommends approval of this request.

BACKGROUND INFORMATION

The subject property is located on the east side of Carson Road (Rt. 703) approximately 1 mile west of Carson. The property has young pine trees growing on it and consists of slight to moderate rolling terrain.

Drainage on this property does not appear to be a problem but there are areas in the vicinity in which the water does not flow well. The main soil group in this area is Emporia. Generally, there are moderate limitations on roads, slight limitation on home site construction and severe limitations for on-site septic systems. It must be stated that the soil survey is a general document which should be used in conjunction with field analysis for site specific projects. It is Mr. Scheid's understanding that Larry Madison, a soil scientist, has been on this site and believes the property can be developed as proposed.

The Dinwiddie County Comprehensive Plan designates this property for agricultural use. The property is located within the **Rural Conservation Area**, as designated by the Dinwiddie County Comprehensive Plan. A brief outline of the applicable strategies for this planning area follow:

Rural Conservation Area (approximately 290,000 acres; 90% of the County)

- * expected to accommodate 5% to 10% of future residential development;
- * all developments within the rural conservation areas are expected to help maintain the long-term viability of the rural characteristics, with a minimum of land use conflicts between residential and agricultural uses;
- * development in these areas will be of a very low density and thus very minimal increases in public services will be needed;
- * average overall residential density will be one (1) dwelling unit per five (5) acres, with no individual lot less than two (2) acres; and
- * prime agricultural land will be identified and preserved.

ANALYSIS

Recently, the subdivision ordinance was amended, and the definition of subdivision changed. Additionally, Section 18-12 required the rezoning of A-2 property to a residential category if the property is intended to be subdivided into three (3) parcels or more. While there has not been a lot of development in this area, it is worth noting that the property has good access to Route 703 which has been identified as a minor arterial by our comprehensive land use plan and is close to I-95 and the Carson community. It is further mentioned that the number of uses contained in RR-1 is significantly less than those in A-2.

Mr. Scheid asked the Board for questions regarding this case. There was some discussion on soil analysis and drainage in the area.

Mr. Ronald Gordon, Certified Land Surveyor, came before the Board as a representative on the applicant, Mr. Herbert Phillingane. He discussed with the Board drain fields and size and number of lots. Also discussed was the entrance to the lots, where they would be located. All lots will face the new road, not Rt. 703.

PUBLIC HEARING

Mr. Moody opened the public hearing on P-97-9. There was no one present wishing to speak. The Public Hearing was declared closed.

P-97-9 -- REZONING -- HERBERT PHILLINGANE

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia that a portion of section 75, parcel 2, of the Dinwiddie County Tax Maps containing approximately 38 acres be amended by changing the district classification from Agricultural, General, A-2 to Residential, Rural, RR-1. Said parcel is more specifically defined by a preliminary

sketch prepared by Ronald Gordon, surveyor, dated April 30, 1997 for Herbert A. and Nancy B. Phillingane. Said land is generally bounded to the north by the lands of John Clements, to the west by Carson Road (Route 703), to the south by the lands of Alice Raines and Catherine Decker, and to the east by the balance of lands owned by Herbert and Nancy Phillingane. This ordinance shall be in full force and effective immediately, and

BE IT 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 was initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice.

IN RE: C-97-3 -- PUBLIC HEARING -- CONDITIONAL USE PERMIT --
KATHERINE MOORE

This being the time and place as advertised in the Dinwiddie Monitor on June 25, 1997 and July 2, 1997, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a public hearing for the purpose of considering approval of the conditional use permit submitted by Kathryn Dodge-Moore to establish a dog kennel on Tax Parcel #45 (18) 16 containing approximately 37.6 acres. This parcel is zoned Agricultural, General A-2. Mr. Scheid stated that the Planning Commission reviewed this rezoning request, on July 9, 1997. The property is owned by Ms. Moore and is located at the end of Eastside Lane (a private road) which is located near the intersection of Hunnicut Road and Boydton Plank Road (across from the Middle School). On a 7-0 vote, the Planning Commission voted to recommend approval of the conditional use permit by the Board of Supervisors with the ten (10) conditions noted in the Staff report.

BACKGROUND INFORMATION

The Planning Commission and Board of Supervisors have reviewed similar requests in the past for kennels. The most recent case being C-96-1, submitted by Eva Bratschi. The land under review was purchased from Mr. Harrison who subdivided several tracts into large parcels. There are very few homes located in this area at this time. The property is zoned Agricultural, General, A-2; and kennels are permitted in this district with a conditional use permit.

ANALYSIS

There is little guidance staff can give to the Planning Commission on this matter. Each request must stand on its on merits. Examples can be given in support of, and opposition to, this type of use in sparsely developing areas.

