

# County of Dinwiddie Board of Supervisors

## MINUTES

Workshop Meeting – February 4, 2020, 4:01 PM  
Training Room, Dinwiddie Government Center  
14010 Boydton Plank Road, Dinwiddie, Virginia

### Supervisors Present:

Daniel D. Lee, <i>Chair</i>	Election District 4
Brenda Ebron-Bonner, <i>Vice Chair</i>	Election District 5
Harrison A. Moody	Election District 1
Dr. Mark Moore	Election District 2
William D. Chavis	Election District 3

### Administration Present:

W. Kevin Massengill, *County Administrator*  
Anne Howerton, *Deputy County Administrator, Finance and General Services*  
Tammie Collins, *Deputy County Administrator, Planning and Community Development*  
Tyler Southall, *County Attorney*  
Michael Drewry, *Assistant County Attorney*

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### 1. ROLL CALL

### 2. AMENDMENTS TO THE AGENDA

W. Kevin Massengill, County Administrator, stated that prior to the Tax Delinquent Property and Nonprofit Group discussion, Mr. Drewry would like to add closed session under **§2.2-3711 (A)(8) Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel:**

- Tax Delinquent Property
- Agritourism

Upon motion of Dr. Moore, seconded by Mr. Moody, the agenda was approved as amended.

AYES: Dr. Moore, Mr. Chavis, Ms. Ebron-Bonner, Mr. Moody, Mr. Lee

NAYS: None

### 3. CLOSED SESSION:

At 4:03 PM, upon motion of Mr. Chavis, seconded by Ms. Ebron-Bonner, the Board convened into closed session under:

A. **§2.2-3711 (A)(8) Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel:**

- Tax Delinquent Property
- Agritourism

AYES: Dr. Moore, Mr. Chavis, Ms. Ebron-Bonner, Mr. Moody, Mr. Lee

NAYS: None

At 4:24 PM, upon motion of Mr. Chavis, seconded by Dr. Moore, the Board convened into open session.

AYES: Dr. Moore, Mr. Chavis, Ms. Ebron-Bonner, Mr. Moody, Mr. Lee

NAYS: None

Upon motion of Ms. Ebron-Bonner, seconded by Mr. