

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 5TH DAY OF OCTOBER, 2004, AT 6:00 P.M.

PRESENT: DONALD L. HARAWAY – CHAIRMAN ELECTION DISTRICT #2
HARRISON A. MOODY - VICE CHAIR ELECTION DISTRICT #1
ROBERT L. BOWMAN IV ELECTION DISTRICT #3
DORETHA E. MOODY ELECTION DISTRICT #4
MICHAEL W. STONE ELECTION DISTRICT #5

OTHER: ANN NEIL-COSBY COUNTY ATTORNEY

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Mr. Donald L. Haraway, Chairman, called the regular meeting to order at 6:04 P.M.

IN RE: VDOT SECONDARY SIX-YEAR PLAN WORKSHOP

Mr. D. Ray Varney, VDOT, Resident Engineer, presented the two Secondary Six Year Plans that the Board requested. He pointed out that "Alternative A" was the plan the Board approved last year and "Alternative B" was the plan that the Board requested VDOT to prepare based on the State's method for road construction. There was a brief discussion regarding why the funds for the preliminary engineering, right-of-way engineering, plan reviews, and surveying were being charged to each project. Mr. Varney explained most of it was done at the district office and all staff time was charged to each project. He briefly described the format for the columns used by VDOT on the plan and the scope of work in "Alternative B", highlighting the Halifax Road changes due to citizen input. He reiterated due to the present rate of funding from the State he highly recommended that the Board move forward with the "Alternative B" Six-Year Secondary Road Plan. He also encouraged the Board to move forward with holding the public hearing for the adoption of the six-year plan on November 2, 2004.

Mr. Moody stated due to time constraints he would like to continue the discussions of the plan later in the meeting.

IN RE: CLOSED SESSION

Mr. Stone stated I move to close this meeting in order to discuss matters exempt under section:

§2.2-3711 A. 1 – Personnel matters

Mr. Moody seconded the motion. Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 6:30 P.M.

The meeting reconvened into Open Session in the Board Meeting Room at 7:34 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under: §2.2-3711 A. 1 – Personnel matters;

And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.



Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

Upon motion of Mr. Stone, Seconded by Mr. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", this Certification Resolution was adopted.

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

Mr. Donald L. Haraway, Chairman, called the regular meeting to order at 7:36 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

The County Administrator stated the following items needed to be added to the agenda: Consent Agenda – g. Requisition # 25 – School Board 1999B Project Account to transfer the remaining funds of \$5,259.27 and close the account. 2) Closed Session – under Personnel - add Discussion of County Attorney and County Administrator §2.2-3711 (A)(7) Consultation with Legal Counsel – Contract Negotiation; Commonwealth Attorney – Probable Litigation; and §2.2-3711 (A)(3) Acquisition of Property; it was also requested to add the minutes of the August 31, 2004 Continuation meeting to the consent agenda.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", the above amendment(s) were approved.

IN RE: MINUTES

Mr. Stone pointed out there was a misspelled word on page 11 in the September 21st Minutes. In the next to the last paragraph "he sated", should be "he stated". Mr. Moody commented on page 29 of the September 7th Minutes the "IN RE: for public hearing – A-04-11" was not completed. The County Administrator stated it should have been "Amendment to the Dinwiddie County Code Section 1-14-1 to increase and codify the County recordation tax."

Upon motion of Mr. Stone, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that approval of the August 31, 2004 Continuation Meeting, September 7, 2004 Regular Meeting, September 21, 2004 Continuation Meeting, September 21, 2004 Regular Meeting, and the September 27, 2004 Continuation Meeting are approved in their entirety, with the above corrections.

IN RE: CLAIMS

Upon motion of Mr. Stone, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway 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 1046292 through 1046478, (voided check number(s) 1046357 and 1046291).

**FY – 04/05
Accounts Payable:**

(101) General Fund	\$ 254,995.72
(103) Jail Commission	\$
(209) Litter Control	\$

(222) E911 Fund	\$ 1,949.51
(225) Courthouse Maintenance	\$
(226) Law Library	\$
(228) Fire Programs & EMS	\$
(229) Forfeited Asset Sharing	\$
(304) CDBG Grant Fund	\$ 953.95
(304) Capital Projects Fund	\$ 490.89
(401) County Debt Service	\$ _____
TOTAL	\$ 267,511.83

PAYROLL 09/30/04

(101) General Fund	\$ 465,297.88
(222) E911 Fund	\$
(229) Forfeited Asset	\$ 1,361.93
(304) CDBG Fund	\$ <u>7,603.72</u>
TOTAL	\$ 474,265.53

**IN RE: RESOLUTION – CUMBERLAND COUNTY REQUEST ON
REBENCHMARKING THE STAFFING AND
OPERATIONAL AND MAINTENANCE FUNDING FOR
VIRGINIA STATE PARKS**

Upon motion of Mr. Stone, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", the following resolution was adopted.

RESOLUTION

**ON REBENCHMARKING THE STAFFING AND OPERATIONAL AND
MAINTENANCE FUNDING FOR VIRGINIA STATE PARKS**

WHEREAS, the Dinwiddie County Board of Supervisors commends Governor Warner and the Senate of Virginia and House of Delegates for working cooperatively with the Department of Conservation and Recreation in their support of Virginia's state park system; and

WHEREAS, Virginia's state parks were voted "America's best managed" in 2001 and became recipients of the National Gold Medal Award; and

WHEREAS, Virginia's state parks rank fiftieth in state funding among the fifty states in both per capita and proportion of the state budget dedicated to state parks; and

WHEREAS, our state parks system is a major component of Virginia's outdoor recreation and tourism offerings and contributes more than one hundred fifty million dollars annually to the state and local economies; and

WHEREAS, Virginia voters demonstrated both in 1992 and 2002 support for improving and expanding state parks with nearly seventy per cent support for general obligation bond referendums in state-wide elections; and

WHEREAS, the need for a major rebenchmarking of funding and staffing for state parks has been identified and supported by the former Commission on the Future of Virginia's Environment (2002 Senate Document 4); and

WHEREAS, preventive, cyclical and maintenance reserve projects have been deferred for many years as those funds have been by necessity redirected to operations resulting in hundreds of millions of dollars in deferred maintenance; and

WHEREAS, the expansion in facilities and responsibilities made possible by the 1992 and 2002 general obligation bond projects has placed unreasonable and extraordinary stress on our state park system and its staff; and

WHEREAS, the new facilities under construction and to be built by proceeds from the 2002 GOB will greatly exacerbate the current park staffing and operational unmet needs and may lead to delayed openings and indefinite land banking of new park land acquisitions; and,

THEREFORE BE IT RESOLVED, that the Dinwiddie County Board of Supervisors urges Governor Warner and the members of the Virginia Senate and House of Delegates to support budget amendments that address this critical need in the 2005 legislative session.