CONDITIONS

1. Before any construction can begin a site plan, prepared by an engineer or certified land surveyor, must be approved by the Planning Department. This site plan shall also include a grading plan showing the current topography at two foot contours.
2. An erosion and sediment control plan for any land disturbing activities must be submitted to and approved by the Planning Department. This will include a storm water management plan which will include controls during the construction and field operation phases of the facility.
3. The entire kennel shall be enclosed with wire-mesh type fencing of a design and height subject to approval of the Planning Department. Kennel facilities or runs shall not be located closer than 100 feet to any property line and no closer than 100 feet to any well, watercourse or drainageway, natural or man-made.
4. A complete set of structural plans as determined by the Building Official shall be submitted to and approved by the Building Official prior to the commencing of any construction.

5. All signs erected on or in conjunction with the facility are subject to approval of the Zoning Administrator.
6. Copies of any local and state permits or licenses must be on file with the Planning Department prior to the issuance of a Certificate of Occupancy.
7. All canine feces shall be disposed of by combination above ground and under ground disposal system and pursuant to County and Health Department guidelines.
8. No more than twenty-five (25) dogs shall be permitted at the facility an any one time. This shall include dogs that are over six (6) months of age or dogs that have been boarded for more than fourteen (14) consecutive days.
9. All canines dying on premises shall be disposed of pursuant to applicable County and Health Department guidelines.
10. The applicant or future land owners shall maintain their permanent residence on-site. Failure to do so shall render this conditional use permit null and void.

Mr. Scheid asked the Board if they had any questions on this case. There was some discussion of the inspection of the kennels on a periodic basis.

PUBLIC HEARING

Mr. Moody opened the public hearing on C-97-3. There was no one present wishing to speak. The Public Hearing was declared closed.

Mr. Bracey asked if there could be a fee attached to these kennels for an annual inspection. Mr. Scheid stated he would check with other localities on how they handle this matter. Mrs. Everett asked why the applicant was not present for this Public Hearing. Mr. Scheid stated he did not know why she was not present, she was notified of the time and date of the meeting. Mr. Scheid further stated that at the Planning Commission meeting her case was quite late, 11:15 or so. No one spoke in opposition at that time.

C-97-3 -- CONDITIONAL USE PERMIT -- KATHERINE MOORE

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia that the conditional use permit be approved on Tax Map Parcel 45-(18)-16 allowing a kennel to be established with the following conditions:

1. Before any construction can begin a site plan, prepared by an engineer or certified land surveyor, must be approved by the Planning Department. This site plan shall also include a grading plan showing the current topography at two foot contours.
2. An erosion and sediment control plan for any land disturbing activities must be submitted to and approved by the Planning Department. This will include a storm water management plan which will include controls during the construction and field operation phases of the facility.
3. The entire kennel shall be enclosed with wire-mesh type fencing of a design and height subject to approval of the Planning Department. Kennel facilities or runs shall not be located closer than 100 feet to any property line and no closer than 100 feet to any well, watercourse or drainageway, natural or man-made.
4. A complete set of structural plans as determined by the Building Official shall be submitted to and approved by the Building Official prior to the commencing of any construction.

5. All signs erected on or in conjunction with the facility are subject to approval of the Zoning Administrator.
6. Copies of any local and state permits or licenses must be on file with the Planning Department prior to the issuance of a Certificate of Occupancy.
7. All canine feces shall be disposed of by combination above ground and under ground disposal system and pursuant to County and Health Department guidelines.
8. No more than twenty-five (25) dogs shall be permitted at the facility any one time. This shall include dogs that are over six (6) months of age or dogs that have been boarded for more than fourteen (14) consecutive days.
9. All canines dying on premises shall be disposed of pursuant to applicable County and Health Department guidelines.
10. The applicant or future land owners shall maintain their permanent residence on-site. Failure to do so shall render this conditional use permit null and void, and

BE IT 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 was initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice.

IN RE: P-97-10 -- REZONING -- J. K. TIMMONS -- TIMMONS AND ASSOCIATES, AGENT FOR THE JMC CORP.

21047
 This being the time and place as advertised in the Dinwiddie Monitor on June 25, 1997 and July 2, 1997, for the Board of Supervisors of Dinwiddie County, Virginia, to conduct a public hearing for the purpose of considering the request to change the district classification of a portion of Tax Map/Parcel 21-130B containing approximately 4.83 acres from Residential, General, R-2 to Business, General, B-2. Mr. Scheid came before the Board stating that the Planning Commission reviewed this rezoning request on July 9, 1997. On a 7-0 vote, the Planning Commission recommends approval of the request.

BACKGROUND INFORMATION

The Comprehensive land use plan designates this area as an Urban Planning Area which, in part, stated the following:

- * expected to accommodate 80% of future industrial and commercial development
- * the primary area for public facilities, water and sewer extensions and major transportation improvements, thus limiting the increase in costs for building and maintaining new facilities.
- * cluster commercial developments are encouraged
- * basis facilities such as roads, utilities, recreation and drainage facilities are to be provided by the developer.

The proposed land use for this area as shown on page 109 of the Comprehensive Land Use Plan is commercial. Policy statement #3 (page 8) says "maintain and enhance the County's ability to coordinate a balanced land use program among various types of residential, commercial and industrial interest by encouraging development within areas defined as growth centers and/or growth corridors. Attention is directed to the Public Facilities and Services, Goals and the Economic Development Goals contained on page 10 and 12 as reinforcing the policy Statement Quoted above.

ANALYSIS



Existing zoning adjacent to this property indicated a B-2 classification should be given serious consideration. The Comprehensive Land Use Plan identifies this area for commercial purposes. East Coast has build upon this property recently and constructed an interior road system. Public water and sewage are available.

Mr. Scheid asked the Board if they had any questions on this case. There was some discussion regarding this rezoning.

Mr. David Smith, representative of the Thalimer Group, came before the Board to answer any questions they might have. Mr. Tickle asked Mr. Smith about what their intentions were aesthetically and what type of details can you tell us about the use of the property without divulging any information that is confidential. Mr. Tickle asked Mr. Smith to also explain to the citizens how they will benefit from this rezoning. Mr. Smith responded by stating that it was their intention to develop a highway business park which will primarily contain hotels, restaurants, and possibly some fast foods. The companies we are dealing with are national corporations. They have an interest in being a nice looking park. It is primarily a highway business but they do receive business from local citizens. In order to insure an aesthetically pleasing project it is our intentions to record a set of restrictive covenants that will insure that the developer will have enforcement rights to make sure the grounds are well maintained, continue to be maintained. During the construction phase they will continue to have the right to approve architectural designs.

PUBLIC HEARING

Mr. Moody opened the public hearing on P-97-10. There was no citizen signed up to speak. Mr. Moody asked if there was anyone present wishing to speak.

1. Mr. Robert Belcher, 27516 Plank Road, came forward stating that this property is located directly across from the Westend Baptist Church and he was wondering if anyone had contacted them regarding this Hearing. Mr. Scheid stated that they were notified of this action by letter.

There being no other citizens wishing to speak Mr. Moody declared the Public Hearing closed.

Mr. Moody asked the Board if there was any further discussion on this case. There being none Mr. Moody stated he would entertain a motion.

P-97-10 --REZONING -- J. K. TIMMONS -- TIMMONS AND ASSOCIATES, AGENT FOR THE JMC CORP.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia that Section 21, Parcel 130B, of the Dinwiddie County Tax Maps be amended by changing the district classification from Residential, General R-2 to Business, General B-2. Said parcel contains approximately 4.83 acres and is generally bound as follows: to the west by the I-85 entrance ramp; to the north by the lands of James A. Musgrove; to the east by the lands of George H. Wall; and to the south by the lands of the JMC Corporation. This ordinance shall be in full force and effective immediately, and

BE IT 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 was initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice.

IN RE: A-97-9 -- AMENDMENT TO ZONING ORDINANCES --CAMPGROUNDS

This being the time and place as advertised in the Dinwiddie on June 25, 1997 and July 2, 1997, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a public hearing for the purpose of considering an ordinance to amend Section 22-1, definitions, by adding

the definition of campground and adding a new Section 22-241, entitled Requirements for Campgrounds. Mr. Scheid came before the Board stating that the Planning Commission staff has been involved in the discussion of campgrounds for over a year. In recent months, it was proposed that an amendment to the zoning ordinances be made regarding campgrounds. In view of the many discussions held, the staff drafted a proposed ordinance. The Planning Commission discussed the ordinance at their June 1997 public meeting. As a result of the many citizen comments, the Planning Commission held a public hearing on July 9, 1997. On a 7-0 vote, the Planning Commission voted to send the amendment to the Board of Supervisors for adoption.

AN ORDINANCE TO AMEND SECTION 22-1, DEFINITIONS, BY ADDING THE DEFINITION OF CAMPGROUND AND ADDING A NEW SECTION 22-241 ENTITLED REQUIREMENTS FOR CAMPGROUNDS

1. Add the following under Section 22-1 Definitions:

Campground: Shall mean and include, but not be limited to tourist camps, travel trailer camps, recreation camps family campgrounds, camping resorts, camping communities or any other area, place, parcel or tract of land, by whatever name called, on which three or more campsites are occupied or intended for occupancy, or facilities are established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer, whether the use of the campsites and/or facilities is granted gratuitously, by a rental fee, by lease, by conditional sale or by covenants, restrictions and easements. This definition is not intended to include summer camps, and migrant labor camps as defined in Sections 35-43 and 32-415, Code of Virginia, construction camps, permanent mobile home parks, or storage areas for unoccupied camping units.

