

VIRGINIA: AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE ADMINISTRATION BUILDING, DINWIDDIE, VIRGINIA ON THE 16TH DAY OF APRIL, 1986 AT 7:30 P.M.

PRESENT: G.E. ROBERTSON, JR., VICE-CHAIRMAN ELECTION DISTRICT #2
G.S. BENNETT, JR. ELECTION DISTRICT #1
H.L. CLAY, JR. ELECTION DISTRICT #2
M.I. HARGRAVE, JR. ELECTION DISTRICT #3
T.O. RAINEY, III COMMONWEALTH ATTORNEY
CLAIBORNE FISHER DEPUTY SHERIFF
ABSENT: A.S. CLAY, CHAIRMAN ELECTION DISTRICT #4
IN RE: MINUTES

Upon motion of Mr. Bennett, seconded by Mr. Hargrave, Mr. Bennett, Mr. Hargrave, Mr. Clay, Mr. Robertson voting "aye", the minutes of the April 2, 1986 regular meeting and the April 7 and April 14, 1986 continued meetings were approved as presented.

IN RE: CLAIMS

Upon motion of Mr. H. Clay, seconded by Mr. Bennett, Mr. Clay, Mr. Bennett, Mr. Hargrave, Mr. Robertson voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following claims be approved and funds appropriated for same:

General Fund checks-numbering 86-672 through 86-810 amounting to \$138,647.54; Library Fund checks-numbering LF-86-3 and 4 amounting to \$129.31; County Construction Fund check number CCF-86-2 in the amount of \$356.00; History Book Fund-check number HB-86-2 in the amount of \$1.76; Radio Fund checks-numbering Radio-86-3 and 4 amounting to \$14,072.88; Water & Sewer Fund check-numbering W&S-86-6 in the amount of \$89,588.54.

IN RE: COMMISSION ON YOUTH & COMMUNITY SERVICES--REPORT ON 1985-86 ACTIVITIES & APPROVAL OF 1986-87 PROGRAM

Mr. Charles Hawkins, Chairman, Commission on Youth & Community Services, appeared before the Board to briefly review the Commission's activities for the year 1985-86. He then presented the proposed workplan for 1986-87. Mr. Robertson praised the Commission for the work they have done in the past.

Upon motion of Mr. Hargrave, seconded by Mr. H. Clay, Mr. Hargrave, Mr. Clay, Mr. Bennett, Mr. Robertson voting "aye", the 1986-87 workplan for the Commission on Youth & Community Services was approved.

IN RE: PUBLIC HEARING--A-86-6--CHANGE IN POLLING PLACES--PRECINCTS 102 & 402

This being the time and place as advertised in the Progress-Index on Wednesday, April 2, 1986 and Wednesday, April 9, 1986 for the Board of Supervisors to conduct a public hearing to consider for adoption an ordinance to amend Chapter 8 of the Dinwiddie County Code to change Section 8-37 to reflect a change in the polling places for Election District 1, Precinct Number 102, White Oak and Election District Number 4, Precinct Number 402, McKenney.

Mr. T.O. Rainey, III, Commonwealth Attorney, presented the request for the Electoral Board, stating that the reason for the change is to provide accessibility for the handicapped. Ramps cannot be feasibly installed at White Oak Church and the McKenney Town Hall.

No one appeared in opposition.

Upon motion of Mr. H. Clay, seconded by Mr. Hargrave, Mr. Clay, Mr. Hargrave, Mr. Bennett, Mr. Robertson voting "aye",

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that the Dinwiddie County Code, as adopted March 19, 1986, and as heretofore amended, be further amended by the following changes:

CHAPTER 8 - ELECTIONS

Section 8-37. Precincts - Names, number and polling places

ELECTION DISTRICT NUMBER 1

<u>Precinct</u>	<u>Polling Place</u>
Number 1, White Oak	Diamond Hill Hunt Club

ELECTION DISTRICT NUMBER 4

<u>Precinct</u>	<u>Polling Place</u>
Number 402, McKenney	McKenney Fire House

IN RE: PUBLIC HEARING--P-86-2--FIRST COLONIAL SAVINGS & LOAN

This being the time and place as advertised in the Progress-Index on Wednesday, March 26, 1986 and Wednesday, April 2, 1986 for the Board of Supervisors to conduct a public hearing to consider for adoption an ordinance to amend a portion of Section 7, Parcel 18, containing 17.8 acres, by changing the district classification from Agricultural, Conservation A-3 to Residential, Limited R-1.