IN RE: LOCAL GOVERNMENT AGREEMENT BETWEEN THE COUNTY AND HEALTH DEPARTMENT - UPDATE FOR FY05 APPROPRIATION

Mrs. Margaret E. Hendrick, Administrator, Crater Health District, sent a letter requesting that the Board of Supervisors approve and authorize the execution of the Local Government Agreement between the County and the Health Department. This amendment in effect updates the FY04 appropriation figures to the current year FY2005. The terms of the agreement remain the same as FY04 except for the updated figures. The updated figure the Dinwiddie County Board of Supervisors will provide by appropriation and in equal quarterly payments is \$191,508.00 for FY04-05 beginning July 1, 2004.

Upon motion of Mr. Stone, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia approved and authorized the execution of the Local Government Agreement between the County and the Health Department. The terms remain the same except for the updated figure the Dinwiddie County Board of Supervisors will provide by appropriation and in equal quarterly payments is \$191,508.00 for FY04-05 beginning July 1, 2004.

IN RE: CONFERENCE TRAVEL REQUESTS – GIS DIRECTOR

Mr. David S. Thompson, GIS Director, requested authorization to attend the following conferences:

October 27 – 29, 2004 – *GIS For Local Governments* at Penn State University, PA at an estimated cost of \$240.00.

November 8 –10, 2004 Roanoke, VA – *VAGIS Conference, Technology of Today & Tomorrow* at an estimated cost of \$383.00.

Upon motion of Mr. Stone, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for the Director of GIS to attend the two conferences as presented above.

IN RE: APPOINTMENT – MS. DEBRA DEAN – ASSISTANT ANIMAL CONTROL OFFICER

Upon motion of Mr. Stone, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

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

Virginia that Ms. Debra Dean is appointed to the position of Assistant Animal Control Officer at Grade 10, Step A, at an annual salary of \$25,827, effective October 1, 2004.

IN RE: GENERAL REASSESSMENT UPDATE – WINGATE AND ASSOCIATES

Mr. Harold Wingate, Wingate and Associates commented they were close to the windup of the General Reassessment process. He provided a copy of the reassessment notice that would be mailed out tomorrow to the public. He stated the notices listed the Assessor's hearings, which would start Monday, October 11, 2004 at the Old County Courthouse Building, even though it is a holiday for the County. When people call the office they will be given the opportunity to make an appointment with the Assessor, walk in, or have someone call them so they won't have to come into the office.

The following dates and times were listed on the notices for the Assessor's Hearings for all the districts and the town, and to walk-ins, as well as appointments:

Monday, October 11 - 1:00 - 7:00 P.M.	October 18 - 9:00 – 3:00 P.M.
Tuesday, October 12 - 9:00 – 3:00 P.M.	October 19 - 1:00 - 7:00 P.M.
Wednesday October 13 - 9:00 – 3:00 P.M.	October 20 - 9:00 – 3:00 P.M.
Thursday October 14 - 9:00 – 2:00 P.M.	October 21 - 9:00 – 2:00 P.M.

Mr. Wingate stated their intent was to make sure everyone would have the opportunity to discuss their concerns with the Assessors.

At the conclusion of the hearings there probably will be some cleanup work and rechecks necessary; but by the end of October basically everything should be completed and the reassessment books should be ready to turn over to the Commissioner of the Revenue.

He informed the Board that there was another contractual obligation he had to do and that was to bring all the building permits up to January 1, 2005, which would be completed after the first of the year.

He commented it is mandatory that the County have a Board of Equalization made up of 3 to 5 members. In most cases the Board of Supervisors makes the recommendations to the Judge of the Circuit Court who makes the appointments after January 1, 2005. He strongly advised the Board to get their recommendations to the Judge. Mr. Wingate told the Board that the law has changed since the last reassessment. The Code states that *“Thirty percent of the members of the board shall be commercial or residential real estate appraisers, other real estate professionals, builders, developers, or legal or financial professional, and at least one such member shall sit in all cases involving commercial, industrial or multi-family residential property, unless waived by the taxpayer.”* He commented the Board of Equalization could start the hearings anytime after January 1, 2005. The only restriction is that they have to advertise their hearings at least 10 days before they have the first hearing.

Mr. Haraway asked what the average tax rate increase or what the range people could expect from the reassessment. Mr. Wingate stated the difference in the 2004 land book and the 2005 land book is about 15% tax base on real estate. He cautioned that was not an average it was based on market value; and that was subject to the hearings and changes, which might have to be made. Land use assessments and tax relief for the elderly must also be deducted. Mr. Haraway remarked it has been 4 years since the last reassessment and if the 15% holds true that would be close to a 4% increase annually.

Mr. Wingate also informed the Board that tax books would be available for the public to see, in alphabetical order, in the Commissioner's Office and at the

Assessment Office. He commented the people had been exceptionally nice to work with and thanked the Board for giving them the opportunity to come back.

The County Administrator asked if a person had to appeal to the Assessor's hearings to get to the Board of Equalization. Mr. Wingate replied that was not a prerequisite. There are basically three steps the Assessor's Hearings, the Board of Equalization, and the Circuit Court in the State of Virginia; there are no prerequisites for a hearing. The members of the Board of Equalization do have to go through a training session with the Department of Taxation, which can be done before the first of the year.

**IN RE: AUTHORIZATION TO ADVERTISE PUBLIC HEARING -
FOR THE PURPOSE OF AMENDING AND REORDAINING
ARTICLE 1 SECTION 9-19, TAXATION**

Upon motion of Mr. Bowman, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Staff is authorized to advertise for a public hearing to amend Section 19-9 of the County Code to limit the time for the Equalization Board hearings.