2. Add a new section as follows:

Section 22-241. Requirements for campgrounds.

This section is intended to provide guidance to campground operators on land requirements which are in addition to those rules and regulations stipulated by the Commonwealth of Virginia governing campgrounds.

- (1) Each campground shall contain a minimum of ten (10) acres, a minimum of fifty (50) campsites, and shall not exceed an average of twenty (20) campsites per acre inclusive of service roads, toilet buildings, recreational areas, etc.
- (2) All campgrounds shall have a landscaped or wooded setback line of fifty (50) feet from any highway or public road right-of-way or 75-foot setback from the centerline of any highway or public road, whichever distance is greater.
- (3) Each campground shall have at least twenty-five (25) feet of open space abutting all adjoining property and shall be contained within a board fence, evergreen hedge or screen which shall be a minimum of eight (8) feet in height or of sufficient density to screen the site from adjacent properties. All borders shall be maintained properly in compliance with the intent of this requirement. No fence, hedge or screen need be constructed abutting any highway or public road provided paragraph (2) of this section is complied with.
- (4) All ingress and egress shall be to the required standard of the Virginia Department of Transportation.
- (5) Streets within the campground shall be constructed with stone of sufficient width and depth to facilitate vehicular movement within the campground. Proper drainage of the site shall be provided.

- (6) A minimum of ten (10) percent of the gross land area of the campground shall be reserved for recreational uses.
- (7) Campground owners/operators must create a set of rules and regulations of his/her park. Such rules and regulations shall be enforced by the owner/operator. A copy of these rules and regulations shall be filed in the office of the county department of planning and community development.
- (8) Before an application for a permit for the construction of a campground shall be approved by the Board of Supervisors, or its agent, the applicant shall, in lieu of construction, furnish cash escrow or a performance bond in an amount calculated by the Board of Supervisors, or its agent, to secure the required improvements in a workmanlike manner and in accordance with established or approved specifications and construction schedules, which bond shall be payable to and held by the county. In lieu of bond, development may be presented for inspection in completed form.
- (9) Campground site plan development shall follow procedure and approval as set forth for subdivisions in chapter 18 of this Code.
- (10) No existing campground shall be enlarged or extended unless the addition to the campground is made to conform to all requirements contained herein.
- (11) No camping unit shall be placed in a campground until development standards are met, either by completion of plan or by bond.
- (12) Each camping unit space shall be directly accessible from an approved internal street. No direct access to camping units spaces from public streets shall be permitted.
- (13) Individual camping units shall be situated so that there is a minimum of twenty-five (25) feet between camping units.
- (14) Each campsite (including parking space) shall provide a minimum of 1600 square feet of space and shall not be less than 25 feet at its narrowest point;
- (15) All permanent buildings and structures shall be constructed under the provisions of the Uniform Statewide Building Code and the Board of Health. Any reconstruction, alteration, conversion or repairs required by the application of the Virginia Code and the regulations of the Board of Health shall be carried out in accordance with the provisions of the Uniform Statewide Building Code; and
- (16) Permanent structures may be constructed on individual campsite lots but may not be permanently attached to the camping unit. The structure(s) are limited to an A-frame roof supported by posts and/or a porch/deck. The length of the A-frame structure and porch/deck shall not exceed the length of the camping unit by more than 12 inches. The opening under which the camping unit sits shall not exceed the width of the unit by more than 12 inches or the height of the unit by more than 12 inches (sitting level). The maximum width of the porch/deck shall be 8 feet. The maximum overhang at the eaves of the roof or deck/porch is not to exceed 12 inches. Porches may have wainscoting to a height not exceeding 3 feet and must be of the same material as the gable ends, if applicable. The porches may be screened. Two (2) weather proof outlets may be provided and a ceiling fan outlet to serve the deck/porch but such outlet shall be limited to one-120 volt, 20 amp circuit.

Mr. Scheid stated there was some discussion on some items after the Planning Commission meeting. In regard to Paragraph 13 and 14, it might be imprudent that these not be included. Item 14 is already

included in the State Code and item 13 refers to distance between camping units and that is something that could be self imposed by the camp-site people themselves. State Code does not allow anything less than 25 feet in width. In light of some of the concerns that were raised Mr. Scheid stated that he felt that it would be in the best interest, in considering this ordinance, that items 13 and 14 be deleted.

Mr. Scheid then asked the Board if there were any questions. There was some discussion regard the deletion of items 13 and 14. There was also discussion as to the taxation of improvements to campground sites such as porches, decks, or A-frames. All improvements are taxable.

