

VIRGINIA: AT THE CONTINUATION MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE CONFERENCE ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 7<sup>TH</sup> DAY OF APRIL, 1999, AT 6:30 P.M.

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

OTHER: BEN EMERSON COUNTY ATTORNEY

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**IN RE: CALL TO ORDER**

Ms. LeeNora V. Everett, Chairman, called the continuation meeting to order at 6:30 P.M.

**IN RE: EXECUTIVE SESSION**

Upon motion of Mr. Clay, seconded by Mr. Haraway, Mr. Moody, Mr. Bracey, Mr. Haraway, Mr. Clay, Mrs. Everett voting "aye" pursuant to the Virginia Freedom of Information Act, Section 2.1 -344 (a) 3 - Discussion or consideration of the condition, acquisition or use of real property for public purpose, or of the disposition of publicly held property; and Section 2.1-344 (a) 7 - Consultation with legal counsel (Property Sales Agreement) - the Board moved into Executive Session at 6:30 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 7:28 P.M.

**IN RE: CERTIFICATION**

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

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

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

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

**RE: ADJOURNMENT**

Upon motion of Mr. Clay, seconded by Mr. Haraway, Mr. Moody, Mr. Bracey, Mr. Haraway, Mr. Clay, Mrs. Everett voting "aye", the meeting adjourned at 7:30 P.M.

/pam

R. Martin Long  
County Administrator

ATTEST: *R Martin Long*

Chairman

Lee Nora V. Everett

*Lee Nora V. Everett*

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VIRGINIA: AT THE REGULAR MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 7<sup>TH</sup> DAY OF APRIL, 1999, AT 7:30 P.M.

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

OTHER: BEN EMERSON COUNTY ATTORNEY

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**IN RE: SYMPATHY EXTENDED TO THE FAMILY OF THOMAS FITZGERALD EDMUNDS**

Mrs. LeeNora V. Everett, Chairman of the Board, extended sympathy to the family of Thomas Fitzgerald Edmunds. She stated Mr. Edmunds was present at the October 7, 1998 Board Meeting in honor of his 100<sup>th</sup> birthday and he was an eloquent man.

**IN RE: INVOCATION – PLEDGE OF ALLEGIANCE – AND CALL TO ORDER**

Mrs. Everett called the regular meeting to order at 7:30 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

**IN RE: AMENDMENTS TO THE AGENDA**

Mrs. Everett asked if there were any amendments to the agenda. There being none Mrs. Everett moved forward.

**IN RE: MINUTES**

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes of the March 17, 1999 Regular Meeting and the March 24, 1999 Continuation Meeting are hereby in their entirety, as presented to the Board in corrected form this date.

**IN RE: CLAIMS**

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following claims, including the Supplemental Claim placed before the Board this date, are approved and funds appropriated for same using checks numbered 1014577 through 1014810 (void check(s) numbered 1014577, 1014662 and 1014769); for

**Accounts Payable:**

(101) General Fund	\$ 250,580.63
(103) Jail Commission	\$ 200.86
(104) Marketing Fund	\$ -
(222) E911 Fund	\$ 2,066.24

(223) Self Insurance Fund	\$ 1,733.25
(225) Courthouse Maintenance	\$ -
(226) Law Library	\$ -
(228) Fire Programs & EMS	\$ -
(229) Forfeited Asset Sharing	\$ 730.71
(304) CDBG Grant Fund	\$ -
(305) Capital Projects Fund	\$ 63,394.50
(401) County Debt Service	\$ 688.76

**TOTAL \$ 319,399.95**

**PAYROLL (March 31, 1999)**

General Fund	\$ 341,605.60
CDBG Grant Fund	\$ 2,834.75

**TOTAL \$ 344,440.35**

**IN RE: COURTHOUSE CONSTRUCTION -- REQUISITION #32**

Mrs. Ralph stated the following invoices are included in Requisition Number 32:

SANDS ANDERSON MARKS & MILLER \$ 615.40

**TOTAL REQUISITION NUMBER 32 \$ 615.40**

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number 32 in the amount of \$615.40 be approved for payment from the Courthouse Construction Bonds.

**IN RE: CAPITAL PROJECTS -- REQUISITION #4**

Mrs. Ralph stated the following invoices are included in Requisition Number 4:

SANDS, ANDERSON, MARKS & MILLER \$878.32

**TOTAL REQUISITION NUMBER 4 \$878.32**

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number 4 in the amount of \$878.32 be approved for payment from the Capital Projects Bonds.

**IN RE: CITIZEN COMMENTS**

Mrs. Everett asked if there were any citizens who had signed up to speak.

Mrs. Pamla A. Mann, Administrative Secretary, stated she did not have any names signed up to speak.

Mrs. Everett asked if there were any citizens present who wished to speak. There being none Mrs. Everett closed the Citizen Comments and moved forward.

**IN RE: PUBLIC HEARING – WANDA HODGES KELLY  
EASEMENT**

This being the time and place advertised in the Dinwiddie Monitor on March 31, 1999, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing on the proposed conveyance of an ingress and egress easement across real property owned by Dinwiddie County near the old Courthouse, which property and easement are described and shown on a plat of survey dated October 18, 1996 by Irving H. Pritchett, III, C.L.S.

Mr. R. Martin Long, County Administrator, stated this Public Hearing was for a request for easement to property right over beside the old Dinwiddie Courthouse. The property is essentially land locked and a permanent easement is needed in and out of the property for ingress and egress. To convey the property, and he referred to the County Attorney, we have to hold a Public Hearing after which we can vote to convey the easement for this property. The price of said easement being One Thousand Dollars and No Cents (\$1,000.00).

Mr. Ben Emerson, County Attorney, stated Mr. Long was correct.

Mrs. Everett opened the Public Hearing. There being no citizens wishing to address the Board on this matter, Mrs. Everett closed the Public Hearing.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for Administration to sign an easement agreement with Wanda Hodges Kelly, for the price of One Thousand Dollars and No Cents (\$1,000.00), for an easement for ingress and egress to and from the Kelly property and State Route 1402 Sycamore Drive over and across a 20 ft. wide strip of land shown on the county plat of survey designated and labeled thereon as "20 ft R/W easement", the north line of which is labeled and described as N 45 deg. 44' 58" East 114.12 ft. and the southern line of which is labeled as S 45 deg. 44' 58" W 133.15 ft.

**IN RE: PUBLIC HEARING – LEBANON CHURCH EASEMENT**

This being the time and place as advertised in the Dinwiddie Monitor on March 31, 1999, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing for proposed conveyance of real property by Dinwiddie County near the old Courthouse, which property contains 241+- square feet as shown in a plat of survey by Irving H. Pritchett, III, C.L.S. dated October 18, 1996 with an addition dated January 27, 1998 and upon which property a building owned by Lebanon United Methodist Church encroaches.

Mr. Long continued that by the same token this property, the old Lebanon Church, is pretty much right up against the easement that we just spoke of across from the old Dinwiddie Courthouse. They have about 241 square feet that actually went onto property owned by the County. This little piece was agreed that once the Public Hearing was held and the Board agrees to do so, this piece will be conveyed to Lebanon United Methodist Church at a price of Five Hundred Dollars and No Cents (\$500.00). This does encroach upon County property and a Public Hearing must be held prior to conveying said property.

Mrs. Everett opened the Public Hearing. There being no citizens wishing to address the Board on this matter, Mrs. Everett closed the Public Hearing.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for Administration to sign an easement agreement with Lebanon United Methodist Church, for the price of Five Hundred Dollars and No Cents (\$500.00), for all that certain tract or parcel of land with the improvements and appurtenances thereto belonging, lying and being situate in Rowanty District, Dinwiddie County, Virginia, containing 241 square feet, being more fully and accurately shown and described on that certain plat of survey made by Irving H. Pritchett, III, C.L.S., dated October 18, 1996 and amended January 27, 1998 to show the said 241 square foot parcel, said Amendment being labeled "Inset Added 1/27/98 to Show 241 SQ. FT. Around Southern End of Church Building".

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**IN RE: STATEMENT PRIOR TO PUBLIC HEARINGS**

Mr. William C. Scheid, Planning Director, came forward to make the following statement prior to the Public Hearings.

"As previously requested by the Board of Supervisors, Draft copies of the Planning Commission Meeting minutes have been made available to the public prior to this meeting as well as copies on the table at the rear of this meeting room. The purpose of doing so is to expedite the hearing process without compromising the public's access to pertinent information. It is noted that the Board has been given various information on all of the hearing(s) to include, the application, zoning map, adjacent property owner list, locational map(s), proffers (if applicable), soils data, comprehensive land use maps and references, etc. With this information noted, I will proceed with the cases."

**IN RE: PUBLIC HEARING – P-99-1 – JEANETTE BISHOP**

This being the time and place as advertised in the Dinwiddie Monitor on March 24, 1999 and March 31, 1999, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing on P-99-1 a rezoning request submitted by Jeanette Bishop seeking to change the district classification of Tax Parcel 45-38 containing 9.45 acres from Residential Limited, R-1 to Business, General B-2. Said parcel is located at 13626 Boydton Plank Road near its intersection with Carson Road. The existing home is proposed to be converted to an office building. The comprehensive land use plan recommends this area for commercial use with a floor ratio limited to 0.3. The R-1 district allows a maximum density of 1 unit per one and one-half (1 ½) acre for uses served by on-site water/septic.