**IN RE: RESOLUTION - COURTHOUSE TREATMENT PLANT
BOND REFUNDING AND SUPPORT AGREEMENT**

Mr. Robert Wilson, Executive Director, Dinwiddie County Water Authority, stated the Water Authority is working with The Virginia Resources Authority to refinance the 1994 bond for the Courthouse Wastewater Treatment Plant. In 1994 when the bonds were issued the interest rates ranged from 5% to 5.375%; today they range from 1.76% to 3.75%. The preliminary estimate illustrates a savings of around \$80,000 to \$90,000 a year. He requested that the Board adopt the resolution and support agreement to authorize the Authority to refinance the 1994 bond.

Upon motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", the following resolution was adopted.

**RESOLUTION AUTHORIZING THE EXECUTION OF
AN AGREEMENT PROVIDING FOR A NON-
BINDING OBLIGATION OF DINWIDDIE COUNTY,
VIRGINIA, 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 THE VIRGINIA
RESOURCES AUTHORITY**

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 Board of Supervisors entered into a Support Agreement dated as of February 15, 1994 (the "Prior Support Agreement"), with the Authority and SunTrust Bank (successor to Crestar Bank), Richmond, Virginia, as holder of the Authority's \$4,690,000 Water and Sewer System Revenue and

Refunding Bonds, Series of 1994 (the "Series 1994 Bonds"), the proceeds of which, together with other available funds, were used to refinance the costs of construction of certain water and sewer utility improvements, including sewer facilities in and around the courthouse area of the County;

WHEREAS, the Authority desires to effect debt service savings by the issuance of water and sewer system revenue refunding bonds in an estimated maximum principal amount of \$1,900,000 (the "Series 2004 Bonds");

WHEREAS, the Authority has applied to the Virginia Resources Authority ("VRA") for the purchase of the Series 2004 Bonds, and VRA has indicated that its agreement to purchase the Series 2004 Bonds will be conditioned upon the Authority's entering into a new support agreement with the County and VRA;

WHEREAS, the Board of Supervisors desires to enter into a new support agreement with the Authority, providing for the Board of Supervisors to consider certain appropriations to the Authority, to improve the marketability of the Series 2004 Bonds and to reduce the Authority's cost of financing; and

WHEREAS, there has been presented to the Board of Supervisors at this meeting a draft of a Support Agreement to be dated as of November 1, 2004, between the Board of Supervisors, acting on behalf of the County, the Authority and VRA (the "Support Agreement"); and

WHEREAS, the Authority has applied to VRA to purchase the Series 2004 Bonds, and VRA has indicated its willingness to do so from the proceeds of its Infrastructure Revenue Bonds (Virginia Pooled Financing Program), Series 2004B;

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 in connection with the issuance of the Series 2004 Bonds.

2. In consideration of the Authority's undertakings with respect to refunding the Series 1994 Bonds, 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 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 states 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 Series 2004 Bonds, provided that the

original aggregate principal amount of the Series 2004 Bonds does not exceed \$1,900,000.

6. All resolutions or parts thereof in conflict herewith are hereby repealed.

7. This resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of Dinwiddie County, Virginia, certifies that the foregoing constitutes a true and correct extract from the minutes of a regular meeting of the Board held on the 5th day of October, 2004, and of the whole thereof so far as applicable to the matters referred to in such extract.

WITNESS my signature and the seal of the Board of Supervisors of Dinwiddie County, Virginia, this ____ day of October, 2004.

Clerk of the Board of Supervisors,
Dinwiddie County, Virginia

(SEAL)

SUPPORT AGREEMENT

THIS SUPPORT AGREEMENT, made as of November 1, 2004, between the **BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA** (the "Board"), acting as the governing body of Dinwiddie County, Virginia (the "County"), **DINWIDDIE COUNTY WATER AUTHORITY** (the "Authority"), a public body politic and corporate of the Commonwealth of Virginia, and **VIRGINIA RESOURCES AUTHORITY** ("VRA"), a public body corporate and a political subdivision of the Commonwealth of Virginia, as purchaser of the 2004 Bonds (as hereinafter defined), pursuant to a Financing Agreement dated as of November 1, 2004 (the "Financing Agreement"), between VRA and the Authority;

WITNESSETH:

WHEREAS, the Authority was created by the Board pursuant to the Virginia Water and Waste Authorities Act (Chapter 51, Title 15.2, Code of Virginia of 1950, as amended), and owns and operates water and sewer utility facilities in the County; and

WHEREAS, the Board, the Authority and SunTrust Bank (successor to Crestar Bank), Richmond, Virginia, entered into a prior Support Agreement dated as of February 15, 1994 (the "Prior Support Agreement"), in connection with the Authority's issuance of Water and Sewer System Revenue and Refunding Bonds, Series of 1994, in the original aggregate principal amount of \$4,690,000 (the "1994 Bonds"), the proceeds of which refinanced the construction of additional water and sewer facilities, including sewer facilities to serve certain County-owned buildings (the "County Buildings") in and around the County seat at Dinwiddie, Virginia (the "Courthouse System"), and water and sewer facilities to serve proposed industrial sites (the "Industrial Projects");

WHEREAS, the Authority has determined that it is in its best interest to issue and sell water and sewer system revenue refunding bonds in the original aggregate principal amount not to exceed \$1,900,000 (the "2004 Bonds") to VRA pursuant to the terms of the Financing Agreement, and use the net proceeds of the 2004 Bonds to refund the 1994 Bonds; and

WHEREAS, the Board adopted on October 5, 2004, a resolution agreeing to the Authority's issuance of the 2004 Bonds and authorizing the execution of an agreement providing for a non-binding obligation of the County to consider certain appropriations to the Authority;

NOW, THEREFORE, for and in consideration of the foregoing and of the mutual covenants herein set forth, the parties hereto agree as follows:

1. The Authority shall use its best efforts to issue the 2004 Bonds as soon as reasonably possible and use the net proceeds of the 2004 Bonds to refund the 1994 Bonds.

