

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 2ND DAY OF OCTOBER, 2002, AT 7:30 P.M.

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

OTHER: PHYLLIS KATZ COUNTY ATTORNEY

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

Mr. Edward A. Bracey, Jr., called the regular meeting to order at 7:34 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

**IN RE: AMENDMENTS TO THE AGENDA**

There were no amendments to the agenda.

**IN RE: MINUTES**

Upon Motion of Mr. Clay, Seconded by Mr. Haraway, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the minutes of the September 18, 2002 Regular Meeting are approved in their entirety.

**IN RE: CLAIMS**

Upon Motion of Mr. Clay, Seconded by Mr. Bowman, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following claims are approved and funds appropriated for same using checks numbered 1032299 through 1032500 (void check(s) numbered 1032300 and 1032373 ) for:

**Accounts Payable:  
FY 02-03**

(101) General Fund	\$ 162,397.87
(103) Jail Commission	\$ 208.29
(104) Marketing Fund	\$ .00
(209) Litter Control	\$ .00
(222) E911 Fund	\$ 378.00
(223) Self Insurance Fund	\$ .00
(225) Courthouse Maintenance	\$ .00
(226) Law Library	\$ .00
(228) Fire Programs & EMS	\$ 603.92
(229) Forfeited Asset Sharing	\$ 406.30
(304) CDBG Grant Fund	\$ 91.57
(305) Capital Projects Fund	\$ 427,466.84
(401) County Debt Service	\$ .00

**TOTAL \$ 591,552.79**



**PAYROLL 09/30/02**

(101) General Fund	\$ 397,416.94
(222) E911 Fund	\$ 3,420.91
(304) CDBG Fund	\$ <u>3,373.95</u>
<b>TOTAL</b>	<b>\$ 404,211.80</b>

**IN RE: SCHOOL BOARD REQUISITION # 1 – 1997A (70-02-200-7018821) – PAVING MIDWAY & HIGH SCHOOL**

Mrs. Ralph stated the following invoices are included in Payment Requisition #1-1997A (70-02-200-7018821):

B.P. Short	Construction - Paving at Midway Elementary	\$7,975.60
B.P. Short	Construction – Paving at Dinwiddie HS (Partial Payment)	\$5,113.33
<b>Total</b>		<b>\$13,088.93</b>

Mrs. Ralph stated these invoices have been reviewed and approved by the Superintendent.

Please note that the paving for Dinwiddie High School will need to be paid with this request and a future request from the 1998A Construction Bond. Also note that this request should close out the 1997A bond.

Upon Motion of Mr. Haraway, Seconded by Mr. Moody, Mr. Moody, Mr. Haraway, Mr. Clay, Mr. Bowman, Mr. Bracey voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number #1-1997A (70-02-200-7018821) in the amount of \$13,088.93 be approved and funds appropriated for CIP expenses from the School Project Account.

**IN RE: SCHOOL BOARD REQUISITION # 2 – 1998A (70-02-200-7019743) – PAVING HIGH SCHOOL**

Mrs. Ralph stated the following invoices are included in Payment Requisition #2 -1998A (70-02-200-7019743):

B.P. Short	Construction – Paving at Dinwiddie HS (Partial Payment)	\$4,048.67
<b>Total</b>		<b>\$4,048.67</b>

Mrs. Ralph stated these invoices have been reviewed and approved by the Superintendent.

Please note that the paving for Dinwiddie High School will need to be paid with this request and a request from the 1997A Construction Bond which you approved prior to this request.

Upon Motion of Mr. Moody, Seconded by Mr. Clay, Mr. Moody, Mr. Haraway, Mr. Clay, Mr. Bowman, Mr. Bracey voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number #2 -1998A (70-02-200-7019743) in the amount of \$4,048.67 be approved and funds appropriated for CIP expenses from the School Project Account.

**IN RE: SCHOOL BOARD REQUISITION # 1 – 1998A (70-02-200-7019743) – HIGH SCHOOL GYM FLOOR REPLACEMENT**

Mrs. Ralph stated the following invoices are included in Payment Requisition #1-1998A (70-02-200-7019743):

Wayne D. Joyce Floors, Inc. Gym Floor Replacement for High School	\$105,000.00
<b>Total</b>	<b>\$105,000.00</b>

Mrs. Ralph stated these invoices have been reviewed and approved by the Superintendent.

Upon Motion of Mr. Haraway, Seconded by Mr. Clay, Mr. Moody, Mr. Haraway, Mr. Clay, Mr. Bowman, Mr. Bracey voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition #1-1998A (70-02-200-7019743) in the amount of \$105,000.00 be approved and funds appropriated for CIP expenses from the School Project Account.

**IN RE: SCHOOL BOARD REQUISITION # 1 – 1999B (70-02-200-7033387)**

Mrs. Ralph stated the following invoices are included in Payment Requisition #1-1999B (70-02-200-7033387):

Virco, Inc. Furnishings – Dinwiddie Elementary	\$3,244.80
<b>Total</b>	<b>\$3,244.80</b>

Mrs. Ralph stated these invoices have been reviewed and approved by the Superintendent.

Upon Motion of Mr. Clay, Seconded by Mr. Moody, Mr. Moody, Mr. Haraway, Mr. Clay, Mr. Bowman, Mr. Bracey voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition #1 -1999B (70-02-200-7033387) in the amount of \$3,244.80 be approved and funds appropriated for CIP expenses from the Dinwiddie Elementary School Project Account.

**IN RE: SCHOOL BOARD REQUISITION # 2 – 1999B (70-02-200-7033387) – FURNISHINGS DINWIDDIE ELEMENTARY**

Mrs. Ralph stated the following invoices are included in Payment Requisition #2-1999B (70-02-200-7033387):

School Specialty Furnishings – Dinwiddie Elementary	\$ 718.52
School Specialty Furnishings – Dinwiddie Elementary	\$ 223.72
<b>Total</b>	<b>\$ 942.24</b>

Mrs. Ralph stated these invoices have been reviewed and approved by the Superintendent.

Upon Motion of Mr. Moody, Seconded by Mr. Haraway, Mr. Moody, Mr. Haraway, Mr. Clay, Mr. Bowman, Mr. Bracey voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County,

Virginia that Requisition #2 -1999B (70-02-200-7033387) in the amount of \$942.24 be approved and funds appropriated for CIP expenses from the Dinwiddie Elementary School Project Account.