Mr. Scheid stated the applicant, Jeanette Bishop, is seeking a rezoning of Tax Parcel 45-38 containing approximately 9.45 acres from Residential, Limited R-1 to Business, General, B-2 with proffers. The property has 776 feet of frontage on Boydton Plank Road with an existing 2 story home and an address of 13626 Boydton Plank Road. Mrs. Bishop has made this request for the purpose of developing the property for conducting sale of mutual funds, insurance and home equity loans. The following proffers have been submitted by Mrs. Bishop willingly:

1. Permitted uses in the B-2 district would be restricted to an office building, business sign, and financial institution.
2. Ingress/egress to the property would be limited to the two (2) existing driveways serving the property.
3. The existing building will be converted from a residence to an office building and would maintain its current exterior appearance with minor alteration possible.

4. Any additional building(if any) to be constructed on the property which is visible to vehicular traffic on U. S. Route 1 shall not have exposed cinder block facing Route 1.
5. The minimum set-back for all buildings and parking areas is to be at least 30 feet from the edge of the existing right-of-way, 70 feet from the center line of the existing roadway, whichever is greater.
6. No outside storage of junk vehicles or vehicle parts permitted on the property.
7. All structures on the site must comply with the BOCA code.
8. There will be a buffer area to the southwest of the property adjacent to Galusha measuring a minimum of seventy-five (75) feet from the adjacent property lines and to the west or rear of the property adjacent to Polly Thrower and Bob Streetz measuring a minimum of thirty-five (35) feet.
9. Any future development of this land shall be subject to applicable regulations in effect at the time of development.

Mr. Scheid stated several citizens spoke in support of and opposition to the request at the Planning Commission meeting. The Planning Commissioners considered matters such as the proffers, comprehensive land use plan, previous zoning cases in the general vicinity, adjacent property zoning, and access from Route 1, etc. The Planning Commission voted 7-0 for approval of the rezoning request with the proffers noted above.

Mr. Moody requested in the proffer number 8 the Map Number, along with adjacent property owners names, be listed for clarification in the future.

Mr. Scheid stated this could be done.

Mr. Bracey voiced concern regarding proffer number 3 and the wording of minor alteration possible. He stated what one might consider minor another might consider major.

Mr. Scheid stated any major alterations would require building permits and by minor alterations he thought Mrs. Bishop meant a handicap ramp or something of that type.

Mrs. Bishop, the applicant, came forward stating her intention was to leave the building basically as it looked today.

Mrs. Everett opened the Public Hearing on P-99-1 and asked if any citizens had signed up to speak.

Mrs. Mann stated she did have citizens signed up and called the first person to come forward.

1. Robert D. Streetz, 18610 Goode Lane, came forward stating his property was directly west of the property in question. He voiced concern for the decline in his property value because it was now located next to commercial property.
2. Betty Shultz, 20206 Boydton Plank Road, McKenney, came forward stating she was an insurance agent and was very much in favor of this rezoning request.

There being no further citizens signed up Mrs. Everett closed the Public Hearing on P-99-1 and moved forward.

Mr. Haraway stated he was surprised at the remarks by Mr. Streetz regarding his property value declining.

There was discussion regarding the fact that if your property was located on Route 1 it might increase in value being commercial property; however, if your property is behind this property and had no direct access to Route 1 there was a possibility of declining value.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that the district classification of Tax Map Parcel 45-38 containing 9.45 acres be changed from Residential, Limited R-1 to Business, General, B-2 with and subject to the following proffers:

1. Permitted uses in the B-2 district would be restricted to an office building, business sign, and financial institution.
2. Ingress/egress to the property would be limited to the two (2) existing driveways serving the property.
3. The existing building will be converted from a residence to an office building and would maintain its current exterior appearance with minor alteration possible.
4. Any additional building(if any) to be constructed on the property which is visible to vehicular traffic on U. S. Route 1 shall not have exposed cinder block facing Route 1.
5. The minimum set-back for all buildings and parking areas is to be at least 30 feet from the edge of the existing right-of-way, 70 feet from the center line of the existing roadway, whichever is greater.
6. No outside storage of junk vehicles or vehicle parts permitted on the property.
7. All structures on the site must comply with the BOCA code.
8. There will be a buffer area to the southwest of the property adjacent to Galusha measuring a minimum of seventy-five (75) feet from the adjacent property lines and to the west or rear of the property adjacent to Polly Thrower and Bob Streetz measuring a minimum of thirty-five (35) feet.
9. Any future development of this land shall be subject to applicable regulations in effect at the time of development.

BE IT FURTHER ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia that said zoning ordinance is hereby reordained in its entirety; and

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

**IN RE: PUBLIC HEARING – C-99-1 – ISSAC FORREST**

This being the time and place as advertised in the Dinwiddie Monitor on March 24, 1999 and March 31, 1999, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing on C-99-1 a conditional use permit application submitted by Isaac Forrest seeking to expand the existing Green Acres Mobile Home Park onto Tax Parcel 33-69B containing 9.10 acres and zoned Agricultural General, A-2. This parcel is located east of the mobile home park and adjacent to I-85. The comprehensive land use plan identifies this area within the community planning area and recommends agricultural and residential uses with an overall residential density of 1 unit per acre. The A-2 district allows a maximum density of 1 unit per three (3) acres for single family structures and allows mobile home parks with a conditional use permit.

Mr. Scheid stated the applicant, Mr. Issac Forrest, is seeking a conditional use permit in order to expand his existing mobile home park onto land recently rezoned to Agricultural, General A-2. The parcel in question is designated by Tax Map 33-69A which contains approximately 9.10 acres. The Board of Supervisors required that an impact statement be prepared by the applicant as part of his conditional use permit application. Charles Townes and Associates prepared the impact analysis which was included in the Board's packets. There has been considerable discussion on this matter by the Planning Commission and Board of Supervisors during the past two (2) years. A brief history of this tract of land is given in the background portion of the Staff report which, by reference, may be made a portion of the Board's minutes. The Planning Commission heard this matter at their March 10<sup>th</sup> meeting. No one appeared in support of or opposition to the conditional use permit. After a brief discussion, the Planning Commission voted 7-0 to recommend approval of the conditional use permit with the following conditions attached:

1. a fifty (50) foot buffer strip shall be provided along I-85 and a minimum twenty-five (25) foot buffer strip shall be provided along the northern property line with evergreen screening as provided by Section 22-238 (2) of the County Zoning Ordinance. Such screening shall be replaced if it dies;
2. a minimum of eight (8) spaces shall be reserved for, and be used by, double-wide manufactured units, only;
3. a maximum of twenty-three (23) manufactured home sites shall be permitted;
4. the interior road system shall not connect with adjacent properties or other road systems but must remain as an interior road system serving the Green Acres Mobile Home Park, only;
5. a right turn taper lane shall be constructed to State specifications adjacent to Route 1 at the existing entrance to the Green Acres Mobile Home Park; and
6. the mobile home park owner will continue to provide an area for school buses to pick-up and discharge students in the general vicinity of the Route 1 and park entrance road intersection;
7. and, require at least one fire hydrant to be located at the direction of the Public Safety Officer.

Mr. Scheid stated Mr. Forrest was present at the Planning Commission meeting and stated that he willfully agreed to the above stated conditions for the conditional use permit. Mr. Forrest was not present tonight and Mr. Scheid felt it was because Mr. Forrest's brother was dying with cancer.

There was discussion regarding the impact study and discussion regarding the number of trailers Mr. Forrest could place on the old parcel and on the new parcel of land.

Mr. Moody stated he did not understand the same at the Planning Commission meeting regarding the number of trailers he could put on the property. He understood, at that meeting, if they agreed to approve the conditional use permit that less trailers would or could be placed on the property then if they did not. Now he understood that if the conditional use permit was approved it would mean a substantial higher number of trailers could be placed on the property. He stated he felt the other Planning Commission members were of the same understanding.

Mrs. Everett opened the Public Hearing.

There were no citizens signed up but one citizen asked if they could speak at this time.

1. Ms. Ann Scarborough came forward stating she felt the impact study needed to be looked at seriously. She was very much concerned with the additional burden this addition to the park would add to the County.

There being no further citizens wishing to speak Mrs. Everett closed the Public Hearing.

Again there was discussion regarding safety, impact study figures, and the way it was presented at the Planning Commission. There was a suggestion this issue should go back to the Planning Commission.

It was decided the Board should vote on this issue tonight.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that C-99-1 requesting a conditional use permit in order to expand the existing Green Acres Mobile Home Park is hereby denied.

**IN RE: PUBLIC HEARING – A-99-2 – AMENDMENT TO COUNTY ZONING ORDINANCE FEE SCHEDULE**

This being the time and place as advertised in the Dinwiddie Monitor on March 24, 1999 and March 31, 1999, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing on an amendment to the zoning fees contained in section 22-23(b) - rezoning, 22-23 ( c) - conditional use permit; section 22-41 - variance and add section 22-5 (5) zoning amendment fees to the ordinance.

Mr. Scheid came forward stating the Planning Commission and Board of Supervisors, have been told by staff about the rising costs associated with processing applications for amendments, rezonings, conditional use permits and variances under the zoning procedures. With this in mind, staff prepared an amendment to the Zoning Code which would increase the fees as follows:

1. Amendments from \$150 to \$275
2. Conditional Use Permits from \$100 to \$275
3. Rezonings from \$150 to \$275
4. Variances from \$100 to \$125

There has been adequate discussions establishing that such fees are necessary to keep pace with the increased costs associated with the above. The Planning Commission received this matter at their March 10<sup>th</sup> meeting, and with one change - raising the variance fee to \$175 - they voted 7-0 to recommend approval to the Board of Supervisors

The amendment to the Zoning Ordinance would be as follows:

Amend section 22-5, amendments to chapter, by adding the following paragraph:

- (5) **Each application for amendment shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the sum of two hundred seventy five dollars (\$275.00), two hundred dollars (\$200.00) of which shall be used to pay the expenses of advertising and mailing notices. If actual expenses associated with the amendment exceed two hundred dollars (\$200.00), the applicant shall be billed for the difference. Seventy-five dollars (\$75.00) shall be retained by the county as fee for processing the application for amendment.**

Amend section 22-23, applications for rezoning and conditional use permits, by deleting paragraphs (b) and (c) and in its stead insert the following:

- (b) Fees; use described.** Each application for rezoning shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the sum of two hundred seventy five dollars (\$275.00), two hundred dollars (\$200.00) of which shall be used to pay the expenses of advertising and mailing notices. If actual expenses associated with the rezoning exceed two hundred dollars (\$200.00), the applicant shall be billed for the difference. Seventy-five dollars (\$75.00) shall be retained by the county as fee for processing the application for rezoning.
- (c) Fees for conditional use permit.** Each application submitted for a conditional use permit shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the amount of two hundred seventy five dollars (\$275.00), two hundred dollars (\$200.00) of which shall be used to pay the expenses of advertising and mailing notices. If actual expenses associated with the conditional use permit exceed two hundred dollars (\$200.00), the applicant shall be billed for the difference. Seventy-five dollars (\$75.00) shall be retained by the county as fee for processing the application.

Amend section 22-41, grant of variance, by deleting paragraph (f) and in its stead insert the following:

- (f) An application for variance shall be obtained from the zoning administrator.** Each application for variance shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the amount of one hundred seventy-five dollars (\$175.00), one hundred dollars (\$100.00) of which shall be used to pay the expenses of advertising and mailing notices. If actual expenses associated with the variance exceed one hundred dollars (\$100.00), the applicant shall be billed for the difference. Seventy-five dollars (\$75.00) shall be retained by the county as fee for processing the application.

In all other respects, said Zoning Ordinance shall remain intact.

Mrs. Everett opened the Public Hearing on A-99-2. There being no citizens signed up to speak Mrs. Everett closed the Public Hearing and moved forward.

After discussion and suggestion from legal counsel it was decided to wait until the next meeting to adopt the above in order to meet the waiting period requirements regarding fees/taxes.

**IN RE: PUBLIC HEARING – A-99-3 – AMENDMENT TO THE  
EROSION AND SEDIMENTATION CONTROL  
ORDINANCE**

This being the time and place as advertised in the Dinwiddie Monitor on March 24, 1999 and March 31, 1999, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing on an amendment to the Code of Dinwiddie County by deleting Chapter 8, Erosion and Sedimentation Control, and adopting a revised Chapter 9, Erosion and Sedimentation Control.

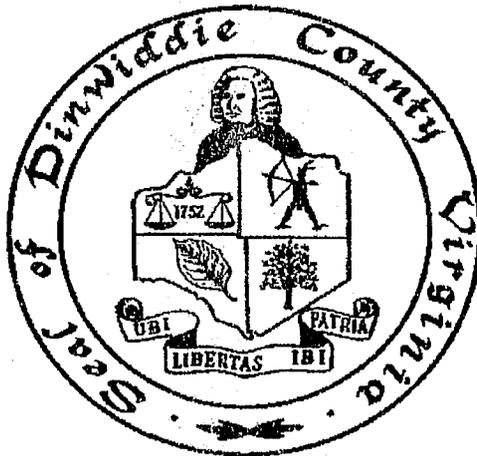
Mr. Scheid stated the Erosion and Sedimentation Control Ordinance was adopted by Dinwiddie County in the late 1970's. Many changes in State Code

requirements have occurred since then. The Department of Conservation and Recreation, the state agency responsible for overseeing this program, has noted that the County's ordinance needed updating. Their office assisted him in reviewing the County's ordinance so that it meets State standards. Our attorneys have reviewed the document and found it proper with the following changes:

1. Page 8 - Section 9-5, A. has a correction - add the following words "or to the Director of Planning"
2. Page 9 - Section 9-6, B. delete "and the Dinwiddie County Planning Department"

The new Ordinance would read as follows:

COUNTY  
OF



DINWIDDIE  
EROSION AND SEDIMENTATION CONTROL ORDINANCE

**CHAPTER 9**  
**TABLE OF CONTENT**

- Sec. 9-1 Title**
- Sec. 9-2 Authority for Chapter**
- Sec. 9-3 Definitions**
- Sec. 9-4 Erosion & Sedimentation Control Program**
- Sec. 9-5 Regulated Land-Disturbing Activities**
- Sec. 9-6 Land disturbing Permits; Fees; Bonding; etc.**
- Sec. 9-7 Monitoring; Reports and Inspections**
- Sec. 9-8 Penalties, Injunctions and Other Legal Action**
- Sec. 9-9 Appeals and Judicial Review**

**SECTION 9-1. TITLE.**

This ordinance shall be known as the "Erosion and Sediment Control Ordinance of Dinwiddie County." The purpose of this chapter is to conserve the land, water, air and other natural resources of Dinwiddie County by establishing procedures whereby these requirements shall be administered and enforced.

## SECTION 9-2. AUTHORITY FOR CHAPTER.

This Chapter is authorized by the Code of Virginia, Title 10.1, Conservation, Soil and Water Conservation Chapter 5, Article 4, Erosion and Sedimentation Control Law (10.1-560 et seq.), known as the Erosion and Sediment Control Law.

## SECTION 9-3. DEFINITIONS

As used in this ordinance, unless the context requires a different meaning:

**Agreement in lieu of a plan:** A contract between the plan-approving authority and the owner which specifies conservation measures which must be implemented in the construction of a single-family residence; this contract may be executed by the plan-approving authority or its designee in lieu of a formal site plan.

**Applicant:** Any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.

**Board:** The Virginia Soil and Water Conservation Board.

**Certified Inspector:** An employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of project inspection or (ii) is enrolled in the Board's training program for project inspection and successfully completes such program within one year after enrollment.

**Certified Plan Reviewer:** An employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of plan review, (ii) is enrolled in the Board's training program for plan review and successfully completes such program within one year after enrollment, or (iii) is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (54.1-400 et seq.) of Chapter 4 of Title 54.1.

**Certified Program Administrator:** An employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of program administration or (ii) is enrolled in the Board's training program for program administration and successfully completes such program within one year after enrollment.

**Clearing:** Any activity which removes the vegetative ground cover including, but not limited to, root mat removal or top soil removal.

**Conservation Plan Erosion and Sediment Control Plan or "Plan":** A document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

**County:** The County of Dinwiddie.

**Department:** The Department of Conservation and Recreation.

**Director:** The director of the Department.

**District or "Soil and Water Conservation District":** A political subdivision of the Commonwealth organized in accordance with the provisions of Article 3 (Sec. 10.1-506 et. seq.) of Chapter 5 of Title 10.1. The County of Dinwiddie is served by the Appomattox River Soil & Water Conservation District.

**Erosion Impact Area:** An area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.

**Excavating:** Any digging, scooping or other methods of removing earth materials.

**Filling:** Any depositing or stockpiling of earth materials.

**Grading:** Any excavating of or filling with earth materials.

**Land-Disturbing Activity:** Any land change which may result in soil erosion from water or wind and the movement of sediments into State waters or onto lands in the State, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

1. Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;
2. Individual service connections;
3. Installation, maintenance, or repairs of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk provided such land-disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced;
4. Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;
5. Surface or deep mining;
6. Exploration or drilling for oil and gas including the well site, roads, feeder lines, and off-site disposal areas;
7. Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (10.1-1100 et seq. of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in subsections B of 10.1-1163);

8. Agricultural engineering operations including but not limited to the construction of terraces, terrace outlets, check dams, de-silting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation;
9. Repair or rebuilding of the tracks, right-of-way, bridges, communication facilities of a railroad company;
10. Disturbed land areas of less than ten thousand (10,000) square feet.
11. Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
12. Shore erosion control projects on tidal waters when the projects are approved by local wetlands boards, the Marine Resources Commission or the U. S. Army Corps of Engineers;
13. Emergency work to protect life, limb or property, and emergency repairs; provided that if the land-disturbing activity would have required an approved erosion and sediment control plan if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the certified plans reviewer.