PUBLIC HEARING

Mr. Moody opened the public hearing on A-97-9. The following persons came before the Board:

1. Edward Titmus, 5704 Rocky Branch Road, Sutherland, came forth stating in order to save time, as the Board could see there were a lot of citizens present for this Hearing, he would speak for the group in attendance supporting this. He also passed out to the Board copies of petitions from other community members, who were not present, but are also in support of this ordinance change. He urged the Board to approve this ordinance change.
2. David & Teresa Fuller, 6201 Allerton Avenue, Richmond, agreed with the statements made by Mr. Titmus.
3. Diane Harris, 7409 Loadsworth Avenue, Richmond, agreed with the statements made by Mr. Titmus. She further stated that Mr. and Mrs. Williams are wonderful people that run a campground where she does not have to be afraid to allow her three (3) girls to play. She stated that they, the Williams, are very honest and friendly people.
4. Donnie Hardenburgh, 1717 Gross Avenue, Richmond, agreed with the statements made by Mr. Titmus.
5. Jim Brown, 3808 Trojo Lane, Chester, stated he agreed with the statements made by Mr. Titmus.
6. W. E. Westmoreland, 909 Darylann Court, stated he agreed with the statements made by Mr. Titmus.
7. William Tatum, 702 Elko Avenue, Colonial Heights, stated he agreed with the statements made by Mr. Titmus.

Mr. Moody asked if there was anyone else in attendance that wished to speak.

8. Mr. Paul Coleman, Manager of the Virginia Motorsports Park, came forth to speak. Mr. Coleman stated that there was one part in the State Statute that does not appear in this ordinance change. This section gives the governing body the authority to grant waivers from time to time. He stated that he would like to see that authority granted here. This would mean to obtain a waiver a person would have to come back before the Board of Supervisors. The way the ordinance is written here it does not allow that. Mr. Moody asked Mr. Coleman to further explain his concern. He continued by stating that as this ordinance is currently written any time three (3) or more vehicles are parked overnight, it is considered a campground. That is not always the situation, as enforced by the State. Cases like the Highland Games, The University of Virginia, Virginia Tech football games, craft shows, race tracks and certain other activities are excluded, they are excluded both by practice and by written waiver. We have been granted, at the race track, a partial waiver. Not all our activities are included but a part of them are. That part is the number of vehicles that you can park for less than a specific period of time, for instance, a set number of days. That would be an advantage to our facility. Mr. Coleman continued to explain his problem with the definition of a campground under the proposed ordinance. There are on occasion more than three (3) vehicles parked at the race track overnight during major races. He would like to see the option of a waiver for this type of special event.

There being no other citizen present wishing to speak, Mr. Moody declared the Public Hearing closed.

Mr. Scheid stated that Mr. Coleman had stated at the last Planning Commission meeting his concern. The concern was forwarded to our attorney for them to research. Partly because of his concern there was a meeting held, at this facility, in which Mr. Titmus, who spoke here this evening was a participant. That is how we arrived at some of what has been discussed here this evening. He stated that it is unfortunate that when you draft an ordinance that not every situation can be determined and he felt that this is something that might cause a problem in the County later on. Counsel has been asked to assist us in trying to work out some sort of situation in which there would be some people that maybe should be, if the proper term is waived. It is unfortunate that we have not been able give you one precise direction to go in. We have several directions that we are looking at, be it an amendment to the definition, be it an addition to the actual body of the ordinance and that would be to the section 22-241 as either a paragraph or statement or a lead in another paragraph. He stated he had suggested at the Planning Commission meeting, and it was not very popular, about delaying the Public Hearing because he was concerned about a document going forward in which there was something that needed to be worked out. He had suggested at the Planning Commission that the ordinance be reviewed for a period of time and be brought back up by the Planning Commission. The Planning Commission felt, that at that point in time, that they had spent enough time on it and that the issue did not appear like what it has surfaced to be. That suggestion was made to the Planning Commission. Mr. Moody asked Mr. Scheid what his recommendation was for tonight. Mr. Scheid stated that he realized that people are very much anxious to have the ordinance adopted, he could only say his feeling was that the vast majority of the ordinance could be adopted but he did think it would be a mistake for the Board of Supervisors to adopt an ordinance if it turns out that thirty (30) days from now we find that there was indeed an error in our judgement by not including such a waiver. His suggestion to the Board was that legal counsel be given enough time so that we can explore that one problem area that we still have. He further stated that we have been discussing this matter for over a year and he felt that thirty (30) days longer is not going to injure anybody.