**IN RE: SCHOOL BOARD REQUISITION # 3 – 1999B (70-02-200-7033387) - ATTENDANCE ZONE STUDY PHASE I**

Mrs. Ralph stated the following invoices are included in Payment Requisition #3-1999B (70-02-200-7033387):

BCWH	Architect Attendance Zone Study Phase 1	\$12,083.50
<b>Total</b>		<b>\$12,083.50</b>

Mrs. Ralph stated these invoices have been reviewed and approved by the Superintendent.

Upon Motion of Mr. Moody, Seconded by Mr. Clay, Mr. Moody, Mr. Haraway, Mr. Clay, Mr. Bowman, Mr. Bracey voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition #3 -1999B (70-02-200-7033387) in the amount of \$12,083.50 be approved and funds appropriated for CIP expenses from the School Project Account.

Mr. Bracey commented to Dr. Morris, Assistant Superintendent of Administration, for several years now I have been asking when these projects are going to be completed. It is our duty to keep the taxpayers informed about these bond issues and to make sure they are disbursed properly. He requested that Dr. Morris check on the projects and report back to the Board as to when completion can be expected. Dr. Morris responded that there is going to be a meeting on this issue and he would have a response in short order.

Mr. Bracey also commented that for many years there was a parking fee charged to the students who drove to school to pay for paving at the high school. He questioned Dr. Morris if those funds were in an account and if not, what was the money spent on? Mr. Moody stated he remembered that also. Mr. Bowman asked where is the money that was collected for parking fees. Dr. Morris replied he would find out and report back to the Board.

**IN RE: CITIZEN COMMENTS**

Mr. Bracey asked if there were any citizens signed up to speak or present who wished to address the Board during this portion of the meeting. No one desired to address the Board.

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

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 publics' 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 case(s)."

**IN RE: PUBLIC HEARING – A-02-5 – AMEND CHAPTER 22,  
ZONING ARTICLE IX, TELECOMMUNICATIONS  
ANTENNA AND TOWERS - REVISED  
TELECOMMUNICATIONS ORDINANCE**

This being the time and place as advertised in the Dinwiddie Monitor on September 18, 2002 and September 25, 2002, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comment on and to establish general guidelines for the siting and design of wireless telecommunication facilities

## **Planning Summary Report**

<b>File:</b>	A-02-5
<b>Applicant:</b>	Planning Department
<b>Subject:</b>	Revised telecommunications ordinance
<b>Date:</b>	October 2, 2002

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When the Atlantic Group was hired on June 15, 2001 to be the County's consultant to review telecommunication tower applications, they were requested to submit a cost for the review of the current tower ordinance. During the past winter, the County determined that several changes were needed in the existing ordinance, thus a contract was executed with the Atlantic Group to revise the current ordinance. The Board of Supervisors referred this matter to the Planning Commission. The Planning Commission decided to appoint a committee to review the ordinance with the consultant. During the past several months, the committee reviewed the existing ordinance and, with the assistance of the consultant, developed a revised ordinance. The revised ordinance was recommended for approval to the Planning Commission.

The Planning Commission reviewed the ordinance at their June 12<sup>th</sup> meeting and discussed section 22-275(14) at length. It was generally decided that this paragraph be expanded to require additional information that would be helpful to the Commissioner of the Revenue in collecting taxes. It is suggested that the revised paragraph 14 be further revised as follows:

"The owner of the antenna support structure shall provide in writing to the Planning Department the name, address and telephone number of a contact person during the approval process and shall notify the Department of any changes during this process. Upon issuance of the conditional use permit, the owner of the antenna support structure shall provide in writing to the Planning Department and the Commissioner of the Revenue the name, address and telephone number of a contact person for the tower owner and the name and address of each registered agent for each lessee of tower space. This list shall be kept current and a revised list submitted to the County Departments noted above each time a change is made."

The Planning Commission resumed discussions on the Telecommunications Ordinance at their August 14<sup>th</sup> public meeting. At this time, two (2) additional items were addressed to provide for recovery of expenses associated with the use of consultant services for application review services and construction inspection review services. These paragraphs are highlighted in the draft minutes attached to the summary review.

Mr. Scheid also presented the following changes upon discussion and recommendation by legal counsel.

Sec.22-270. Conditional use permit required.

1. A conditional use permit shall not be required for the placement of antennas on an existing *secondary support*

structure provided that the antenna does not increase the overall height of the structure by more than ten (10) feet.

2. Extensions to an existing antenna support structure to accommodate the placement of antennas will require a conditional use permit.

**Sec.22-271. Administrative review process**

(3) Co-location of antenna by a telecommunications service provider on an existing antenna support structure shall be approved provided that:

1. There is no increase in height of the existing tower.
2. The number of service providers on the tower does not exceed the number permitted by this Article.
3. The structural design of the tower and site is adequate to support the additional antenna.

**Sec. 22-272. Pre-application meeting required.**

Prior to submitting an application *under the provisions of section 22-270 or 22-271*, the applicant shall meet with the Director of Planning or his/her designee to discuss all aspects of their proposal. Failure to schedule and attend a pre-application meeting shall preclude the acceptance and processing of an application for *administrative review* or conditional use permit.

**RECOMMENDATION**

The Planning Commission voted 6-0 (Mr. Wood absent) to recommend **approval** of this ordinance to the Board of Supervisors. Since this is a zoning matter, the attached statement must be read as a part of your motion to the Board of Supervisors.

Mr. Bracey opened the public hearing. No one spoke in support or in opposition to the revisions for the telecommunications ordinance.

Mr. Clay stated be it resolved, that in order to assure compliance with Virginia Code Section 15.2-2286(A)(7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that amendment case A-02-5 be approved by the Board of Supervisors.

The motion was seconded by Mr. Haraway, Mr. Moody, Mr. Haraway, Mr. Clay, Mr. Bowman, Mr. Bracey voting "Aye",

BE IT ORDAINED BY THE BOARD OF SUPERVISORS of the County of Dinwiddie, Virginia, that Article IX, Telecommunications Antenna and Towers, of Chapter 22, Zoning, be deleted and in its stead the following adopted:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF DINWIDDIE, VIRGINIA, AS AMENDED, BY AMENDING SECTION 22, ARTICLE IX, TELECOMMUNICATIONS ANTENNA AND TOWERS

**ARTICLE IX. WIRELESS TELECOMMUNICATION FACILITIES**

**Sec. 22-268. Definitions.**

For the purpose of interpreting Article IX of the Dinwiddie County Code, the following definitions shall apply:

1. Abandonment. Any component of a wireless telecommunication facility (e.g., antenna support structure, antenna, cable, equipment shelter, etc.) is deemed abandoned when not utilized for the provision of wireless service for a period of twelve (12) consecutive months.
2. Above Ground Level (AGL). Refers to the distance measured from ground level at the base of a structure to the highest point or an object on the structure.
3. Antenna. Any exterior electronic device used for the transmission or reception of radio frequency signals designed for telephonic, radio, satellite, or television communications.
4. Antenna Support Structure. Any structure designed for the primary purpose of supporting one or more antennas including but not limited to self-supporting lattice towers, guyed towers, and monopoles.
5. Applicant. Any entity requesting approval to construct/install wireless telecommunication facilities through the County's permitting process.
6. Balloon Test. A technique utilizing a balloon to demonstrate the height above ground of a proposed antenna support structure.
7. Co-location. The shared use of an antenna support structure by two or more wireless service providers or other entities operating antennas.
8. Entity. Any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.
9. Existing Facility. Any existing or proposed wireless telecommunication facility for which a valid County permit has been issued.
10. Fall Zone. An area within a radius equal to the height of the antenna support structure within which there is a potential hazard from falling debris or collapsing material. A fall zone is distinct from a setback.
11. Federal Aviation Administration (FAA). An agency of the federal government that regulates all activities affecting air navigation.
12. Federal Communications Commission (FCC). An agency of the federal government that regulates all intrastate, interstate, and international wire, wireless, satellite, and cable communications.
13. Mini/Micro Cell. An antenna support structure not exceeding 80 feet in height.
14. Mitigate. To reduce or eliminate adverse impacts.
15. Property Owner. Any entity with fee simple title to any plot of land within the County.
16. Secondary Support Structure. Any structure designed primarily for other purposes that can be utilized to support antennas including but not limited to buildings, power transmission towers, church steeples, light poles, water storage tanks, smoke stacks, and silos.
17. Stealth Technique. Any technique designed to conceal or disguise wireless telecommunication facilities.
18. Structural Engineer. An individual or firm licensed to practice structural engineering by the Commonwealth of Virginia.

19. Tower Developer. Any entity that develops structures for the purpose of leasing space to entities operating antennas.
20. Wireless Service Provider. Any entity providing commercial mobile radio services.
21. Wireless Telecommunication Facility. All infrastructure and equipment including but not limited to antenna support structures, antennas, transmission cables, equipment shelters, equipment cabinets, utility pedestals, ground systems, fencing, signage and other ancillary equipment associated with the transmission or reception of wireless transmissions.

**Sec. 22-269. Purpose and intent.**

The purpose of this article is to establish general guidelines for the siting and design of wireless telecommunication facilities. The goals of this ordinance are to:

1. Accommodate the provision of wireless telecommunication services to County residents, businesses, visitors, and travelers;
2. Facilitate the location of wireless telecommunication facilities in areas where the adverse impact on the community is minimal;
3. Maximize the use of existing structures;
4. Make available public property to facilitate the deployment of wireless telecommunication facilities;
5. Minimize adverse visual effects of wireless telecommunication facilities through careful siting and design; and
6. Minimize adverse impacts on the natural, scenic, environmental, historic, cultural, and recreational resources of the County.

**Sec. 22-270. Conditional use permit required.**

1. Except as provided below in paragraph (2), all wireless telecommunication facilities require a conditional use permit, obtained in accordance with the provisions of this chapter.
2. A conditional use permit shall not be required for the placement of antennas on an existing *secondary support structure provided that the antenna does not increase the overall height of the structure by more than ten (10) feet.*
3. *Extensions to an existing antenna support structure to accommodate the placement of antennas will require a conditional use permit.*
4. The regulations set forth herein shall govern the siting and design of all wireless telecommunication facilities unless specifically excluded.
  1. Amateur Radio. The requirements set forth in this ordinance shall govern amateur radio station operations in accordance with § 15.2-2293.1 of the Code of Virginia.
  2. Television Reception Antennas. The requirements set forth in this ordinance shall not govern television reception antennas that are less than thirty-five (35) feet AGL and used exclusively for non-commercial purposes.
  3. Satellite Earth Station Antennas. The requirements set forth in this ordinance shall not govern ground-mounted satellite earth station antennas that are less than ten (10) feet AGL, are less than six (6) feet in diameter, and used exclusively for non-commercial purposes.

4. Public Safety/Service Radio. County owned or operated wireless facilities are exempt from the requirements of this ordinance but are expected to adhere, to the extent reasonably possible, to the goals described herein.

(Ord. No. 4-1-98)

The Board of Supervisors, shall consider as a minimum, the following factors in determining whether to issue a conditional use permit:

1. Structure height;
2. Structure design;
3. RF coverage objectives;
4. Compatibility with surrounding land uses;
5. Surrounding topography;
6. Surrounding tree cover and foliage;
7. Design of wireless facilities (Design characteristics that have the effect of reducing or eliminating adverse visual effects are preferred.);
8. Site access;
9. Utilization of existing structures;
10. Co-location policy;
11. Proximity to airports, airfields, or landing strips;
12. Impact on natural, scenic, environmental, historic, cultural, and recreational resources; and
13. Consistency with the comprehensive plan and the purposes to be served by zoning.

(Ord. No. 4-1-98)

#### **Sec. 22-271. Administrative review process**

The applicant shall submit a preliminary site plan to the Department of Planning for administrative review. Scaled drawings showing plan and elevation view, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning the structure, equipment, utilities, grounding, topography, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed necessary to assess the siting and design shall be included.

1. The site plan shall be approved only if the following minimum standards are met:
  - a. Antennas attached to a secondary support structure shall not increase the overall height of the structure by more than ten (10) feet.
  - b. Antennas and mounting brackets shall be of a color and/or screened to blend with the structure or surrounding environment, as determined by the Director of Planning or his/her designee.
  - c. A statement from an electrical engineer licensed by the Commonwealth of Virginia that the cumulative effect of all existing and proposed antennas will not result in a ground level exposure of non-ionizing electromagnetic radiation (NIER) which exceeds the lowest applicable exposure standards established by the FCC.
  - d. Structural analysis performed by a structural engineer licensed engineer by the Commonwealth of Virginia certifying the structural capacity to support the proposed loading in accordance with the latest revision of ANSI EIA/TIA-222.
2. Replacement or modification of an existing antenna support structure shall be approved through the administrative review process provided that:
  - a. The antenna support structure, as replaced, does not exceed the height of the existing structure.

- b. All landscaping requirements in this article are met.
- c. All new structures and buildings installed in conjunction with the replacement of the tower meet all applicable standards for this chapter.
- d. The application for approval of the site plan contains all applicable information, reports, and evidence required under Section 22-273.