**Land Disturbing Permit:** A permit issued by the County of Dinwiddie for the clearing, filling, excavating, grading, transferring or any combination thereof or for any purpose set forth herein.

**Local Erosion and Sediment Control Program:** An outline or explanation of the various elements or methods employed by the County of Dinwiddie to regulate land disturbing activities and thereby minimize erosion and sedimentation in compliance with the State program and may include such items as a local ordinance, policies and guidelines, technical materials, inspection, enforcement and evaluation.

**Owner:** The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

**Permittee:** The person to whom the permit authorizing land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

**Person:** Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the commonwealth, any interstate body, or any other legal entity.

**Plan Approving Authority:** The Certified Plan Reviewer responsible for determining the adequacy of a conservation plan submitted for land-disturbing activities on a unit or units of land and for approving plans.

**Program Authority:** The County of Dinwiddie which has adopted the soil erosion and sediment control program which has been approved by the Board.

**Single-Family Residence:** A noncommercial dwelling that is occupied exclusively by one family and not part of a residential subdivision development.

**Stabilized:** An area that can be expected to withstand normal exposure to atmospheric conditions without incurring erosion damage.

**State Erosion and Sediment Control Program or State Program:** The program administered by the Virginia Soil and Water Conservation Board pursuant to the State Code including regulations designed to minimize erosion and sedimentation.

**State Waters:** All waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdictions.

**Town:** An incorporated town.

**Transporting:** Any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetation ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

#### **SECTION 9-4. EROSION AND SEDIMENT CONTROL PROGRAM**

A. The County of Dinwiddie hereby adopts the regulations promulgated by the Virginia Soil and Water Conservation Board pursuant to Section 10.1-562 of the Code of Virginia for the effective control of soil erosion, sediment deposition and nonagricultural runoff to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources. The Virginia Erosion and Sediment Control Regulations, The Virginia Erosion and Sediment Control Handbook, Third Edition, 1992, as amended periodically, are adopted as the standards, reference and guidelines for the County of Dinwiddie. The standards contained within these publications are to be used by the applicant when making a submittal under the provisions of this ordinance and in the preparation of an erosion and sediment control plan. The plan approving authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations, and guidelines. When the standards vary between the publications, the State regulation's shall take precedence.

B. The County of Dinwiddie designates the Certified Plan Reviewer as the plan approving authority.

C. Pursuant to Section 10.1-561.1 of the Code of Virginia, (i) an erosion control plan shall not be approved until it is reviewed by a certified plan reviewer, (ii) inspections of land-disturbing activities shall be conducted by a certified inspector and; (iii) the Erosion Control Program of Dinwiddie County shall contain a certified program administrator, a certified plan reviewer, and a certified inspector, who may be the same person.

D. The program and regulations provided for in this ordinance shall be made available for public inspection at the office of the Planning Department of Dinwiddie County.

#### **SECTION 9-5. REGULATED LAND-DISTURBING ACTIVITIES; SUBMISSION AND APPROVAL OF PLANS**

A. Except as provided herein, no person shall engage in any land-disturbing activity until he has submitted to the Director of Planning for Dinwiddie County an erosion and sediment control plan for land-disturbing activity and such plan has been approved by the plan approving authority. The plan shall

be drawn to scale of not less than one hundred (100) feet to one (1) inch and shall detail those methods and techniques to be utilized in the control of erosion and sedimentation and, as a minimum, the plan shall comply with the state criteria, standard and specifications found in the Virginia Erosion and Sediment Control Handbook, as referenced in Section 9-4A of this Chapter.

A minimum of four (4) copies of the erosion and sediment control plan shall be submitted to the Administrator or to the Director of Planning. Where land-disturbing activities involve lands under the jurisdiction of more than one local control program, an erosion and sediment control plan, at the option of the applicant, may be submitted to the Board for review and approval rather than to each jurisdiction concerned. Where the land disturbing activity results

from the construction of a single-family residence, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the County of Dinwiddie.

B. The plan approving authority shall, within 45 days, approve any such plan, if he determines that the plan meets the requirements of the Board's regulations, and if the person responsible for carrying out the plan certifies that he will properly perform the erosion and sediment control measures included in the plan and will conform to the provisions of this ordinance.

C. The plan shall be acted upon within 45 days from receipt thereof by either approving said plan in writing or by disapproving said plan in writing and giving specific reasons for its disapproval. When a plan is determined to be inadequate, the plan approving authority shall specify such modifications, terms and conditions that will permit approval of the plan. If no action is taken within 45 days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.

D. An approved plan may be changed by the plan approving authority when:

1. The inspection reveals that the plan is inadequate to satisfy applicable regulations; or
2. The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this ordinance, are agreed to by the plan approving authority and the person responsible for carrying out the plan.

E. In order to prevent further erosion, the County of Dinwiddie may require approval of a conservation plan for any land identified in the local program as an erosion impact area.

F. When a land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.

G. State agency projects are exempt from the provisions of this Ordinance, pursuant to section 10.1-564 of the Code of Virginia.

#### **SECTION 9-6. LAND-DISTURBING PERMITS; FEES; BONDING; ETC.**

A. No person shall engage in any land-disturbing activity until he has acquired a land-disturbing permit, unless the proposed land-disturbing activity is specifically

exempt from the provisions of this ordinance, and has paid the fees and posted the required bond.

B. Fees: A plan review and inspection fee of \$100.00 plus \$5.00 per acre shall be paid by check or money order made payable to the Treasurer, Dinwiddie County at the time of filing erosion and sediment control plans.

C. No land disturbing permit shall be issued until the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed. An approved plan is required for issuance of grading, building or other permits.

D. Bond: All applicants for permits shall provide to the County of Dinwiddie a performance bond, cash escrow, or an irrevocable letter of credit acceptable to the Program Administrator, to ensure that measures could be taken by the County of Dinwiddie at the applicant's expense should the applicant fail within the time specified to initiate or maintain appropriate conservation measures required of him as a result of his land disturbing activity. Should it be necessary for the County of Dinwiddie to take such conservation action, the County of Dinwiddie may collect from the applicant any costs in excess of the amount of the surety held. The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in Dinwiddie County with a reasonable allowance for estimated administrative cost and inflation which shall not exceed twenty-five (25) percent of the estimated cost of the conservation action.

Within sixty (60) days of the achievement of adequate stabilization of the land disturbing activity in any project or sections thereof, as determined by the Program Administrator, the bond, cash escrow or letter of credit, or the unexpended or unobligated portion thereof shall be either refunded to the applicant or terminated based upon the percentage of stabilization accomplished in the project or section thereof.

These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

## **SECTION 9-7. MONITORING, REPORTS, AND INSPECTIONS**

A. The Certified Inspector shall provide for and/or conduct periodic inspections of the land-disturbing activity, and may require monitoring and reports from the person responsible for carrying out the plan, to insure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee or person responsible for carrying out the plan shall be given notice of the inspection.

If the Certified Inspector determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities.

The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this ordinance and, upon conviction shall be subject to the penalties provided by the ordinance.

B. Upon receipt of a sworn complaint of a violation of this ordinance, the Program Administrator or his designee, either may, in conjunction with or subsequent to a notice to comply as specified in this ordinance, issue a stop work order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken or, if land-disturbing activities have commenced without an approved plan require that all of the land-disturbing activities be stopped until an approved plan or any required permits are obtained.

Where an alleged noncompliance is caused or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, or where the land-disturbing activities have commenced without an approved plan or any required permits, a stop work order may be issued whether or not the alleged violator has been issued a notice to comply. Otherwise, such a stop work order may be issued only after the alleged violator has failed to comply with a notice to comply. The stop work order shall be served in the same manner as a notice to comply, and shall remain in effect for seven days from the date of service pending application by the enforcing authority or alleged violator for appropriate relief to the Circuit Court of Dinwiddie County.

If the alleged violator has not obtained an approved plan or any required permits within seven days from the date of service of the order, the Administrator, or his designee, may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained.

A stop work order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of the County of Dinwiddie. The owner may appeal the issuance of an order to the Circuit Court of the County of Dinwiddie.

Any person violating or failing, neglecting or refusing to obey an order issued by the Administrator or his designee may be compelled in a proceeding instituted in the Circuit Court of the County of Dinwiddie to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.

Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted.

Nothing in this section shall prevent the Administrator or his designee from taking any other action authorized by this ordinance.

#### **SECTION 9-8. PENALTIES, INJUNCTIONS, AND OTHER LEGAL ACTIONS**

A. Violators of this ordinance shall be guilty of a Class 1 misdemeanor.

B. Any person who violates any provision of this ordinance shall upon a finding of the District Court of the County of Dinwiddie, be assessed a civil penalty. In any civil trial for a violation of this ordinance, the County of Dinwiddie shall have the burden of showing, by the preponderance of the evidence the liability of the violator. The civil penalty for any one violation shall be \$100, except that the civil penalty for commencement of land-disturbing activities without an approved plan shall be \$1,000. Each day during which the violation is found to have existed shall constitute a separate offense.