2. No later than March 15 of each year beginning March 15, 2005, the Authority's Executive Director shall notify the County Administrator of the amount (the "Annual Deficiency Amount") by which the sum of (a) Courthouse System operating expenses, (b) the principal of and interest coming due on the 2004 Bonds in the next ensuing fiscal year, (c) the amount, if any, required to be deposited to the Capital Reserve Fund or Borrower Reserve Fund, and (d) any other amounts due under the Financing Agreement, is expected to exceed Courthouse System operating revenues during the County's fiscal year beginning the following July 1.

3. The County Administrator shall include the Annual Deficiency Amount in the County budget submitted to the Board for the following fiscal year. The County Administrator shall deliver to VRA within ten days after the adoption of the County's budget for each fiscal year, but not later than July 15 of each year, a certificate stating whether the Board has appropriated an amount equal to the Annual Deficiency Amount to or on behalf of the Authority for such purpose in the adopted County budget for such fiscal year.

4. If at any time because of a deficiency in payments on the 2004 Bonds VRA is required to withdraw funds from the Capital Reserve Fund or CRF Credit Facility to make any payment of principal of or interest on the VRA Bonds, VRA shall promptly notify the Authority and the County. Promptly upon receipt of such notice, the Authority's Executive Director shall request an appropriation from the Board in the amount required under Section [6.1] of the Financing Agreement to pay the Supplemental Interest due or coming due in such year.

5. If at any time Revenues shall be insufficient to make the debt service payments to or for the account of VRA required by Section [6.1] of the Financing Agreement, the Executive Director shall notify the County Administrator of the amount of the deficiency and shall request an appropriation from the Board in the amount of such deficiency to increase the amount required to be deposited with or for the account of VRA under the Financing Agreement.

6. Upon receipt of each request for appropriation from the Authority pursuant to paragraph 4 or 5 above, the County Administrator shall present such request to the Board, and the Board shall consider such request, at its next regularly scheduled meeting at which it is possible to satisfy any applicable notification requirement. Promptly after such meeting, the County Administrator shall notify the VRA and the Authority as to whether the amount so requested was appropriated. If the Board shall fail to make any such appropriation, the Authority shall add the amount of such requested appropriation to the Annual Deficiency Amount reported to the County Administrator for the County's next fiscal year.

7. The County shall pay to or on behalf of the Authority the amount of any appropriation made pursuant to this Agreement. The County and the Authority acknowledge that any amounts received by the Authority from the County pursuant to this Support Agreement shall be deemed to constitute a portion of Revenues pledged under the Financing Agreement to the payment of principal of and, premium, if any, and interest on the 2004 Bonds.

8. The Board hereby undertakes a non-binding obligation to appropriate to the Authority such amounts as may be requested from time to time pursuant to paragraphs 3, 4 and 5 above, to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia. The Board, while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby states its intent to make such appropriations in future fiscal years, and hereby recommends that future Boards of Supervisors do likewise.

9. Nothing herein contained is or shall be deemed to be a lending of the credit of the County to the Authority or to any holder of any 2004 Bonds or to any other person, and nothing herein contained is or shall be deemed to be a

pledge of the faith and credit or the taxing power of the County. Nothing herein contained shall bind or obligate the Board to appropriate funds to the Authority for the purposes described herein, nor shall any provision of this Agreement give the Authority or any holders of the 2004 Bonds or any other person any legal right to enforce the terms hereof against the Board or the County.

10. The Authority agrees not to issue additional bonds relating to the Courthouse System, refunding bonds relating to the Courthouse System or subordinate debt relating to the Courthouse System, nor to amend the Financing Agreement, without the County's prior written consent. The Authority agrees to redeem the 2004 Bonds in such amounts and at such times as permitted by the Financing Agreement and as the County may request upon payment by the County of the applicable redemption price therefore.

11. The Authority shall deliver to the County a copy of each annual audit of the Authority's books and records promptly upon the Authority's acceptance of such audit.

12. The Authority shall operate and administer the Courthouse System and the Industrial Projects in accordance with its generally applicable rules and regulations, as the same may be in effect from time to time, including any mandatory connection policy that may be in effect from time to time.

13. The County's entry into this Agreement is in partial consideration for the Authority's continued operation of the Courthouse System and the Industrial Projects. The County understands that the Authority undertook the Courthouse System project and the Industrial Projects, solely at the County's request, because of their importance to the economic development of the County. The Courthouse System was designed with a limited treatment capacity, and serves a limited area, consistent with its limited purpose of providing service to the County Buildings. The Industrial Projects provide no operating revenues for payment of the 2004 Bonds. For these reasons, the Courthouse System and the Industrial Projects can not be made self-supporting unless usage rates are set many times higher than any rates charged by the Authority or by similar bodies for similar services. Annual appropriations by the County pursuant to this Agreement will therefore be essential for the Authority to pay the Courthouse System operating expenses and debt service on the 2004 Bonds. The Authority has nevertheless agreed to operate the Courthouse System because of its commitment to provide service to the County and to assist in the County's economic development efforts.

14. The Authority shall at all times retain its ability to set and collect rates and fees for its services. Except as the County and Authority may otherwise agree, the Authority intends to charge rates and fees for services provided by the Courthouse System and the Industrial Projects not less than the rates and fees charged to customers of the Authority's other operations, as the same may be in effect from time to time.

15. Any notices or requests required to be given hereunder shall be deemed given if sent by registered or certified mail, postage prepaid, addressed (a) if to the Authority, to 23008 Airpark Drive, Petersburg, Virginia 23803, Attention: Executive Director, with a copy to its Counsel, James F. Andrews, Esquire, at Shell, Johnson, Andrews & Baskervill, P.C., 43 Rives Road, Petersburg, Virginia 23803, (b) if to the County, to Dinwiddie County Administration Building, Dinwiddie, Virginia 23841, Attention: County Administrator, with a copy to the County Attorney, Daniel M. Siegel, Esquire, at Sands Anderson Marks & Miller, P. O. Box 1998, Richmond, Virginia 23219, and (c) if to VRA, to 707 East Main Street, Suite 1350, Richmond, Virginia 23219 (Attention: Executive Director). Any party may designate any other address for notices or requests by giving notice under this paragraph.

16. It is the intent of the parties hereto that this Agreement shall be governed by the laws of the Commonwealth of Virginia.