The Director of Planning was not present for this hearing due to a conflict of interest.

The Planning Commission recommended approval at their March 12, 1986 meeting.

Mr. Charles Townes, Surveyor, represented Mr. James Stewart, President, First Colonial Savings & Loan. He stated that First Colonial is requesting the rezoning of 17.8 additional acres which will allow for the maximum of 100 lots. He stated this is the final section and is the number which the central water system was designed for.

No one appeared in opposition.

Upon motion of Mr. H. Clay, seconded by Mr. Hargrave, Mr. Clay, Mr. Hargrave, Mr. Bennett, Mr. Robertson voting "aye",

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that the Dinwiddie County Zoning Ordinance be amended by changing the district classification of a portion of Section 7 Parcel 18, containing 17.8 acres from agricultural, conservation, A-3 to residential, limited, R-1. Said parcel is bounded as follows: to the east by Gray Lumber Company; to the north by River Road Farms Subdivision, to the west by a line parallel to and 200' from Shoreview Drive and Shoreview Drive extended as well as a portion of land extending to the 50' access easement serving an existing well lot; and to the south by a line located to the rear and side of homesites now or formerly owned by Leo Williams, Sr. and Leo E. Williams, Jr.

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

IN RE: PUBLIC HEARING--C-86-1--CONDITIONAL USE PERMIT--
MARK NEWTON

This being the time and place as advertised in the Progress-Index on Wednesday, March 26, 1986 and Wednesday, April 2, 1986 for the Board of Supervisors to conduct a public hearing

to consider for approval the request of Mark Newton for a conditional use permit to operate a vehicle salvage yard on his property on Rt. 613.

The Planning Commission recommended approval with conditions at their April 9, 1986 meeting.

Mrs. Vivian McHenry spoke for Mr. Newton. She stated Mr. Robert Newton, Mark Newton's father, sold his business and relocated it to his son's property on Rt. 613. She said he plans to move the vehicles in question out of site when the weather clears. Some of the cars will be stripped for parts and then removed from the property.

Mr. Charles E. Goolsby, Jr. spoke in opposition. He stated his father owns property adjacent to Mr. Newton and he hoped to be living there and wants to use the land for agricultural purposes. He stated he needs a suitable water supply and he has health and environmental concerns about a vehicle salvage yard next to his property. He indicated he had talked with an engineer who stated petrochemicals are very harmful, especially to a water supply. Mr. Goolsby requested the following:

1. Reassurance there would be no groundwater contamination.
2. Plan of how the chemicals would be disposed of.
3. What agencies would monitor the operation.
4. Effect on surrounding property values.
5. Have language inserted in the conditional use permit that there would be no environmental damage and how it would be monitored.

Mr. Robertson read the conditions recommended by the Planning Commission:

1. batteries, transmission fluid, oil, tires, etc. be properly stored according to the EPA standards; and
2. all cars be screened from public view.

He asked Mr. Goolsby if these conditions satisfied his concern. He added EPA would monitor their standards. Mr. Goolsby stated he would like to see a copy of the standards before a decision was made.

Mr. W.C. Scheid, Director of Planning, stated he did not have a copy of the standards but he felt they would protect the area. He stated EPA would have to enforce the regulations and the County Planner would monitor the operation as he drives through the County. Mr. T.O. Rainey, Commonwealth Attorney, stated that EPA is imposing stricter regulations as of July 1 and he was sure they would answer Mr. Goolsby's concerns.

Mr. Hargrave asked if any additional cars will be brought onto the property. Mrs. McHenry stated there would be no additional cars brought onto the property. Mr. Hargrave suggested that statement be added to the conditions of the permit. Mr. H. Clay asked if the maximum number of cars were there now. Mrs. McHenry stated yes. Mr. Clay then asked if she agreed to adding the condition suggested by Mr. Hargrave. Mrs. McHenry said she did.