In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of \$3,000, except that a

series of violations arising from the commencement of land disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of \$10,000.

An admission or finding of civil liability shall not be a criminal conviction for any purpose.

The assessment of civil penalties according to this schedule shall be in lieu of criminal sanctions and shall preclude the prosecution of such violation as a misdemeanor under subsection A of this section.

C. The Administrator, or his designee or the owner of property which has sustained damage or which is in imminent danger of being damaged may apply to the Circuit Court of the County of Dinwiddie to enjoin a violation or a threatened violation of this ordinance, without the necessity of showing that an adequate remedy at law does not exist; however, an owner of property shall not apply for injunctive relief unless (i) he has notified in writing the person who has violated the local program, and the program authority, that a violation of the local program has caused, or creates a probability of causing, damage to his property, and (ii) neither the person who has violated the local program nor the program authority has taken corrective action within fifteen days to eliminate the conditions which have caused, or create the probability of causing damage to his property.

D. In addition to any criminal or civil penalties provided under this ordinance, any person who violates any provision of this ordinance may be liable to the County of Dinwiddie in a civil action for damages.

E. Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus, or other remedy obtained pursuant to this section, shall be subject, in the discretion of the court, to a civil penalty not to exceed \$2,000 for each violation. A civil action for such violation or failure may be brought by the County of Dinwiddie.

F. Any civil penalties assessed by a court shall be paid into the treasury of the County of Dinwiddie, except that where the violator is Dinwiddie County, itself or its agent, the court shall direct the penalty to be paid into the State Treasury.

G. With the content of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this ordinance, the County of Dinwiddie may provide for the payment of civil charges in violation in specific sums set forth in Paragraph J, not to exceed the limit specified in Paragraph E of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under Paragraphs B or E of this section.

H. The Commonwealth's Attorney shall, upon request of the County of Dinwiddie or the permit issuing authority, take legal action to enforce the provisions of this ordinance.

I. Compliance with the provisions of this ordinance shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

J. The following charges shall apply for violation of specific minimum standards (MS) set forth in the State Code:

Land Disturbing(without a permit) .....	100.00 per day
MS-01... Permanent seeding req'd .....	100.00 per day



MS-02... Stabilize stock piles .....	100.00 per day
MS-03... Vegetation established .....	100.00 per day
MS-04... Sediment basin/traps .....	100.00 per day
MS-05... Stabilization of dams, etc. ....	100.00 per day
MS-06... Basin required over 3 acres.....	100.00 per day
MS-07... Slope stabilization.....	100.00 per day
MS-08... Temporary flume, channel .....	100.00 per day
MS-09... Slope face-provide drainage.....	100.00 per day
MS-10... Storm sewer inlet protection.....	100.00 per day
MS-11... Conveyance channel protection.....	100.00 per day
MS-12... Work in watercourse .....	100.00 per day
MS-13... Temporary stream crossing .....	100.00 per day
MS-14... Fed/State regs - watercourse.....	100.00 per day
MS-15... Bed and bank stabilization.....	100.00 per day
MS-16... Underground utility work .....	100.00 per day
MS-17... Construction entrance.....	100.00 per day

**SECTION 9-9. APPEALS AND JUDICIAL REVIEW**

A. Any applicant under the provision of this ordinance who is aggrieved by any action of the County of Dinwiddie or its agent in disapproving plans submitted pursuant to this ordinance shall have the right to apply for and receive a review of such action by the Board of Supervisors. In reviewing the agent's actions, the Board of Supervisors shall consider evidence and opinions presented by the aggrieved applicant and agent. After considering the evidence and opinions, the Board of Supervisors may affirm, reverse or modify the action. The Board of Supervisors' decision shall be final, subject only to review by the Circuit Court of the County of Dinwiddie.

Any applicant may seek an appeal hearing before the Board of Supervisors provided that the applicant file a written notice requesting review by the Board of Supervisors within 30 days of the County of Dinwiddie's or its agent's actions.

B. Final decisions of the County of Dinwiddie under this ordinance shall be subject to review by the Circuit Court, provided an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties or privileges of the person engaging in or proposing to engage in land-disturbing activities.

Mrs. Everett opened the Public Hearing on the Erosion and Sedimentation Control Ordinance. There being no citizens present wishing to address the Board on this Ordinance change Mrs. Everett closed the Public Hearing and moved forward.

After discussion it was decided this would be voted on at the next meeting once again to satisfy the waiting period requirements regarding fees/taxes..

**IN RE: ADOPTION OF FY 1999-2000 BUDGET AND 1999 TAX RATES**

Mr. Long stated we held a Public Hearing on the FY1999-2000 Budget and the 1999 Tax Rates on March 24<sup>th</sup> and held a workshop on March 31<sup>st</sup> to discuss the requests presented at the Public Hearing. The Board made the following decisions regarding those requests and these decisions will become a part of the FY 1999-2000 Budget.

1. \$290,000 additional local funds will remain in school debt service (less the \$58,000 being transferred to School Operation)
2. \$58,000 difference requested by School Board for operating funds will be taken from the \$290,000 additional local funds in school debt

- service. If at the end of the fiscal year, the school system has a surplus, the \$58,000 will be transferred back into school debt service.
3. Commissioner of Revenue - a. \$6,000 will be included in Printing & Binding; b. \$350 will be removed from the Commissioner of Revenue travel budget and placed in Land Use travel to provide \$500.
  4. Registrar - Funds in the amount of \$10,000 will remain in part-time help to be used for a permanent part-time employee at least three days per week.
  5. Building and Grounds - \$4,000 remains in Capital Outlay for a personal computer.
  6. Petersburg Regional Film Office - \$3,000 contribution added to budget.
  7. NACO - Funds in the amount of \$369 are added to the budget for membership for one year.

Mr. Long continued by reviewing that the Tax Rates for 1999 remain unchanged.

Mr. Long stated he would be glad to address any questions or concerns the Board might have at this time.

Mrs. Everett asked the Board for questions and/or concerns.

Mr. Bracey stated on Amendment Number 2 – If at the end of the fiscal year – he stated he did not know the Board said an “IF”. Again he repeated he did not know they said an “IF”. He continued he thought they said it will be. The \$58,000 will be put back to the \$290,000 for debt service. That word “IF” says – well I don’t have it. “IF”—

Mrs. Everett stated “IF” they have it.

Mr. Bracey asked what happens “IF” they do not have it.

Mrs. Everett stated then we do not get it back.

Mr. Bracey stated that was not what we talked about that night.

Mrs. Everett stated she stated thought that it was.

Mr. Bracey stated then he did not have to vote for it. He meant the entire budget, that was what he was talking about. He stated he liked to very specific and be honest and up front with the School Board and he hoped they are honest and up front with him. “IF” they have the money they are paid. He thought they said that the money will go back to the \$290,000 for debt service. We can not afford to play around with this debt service. We are not a billion dollar County. He stated this was all he was saying. He asked Mrs. Everett to tell him what they were talking about. He stated to Mrs. Everett that she was trying to avoid the issue.

Mrs. Everett stated Mr. Bracey this was taken up at their meeting and that is the way it is stated –

Mr. Bracey stated the whole thing came about when we said that they usually take their surplus or their end of the year money for buses. We said – we asked them if they had already committed themselves with their surplus money or their end of the year money for buses. We asked if they will be able to pay the \$58,000. We said the \$58,000 will have to go back to the \$290,000. That is what we said.

Mrs. Everett stated there were minutes taken during that meeting. She asked how that motion was stated.

Mrs. Ralph stated Mr. Haraway had started the discussion and it was our interpretation that if they do not have any surplus they will not be getting buses or anything else. That is all that it means. It means that if there is any surplus at all that \$58,000 of it is going back to replace what the Board had appropriated. If they do not have any surplus they will not get buses or that or anything else.

Mr. Long stated the first \$58,000 goes into debt service before buses or anything else.

Mrs. Ralph stated the first \$58,000 goes into debt service. She continued that if that was not what the Board meant then they need to speak now.

Mr. Moody stated that was his understanding. He continued that the reason he said that was 9 times out of 10 years they have had a surplus. He stated he felt comfortable they would have one next year. He again stated that was the reason he said that. Now if they had not had a surplus for every year he stated he would not want to vote for it. Because he knows they have had it he felt there was a pretty high percentage they are going to have it again.

Mrs. Everett stated as she understood, or as she recalled, Mr. Haraway did make the motion for that and she asked him if it was his understanding that if we have a surplus it is to be taken back and put back into debt service.

Mr. Haraway stated he was trying to find a way that the School Board could get this additional \$58,000 and that is the reason he recommended that at the end of the fiscal year if there were funds available then the \$58,000 would go back into the debt service fund; but if there were not any funds available then they would not be able to. As Mr. Moody indicated their track record indicates that they will have a surplus at the end of the fiscal year.