17. This Agreement shall remain in full force and effect until the 2004 Bonds have been paid in full.

18. All capitalized terms used herein and not otherwise defined shall have the meanings ascribed thereto in the Financing Agreement.

19. This Agreement may be executed in several counterparts each of which shall be an original and all of which together shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have each caused this Agreement to be executed in their respective names as of the date first above written.

**BOARD OF SUPERVISORS OF
DINWIDDIE COUNTY, VIRGINIA**

By _____
Chairman

**DINWIDDIE COUNTY WATER
AUTHORITY**

By _____
Chairman

VIRGINIA RESOURCES AUTHORITY

By _____
Executive Director

Dinwiddie County IDA Public Facilities Lease Revenue Note Series 2003.

Mr. Wilson commented the Courthouse Treatment Plant is rated for 50,000 gallons per day. Once it exceeds 95% of the design flow for 3 consecutive months DEQ requires that it be expanded. Unfortunately this happened in September so the Water Authority will be moving forward with the design for the expansion of the plant. The design cost would be needed in the present fiscal year but construction funds won't be needed until FY06. The County Administrator informed the Board that the savings from the refinance would cover the design costs. Mr. Wilson is working with the CIP to get the actual construction money.

Mr. Bowman asked Mr. Wilson if he would provide the Board with an update on the actual figures once the refinancing is completed. He replied there would be a formal document when the closing takes place and he would provide it to them.

**IN RE: PUBLIC HEARING A-04-10 – AMENDMENT TO SECTION
22-24(b); TO PROVIDE FOR THE ACCEPTANCE OF
ADDITIONAL ZONING PROFFERS INCLUDING BUT NOT
LIMITED TO CASH PROFFERS, AS ALLOWED BY LAW**

This being the time and place as advertised in the Monitor on September 21, 2004 and September 28, 2004, for the Board of Supervisors of Dinwiddie

County, Virginia to conduct a Public Hearing to solicit public comment on the following matter:

To amend Section 22-24(b) of the Zoning Ordinance of Dinwiddie County to provide for the acceptance of additional zoning proffers including but not limited to cash proffers, as allowed by state law.

Planning Summary Report

File #: A-04-10
Subject: Amendment, Cash Proffers

The Board of Supervisors has been reviewing various changes to the Dinwiddie County Code. One of the matters addressed was the ability of Dinwiddie County to accept, as part of a rezoning process, cash proffers. The High Growth Management Committee considers this matter as an important tool in attempting to capture part of the public's costs associated with residential growth. As a result of the interest shown by the Board and the Committee, staff prepared an amendment to the Zoning Code such that the Board of Supervisors may accept a cash proffer, if offered. The Planning Commission held a public hearing on this amendment at their September 8, 2004 public meeting. No one appeared in support of, or opposition to, the amendment. After a brief discussion, the Planning Commission unanimously voted to recommend approval of this amendment to the Board of Supervisors.

Additional information included for your consideration is:

1. existing County Code referencing cash proffers; and
2. newspaper advertisement;

Since this is a zoning matter, the standard statement must be read as part of your motion.

Mr. Haraway opened the public hearing.

The following persons spoke in support and/or in opposition to the amendment:

- 1) Sue Henshaw – 12526 Siding Road, Church Road, VA – was opposed to the amendment.
- 2) Michael Bratschi – 23500 Cutbank Road, McKenney, VA – said he supported the amendment.
- 3) David Dudley – 25907 Smith Grove Road, Petersburg, VA – spoke in support of the amendment.
- 4) Donald Henshaw -12526 Siding Road, Church Road, VA – made several comments regarding growth in the County but did not support or oppose the amendment.

Mr. Haraway closed the public hearing.

Mr. Moody commented cash proffers only affect future rezoning requests. If the property has already been rezoned it will not be affected. Mr. Scheid replied that is correct. Mr. Moody asked if a study had already been done on what the values should be. Mr. Scheid said a study was done but the figures were sketchy as to what the adopted CIP was going to be. Basically the schools were going to be the keystones that would drive what the fees would be. The figures are fairly reasonable. It is done by formulas, which is generally used by all jurisdictions that cannot be manipulated.

Mr. Stone 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 the Board of Supervisors approve amendment A-04-10 as contained herein. Ms. Moody

seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", motion carried.

AN ORDINANCE TO AMEND SECTION 22-24 (CONDITIONAL ZONING) OF THE CODE OF THE COUNTY OF DINWIDDIE, VIRGINIA TO PROVIDE FOR THE ACCEPTANCE OF ADDITIONAL ZONING PROFFERS AS ALLOWED BY THE CODE OF VIRGINIA, SECTION 15.2-2298.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that Section 22-24(b) of the Code of Dinwiddie County, Virginia, be amended by deleting the existing section 22-24(b) and inserting a revised section 22-24(b) as follows:

Sec.22-24(b). Voluntary proffering permissible.

As provided by the Code of Virginia, sec. 15.2-2298, an applicant may make a voluntary proffering, in writing, of reasonable conditions, prior to a public hearing before the Board of Supervisors, in addition to the regulations provided for the zoning district by this chapter, as a part of a rezoning or amendment to the zoning map; provided that:

- (1) The rezoning itself must give rise to the need for the conditions;
- (2) The conditions shall have a reasonable relation to the rezoning;
- (3) All conditions are in conformity with the Dinwiddie County Comprehensive Plan;
- (4) Once proffered and accepted as part of the rezoning, such conditions shall continue in effect until a subsequent amendment changes the zoning on the property covered by the conditions, however the conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance;
- (5) No proffer may be accepted by the County unless there is an adopted Capital Improvement Plan;
- (6) In the event the proffered conditions include the dedication of real property or the payment of cash, such property shall not transfer and such payment of cash shall not be made until the facilities for which such property is dedicated or cash is tendered are included in the County's Capital Improvement Plan, however nothing in this section shall prevent the County from accepting proffered conditions which are not normally included in a capital improvement plan;
- (7) If proffered conditions include the dedication of real property or the payment of cash, the proffered conditions shall provide for the disposition of the property or cash payment in the event the property or cash payment is not used for the purpose for which proffered.

This ordinance shall become effective upon the date of adoption by the Board of Supervisors.