3. *Co-location of antenna by a telecommunications service provider on an existing antenna support structure shall be approved provided that:*
- a. *There is no increase in height of the existing tower.*
  - b. *The number of service providers on the tower does not exceed the number permitted by this Article.*
  - c. *The structural design of the tower and site is adequate to support the additional antenna.*

(Ord. No. 4-1-98)

**Sec. 22-272. Pre-application meeting required.**

Prior to submitting an application *under the provisions of section 22-270 or 22-271*, the applicant shall meet with the Director of Planning or his/her designee to discuss all aspects of their proposal. Failure to schedule and attend a pre-application meeting shall preclude the acceptance and processing of an application *for administrative review or conditional use permit.*

(Ord. No. 4-1-98)

**Sec. 22-273. Required information.**

In addition to other information required for a conditional use permit, any application for wireless telecommunication facilities shall include the following:

1. Scaled drawings showing plan and elevation view, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning the structure, equipment, utilities, grounding, topography, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed necessary to assess the siting and design.
2. Photographs of the site from a minimum of five (5) points surrounding the site as designated by the Director of Planning or his/her designee that include a simulated photographic image to scale of the proposed wireless telecommunication facility. The photograph with the simulated image shall include the foreground, mid-ground, and the background of the site. A map shall be provided indicating the location and distance from the point at which the photograph was taken to the proposed site.
3. A statement from an electrical engineer licensed by the Commonwealth of Virginia that the cumulative effect of all existing and proposed antennas will not result in a ground level exposure of non-ionizing electromagnetic radiation (NIER) which exceeds the lowest applicable exposure standards established by the FCC.
4. An inventory of the applicant's (structure owner and wireless service provider) existing facilities that are either within the jurisdiction of Dinwiddie County or within five (5) miles of the border thereof, including specific information about the location and height of each antenna and/or antenna support structure.
5. A radio frequency engineer's statement which specifically describes the coverage area objective, the "hand-off" sites, equipment

specifications, methodology, assumptions, constraints and other factors used in the design. The engineer's statement shall be supported by propagation maps, which include a legend identifying signal strength. At a minimum, the following coverage maps shall be presented:

- a. Existing network coverage (minimum ten (10) mile radius surrounding the proposed site)
  - b. Estimated coverage from the proposed site
  - c. Composite network coverage (existing and proposed sites)
  - d. Composite network coverage (existing and proposed sites) demonstrating the effect on coverage as the height of the proposed structure is reduced at 20-foot increments to a minimum height of 80 feet AGL
6. Verifiable evidence in written form demonstrating the inadequacy or unavailability of other structures within a three (3) mile radius of the proposed site capable of achieving the coverage objective. In assessing the adequacy of existing structures, the applicant should consider the use of one or more existing structures or a combination of an existing structure and a new structure at a lower height as a means to achieve coverage objectives.
  7. Certified mailing of verification forms provided by the County, known as "Standard Letter of Contact with Existing Tower Owners," to the owner or operator of all existing antenna support structures or secondary support structures in excess of 80 feet within a three-mile radius of the proposed site. The owner or operator of said structures shall be given a minimum of fourteen (14) days after certification of delivery to respond.
  8. An engineering report by a structural engineer licensed by the Commonwealth of Virginia describing the structure height, design, and capacity of the proposed antenna support structure including the number and type of antenna which could be accommodated in accordance with the requirements set forth in the latest revision to ANSI EIA/TIE-222.
  9. Applications proposing antenna support structures shall include a copy of their co-location policy.
  10. An FAA Air Navigation Hazard Determination report. A consultant study will not be accepted as a substitute to this requirement.
  11. FCC Environmental Compliance report identifying the impact on environmental resources, prepared in accordance with the National Environmental Policy Act of 1969 (NEPA).
  12. Report describing the impact on historic resources prepared in accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA). This report should be accompanied by written comment by the State Historic Preservation Office.
  13. A copy of the FCC license for each wireless service provider included in the application.
  14. An engineering report certifying that the proposed structure is capable of supporting similar users, including the primary user, in accordance with the table below.

Structure Height (AGL)	Minimum Number of
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	<b>Antenna Positions</b>
80 ft. or Less	1
81 ft. to 100 ft.	2
101 ft. to 120 ft.	3
121 ft. or Greater	5

This requirement shall not apply to applications to extend structures.  
(Ord. No. 4-1-98)

**Sec. 22-274. General standards.**

The following are general standards for telecommunications antennas and towers:

1. The site shall be a minimum of two thousand (2,000) square feet excluding vehicular access areas.
2. Setbacks: The following setback requirements shall apply to all towers and antennas for which a conditional use permit is required, however, the Board of Supervisors may reduce the standard setback requirements if the goals of this article would be better served thereby.
3. All antenna support structures must be setback two hundred (200) percent of the height of the structure to the nearest residential structure, and in no case less than four hundred (400) feet.
4. All antenna support structures shall be setback one hundred ten (110) percent of the height of the structure from all property lines.
5. All wireless telecommunication facilities must satisfy the minimum zoning district setback requirements for primary structures.
6. Speculative structures are not permitted. Applications to construct new antenna support structures will not be considered unless evidence is presented of a legally binding commitment by at least one (1) wireless service provider agreeing to install his equipment on the proposed structure upon its construction for a minimum period of one (1) year.
7. All antenna support structures shall be enclosed by security fencing not less than six (6) feet in height and shall be equipped with an appropriate anti-climbing device.
8. Landscaping: The following requirements shall govern the landscaping surrounding wireless telecommunications facilities:
  - a. Any combination of landscaped vegetative buffers, landscaped earthen berms, or preservation of existing vegetation shall be provided around the perimeter of the site of any wireless telecommunications facilities to effectively screen the view of the equipment compound from adjacent parcels. The standard buffer shall consist of a mix of native trees and shrubs planted in a landscaped area at least fifteen (15) feet wide outside the perimeter of the compound.
  - b. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as wireless telecommunication facilities sited on large, wooded lots, the Board of Supervisors may determine that the natural growth around the perimeter may be sufficient buffer.
  - c. All living and diseased-free trees eight (8) inches or larger in diameter, measured four and one-half (4½) feet from the base shall be preserved and protected during construction of wireless telecommunication facilities, except where clearing is required to accommodate the proposed facilities and vehicular access.
  - d. The wireless telecommunication facility owner is responsible for maintaining all plant material in a healthy condition. Dead plants shall be removed and replaced in-kind.