Mr. Bracey stated he felt they all understood this but did we ask the School Board have you committed X number of dollars to the bus project and are you sure you are going to have the \$58,000. Every time that the budget is set so that they are going to get their money for the buses. Nobody is against this, the only thing he was trying to say was that he did not like the word "IF". He stated that \$58,000 - he did not care how they got it. If they have to get rid of an employee or whatever they have to do he felt the \$58,000 had to go back to that \$290,000 because we can not pick these 290, 290, 290's because we do not have any money.

Mrs. Everett asked if the School officials would like to comment on this.

Mrs. Troilen Seward, Superintendent of Schools, stated she would like to say that when they spend their budget down, last time it was less than one percent (1%) of the total budget, and she wanted to tell them that she is pretty fiscally conservative and she stated she was not going to get down much lower than that and feel comfortable. She stated she felt very positive that they would have \$58,000.

Mr. Bracey stated they understood that.

Mrs. Seward stated they have already budgeted for next year on a number of students that they have right now. Unless something unforeseen happens we know that in September there is going to be additional ADM money. She stated she certainly anticipates having the \$58,000.

Mrs. Everett asked if that allays the concerns.

Mr. Bracey stated that took care of it. He stated there was a commitment. He further stated he knew they were committed right now and asked Mrs. Seward for how many buses.

Mrs. Seward stated they would just wait until they could see where they were at the end of the year.

Mr. Bracey asked how many months it took to get a bus.

Mrs. Seward stated this year it has taken three months to get three of them and five months to get two of them.

Mr. Bracey stated as long as they say they are going to have the \$58,000, not if they are going to have it, they are going to have it and put it back to the \$290,000.

Mrs. Everett asked the Board if there were any other concerns about the amendments.

Mr. Bracey stated on Number 6. he thought that was a \$6,000 request and she decided to give them \$3,000.

Mrs. Everett stated that was correct and she would like to see the \$6,000 but she did not receive any support on that.

Mr. Bracey stated he just wanted to make sure that the public understood that it was a \$6,000 request.

Mr. Clay stated he had spoken with Mr. John M. "March" Altman, Zoning Administrator, and he did not seem to have any problem with the \$3,000. Mr. Altman will continue to report to the Board on what the progress is and at that point we may agree to give them the additional \$3,000.

Mrs. Everett stated that was what the Board, majority wise, wanted to do.

Mr. Bracey read the following statement prior to the voting on the budget:

"I, Edward A. Bracey, Jr., "In accordance with Section 2.1-639-14, paragraph (g) of the Code of Virginia, wish to disclose that my wife (Bernice Bracey) is employed by the Dinwiddie County School system. Employment of my wife occurred several years prior to my election to the Board of Supervisors and the results of any decision by this Board will affect my wife to no greater or less extent than other teachers with similar credentials and experiences. Therefore, I feel that I am able to participate in the actions of the Board concerning the 1999-2000 budget effectively, fairly and in the public interest."

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that following budget for FY 1999-2000 is adopted with amendments:

	Fiscal Year
Current	Commencing
INCOME ESTIMATES	Fiscal Year July 1, 1999

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GENERAL FUND:

Revenue from Local Sources:

General Property Taxes	\$11,874,325	\$12,268,260
Other Local Taxes	2,279,000	2,429,500
Permits, Privilege & Regulatory Licenses	150,600	182,500
Fines and Forfeitures	150,000	218,000
Revenue from Use of Money & Property	437,000	437,000
Charges for Services	259,686	239,986
Miscellaneous Revenue	176,350	195,900
<b>TOTAL</b>	<b>15,326,961</b>	<b>15,971,146</b>
Revenue from the Commonwealth	2,032,892	2,462,385
Revenue from the Federal Government	-0-	-0-
Non-Revenue Receipts	-0-	-0-
<b>TOTAL GENERAL FUND</b>	<b>\$17,359,853</b>	<b>\$ 18,433,531</b>
LAW LIBRARY FUND	5,000	5,000
SCHOOL TEXTBOOK FUND	160,149	159,325
SCHOOL CAFETERIA FUND	1,028,000	1,153,000
SCHOOL FUND:		
Revenue from Local Sources	91,400	72,920
Revenue from the Commonwealth	15,222,707	16,985,915
Revenue from the Federal Government	833,061	898,816
Transfers from Other Funds	6,007,260	6,554,717
<b>TOTAL SCHOOL FUND</b>	<b>22,154,428</b>	<b>24,512,368</b>
VA PUBLIC ASSISTANCE FUND	2,079,655	2,254,434
E911 FUND	62,000	67,000
SELF-INSURANCE FUND	65,000	25,000
GENERAL CAPITAL PROJECTS FUND	-0-	-0-
OYCS FUND	69,090	78,254
CDBG/VJCCCA FUND	56,322	81,733
FIRE PROGRAMS FUND	50,550	42,550
FORFEITED ASSET SHARING	-0-	-0-
MEALS TAX	400,000	360,000
SCHOOL CAPITAL PROJECTS	292,460	222,460

CSA FUND	617,638	627,677
JAIL COMMISSION FUND	5,600	6,800
COURTHOUSE MAINTENANCE FUND	20,000	24,000
COUNTY DEBT SERVICE	1,694,775	1,806,565
SVRTC FUND	215,000	215,000
HEAD START FUND	160,497	136,678
COUNTY CONSTRUCTION FUND	-0-	-0-
SCHOOL CONSTRUCTION FUND	-0-	6,000,000
SCHOOL DEBT SERVICE	2,223,828	2,730,046
=====		
GRAND TOTAL -- ALL FUNDS	\$48,719,845	58,941,421
LESS INTERFUND TRANSFERS	10,495,590	10,995,858
	<hr/>	<hr/>
TOTAL INCOME	\$ 38,224,255	47,945,563
FUND BALANCES, JULY 1	22,519,450	16,316,870
	<hr/>	<hr/>
CASH RESOURCES	\$ 60,743,705	64,262,433
=====		

#### CONTEMPLATED EXPENDITURES

##### GENERAL FUND:

Board of Supervisors	\$ 55,754	66,758
County Administrator	207,284	240,114
County Attorney	40,350	58,000
Independent Auditor	22,000	22,000
Commissioner of the Revenue	235,133	251,141
Business License	19,566	20,080
General Reassessment	140,000	160,000
Land Use	18,515	19,379
Treasurer	233,607	246,854
Data Processing	56,395	65,904
Electoral Board and Officials	78,017	84,564
Circuit Court	15,050	17,050
County Court	5,580	7,080
Special Magistrates	500	500

Clerk of the Circuit Court	60,172	65,636
Commonwealth's Attorney	116,345	122,412
Sheriff-Law Enforcement	2,109,532	2,383,048
Victim Witness		43,517
Volunteer Fire Departments	197,000	222,750
Ambulance & Rescue Service	43,270	53,650
Forestry Service	11,720	11,720
Dinwiddie EMS	308,781	385,885
Sheriff-Correction & Detention	312,075	303,215
Probation Office	3,450	4,250
Other Correction & Detention	55,733	100,507
Building Inspection	239,482	229,797
Animal Control	94,751	101,174
Medical Examiner	500	500
Public Safety/Civil Defense	61,589	80,012
Road Administration	-0-	-0-
Street Lights	42,000	35,000
Refuse Disposal	1,106,317	1,287,788
Public Nuisance	5,000	5,000
Public Utilities	104,200	105,700
Maintenance of Buildings & Grounds	333,752	375,491
Water Service	160,000	180,000
Health	169,258	179,944
Mental Health	43,332	45,932
Other Social Services	21,582	22,369
Community College	1,793	1,793
Recreation	152,897	166,714
Lake Chesdin	1,500	1,500
Regional Library	166,948	174,828
Planning	171,090	186,728
Economic Development	16,050	19,550
Other Planning & Community Development	100,464	92,364
Regional Planning Commission	12,870	13,310
Soil and Water Conservation	7,500	12,500

Advancement of Agric & Home Economics	55,604	66,600
Internal Services	26,350	12,850
	<hr/>	<hr/>
Subtotal	7,440,658	8,353,458
Transfers to Other Funds	9,653,154	10,276,859
	<hr/>	<hr/>
TOTAL GENERAL FUND	17,093,812	18,630,317
	=====	=====
HEAD START	160,497	136,678
SVRTC FUND	250,000	230,000
LAW LIBRARY FUND	5,000	5,000
SCHOOL TEXTBOOK FUND	211,650	409,325
SCHOOL FUND	22,154,428	24,512,368
SCHOOL CAFETERIA FUND	1,064,344	1,179,476
VA PUBLIC ASSISTANCE FUND	2,079,655	2,254,434
E911 FUND	47,000	70,650
SELF INSURANCE FUND	324,600	366,317
OYCS FUND	79,590	80,254
GENERAL CAPITAL PROJECTS	2,000,000	741,000
SCHOOL CAPITAL PROJECTS	292,460	222,460
CDBG FUND/JCCCA	56,322	81,733
FIRE PROGRAMS FUND	50,550	42,550
FORFEITED ASSET SHARING	-0-	-0-
MEALS TAX FUND	530,000	400,000
CSA FUND	617,638	627,677
JAIL PHONE COMMISSION FUND	5,600	500
COURTHOUSE MAINTENANCE	-0-	-0-
DEBT SERVICE	1,694,775	1,806,565
COUNTY CONSTRUCTION FUND	-0-	-0-
SCHOOL DEBT SERVICE	2,231,828	2,831,694
SCHOOL CONSTRUCTION FUND	6,000,000	6,000,000
	=====	=====
GRAND TOTALS - ALL FUNDS	\$ 56,949,749	60,628,998
LESS INTERFUND TRANSFERS	10,495,590	10,995,858