IN RE: CITIZEN COMMENTS

1) Jeri Orton – 26727 Perkins Road, Petersburg, VA – spoke on behalf of the concerned citizens for the needed improvement on Halifax Road in Dinwiddie County. She requested that the Board approve the construction of the shoulders on the portion of Halifax Road between Reams Drive and Butler Branch Road as soon as possible.

2) Michael Bratschi - 23500 Cutbank Road, McKenney, VA – requested that the Board consider hiring a county attorney. He also commented it was time for the Board to take a hard look at the Sheriff's Department and get the

deputies wages up to an amount that they can live on and support their families. He questioned what the Rohoic Elementary School is going to be used for in the middle of an industrial park when the new elementary school is built.

**IN RE: ADOPTION OF A-04-8 – TO AMEND CHAPTER 9,
EROSION AND SEDIMENTATION CONTROL, BY
DELETING THE EXISTING ORDINANCE AND IN ITS
STEAD ADOPT THE REVISED CHAPTER 9, EROSION
AND SEDIMENTATION CONTROL**

Summary Staff Report

**To: Board of Supervisors
From: William C. Scheid
Subject: Amendment A-04-8**

Mr. Scheid read the following report. The Board of Supervisors held a public hearing on A-04-8 on September 7, 2004. During this meeting, staff mentioned to the Board that there was a conflict in ordinance provisions when reviewed by the Department of Conservation and Recreation and our County Attorney. The Board requested clarification on the matter regarding the ability of the Erosion Control Ordinance to contain both civil and criminal provisions. Several conversations have been held with DCR since the last evening meeting and my most recent conversation with them revealed that they were in agreement with our Attorney that the ordinance must provide for either civil or criminal penalties, but could not provide for both. In discussing the matter further with Mr. Art Kirby of DCR, it was felt that civil penalties would probably be the best course of action for the Board to take. It was pointed out that if problems arose in pursuing civil penalties, the Court system could be involved to help resolve the matter. With the above noted, it is recommended that the Ordinance be adopted as presented with the notation of those changes noted by our Attorney in his e-mail to the Planning Department dated September 7, 2004 be included in the motion.

Ms. Moody stated be it resolved, that in order to assure compliance with Virginia Code section 10.1-562(C), I move that the existing Chapter 9, entitled Erosion and Sedimentation Control, of the Dinwiddie County Code be deleted and in its stead adopt A-04-8 as the revised Chapter 9, entitled Erosion and Sedimentation Control, with the inclusion of the changes noted by Mr. John B. Catlett, Jr., County Attorney, in his memo to the Dinwiddie planning department dated September 07, 2004. Mr. Moody seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", motion carried.

AN ORDINANCE TO AMEND CHAPTER 9, EROSION AND SEDIMENTATION CONTROL, BY DELETING THE EXISTING ORDINANCE AND IN ITS STEAD ADOPT THE REVISED CHAPTER 9, EROSION AND SEDIMENTATION CONTROL

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia that the existing Chapter 9, entitled Erosion and Sedimentation Control be deleted and in its stead adopt the following as Chapter 9, Erosion and Sedimentation Control

CHAPTER 9

EROSION AND SEDIMENTATION CONTROL

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 that specifies conservation measures, which must be implemented in the construction of a single-family residence; the plan-approving authority or its designee in lieu of a formal site plan, may execute this contract.

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 topsoil 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. Repair or rebuilding of the tracks, right-of-way, bridges, communication facilities of a railroad company;
9. Agricultural engineering operations including but not limited to the construction of terraces, terrace outlets, check dams, de-silting basins, dikes, ponds, not required to comply with the provisions of the Dam Safety Act, Article 2 (10.1-604 et. seq.) of Chapter 6 of this title, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation;
10. Disturbed land areas of less than two thousand five hundred (2,500) square feet;

11. Installation of fence and signposts or telephone and electric poles and other kinds of posts or poles;
12. Shoreline erosion control projects on tidal waters when all of the land disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission, or the United States Army Corps of Engineers; however, associated land that is disturbed outside of this exempted area shall remain subject to this Chapter and the regulations set forth herein; and
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.

Responsible Land Disturber: An individual from the project or development team who will be in charge of and responsible for carrying out a land-disturbing activity covered by an approved plan or agreement in lieu of a plan, who (i) holds a Responsible Land Disturber certificate of competence, (ii) holds a current certificate of competence from the Board in the areas of Combined Administration, Program Administration, Inspection, or Plan Review, (iii) holds a current Contractor certificate of competence for erosion and sediment control, or (iv) is licensed in Virginia as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (Sec. 54.1-400 et seq.) of Chapter 4 of Title 54.1.

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, references, guidelines, standards and specifications 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. Said regulations, references, guidelines, standards, and specifications for erosion and sedimentation control are included in, but not limited to, the Virginia Erosion and Sediment Control Regulations, the Virginia Stormwater Management Handbook, and 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 same regulations, references, guidelines, standards and specifications shall guide the plan approving authority, in considering the adequacy of a submitted plan. When the standards vary between the publications, the State regulations shall take precedence.

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

The Department of Planning or a similar local government department may be the designated plan-approving authority, the County may hire a consultant to be the plan approving authority, or the district may be designated as the plan-approving authority for all or some conservation plans pursuant to Section 10.1-562.C of the Code of Virginia.

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. 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. In addition, as a prerequisite to engaging in land disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of an individual holding a certificate of competence to the program authority, as provided by 10.1-561, who will be in charge of and responsible for carrying out the land-disturbing activity. However, any plan approving authority may waive the certificate of competence requirement for an agreement in lieu of a plan for construction of a single-family residence. If a violation occurs during the land-disturbing activity, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of an individual holding a certificate of competence, as provided by 10.1-561. Failure to provide the name of an individual holding a certificate of competence prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this article.
- ~~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.
- H. Electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies and railroad companies shall file general erosion and sediment control specifications annually with the Board for review and written comments. The specifications shall apply to:
1. Construction, installation or maintenance of electric, natural gas and telephone utility line, and pipelines; and;
 2. Construction of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of the railroad company.