9. The treatment, color, and lighting system for wireless telecommunication facilities shall be as follows:
  - a. Antennas or antenna support structures shall either maintain a galvanized steel finish, or subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness. Dish antennas will be a neutral, non-reflective color with no logos.
  - b. At a facility site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and the built environment.
  - c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
  - d. Antenna support structures shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the Board of Supervisors may review the lighting alternatives and approve the design, in accordance with applicable requirements, that would cause the least disturbance to the surrounding views.
9. Commercial advertising is not permitted on any component of the wireless telecommunication facility.
10. The County shall be provided co-location opportunities without compensation as a community benefit to improve radio communication for County departments and emergency services. The County shall be granted the right of first refusal on any available position on the structure. Prior to submitting an application for co-location, the structure owner shall provide written notice of their intent to co-locate to the Department of Public Safety and the Department of Planning. The Department of Public Safety shall inform the structure owner within 14 days upon receipt of written notice of their intention to locate County-owned equipment on the structure.
11. Wireless telecommunication facilities shall be designed and installed so as not to interfere with the Dinwiddie County Public Safety Communications System. Any entity operating wireless facilities determined to interfere with the Public Safety Communications System shall take corrective action immediately upon notification.
12. All wireless telecommunication facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate their operation. If such standards [and] regulations are changed, then the owners of the facilities shall bring such facilities into compliance with such revised standards and regulations as required. Failure to comply shall constitute grounds for the removal of the facility at the owner's expense.
13. At such time that any component of the wireless telecommunication facility ceases to be operated for a continuous period of twelve (12) months, it shall be considered abandoned, and the owner of such facility shall remove same within ninety (90) days of receipt of notice from the Department of Planning of the removal requirement.
14. The applicant shall post a bond, equivalent to the cost of removal of the antenna support structure with the Director of Planning.
15. The owner of each antenna support structure shall have a safety inspection conducted annually by a registered professional engineer licensed by the Commonwealth of Virginia and a copy of the inspection report shall be filed with the Department of Planning by March 30<sup>th</sup>. The report shall state the current user status of the antenna and/or tower, and the structural condition of the facility.
16. The owner of the antenna support structure shall provide in writing to the Planning Department the name, address and telephone number of a contact person during the approval process and shall notify the

Department of Planning of any changes during this process. Upon issuance of the conditional use permit, the owner of the antenna support structure shall provide in writing to the Planning Department and the Commissioner of the Revenue the name, address and telephone number of a contact person for the tower owner and the name and address of each registered agent for each lessee of tower space. This list shall be kept current and a revised list submitted to the County Departments noted above each time a change is made.

17. Application review fees shall be paid at the time that the application is submitted. Any additional costs relating to additional reviews, errors, omissions, discrepancies, delays, extensions, as the result of actions or requests by the applicant, shall be reimbursed by the applicant in order to recover all use of an outside consultant to provide:

18. technical review services, a review fee will be charged at the time an application is filed;

19. construction inspection services, a construction inspection fee shall be charged at the time the building permit is requested. The fee amount shall be established by resolution of the Board of Supervisors.

(Ord. No. 4-1-98)

#### **Sec. 22-275. Accordance with applicable regulations.**

This article shall be interpreted in accordance with all applicable federal, state, and local statutes, ordinances, and regulations. In the event that a court of competent jurisdiction determines that a provision of this article is invalid, the remaining provisions of this article shall be interpreted as if such unenforceable provisions(s) were not included.

(Ord. No. 4-1-98)

This ordinance shall become effective upon the date of adoption by the Board of Supervisors. In all other respects said zoning ordinance shall remain unchanged and in full force and effect.

**IN RE: PUBLIC HEARING – A-02-10 – DOG ORDINANCE - TO AMEND CHAPTER 22 ZONING SEC. 22-243, PARAGRAPHS (a) & (b) TO CHANGE THE SQUARE FOOTAGE REQUIREMENT FROM 20,000 TO 20,001**

This being the time and place as advertised in the Dinwiddie Monitor on September 18, 2002 and September 25, 2002, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comment on and to propose an amendment to change the square footage requirement contained in section 22-243, paragraphs (a) & (b) from 20,000 to 20,001.

Mr. Scheid read excerpts from the following Summary Staff Report on A-02-8.

### **Planning Summary Report**

**File:** A-02-8

**Applicant:** Planning Department

#### **SUMMARY**

This amendment, submitted by the Planning staff on behalf of the Board of Supervisors, seeks to change the square footage requirement contained in section 22-243, paragraphs (a) & (b) from 20,000 to 20,001. The Board recently adopted an amendment (A-02-1) addressing the limitation of the number of dogs by square footage of lot area and it was decided that a slight change was needed as noted above.

**RECOMMENDATION**

The Planning Commission reviewed this amendment at their August 14<sup>th</sup> meeting and on a vote of 6-0, Gilbert Wood absent, they recommended approval. Since this is a zoning matter, the attached statement must be read as a part of your motion:

Mr. Bracey opened the public hearing. No one spoke in support or in opposition to the amendment addressing the limitation of the number of dogs by square footage of lot area.

Mr. Haraway stated be it resolved, that in order to assure compliance with Virginia Code Section 15.2-2286(A)(7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that amendment case A-02-8 be approved by the Board of Supervisors.

The motion was seconded by Mr. Clay, Mr. Moody, Mr. Haraway, Mr. Clay, Mr. Bowman, Mr. Bracey voting "Aye",

BE IT ORDAINED BY THE BOARD OF SUPERVISORS of the County of Dinwiddie, Virginia, that that the amendment to change the square footage requirement contained in section 22-243, paragraphs (a) & (b) from 20,000 to 20,001 is approved.

**IN RE: PUBLIC HEARING – C-02-4 – JOHN L. PUCKETT –  
KENNEL FOR BREEDING AND SELLING OF WALKERS  
AND BEAGLE DOGS**

This being the time and place as advertised in the Dinwiddie Monitor on September 18, 2002 and September 25, 2002, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comment on a conditional use permit for John L. Puckett to establish a kennel for breeding and selling of Walkers and Beagle dogs.

**Planning Summary Report**

<b>File:</b>	C-02-4
<b>Applicant:</b>	John L. Puckett
<b>Property Address:</b>	6744 Luther Drive Church Road, VA 23833
<b>Acreage:</b>	3.2 Ac.
<b>Tax Map Parcel:</b>	17-9-4
<b>Zoning:</b>	Agricultural, General, A-2

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The applicant, John L. Puckett, is seeking a conditional use permit to establish a commercial dog kennel for selling of Walkers and Beagles. The property is located on the south side of Luther Drive, which is a private road, off of Cox Road (Route 751). The Commissioner of the Revenue's Office identifies the property as Tax Map/Parcel 17-(9)-4. The Planning Commission heard this request at their August 14, 2002 public meeting. After introduction of the case by planning staff, the applicant came forth to answer several questions regarding

the kennel operation. The meeting was opened for public comment. Mr. Chuck Horne came forth in support of the applicant. With no further public comment, the Chairman closed the public comment portion of the meeting. It was noted to the Commissioners that the Planning Commission and Board of Supervisors have reviewed similar requests in the past for commercial kennels. The cases were C-96-1 (Eva Bratschi) and C-97-3 (Katherine Dodge). After a lengthy discussion among the Planning Commissioners, several conditions were established governing the operation of the commercial kennel. Upon concluding discussions, the Planning Commission voted unanimously (6-0) to recommend approval of the conditional use permit with conditions.