TOTAL EXPENDITURES	\$ 46,454,159	49,633,140
FUND BALANCES - JUNE 30	14,289,546	14,629,293
TOTAL REQUIREMENTS	\$ 60,743,705	64,262,433

BE IT FURTHER RESOLVED that the following 1999 Tax Rates are adopted:

■ Real Estate	\$ .74
■ Mobile Homes	.74
■ Mineral Lands	.74
■ Public Services	.74
■ Personal Property	4.90
■ Personal Property - Volunteers	.25
■ Machinery & Tools	3.30
■ Heavy Construction Equipment	3.30
■ Airplanes	.50

**IN RE: COURTHOUSE ARCHITECT – CONTRACT AWARD**

Mr. Long stated there were several items under contract awards. He stated Item Number 3 / the Trash Truck will not be before the Board this evening because they do not yet have a recommendation on that.

Mr. Long stated the first item under this was the Courthouse Architect. He continued that a list of architects which submitted proposals is as follows:

1. dBF Associates Architects
2. Paul Hardin Kapp, AIA Architect
3. Harnsberger & Associates, Architects
4. Wood Swofford & Associates Architects
5. Ballou Justice Upton Architects
6. John G. Lewis Jr., AIA Associated Architects
7. Wm Newman Architects
8. Hening-Vest-Covey Architectural Corporation
9. Boynton-Rothchild-Rowland Architects, PC
10. Wiley & Wilson
11. FPW Architects, PC
12. John Milner Associates, Inc.

Interviews were given to the following firms:

1. Harnsberger & Associates, Architects
2. Wood Swofford & Associates Architects
3. Wm Newman Architects
4. Wiley & Wilson
5. John Milner Associates, Inc.

Mr. Long continued following the interviews it was agreed he would contact Wood Swofford & Associates Architects, Mr. Don Swofford, and he was asking the Board for authorization to negotiate a contract with Wood Swofford & Associates for this work.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for Administration to negotiate a contract with Wood Swofford & Associates for architectural services regarding the old Dinwiddie County Courthouse.

**IN RE: JAIL HVAC – CONTRACT AWARD**

Mr. Long asked Mr. Donald W. Faison, Superintendent of Building and Grounds, to come forward and present the bid results for the Dinwiddie County Jail HVAC contract.

Mr. Faison came forward stating 14 bid packets had been mailed out on this proposed project but come bid day only 3 firms submitted bids. We received bids from the following:

1. Central York Corporation.....\$84,500.00
2. Tune and Toller.....\$87,600.00
3. Union Air Heating & Cooling Inc.....\$95,945.00

Mr. Faison recommended that Administration be allowed to negotiate with the low bidder, Central York Corporation, to see if they can bring this price down by some changes and modifications to the bid.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to Administration to negotiate with Central York Corporation for the Dinwiddie County Jail HVAC (addition of three (3) rooftop heating/cooling units) for a price not to exceed \$84,500.00.

**IN RE: STATE POLICE – PUMP AND HAUL – CONTRACT AWARD**

Mr. Long stated they had received a letter from the Commonwealth of Virginia, Department of State Police regarding the necessity of a pump and haul permit for their facility under construction in Dinwiddie County. Included in the Board's packets was a copy of an application for pump and haul which needs to be approved by the State Department of Health. This is a permit for pump and haul for their new facility on State property which does not have public sewer services available nearby. In addition to not having public sewer services nearby the soil conditions are unsuitable for a septic tank/drain field according to the Health Department Sanitation Officer. They are requesting permission to pump and haul approximately 3,000 gallons twice a month until they can get onto the sewer system. The 3,000 gallon in ground tank will be installed with a full level alarm system.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for Administration to approve the Application for Pump and Haul regarding the Department of State Police's new facility located in Dinwiddie County as stated above.

**IN RE: BOND ANTICIPATION NOTES – CHURCH ROAD WATER SYSTEM – MORAL OBLIGATION RESOLUTION**

Mr. Long stated he was requesting a Resolution authorizing the execution of an agreement providing for a non-binding obligation of the County to consider certain appropriations to the Dinwiddie County Water Authority, and agreeing to certain matters related to the issuance and sale of revenue bonds of Dinwiddie County Water Authority to Virginia Resources Authority and approving interim financing for same.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to the Chairman of the Board to sign the following Resolution:

RESOLUTION AUTHORIZING THE EXECUTION OF AN  
AGREEMENT PROVIDING FOR A NON-BINDING  
OBLIGATION OF THE COUNTY TO CONSIDER CERTAIN  
APPROPRIATIONS TO THE DINWIDDIE COUNTY  
WATER AUTHORITY, AND AGREEING TO CERTAIN  
MATTERS RELATED TO THE ISSUANCE AND SALE OF  
REVENUE BONDS OF DINWIDDIE COUNTY WATER  
AUTHORITY TO VIRGINIA RESOURCES AUTHORITY AND  
APPROVING INTERIM FINANCING FOR SAME

WHEREAS, the Dinwiddie County Water Authority (the "Authority") has been duly created by the Board of Supervisors (the "Board of Supervisors") of Dinwiddie County, Virginia (the "County"), in accordance with the Virginia Water and Waste Authorities Act (Chapter 51, Title 15.2, Code of Virginia of 1950, as amended):

WHEREAS, the Authority desires to issue revenue bonds in an estimated maximum principal amount of \$4,400,000, but not more than \$5,000,000 (the "1999 Bonds"), the proceeds of which, together with other available funds, are expected to be sufficient to pay the costs of financing a new water system to be known as the "Church Road System", including, without limitation, the construction of water lines, a booster station and an elevated storage tank (the "Project");

WHEREAS, the Church Road System will be considered separate and apart from the Authority's main water and sewer system and its Courthouse area system;

WHEREAS, the Authority has applied to the Virginia Resources Authority ("VRA") for the purchase of the 1999 Bonds, and VRA has indicated that its agreement to purchase the 1999 Bonds will be conditioned upon the County's undertaking a non-binding obligation to appropriate from time to time moneys to the authority in connection with payments due on the 1999 Bonds;

WHEREAS, the Board of Supervisors desires to enter into a support agreement with the Authority setting forth the County's agreement to undertake such a non-binding obligation; and

WHEREAS, a draft of the Support Agreement has been presented to the Board of Supervisors at this meeting; and

WHEREAS, the Authority is intending to obtain interim financing for the Project by its issuance of a bond anticipation note or notes in order to permit the Authority to obtain private activity bond volume cap from the Commonwealth necessary for tax exempt financing; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA:

1. It is determined to be in the best interests of the County and its citizens for the Board of Supervisors to enter into the Support Agreement.
2. In consideration of the Authority's undertakings with respect to financing the Project, the Chairman or Vice-Chairman, either of whom may act, is hereby authorized and directed to execute and deliver the Support Agreement. The Support Agreement shall be in substantially the form presented to this meeting, which is hereby approved, with such completions, omissions, insertions or changes not inconsistent with this resolution as may be approved by the Chairman or Vice-Chairman, the execution thereof by the Chairman or Vice-Chairman to constitute conclusive evidence of her/his approval of such completions, omissions, insertions or changes.
3. The County Administrator is hereby authorized and directed to carry out the obligations imposed by the Support Agreement on the County Administrator.
4. As provided by the Support Agreement, the Board of Supervisors hereby undertakes a non-binding obligation to appropriate to the Authority such amounts as may be requested from time to time pursuant to the Support Agreement, to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia. The Board of Supervisors, while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby state its intent to make such appropriations in future fiscal years, and hereby recommends that future Boards of Supervisors do likewise during the term of the Support Agreement.
5. The Board of Supervisors, on behalf of the County, hereby agrees to the issuance by the Authority of the 1999 Bonds, provided that the original aggregate principal amount of such 1999 Bonds to not exceed \$5,000,000.
6. The Board of Supervisors, on behalf of the County, hereby agrees to the issuance of interim financing by the issuance by the Authority of its bond anticipation note or notes, taxable or tax exempt, provided that the original aggregate principal amount of such interim financing does not exceed \$5,000,000, and further, hereby approves and authorizes a similar form of Support Agreement necessary to secure the interim financing by the Authority and the approvals, authorization and directions referred to in the before mentioned paragraphs shall apply to such Support Agreement for interim financing.
7. Approval and actions taken pursuant to this resolution shall be subject to final review and approval by the County Administrator and the County Attorney of the 1999 Bonds, the Support Agreement and related documents thereto.
8. All resolutions or parts thereof in conflict herewith are hereby repealed.
9. This resolution shall take effect immediately.