~~The Board shall have 60 days in which to approve the specification. If the board takes no action within 60 days, the specifications shall be deemed approved. Individual approval of separate projects within subdivisions 1 and 2 of this subsection is not necessary when Board approved specifications are followed, however, projects included in subdivisions 1 and 2 must comply with Board approved specifications. Projects not included in subdivisions 1 and 2 of this subsection shall comply with the requirements of the Dinwiddie County erosion and sediment control program. The board shall have the authority to enforce approved specifications.~~

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:

1. A plan review fee shall be paid by check or money order payable to Treasurer, Dinwiddie County by the owner or their designee in such amount necessary for the County to hire a consultant qualified as a Certified Plan Reviewer to review the plan for compliance with the County Erosion and Sedimentation Control Ordinance; and,
2. A plan inspection fee of \$150.00 plus \$10.00 per acre shall be paid by check or money order made payable to the Treasurer, Dinwiddie County at the time of filing an erosion and sediment control plan. This fee will cover the costs associated with up to ten (10) visits to the site. If additional visits are required, then a charge of \$20.00 per site visit will be charge to the developer and /or property owner. All fees are non-refundable.

~~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. Adequate stabilization will consist of at least 85% vegetative cover. The program Administrator shall have the sole authority to determine whether adequate vegetation exists.

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 periodic on-site inspections as set forth in VESCR 4 VAC 50-30-60B and require that an individual holding a certificate competence, as provided by regulations of the board, or other competent individual pursuant to 82-35(b)(1), be in charge of and responsible for carrying out the land-disturbing activity. Pursuant to Code of Virginia, 10.1-566(A), the owner, permittee or person responsible for carrying out the plan shall be provided an opportunity to accompany the official. Notice of the right of inspection shall be included in all land disturbing permits issued. The certified inspector shall be responsible for developing and implementing a filing system for land disturbing projects. The individual holding a certificate of competence, as required under the State program, who will be in charge of and responsible for carrying out the land-disturbing activity shall be required by the certified inspector to periodically inspect the land-disturbing activity.

~~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 or section 10.1-563 or 10.1-564 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. 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.

B. 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.

C. In addition to any other 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.

D. 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. The County of Dinwiddie may bring a civil action for such violation or failure.

E. 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.

F. 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.

G. 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.

H. 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.

I. 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 in accordance with the provisions of the Administrative Process Act. 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.

**IN RE: COMMUNICATIONS EQUIPMENT REQUISITION #8 -
DINWIDDIE COUNTY IDA PUBLIC FACILITIES LEASE
REVENUE NOTE SERIES 2003**

The following invoice from Motorola, for expenses from the Dinwiddie County IDA Public Facilities Lease Revenue Note Series 2003, was submitted for payment:

Change Order #7	1,763.00
Change Order #8	4,889.00
TOTAL DUE	\$6,653.00

The County Administrator stated this requisition was discussed at the last meeting and consists of two change orders because the Board approved one change order at the last meeting. Documentation was provided in the Board packets showing where Change Order #8 was approved previously. When Change Order #4 was approved the Board actually approved a higher amount than the actual \$5,022.00, based on review of the Buildings and Grounds Director. In Change Order #4 there was a provision for an inclement weather day if necessary, which was needed; so that is the purpose of Change Order #7. It does not exceed the amount the Board previously authorized for Change Order #4. She commented the Buildings and Grounds Director, Mr. Gene Jones, would explain the need for the extra day and the inclement weather clause that is an industry standard in most construction jobs.

Mr. Jones explained that the company installing the towers for Motorola was from out of town and they had to rent all of the equipment and pay the salaries for the employees and stay an extra night in motel. He said that it is not uncommon to have the "rainy day" provision in contracts. He commented they were held over two days and he was surprised they only charged the County for one. The County Administrator commented they were getting ready to pull their equipment out and leave, so Change Order #8 was approved after consulting with the Chairman that day. However, it was also discussed with the Board at the next meeting and no action was offered to disapprove it. Mr. Jones commented soil borings were supposed to be done at the sites and they should have caught the organic material at the landfill.

There was a lengthy discussion between the Board members, staff, and attorney regarding the charges for the rain day, moving the organic materials, test boring charges, and the materials for the extra footing.

Mr. Haraway called for a motion. Mr. Bowman requested that the attorney take a look at the contract to see if the cost of the soil borings were included in the contract.

Mr. Bowman made a motion to postpone payment of Requisition #8 until the County Attorney had an opportunity to investigate whether or not the soil borings were included in the contract. Mr. Stone seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Haraway voting "Aye", Mr. Moody, voting "Nay", motion carried.

IN RE: COUNTY ADMINISTRATOR COMMENTS

The County Administrator pointed out that the VACo Legislative Packet was included in their packets. She suggested that they might want to start thinking about the County's legislative issues also.

IN RE: BOARD MEMBER COMMENTS

Mr. Moody stated there were two items that needed to be put on the legislative list, - the Six-Year Plan Money and to try to persuade the General Assembly to change what they did with the PPTRA.

Ms. Moody commented the County needed to have a public works department and a civil engineer. The Growth Management Committee is scheduled to meet Thursday October 7th at 7:30 P.M. at the Eastside Enhancement Center and the public is invited to comment at this meeting.

Mr. Bowman thanked the Board for working together on the Six-Year Road Plan. He commented by basing it according to vehicle travel per day it would put the money where it really would benefit the most people. He said he appreciated all the time and effort Mr. Ray Varney and VDOT had put in the plan too.

Mr. Stone stated beginning in the spring of 2005 the Dixie Youth League will start a new girls fast pitch softball league with 4 different age groups: 7 – 10 year olds; 11-12 years old; 13 – 15 year olds; and ages 16 – 18; he encouraged all the civic organizations, the Ruritians, the Lion Clubs, and the VFW's to contact Ms. Cousins at the High School or Tammy Morgan who is heading up the committee. He said the Sheriff's Department contacted him regarding moving the observation of the children's holiday "Trick or Treat" from Sunday the 31st to Saturday, October 30th. The County has not done it in the past but he understood other jurisdictions have and he wanted to discuss it with the Board. Mr. Haraway commented the only problem would be that if the word did not get out the residents would have children both nights. Mr. Bowman requested that staff look into what the surrounding localities are going to do. Mr. Stone stated a public planning committee meeting for the new high school design would be held on Monday night October 18, 2004 at 6:30 P.M. at the Dinwiddie County High School Cafeteria. He said his District 5 meeting would be moved to October 25, 2004 at 7:00 P.M. because he felt it would be more important for citizens to attend the design meeting at the High School. He commented he had received several emails and phone calls from residents after the newscast on NBC concerning curfews and increased violence within several subdivisions in the northern end of the County. He requested that staff investigate curfews in other localities for Board discussion and possibly a public hearing in November or December.