Mr. Bracey opened the public hearing. No one spoke in support or in opposition to the conditional use permit.

Mr. Bowman stated be it resolved, that in order to assure compliance with Virginia Code Section 15.2-2286(A)(7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that C-02-4 be approved with the conditions recommended by the Planning Commission.

The motion was seconded by Mr. Clay, Mr. Moody, Mr. Haraway, Mr. Clay, Mr. Bowman, Mr. Bracey voting "Aye",

BE IT ORDAINED BY THE BOARD OF SUPERVISORS of the County of Dinwiddie, Virginia, that that C-02-4 be approved with the conditions listed below:

1. The entire kennel shall be enclosed with wire-mesh type fencing of a design and height subject to approval of the planning department. Kennel facilities or runs shall not be located closer than 100 feet to any property line or well, not closer than 50' to a surface water body, and not closer than 25' to a drainage way, natural or man-made.
2. All signs erected on or in conjunction with the facility are subject to approval of the Zoning Administrator.
3. Copies of any local and state permits or licenses must be on file with the Planning Department prior to the issuance of a Certificate of Occupancy.
4. All canine feces shall be disposed of pursuant to applicable County and Health Department guidelines.
5. No more than twenty (20) dogs shall be permitted at the facility at any one time.
6. The existing vegetation between the pens and the side property line and the front property line shall remain. If disturbed, it shall be replaced by suitable vegetative plantings of sufficient height and density to adequately screen the kennels from view. The Planning Department shall be consulted on this matter if replacement vegetation is proposed.
7. The applicant or future landowners shall maintain their permanent residence on-site. Failure to do so shall render this conditional use permit null and void.

**IN RE: PUBLIC HEARING – C-02-5 – PARKER OIL COMPANY**

This being the time and place as advertised in the Dinwiddie Monitor on September 18, 2002 and September 25, 2002, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comment on a request from Parker Oil Company to amend a previously issued conditional use permit (AP-97-1) in which they are seeking to install a third

30,000 gallon propane storage tank on their property located at 25501 Weakley Road.

## **Planning Summary Report**

**File:** C-02-5  
**Applicant:** Parker Oil Company, Inc.  
**Property Address:** 25501 Weakley Road  
**Magisterial District:** Rohoic  
**Acreage:** 1.0 acres  
**Tax Map Parcel:** 21(5)3A  
**Zoning:** Industrial, Heavy M-2

The applicant, Parker Oil Company, is seeking an amendment to previous cases AP-97-1 and P-95-4. This request seeks to amend proffer #4 by allowing the applicant to install a third (3<sup>rd</sup>) 30,000 gallon propane tank on their property located at 25501 Weakley Road. Staff reviewed the previous applications with the Commissioners with emphasis upon screening at the front and east side of the property and the need for additional shrubbery at the front of the property. The applicant's representative, Mr. Oscar Edwards, came forth to answer questions of the Commission. After a discussion on the need for the additional tank and the screening criteria, the Chairman opened the meeting for public comment. No one present spoke on the matter. After a brief discussion, the Planning Commission voted unanimously to recommend approval of the request to amend proffer #4 to allow a third (3<sup>rd</sup>) 30,000 propane tank. But they noted proffer #4 should require slants woven into the chain link fence on the front, west and east side of the property to aid in screening. Also, proffer #9 should be clarified to require additional shrubs to be planted along the front of the property adjacent to Weakley Road.

Since this is a request to amend a previously accepted proffer (case P-95-4) which was amended by case # AP-97-1, the language of the proffer must be amended as indicated at the end of this summary.

Mr. Bracey opened the public hearing. No one spoke in support or in opposition to the conditional use permit.

Mr. Haraway stated be it resolved, that in order to assure compliance with Virginia Code Section 15.2-2286(A)(7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice I move that case number C-02-5 be approved, with the proffers recommended by the Planning Commission.

The motion was seconded by Mr. Clay, Mr. Moody, Mr. Haraway, Mr. Clay, Mr. Bowman, Mr. Bracey voting "Aye",

BE IT ORDAINED BY THE BOARD OF SUPERVISORS of the County of Dinwiddie, Virginia, that that C-02-5 be approved with the proffers listed below:

Proffer # 4 - a six (6) foot high Cyclone type fence with barbed wire shall be constructed so as to enclose the entire facility that consists of 3 – 30,000 gallon tanks with accessories. Said fence shall not be located closer than twenty-five (25) feet to the property line along State Route 603. The fence shall include at least one fence gate constructed and located to provide access for fire and rescue vehicles. Said gate(s) shall be closed and locked at all times when the

facility is not being utilized. The chain link fence located on the north, east and west side of the property shall be interwoven with metal slats to provide screening.

Proffer #9 - is clarified to require additional shrubs to be planted along the front of the property adjacent to Weakley Road.

**IN RE: PROCLAMATION – DECLARING OCTOBER  
“DISABILITIES AWARENESS MONTH”**

Upon Motion of Mr. Moody, Seconded by Mr. Clay, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, voting “Aye”, the following proclamation is adopted.

**PROCLAMATION**

**Whereas**, according to the most recent U.S. census figures, some 50 million Americans, including some 6 million Virginians, have a disability, and;

**Whereas**, some 30,818 Crater District area households include one or more persons with a disability; and;

**Whereas**, this is the twelfth anniversary of the American with Disabilities Act; and

**Whereas**, attitudes and structural barriers still prohibit people with disabilities from participating in the full range of life activities; and

**Whereas**, it is the purpose of this month to increase Dinwiddie residents' awareness of the value and the necessity of including people with disabilities in everyday activities;

**Now Be It Hereby Resolved** by the Board of Supervisors of Dinwiddie County, Virginia that October 2002 is hereby proclaimed Disability Awareness Month.