Mr. Goolsby stated he did not want to cause Mr. Newton any harm. He only wanted to protect his own interests. He understood examinations would be the responsibility of the Planning Department and possibly law enforcement on screening and storage areas. He then presented pictures of a vehicle storage area on Rt. 613 that he indicated had been there since 1970 and no action has been taken to correct it.

Mr. Robertson directed the County Administrator to investigate the area on Rt. 613 to see if there are any violations. Mr. Scheid stated he would write a letter concerning any violations, but it will need to be followed up. He pointed out that the County Planner's office is a one-man shop and it is very difficult to police the whole county.

Upon motion of Mr. Bennett, seconded by Mr. H. Clay, Mr. Bennett, Mr. Clay, Mr. Hargrave, Mr. Robertson voting "aye", the request by Mr. Mark Newton for a conditional use permit to operate a vehicle salvage yard on his property on Rt. 613 was approved with the following conditions:

1. batteries, transmission fluid, oil, tires, etc. be properly stored according to the EPA standards;
2. all cars be screened from public view.
3. vehicles allowed to be stored on the property are limited to the actual cars that are physically located on the property as of the date of approval of this permit.

IN RE: DINWIDDIE VFD--1986-87 BUDGET REQUEST

Mr. Robert Mengel, Chief, Dinwiddie VFD, appeared before the Board to present his 1986-87 budget request. He stated the department needs a building addition to the fire house. At the present time, a lot of equipment is stored in the various members' homes and they have had 3 minor accidents moving vehicles in and out of the firehouse. He said they have proposed a 36' x 50' addition on two levels. Another major item included in the budget is a radio system for the hazardous materials van. It would also be used as a mobile command post for the County. Mr. H. Clay questioned the need for all the frequencies requested. Mr. Mengel stated they have already been needed on the large forest fires they have been called to. Mr. Clay asked if this would duplicate the efforts of the County in equipping a hazardous materials van. Wendy Quesenberry, Deputy Coordinator, stated it would not because the County does not have a van at the present time, and there is a need for a mobile command post for all types of emergencies. Mr. Hargrave stated he felt the van should not be used on a daily basis for every fire call in the County.

The Board advised Mr. Mengel his request would be considered during their budget sessions.

IN RE: CARSON VFD--1986-87 BUDGET REQUEST

Mr. Joe Rogers, Chief, Carson VFD, appeared before the Board to present his 1986-87 budget request. He stated they borrowed money to complete their building addition which they are committed to repay through fund-raising activities next year. Therefore, they would be short of funds for buying needed equipment. Mr. Rogers requested \$2,000 from the County for two sets of breathing gear. He added Prince George was being asked to fund two radios.

The Board advised Mr. Rogers his requests would be considered during their budget sessions.

IN RE: FRED SAHL--COMMENTS ON SCHOOL BOARD BUDGET

Mr. Fred Sahl appeared before the Board to provide information for them to review on ways to save money within the school system. He stated he realized certain areas were not under their control; however, he was addressing them as a funding source.

Mr. Robertson stated that the Board of Supervisors cannot control what the teacher workload is and the General Assembly is mandating a 10% increase for teachers this year. He added that the School Board has requested a study by the State of all the schools to see what areas could be improved and made more efficient. However, they felt it to be in the County's best interest to operate all schools this coming year.

Mr. Robertson advised Mr. Sahl that this information would be taken under advisement by the Board.

IN RE: EXTENSION OF SEWER LINES ALONG U.S. ROUTE 460

Upon motion of Mr. H. Clay, seconded by Mr. Hargrave, Mr. Clay, Mr. Hargrave, Mr. Bennett, Mr. Robertson voting "aye", the following resolution was adopted:

WHEREAS, the County of Dinwiddie has an opportunity to seek funds from the Economic Development Administration to fund the installation of a sewer line running in a westerly direction along U.S. Route 460 beginning at Rohoic Elementary School and terminating at State Route 632 North; and

WHEREAS, the total amount of this grant is \$350,000 with EDA providing 70% and the County 30%;

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that there is hereby appropriated, as the County's 30% of the grant, \$105,000 to the Dinwiddie County Water Authority for the implementation of the Industrial Facility Sewer Project.