Signed by the Chairman, Board of Supervisors of Dinwiddie County, Virginia  
Attested by the Clerk, Board of Supervisors of Dinwiddie County, Virginia

**IN RE: DINWIDDIE ELEMENTARY SCHOOL – REIMBURSEMENT  
RESOLUTION**

Mr. Long asked Mrs. Ralph to present these Resolutions.

Mrs. Ralph stated these are the Resolutions the Board usually does when the County anticipates doing any type of Bond Issue. Until we know exactly what the costs will be and get the Bond Issue done, many times local funds have to be expended first and this allows, the IRS allows the County, to pass a reimbursement resolution to make sure reimbursement occurs for all associated costs. Enclosed in the Board's packets were two (2) reimbursement resolutions. One for Dinwiddie Elementary School and one for the two (2) fire stations (Dinwiddie and McKenney).

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for the Chairman to execute the Reimbursement Resolution for Dinwiddie Elementary School as follows:

**RESOLUTION OF THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA DECLARING ITS INTENTION TO REIMBURSE ITSELF OR THE SCHOOL BOARD, AS APPROPRIATE, FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION, RENOVATION AND EQUIPPING OF DINWIDDIE ELEMENTARY SCHOOL**

**WHEREAS**, the County of Dinwiddie, Virginia (**the "issuer"**) is a political subdivision organized and existing under the laws of the Commonwealth of Virginia; and

**WHEREAS**, the Issuer has paid, beginning no earlier than February 6, 1999 (60 days prior to the date hereof) and will pay, on and after the date hereof, certain expenditures (**the "Expenditures"**) in connection with the acquisition, construction, renovation and equipping of Dinwiddie Elementary School, which include the addition of 8 classrooms, new dining space, new kitchen, new mechanical systems, renovation of existing kitchen and dining areas, construction of new media center, renovation to auditorium and other miscellaneous renovation and remodeling (**the "Project"**); and

**WHEREAS**, the Board of Supervisors of the Issuer (**the "Board"**) has determined that those moneys previously advanced no more than 60 days prior to the date hereof and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds of one or more issues of tax-exempt bonds (**the "Bonds"**);

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD AS FOLLOWS:**

Section 1. The Board hereby declares, in accordance with U.S. Treasury Regulation Section 1.150-2, as amended from time to time, the Issuer's intent to reimburse the Issuer or the School Board, as appropriate, with the proceeds of the Bonds for the Expenditures with respect to the Project made on and after February 6, 1999, which date is no more than 60 days prior to the date hereof. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditures), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. The maximum principal amount of the Bonds expected to be issued for the Project is \$6,000,000.

Section 4. The Issuer will make a reimbursement allocation, which is a written allocation by the Issuer that evidences the Issuer's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect immediately upon its passage.

**PASSED AND ADOPTED THIS 7<sup>th</sup> day of April, 1999.**

**IN RE: DINWIDDIE FIRE STATION AND McKENNEY FIRE STATION – REIMBURSEMENT RESOLUTION**

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for the Chairman to execute the Reimbursement Resolution for two (2) fire stations as follows:

**RESOLUTION OF THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION, RENOVATION AND EQUIPPING OF FIRE STATIONS**

**WHEREAS**, the County of Dinwiddie, Virginia (**the "issuer"**) is a political subdivision organized and existing under the laws of the Commonwealth of Virginia; and

**WHEREAS**, the Issuer has paid, beginning no earlier than February 6, 1999 (60 days prior to the date hereof) and will pay, on and after the date hereof, certain expenditures (**the "Expenditures"**) in connection with the acquisition, construction and equipping of two (2) Fire Stations in the (**together, the "Project"**); and

**WHEREAS**, the Board of Supervisors of the Issuer (**the "Board"**) has determined that those moneys previously advanced no more than 60 days prior to the date hereof and to be advanced on and after the date hereof to pay the

Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds of one or more issues of tax-exempt bonds (the "Bonds");

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD AS FOLLOWS:**

Section 1. The Board hereby declares, in accordance with U.S. Treasury Regulation Section 1.150-2, as amended from time to time, the Issuer's intent to reimburse the Issuer with the proceeds of the Bonds for the Expenditures with respect to the Project made on and after February 6, 1999, which date is no more than 60 days prior to the date hereof. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditures), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. The maximum principal amount of the Bonds expected to be issued for the Project is \$2,000,000.

Section 4. The Issuer will make a reimbursement allocation, which is a written allocation by the Issuer that evidences the Issuer's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain *de minimis* amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect immediately upon its passage.

**PASSED AND ADOPTED THIS 7<sup>th</sup> day of April, 1999.**

**IN RE: COUNTY ADMINISTRATOR COMMENTS –  
APPOINTMENT TO COURTHOUSE RENOVATION  
COMMITTEE**

Mr. Long stated Mr. Moody had indicated, spoken to, and selected Mr. Joe Lyle to serve on the Courthouse Renovation Committee. Mr. Lyle would be the appointed representative from District Number 1.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Joe Lyle be appointed, a representative from District Number 1, for the Courthouse Renovation Committee.

**IN RE: COUNTY ADMINISTRATOR COMMENTS – PROPERTY  
SALES AGREEMENT**

Mr. Long stated he had a request for the Board to authorize the Chairman to sign a Property Sales Agreement for the Chappell property located on Route 1 just north of the Courthouse Complex, diagonally across from the current EMS facility, we are renting. This property contains 9.18 acres in the amount of \$135,000.00. He asked the Chairman be authorized to enter into the agreement and asked that funds be appropriated from the Capital Project Fund which will be reimbursed through the Bond Issue. This property would be used for a fire station.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to the Chairman to enter into a Property Sales Agreement for the Chappell property containing approximately 9.18 acres for the purchase price of One Hundred Thirty Five Thousand Dollars and No Cents (\$135,000.00) with funds being appropriated from the Capital Project Fund. Said funds will be reimbursed through the Bond Issue.

**IN RE: COUNTY ADMINISTRATOR COMMENTS – CLAIM – REFURBISH AND RECHASSIS COSTS**

Mr. Long stated he had a request which came in late because originally, he believed this would come to the day meeting, but it is regarding the refurbishing and rechassis of one of the County rescue vehicles. This vehicle will be ready for pickup on April 20<sup>th</sup> which is the day before our next meeting. He asked the Board to authorize the appropriation of the balance due of \$41,885.00 which is required at the time of pickup. These funds will come from Capital Improvement Funds.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following claim is approved and funds appropriated for same using check numbered 1014814; for

**Accounts Payable:**

(101) General Fund	\$	-
(103) Jail Commission	\$	-
(104) Marketing Fund	\$	-
(222) E911 Fund	\$	-
(223) Self Insurance Fund	\$	-
(225) Courthouse Maintenance	\$	-
(226) Law Library	\$	-
(228) Fire Programs & EMS	\$	-
(229) Forfeited Asset Sharing	\$	-
(304) CDBG Grant Fund	\$	-
(305) Capital Projects Fund	\$	41,885.00
(401) County Debt Service	\$	<u>                    </u>
<b>TOTAL</b>	<b>\$</b>	<b>41,885.00</b>

**IN RE: COUNTY ADMINISTRATOR COMMENTS -- LETTERS OF COMMENDATION FOR DAVID M. JOLLY – PUBLIC SAFETY OFFICER**

Mr. Long stated the County had received two (2) letters with reference to the outstanding job provided by Mr. David M. Jolly on March 3, 1999. These letters were from the Department of State Police and the Department of Emergency Services. Mr. Long stated again he knew Mr. Jolly would state it was a lot of good volunteers.

Mr. Jolly concurred with Mr. Long's statement.

Mr. Bracey stated he hoped when letters of this type are received both for the good and the bad that copies are being placed in the employee's permanent files.

It was reported this practice was in place and had been for some time.

**IN RE: BOARD MEMBER COMMENTS**

Mr. Moody – He again spoke regarding the conditional use permit and made comments regarding his change of vote. He read a section from the Planning Commission minutes regarding this matter.

Mr. Haraway – no comments

Mr. Clay – He voiced concern regarding floating Bond Issues and the debt service stating the County may need to slow up.

Mr. Bracey – no comments

Mrs. Everett – She reported the Board and Administration Staff attended an open house at the Rohoic Woods Townhouses this after noon.

She reported the ground breaking for the WAC Museum at Fort Lee would take place at 2:00 P.M. on Friday, April 9, 1999.

She reminded the Board of the Crime Solvers Dinner at Fort Lee on Thursday, April 15, 1999.

Mr. Bracey – He stated he forgot to report that last Saturday April 3, 1999 he attended the open house at the Wellness Center at AME Zion Church. He stated he felt they would be ready to accept clients within the next few months.

**RE: ADJOURNMENT**

Upon motion of Mr. Bracey, seconded by Mr. Moody, Mr. Moody, Mr. Bracey, Mr. Haraway, Mr. Clay, Mrs. Everett voting "aye", the meeting adjourned at 9:06 P.M.

  
Lee Nora V. Everett  
Chairman, Board of Supervisors

ATTEST:   
R. Martin Long  
County Administrator

/pam