**IN RE: CONTRACT AWARD – PARKER OIL COMPANY -  
GASOLINE, DIESEL & FUEL OIL**

Mrs. Ralph commented we received the following gas and fuel oil bids on Monday September 30, 2002:

<b>GASOLINE</b>	<b>UNLEADED</b>		<b>DIESEL</b>	
<b>COMPANY</b>	<b>PROPOSAL/ALT. 1</b>		<b>PROPOSAL/ALT. 1</b>	
PARKER OIL	\$ .9170	\$ .9265	\$ .8570	\$ .9311
JAMES RIVER	no bid	\$ .9629	no bid	\$ .9700
2001 PRICES	\$ .7467		\$ .7583	

\*Alternate 1 is Fluctuating Price

**FUEL NO. 2**

PARKER OIL	\$ .8710
JAMES RIVER	\$ .90
2001 PRICES	\$ .7645

Upon Motion of Mr. Haraway, Seconded by Mr. Clay, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey voting "Aye",

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia authorizes the Administrative Staff to enter into a contract with Parker Oil Company the low bidder, to supply gasoline at the fixed rate of \$ .9170 per gallon, diesel at the fixed rate of \$.8570, and #2 fuel oil at the fixed rate of \$ .8710 per gallon to the county, effective October 5, 2002 through October 4, 2003.

**IN RE: MR. HARRISON MOODY - DESIGNATED VAGO  
REPRESENTATIVE TO VOTE AT ANNUAL 2002  
BUSINESS MEETING**

The County Administrator stated the 2002 Annual Business meeting of the Virginia Association of Counties will be held on Tuesday, November 12, from 10:30 a.m. to Noon at the Homestead in Bath County. Each county needs to designate a representative of its board to cast its votes at the meeting.

Upon Motion of Mr. Haraway, Seconded by Mr. Bowman, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey voting "Aye", Mr. Moody, "Abstaining", Mr. Moody is appointed to be the designated representative to cast the Board's vote(s) at the 2002 Annual Business meeting of the Virginia Association of Counties.

**IN RE: COUNTY ADMINISTRATOR COMMENTS**

1. A request for extra travel money for the Extension Service employees was enclosed in your packets. With all State budgets being cut at this time, I cannot recommend that the County pick up the reductions. In addition, with only three months into the new fiscal year, I would recommend that additional funding for any department be postponed until other sources of funding have been depleted and we receive our final end of year financial report. The Board agreed. However, Mr. Moody commented agriculture is very important in the County and he felt assistance should be given to the Extension Service employees if needed.

**IN RE: EMERGENCY ORDINANCE – WATER RESTRICTIONS**

The County Administrator commented at the last meeting we discussed the fact that we have not adopted an ordinance in response to the Governor's water restrictions. I have been working with Mr. Rob Harrison and Ms. Phyllis Katz our County Attorney on the emergency ordinance, which was included in the packets. We can adopt it tonight as an emergency ordinance and hold a public hearing within 60 days if you want to make it permanent.

Upon Motion of Mr. Haraway, Seconded by Mr. Bowman, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey voting "Aye", the following emergency water restriction ordinance is adopted:

**EMERGENCY ORDINANCE**

**To Establish Provisions Relating to Mandatory Restrictions on the Use of Surface and Ground Water in the County, Including Provisions to Restrict the Use of Water for Irrigation Purposes, to Establish Certain Other Restrictions on the Use of Water, and to Establish Criminal Penalties and fines of Fifty Dollars for the Second Violation and One Hundred Dollars for Each Subsequent Violation of the Restrictions, Pursuant to Title 15.2, Chapter 21 of the Code of Virginia, Including Specifically Virginia Code §§15.2-924(A), 15.2-1429 and Title 44, Chapter 3.2, Including Specifically Virginia Code §§ 44-146.17(1), 44-146.19, and 44-146.21.**

WHEREAS, stream flows and ground water have reached historic low levels that necessitate limiting use of the public water source for the protection of the health, safety and general welfare of the citizens of the County; and

WHEREAS, on August 30, 2002, the Governor of the Commonwealth of Virginia issued Executive Order Number 33, entitled Declaration of a State of Emergency Due to Extreme Drought Conditions throughout the Commonwealth (the "Executive Order"), in which he proclaimed a state of emergency throughout the Commonwealth due to drought conditions, instituted mandatory restrictions on certain uses of surface and ground water in the County and in other localities in the Commonwealth, mandated agencies of both state and local governments to render appropriate assistance to address drought conditions, and authorized local governments to establish, collect, and retain fines for violations of the water restrictions.

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

That the following Ordinance is hereby adopted to read in its entirety as follows:

**Sec. 1. Finding of an Emergency.**

It is hereby determined and found that a state of emergency exists, as proclaimed in the Executive Order of the Governor of the Commonwealth, due to extreme drought conditions in the County and throughout the Commonwealth, and that a water supply emergency continues to exist in the County, due to the current water levels of the County's water supply sources for its public water system and anticipated demand in the immediate future, which together necessitate the adoption of this Ordinance mandating restrictions on the use of water in the County under the terms and conditions set forth in this Ordinance.

**Sec. 2. Definitions.**

The following words and phrases, when used in this Ordinance, shall have the meaning ascribed to them below, except in those instances where the context clearly indicates a different meaning:

*Assessment date:* The date of the water bill on which a fine for violation of this Ordinance is imposed.

*Fountain:* A water display where water is sprayed strictly for ornamental purposes.

*Lawn:* Grass areas of any property, including residential, commercial or industrial areas, but excluding agricultural fields and athletic fields.

*Person:* Any individual, corporation, partnership, association, company, business, trust, joint venture or other legal entity.

*Vegetable garden:* Any "non-commercial" vegetable garden planted primarily for household use; "non-commercial" includes incidental direct selling of produce from such a vegetable garden to the public.

**Sec. 3. Mandatory Surface and Ground Water Use Restriction Measures.**

All persons and households in the County shall limit their use of surface water, which includes water from the public water system, and ground water consistent with the Executive Order, and in accordance with this section:

- a) Lawns. Watering of lawns is prohibited at all times. New and replanted or resodded lawns may be watered for a period not to exceed 30 days.
- b) Vegetable Gardens, Flowers, Trees and Shrubs. Watering is limited to three (3) days per week by address. Addresses ending with an odd number may water only on Tuesday, Thursday and Saturday. Addresses ending with an even number, or with no number, may water only on Wednesday, Friday and Sunday. Watering is prohibited on Mondays. Watering with buckets that have a capacity of 5 or fewer gallons is permitted at any time.
- c) Vehicle Washing. Vehicle washing by persons other than commercial car washes is prohibited at all times. Commercial car washes, auto dealers, body shops and car rental agencies are permitted to operate under normal conditions, except that such businesses may not wash corporate fleet vehicles.
- d) Swimming Pools. Filling is prohibited at all times, with the exception of pools used by health care facilities for patient care and rehabilitation, which are permitted to operate under normal conditions. New or repaired pools may be filled as necessary to maintain the structural integrity of the pool. Indoor pools may be filled as necessary to ensure swimmer health and safety.
- e) Golf Courses. Watering of tees and greens is permitted daily between the hours of 8:00 p.m. and 8:00 a.m. All other watering is prohibited at all times, except that new and refurbished fairways may be watered for a period not to exceed 30 days.
- f) Fountains. Water use is prohibited.
- g) Paved Areas. Washing is prohibited except for health and safety requirements.
- h) Restaurants. Water shall be served to customers only upon request.
- i) All Other Businesses. Water use is limited to uses essential for business use and human hygiene.