IN RE: CABLETELEVISION--LEASE FOR LOCATION OF HEAD-IN EQUIPMENT

The County Administrator presented a lease agreement between Dinwiddie Cable TV and the County to locate the head-in equipment for the cable tv system on the property occupied by the Namozine VFD. He stated the document has been reviewed by the County Attorney and approved with a few recommended changes. Mr. H. Clay asked if the equipment would interfere with the fire department in any way. The County Administrator stated that the Chief, Bill Queen, was in agreement with the location. He added that Dinwiddie Cable TV is offering the fire department free solicitation time.

Upon motion of Mr. H. Clay, seconded by Mr. Bennett, Mr. Clay, Mr. Bennett, Mr. Hargrave, Mr. Robertson voting "aye", the County Administrator was authorized to sign the following lease agreement with Dinwiddie Cable TV:

This document is a lease agreement between Dinwiddie Cable TV, a Virginia limited partnership ("Lessee") and the County of Dinwiddie, Virginia ("Lessor"). It was executed on this 16th day of April, 1986 and, in consideration of the payment of rent and other good and valuable consideration, including the promises contained below, provides as follows:

1. Property: Lessor agrees to lease to Lessee, and Lessee agrees to lease from Lessor, a certain parcel of land, which is a part of a parcel known as Lot #15, Block C, as shown on a certain map drawn by W. Chappell, C.L.S., dated August 4, 1958, and entitled "Map Showing a parcel of land, Situated Edge Hill Park Subdivision;" it being the same property formerly owned by Petersburg Optimists, Inc., a copy which is attached as Exhibit A. The specific parcel leased shall be approximately the triangle indicated on Exhibit A, together with a right of way to the parcel.

2. Term and Rental: The term of this lease shall be for the period beginning April 30, 1986 and ending April 29, 1996. Lessee agrees (1) to pay rent as follows:

4-30-86 - 4-30-89 \$600.00 per year, payable 4-30-87, 4-30-88 & 4-30-89

4-30-89 - 4-30-92 \$900.00 per year, payable 4-30-90, 4-30-91, 4-30-92

4-30-92 - 4-30-94 \$1200.00 per year, payable 4-30-93 & 4-30-94

4-30-94 - 4-30-96 \$1500.00 per year, payable 4-30-95 & 4-30-96 and to

(2) provide the Namozine Volunteer Fire Department with free cable television and free occasional solicitation for donations on the access channel for the term of the lease.

3. Restrictions: Lessee shall be allowed to construct or install (1) a 5 meter satellite dish, (2) a sixty to one hundred foot antenna tower (guyed or unguyed), (3) a small (ten by ten, for example) building to house equipment, and (4) any necessary appurtenances to such equipment on the parcel. Lessee shall not use the property for any purposes inconsistent with the foregoing, nor shall Lessee place any improvements on the property inconsistent with the foregoing.

4. Indemnity: Lessee agrees to indemnify and hold harmless Lessor from all damages, claims and demands arising out of the construction, installation, or operation of the improvements noted in paragraph 3.

5. Right to Sublet or Assign: Lessee shall not be able to sublet or assign this lease without approval of the Lessor. Any subletting or assignment of this lease shall be subject to Lessee's obligations in this lease.

6. Additional taxes: Lessee agrees to pay any additional taxes on the leased premises attributable to its improvements on the property, provided, however, that Lessee shall not be obligated to pay any such real estate or similar tax if Lessor is afforded tax-exempt status.

7. Quiet Enjoyment: Lessor warrants that it is the lawful owner of the parcel and that it is free and clear of any liens and encumbrances and that they will defend Lessee in its right to quiet possession. Lessor, being the body to enact zoning and similar use restrictions, warrants that it will not enact use restrictions frustrating the purpose for the lease unless such restrictions are clearly and convincingly necessary.