There was much discussion in regard to the tabling of this matter. Mr. Titmus spoke again for the group stating that it was very disheartening to see this come about, that we are going to put this off for another two (2) months. He stated he understood why, however he did conduct a meeting with Mr. Coleman and Mr. Scheid and he thought that when they came away from that meeting we had already gotten everything straight. We had agreed to strike number 13 and 14 out of this proposed ordinance and that Mr. Coleman would come before the Board and obtain a campground permit. If he did this then there would be no problem; he would need no waivers or anything. He stated he did not understand why we could not move forward and have him obtain a campground permit. He should comply with the same thing that Mrs. Williams, Mrs. Blazek and everybody else has to go through. He has the area and the disposal systems needed to comply with a campground. All he needs is the campground permit. He stated that he could not see putting this off for another two (2) months over this issue. Mr. Coleman came forth requesting that Mr. Titmus join him at the podium. Mr. Coleman stated as far as the Motorsports Park's RV campground, which they have and which they meet all State regulations, we have no problem with this new ordinance. It have been pointed out to me subsequently that our pit area can be determined as a campground simply because we park four to six hundred race cars out there. Those spaces are basically 12 X 60 feet which does not meet the County requirement. The State has waived that for the Park. A simple addition to the ordinance would be that the pit working area would not be considered a campground would seem to suffice. Mr. Titmus stated that he thought striking 13 and 14, since the State was not going to enforce that on your pit area, that that's what we were getting at. The County would no longer have to enforce it and if the State wasn't and the County wasn't then the pit was not going to be a problem. Mr. Coleman stated that it had been pointed out to him that under Section 122-1 that the County then could enforce that as a campground which requires an area of 25 X whatever, for a total of 1600 square feet. Mr. Titmus stated that if the Board of Supervisors wanted to grant a waiver on the pit area, he felt that everybody here

would be in agreement. He further stated that he just wanted to get something done this evening. These people have waited a year for this. Mr. Bracey stated he understood what both were saying, they must also understand that we, the Board, also have a job to do. Mr. Moody asked if there was any further discussion from the Board members. After much discussion it was decided that the Board would move as expeditiously as possible to solve this matter, however they did not feel that they were in a position to set a date or act on this matter this evening. Mrs. Everett asked for the County Attorney and County Administrator's comments. Mr. Ben Emerson, County Attorney, stated that he could not answer whether they were comfortable with the way the ordinance reads; he would write some sort of exemption for the Motorsports Park. We could exempt the pit area or we could exempt the entire Motorsports Park from the entire ordinance. There are several ways that we can do it. He was not sure how long it would take to write this because he is not sure what issues Mr. Tickle wishes for him to address. Mr. Long stated based on the comments that he had heard this evening he certainly agrees with what the County Attorney has said. His major concern is to make sure that it is informed and that it is good and legal when we put it into law. It has also been suggested by some Board members to speak with a representative from the State on this matter. Mr. Moody stated that the campground people have been waiting for quite some time and he felt that we did need to move on this as expeditiously as possible.

A-97-9 -- AMENDMENT TO ZONING ORDINANCES -- CAMPGROUNDS

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the A-97-9, Amendments to Zoning Ordinance, be tabled until a later date. This issue is to be brought back to the Board as expeditiously as possible.

Mr. Scheid stated that he would take it upon himself to send letters out to the people he knew to be interested in this matter such as the campground owners. There was a sheet placed in the back for interested citizens to sign up for a copy of this letter.

IN RE: A-97-10 -- AMENDMENTS TO THE CODE OF DINWIDDIE COUNTY --
EXCESSIVE GRASS, WEEDS, BRUSH OR OTHER UNCONTROLLED
VEGETATION

2111
This being the time and place as advertised in the Dinwiddie Monitor on July 16, 1997 and July 23, 1997 for the Board of Supervisors of Dinwiddie County, Virginia, to conduct a public hearing for the purpose of considering an amendment to the Code of Dinwiddie County by adding to Chapter 20 and Article III entitled "Excessive grass, weeds, brush, trees and uncontrolled vegetation". Mr. March Altman, Zoning Administrator/Senior Planner, came before the Board to present the proposed ordinance. Mr. Altman gave an overview of the ordinance stating that it was to help in the control of excessive weeds, grass, trees and other uncontrolled vegetation. He read paragraph (a) Section 20-30 and explained this to the Board and citizens in attendance. Mr. Tickle was concerned that there might be a loop hole or two in the ordinance, such as people planting gardens in their yards in order to avoid having to cut grass and requested that they be sure the creativity loop holes are out of this ordinance. Mr. Altman stated that if we went with the strict interpretation of the Residential Zoning District no garden would be allowed in any yard, front or back. There was some discussion regarding the fines and charges. Our legal counsel has suggested that we might want to place a dollar amount, like a fine, which would be above the cost of cutting and court costs in this ordinance. Mr. Moody asked if we would need another public hearing to add this. Mr. Emerson stated he did not think so.

PUBLIC HEARING

Chairman Moody opened the Public Hearing on A-97-10. There were no citizens signed up to speak. Mr. Moody asked if there was anyone present wishing to speak.

1. Ms. Corelean Walker came before the Board stating that if you are not going to cover the whole nine yards you should leave it alone. She proposed that a fine be imposed.

There being no other citizens wishing to speak Mr. Moody closed the Public Hearing.