**Sec. 4. When Restrictions Go Into Effect.**

- j) The water use restrictions set forth in this Ordinance shall take effect immediately.
- k) The water use restrictions shall remain in effect so long as the Executive Order remains in full force and effect.

**Sec. 5. Notice.**

Notice of these public water use restrictions shall be published in the Progress-Index and the Dinwiddie Monitor during the time in which the restrictions are in force under the emergency ordinance.

**Sec. 6. Violation.**

It shall be a violation of this Ordinance and a Class 1 misdemeanor pursuant to Va. Code § 15.2-1429 for any person to use water, or allow or cause the use of water, in violation of the provisions of this Ordinance after the first publication required by Section 5 of this Ordinance.

**Sec. 7. Penalty.**

- l) Any person who violates any provision of this Ordinance shall be subject to the following penalties in addition to:
  - 1) For the first offense, violators shall receive a written warning by certified mail, delivered in person or posted by a representative of the Dinwiddie County Water Authority or Sheriff's deputy.
  - 2) For the second offense, violators shall be fined \$50.00.
  - 3) For the third and each subsequent offense, violators shall be fined \$100.00 for each offense.
  - 4) For users of water supplied by the Dinwiddie County Water Authority, the fine will be imposed on the violator's next water bill.
  - 5) Each violation by a person shall be counted as a separate violation by that person, irrespective of the location at which the violation occurs.
- a) Persons who do not have water supplied by the Dinwiddie County Water Authority and who have been assessed a penalty shall have the right to challenge the assessment by providing a written notice to the County Administrator within ten (10) days of the date of the assessment of the penalty. The County Administrator shall determine whether the penalty was properly assessed and notify the complaining person in writing of his determination. The County Administrator may waive the penalty if she/he determines that the violation occurred due to no fault of the person.
- b) Persons who have water supplied by the Dinwiddie County Water Authority and who have been assessed a penalty shall have the right to challenge the assessment by providing a written notice to the Executive Director of the Water Authority within ten (10) days of the date of the assessment of the penalty. The Executive Director of the Water Authority shall determine whether the penalty was properly assessed and notify the complaining person in writing of his determination. The Executive Director of the Water Authority may waive the penalty if she/he determines that the violation occurred due to no fault of the person.
2. That this Ordinance shall not be set out in the Code of the County of Dinwiddie, Virginia.
3. That the provisions of this Ordinance are severable, and the unenforceability of any provision in the Ordinance, as determined by a court of competent jurisdiction, shall not affect the enforceability of any other provision in the Ordinance.
4. That this Ordinance shall take effect immediately.

**IN RE: COUNTY ADMINISTRATOR COMMENTS – CONT'**

2. Use of County Buildings – The policy which was adopted by Chesterfield for use of their Library was enclosed in your packets. In light of the recent event, they have added C.4. and 5., to try to recover some of their costs. The County Administrator stated she would like to pursue the policy a little further and also see what Chesterfield does in addition to this before bringing it back to the Board for review. I definitely think we should adopt some type of policy for Eastside because it is open to the public. Our other County buildings are restricted to County department activities. The Schools might have the same problem.

3. The County Administrator distributed draft copies of VACo's 2003 legislative program and policy statements and the county's legislative issues for 2002. She requested that the Board advise her of any issues they would like to add to the list.
4. Mrs. Ralph stated she enclosed the latest communications from the Governor's Office regarding the budget cuts. She commented she would be sending a similar notice to all departments that they need to be preparing for these cuts as well and operating statements will be monitored on a monthly basis. If monthly appropriations become necessary, we will be asking the Board for that authority.
5. We need to adjourn the meeting today to be continued on Friday, October 4, 2002 at 7:30 A.M. for the Board retreat to be held at the Pamplin Park Operations Building on Duncan Road.
6. Mrs. Ralph commented, there is going to be a public hearing on Wednesday, October 30, 2002 at 7:30 P.M. for the Revenue Recovery Ordinance.

**IN RE: BOARD MEMBER COMMENTS**

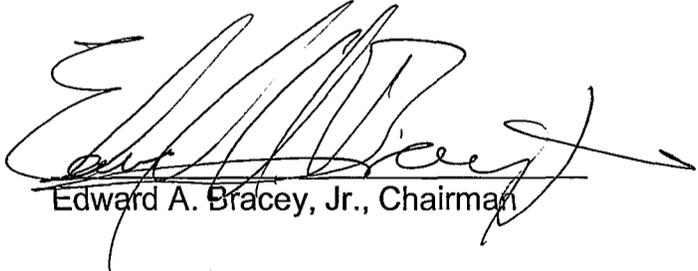
- Mr. Bowman He requested that the County Attorney perform a research to find out what the original agreement between Central State Hospital and the County was regarding payment for services.
- Mr. Moody He stated Mr. Gauldin, one of our representatives on the Crater Disabilities Services Board, called him and asked him to advise the Board that there is going to be a meeting this week. If any of them have any issues they would like for him to discuss, please give him a call.

**IN RE: INFORMATION IN BOARD PACKET OR DISTRIBUTED**

1. Letter to Dr. Wise requesting an update on the closure of the projects that the School Board has outstanding at the present time.
2. Draper Aden Associates – Article – "Water! It's not trivial".
3. Cost for the study of the personnel system in Dinwiddie County.
4. Draft of VACo's 2003 legislative program and policy statements.
5. Year 2002 legislative issues for Dinwiddie County.

**IN RE: ADJOURNMENT**

Upon Motion of Mr. Moody, Seconded by Mr. Clay, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey voting "Aye", the meeting adjourned at 8:47 P.M. to be continued until 7:30 A.M. on Friday, October 4, 2002 for a Board Retreat at the Operations Building at Pamplin Park on Duncan Road, Petersburg, Virginia.

  
Edward A. Bracey, Jr., Chairman

ATTEST:   
Wendy Weber Ralph  
County Administrator

/abr