8. Early Termination: This lease may be terminated by Lessee upon 90 days notice to Lessor in the event that satellite signal reception on the parcel becomes unavailable or technically infeasible so long as the event causing the loss of reception is not under the control of Lessee. This lease may be terminated by Lessor upon 90 days notice to Lessee in the event Lessee's improvements prevent Lessor's use of the land for a fire station.

9. Binding Agreement: This lease shall be binding on and inure to the benefit of the parties and their respective heirs, assigns, and successors in interest.

10. Renewal: This lease shall automatically renew for another ten year term at the end of the original term unless written notice is given by one party to the other at least 90 days in advance of the expiration of the term.

In witness whereof, the County of Dinwiddie, Virginia has caused this writing to be signed in its name and on its behalf by W.C. Knott, County Administrator, as duly authorized by the Board of Supervisors; and, Dinwiddie Cable TV has caused this writing to be signed in its name and on its behalf by Charles M. Wilson, President of Eastern Cable, Inc., general partner.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Hargrave, seconded by Mr. H. Clay, Mr. Hargrave, Mr. Clay, Mr. Bennett, Mr. Robertson voting "aye", pursuant to Sec. 2.1-344 (6) of the Virginia Freedom of Information Act, the Board moved into Executive Session at 9:38 P.M. to discuss legal matters. The meeting reconvened into Open Session at 11:06 P.M.

IN RE: ADJOURNMENT

Upon motion of Mr. Hargrave, seconded by Mr. H. Clay, Mr. Hargrave, Mr. Clay, Mr. Bennett, Mr. Robertson voting "aye", the meeting was adjourned until 7:00 P.M., April 22, 1986.

APRIL 22, 1986 -- 7:00 P.M. -- CONTINUATION OF APRIL 16, 1986 MEETING

PRESENT: G.E. ROBERTSON, JR., VICE-CHAIRMAN ELECTION DISTRICT #2

G.S. BENNETT, JR.
H.L. CLAY, JR.
M.I. HARGRAVE, JR.

ELECTION DISTRICT #1
ELECTION DISTRICT #2
ELECTION DISTRICT #3

ABSENT: A.S. CLAY, CHAIRMAN

ELECTION DISTRICT #4

IN RE: 1986-87 BUDGET WORKSHOP SESSION

The Board met in a workshop session to review the 1986-87 proposed budget for the County.

IN RE: ADJOURNMENT

Upon motion of Mr. Hargrave, seconded by Mr. H. Clay, Mr. Hargrave, Mr. Clay, Mr. Bennett, Mr. Robertson voting "aye", the meeting was adjourned until 7:00 P.M., April 28, 1986.

APRIL 28, 1986 -- 7:00 P.M. -- CONTINUATION OF APRIL 22, 1986 MEETING

PRESENT: G.E. ROBERTSON, JR., VICE-CHAIRMAN
G.S. BENNETT, JR.
H.L. CLAY, JR.
M.I. HARGRAVE, JR.

ELECTION DISTRICT #2
ELECTION DISTRICT #1
ELECTION DISTRICT #2
ELECTION DISTRICT #3

ABSENT: A.S. CLAY, CHAIRMAN

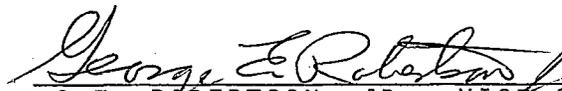
ELECTION DISTRICT #4

IN RE: 1986-87 BUDGET WORKSHOP SESSION

The Board met in a workshop session to review the 1986-87 proposed budget for the County. The County Administrator was instructed to advertise the budget for a public hearing to be held May 13, 1986.

IN RE: ADJOURNMENT

Upon motion of Mr. Hargrave, seconded by Mr. Bennett, Mr. Hargrave, Mr. Bennett, Mr. Clay, Mr. Robertson voting "aye", the meeting was adjourned at 9:23 P.M.


G.E. ROBERTSON, JR., VICE-CHAIRMAN

ATTEST:


W.C. KNOTT



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