A-97-10 -- AMENDMENTS TO THE CODE OF DINWIDDIE COUNTY -- EXCESSIVE GRASS, WEEDS, BRUSH OR OTHER UNCONTROLLED VEGETATION

Mr. Moody asked what the pleasure of the Board was.

Mr. Bracey stated he moved for approval, along with the fine, if that was the Board's wishes. Mr. Ben Emerson stated that they would have to amend it if they wished to add the misdemeanor. He stated that this was not currently included. Mr. Bracey stated that he felt that we should take care of this now rather than have to go back later.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia:

I. That the Code of the County of Dinwiddie, Virginia is hereby amended and reordained by adding to Chapter 20 and Article III entitled "Excessive grass, weeds, brush, trees and uncontrolled vegetation" and by adding the following section:

Section 20-30. Excessive weeds, grass, trees and other foreign growth generally.

- (a) The owner of any vacant developed or undeveloped property, including such property upon which buildings or other improvements are located, within the boundaries of platted subdivision or any other area zoned for residential, commercial or industrial use in the county shall not permit to remain thereon, excessive grass, weeds, brush and other uncontrolled vegetation in excess of twelve (12) inches in height.
- (b) An owner of any lot or parcel of land shall not permit to grow or remain thereon any hedge, shrub, tree or other vegetation, the limbs, branches or other parts of which overhang, extend or protrude into any street, sidewalk or public alley in a manner which obstructs or impedes the safe and orderly movement of persons or vehicles thereon, or in the case of trees, when the dead limbs or branches thereof are likely to fall into or across such street or sidewalk, thereby endangering such persons and vehicles.
- (c) An owner of property shall within ten (10) days after written notice is given by the County, remove from the property identified in the notice any excessive grass, weeds, brush or other uncontrolled vegetation that is in violation of this ordinance.
- (d) Written notice shall be deemed given if it is mailed by certified or registered mail to the last known address of the landowner or if it is personally delivered. The last known address shall be based upon the real estate tax records of the Commissioner of the Revenue.
- (e) The County Administrator or his agent shall be responsible for the administration of this ordinance in accordance with all procedures available under the law of the Commonwealth of Virginia.
- (f) In the event an owner of the property fails to comply with a notice given pursuant to subsection (d) above, the County, through its own agents or employees, may remove and dispose of, any excessive grass, weeds, brush or other uncontrolled vegetation.
- (g) Any landowner who disagrees with the written notice of the County Administrator or his agent shall have ten (10) days after the written notice is given in which to file an appeal in writing to the Board of Supervisors, in care of the County Administrator. Said appeal shall briefly set forth the reasons for disagreeing with the notice.

Failure to note such appeal shall be deemed a waiver of all right of appeal, and the decision and notice of the County Administrator or his agent shall be deemed final.

- (h) The cost of any removal and disposal by the County pursuant to this Ordinance shall be chargeable to the owner and lien holder of such property and may be collected by the County as taxes and levies are collected. Any cost with which the owner and lien holder of such property shall have been assessed, and which remains unpaid, shall constitute a lien against such property ranking on parity with liens for unpaid local taxes and enforceable in the same manner as provided in Article 3 (Section 58.1-3940 et seq.) and 4 (Section 58.1-3956 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia.
- (i) Any person violating the provisions of this section shall be guilty of a Class 4 misdemeanor. Such person shall be deemed to be guilty of a separate offense for each day the violation is continued, and

State law reference- Code of Virginia, Section 15.1-11 and Section 15.1-11.2, 1950, as amended.

This ordinance shall become effective immediately, and

BE IT 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 was initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice.

IN RE: SOCIAL SERVICES BOARD -- APPOINTMENT

Mrs. Pamela Mann, Administrative Secretary, stated that she had one (1) position on the Social Services Board. The applicants being: Mr. Earl Weaver, Sr. who had been serving since 1996 and is seeking reappointment and Mr. Franklin A. Stewart.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Franklin A. Stewart be appointed to the Social Services Board for a term expiring June 30, 2001.

IN RE: COUNTY ADMINISTRATOR COMMENTS -- CUSTODIAN/GROUNDS WORKER

Mr. Long stated first on his list was approval of Mr. Lee Andrew Dugger, Custodian/Grounds Worker, who began on July 25, 1997.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization was given to appoint Lee Dugger to the position of Custodian/Grounds Worker, at a salary of \$15,135.00 per year, Grade 5, Step A1, effective July 25, 1997.

IN RE: COUNTY ADMINISTRATOR COMMENTS -- WASTE PROCESSOR/ATTENDANT

Mr. Long further stated that approval of Mr. Wayne Trent, Waste Processor/Attendant, was also needed. This would move him from part-time to full-time with benefits.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization was given to appoint Wayne Trent to the position of Waste Processor/Attendant, at a salary of \$14,046.00 per year Grade 3, Step B2.