Mr. Haraway stated he agreed with Mr. Stone; there is a behavioral problem with teenagers in several subdivisions off River Road. In the spring of the year he and the Assistant County Administrator visited the area and talked with several

parents and at that time the Sheriff's Department increased patrolling of the area but the problems still exist there. He requested that the County Administrator look into drafting an ordinance for a curfew so the Board could hold a public hearing to get citizens input. He stated he thought the Boys Scout Troop was here to address the issue also. He asked if anyone from the group would like to speak on this issue. Ms. Janet Hedrick, spokesperson, with the Boys Scout Troop 125 located on River Road stated they were here tonight because they were also concerned about people's safety in the area. She commented they were also concerned about the article in the Monitor about the under staffing problems in Sheriff's Department. She commented they were in favor of a curfew for that area. He informed the Board that the Sheriff's Department had recommended a curfew and he felt that was a serious matter that needed to be looked into. Mr. Moody stated he was not sure that it should be a countywide ordinance. The County Administrator was requested to look into a curfew for the populated areas in the County. Mr. Haraway asked the Board members if they had received an invitation and schedule from the School Board for the planning meetings for the design of the new elementary and high schools. He stated the Superintendent of Schools contacted him and wants to make certain the Board of Supervisors attend the meetings because they want the Board's input on the projects.

IN RE: BOARD MEMBER COMMENTS – 2004-2005 SIX-YEAR ROAD PLAN

Mr. Moody commented he looked at the two proposals and he was in agreement to get more projects done and save costs for the County in doing so. The only problem he had was the order in which the roads were switched around from the old to the new "Alternative B" plan. He said he knew that Halifax Road was a concern and there is a lot of traffic out there and something really does need to be done; but there were two roads that got booted down and Halifax Road was put in its place and he never had been in agreement to doing a plan that way. He commented he was in agreement with the concept that Mr. Varney had taken to stretch the money as far as he can. It is not fair to the citizens to come up here year after year and present their problems and finally get their road on the Six-Year Plan and then have it booted down or even out. He reiterated he was in agreement with the concept but not with skipping around on the plan as the Board pleased.

Mr. Haraway commented that was the way it has been done for a number of years when the road was put on the list it was in cement until that time came. This new way gives some weight to situations as they change and the Board can give roads a higher priority if the criteria changes.

Mr. Moody stated again he had a problem switching them around. Baltimore Road has had many accidents and problems with traffic and it is being moved out a couple of years on the plan. On the old plan it could be started on this year and probably Halifax Road too if the funds could be stretched. He said he did not think it was the proper thing to do because he wanted to be fair to all of the citizens. He commented he could see he didn't have the support of the Board and as a compromise he would go along with the plan if they put Coleman Lake Road back on the plan as Priority #7, even though it wasn't in his district.

Mr. Haraway asked Mr. Moody if he would make that a motion.

Mr. Moody made the motion to add Coleman Lake Road on the plan as Priority #7 for public hearing purposes and to ask Mr. Varney to provide new estimated costs as he did for the other projects. Mr. Stoned seconded the motion. Mr. Bowman voting "Nay", Mr. Stone, Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", motion carried.

Mr. Bowman stated the reason he voted "no" was because he did not understand why Coleman Lake Road was not included in the plan because

funding was shown on the plan in 2009-2010. It just didn't make a lot of sense and VDOT needed to explain.

IN RE: CLOSED SESSION

Mr. Bowman stated I move to close this meeting in order to discuss matters exempt under section: §2.2-3711 (A)(1) – Personnel – Environmental Land Technician; Procurement; Public Safety; Appointments; Discussion of County Attorney and County Administrator §2.2-3711 (A)(7) Consultation with Legal Counsel – Contract Negotiation; Commonwealth Attorney – Probable Litigation; §2.2-3711 (A)(3) Acquisition of Property;

Mr. Moody seconded the motion. Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 9:26 P.M.

The meeting reconvened into Open Session in the Board Meeting Room at 12:04 A.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under: §2.2-3711 (A)(1) – Personnel – Environmental Land Technician; Procurement; Public Safety; Appointments; Discussion of County Attorney and County Administrator §2.2-3711 (A)(7) Consultation with Legal Counsel – Contract Negotiation; Commonwealth Attorney – Probable Litigation; §2.2-3711 (A)(3) Acquisition of Property;

And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", this Certification Resolution was adopted.

**IN RE: AUTHORIZATION TO PROCEED WITH SOIL BORINGS –
FOR PROPOSED PARKING LOT AT EASTSIDE
ENHANCEMENT CENTER**

Upon motion of Mr. Bowman, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia authorized Staff to secure bids for soil borings for the proposed parking lot at the Eastside Enhancement Center and to proceed with the contract after the County Administrator consults with the Chairman.

**IN RE: AMENDMENT TO THE COUNTY PERSONNEL POLICY
TO ALLOW COUNTY ADMINISTRATOR TO HIRE
EMPLOYEES BELOW THE DEPARTMENT HEAD LEVEL**

Upon motion of Mr. Bowman, Seconded by Mr. Stone, Mr. Stone, Ms. Moody, Mr. Moody, Mr. Bowman, Mr. Haraway voting "Aye",

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

Virginia that the personnel policy is hereby amended to allow the County Administrator to take personnel action that includes hiring employees that are below the department head level.

IN RE: ADJOURNMENT

Upon Motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the meeting adjourned at 12:08 A.M. to be continued until 6:30 P.M. on Monday, October 18, 2004 to attend the public planning committee meeting for the new high school design at the Dinwiddie County High School Cafeteria


Donald L. Haraway, Chairman

ATTEST: 
Wendy Weber Ralph
County Administrator

/abr