IN RE: COUNTY ADMINISTRATOR COMMENTS -- FLAG FOR NEW COURTHOUSE

Mr. Long reported to the Board that he had contacted Senator Richard Holland regarding a State Flag for the new Courthouse Complex. Senator Holland stated that he would obtain a flag, with a certificate stating that it had been flown over the State Capital Building, and would also like to attend the dedication of the Courthouse and present the flag himself, if the schedule of the General Assembly session does not prevent him from doing so.

IN RE: COUNTY ADMINISTRATOR COMMENTS -- EXTENSION SERVICE --
HOME HAZARDOUS WASTE DISPOSAL PROGRAM

Mr. Long stated that Mr. Michael J. Parrish, Virginia Cooperative Extension Agent, had a meeting with Mrs. Ralph and himself earlier this week, to inform them of a proposed Home Hazardous Waste disposal program for Dinwiddie County and the City of Petersburg. The program is for private citizens to use to properly dispose of household pesticides, solvents, fertilizer, and paints. Care Environmental is offering a price of \$1.10 per pound at this date for such a program. Mr. Parrish will be present on the August 20th meeting to present the Board details about this program. No date has been set at this time for the start-up of this program.

IN RE: COUNTY ADMINISTRATOR COMMENTS

Mr. Long informed the Board that on Friday, August 1, 1997 he was invited and privileged to fly to Oshkosh, Wisconsin, as a guest of the Airport Authority. He attended the largest "fly-in" in the nation. There was no cost to the County for him attending this event. Mr. Long stated that he was most impressed with the "fly-in" and felt that the Airport Authority members, as well as himself, learned some valuable information that will help to improve the Dinwiddie County fly-in next year.

IN RE: COUNTY ADMINISTRATOR COMMENTS -- ENCLOSURE OF BUILDING

Mrs. Wendy Weber Ralph, stated that they were in the process of obtaining bids to enclose a part of this building to provide additional, much needed office space. We are trying to procure someone to draw up plans and specifications for this construction. The Construction Inspector has obtained three (3) bids, they being:

- | | |
|---|-------------|
| 1. C. Temple Wilkinson, Jr., A.I.A., N.C.A.R.B. | \$ 6,500.00 |
| 2. Jeff B. Robinson, P.E., Inc. | 3,800.00 |
| 3. Raymond D. Birdsong | 1,500.00 |

Mrs. Ralph stated that they needed the Board's authorization to move forward with the contracting of these services.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to Administration to negotiate a contract with the low bidder, with a limit of \$3,000.00, for Architect/Engineering services to enclose the northeast corner of the existing building for new office space.

IN RE: BOARD MEMBER COMMENTS

Mr. Clay -- He asked if anyone had any information on the Park Service and the obtaining of a grant for the old courthouse. He had noticed that the building was in need of some repairs and did not wish to wait too long to have them done.

Mrs. Everett stated that representatives from the Park Service were suppose to come down and assess the structure. These people did not keep their appointment. Mrs. Ralph stated that they did not come that day and had not rescheduled.

Mr. Bracey -- none

Mr. Tickle -- Just to follow up on the Administrator's comment, I was in New York last week and a person below me started talking about the

"fly-in". He had an experimental airplane and he was showing off a picture of it. The next statement was that he had just come out of Petersburg. He felt it was very positive to be that far away from home and have someone talking about something that was in his home County or Jurisdiction.

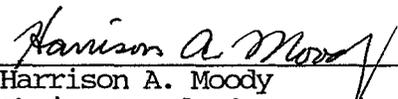
His second item was the kennels. We have a lot of hunt clubs in Dinwiddie County. Some of these clubs have a numerous number of dogs. These kennels are omitting odor. He would like to have this issue addressed to the Board. He would like to know when this matter will come back to the Board.

Mrs. Everett -- She stated that she had attended a meeting at Steven Kent Conference Center with the Secretary of National Resources. This meeting was to discuss ways to protect our natural resources and urged us to keep a watchful eye on our environment and rivers.

Mr. Moody -- He stated that there was a meeting Thursday, August 7, 1997 on the Fort Pickett Reuse Plan. He had a copy of the IRA-Reuse Plan and stated that they may be voting on this. Mainly what it says is that Virginia Tech will receive their property on the north side of Rt. 40 on an educational conveyance. The remainder of the property will be used for economic development. The timber will become the property of Virginia Tech and will only be allowed to be cut for the use at the research center.

IN RE: ADJOURNMENT

Upon motion of Mr. Clay, seconded by Mrs. Everett, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey, Mr. Moody voting "aye", the meeting adjourned at 10:42 P.M.



Harrison A. Moody
Chair, Board of Supervisors

ATTEST: 

R. Martin Long
County Administrator

/pam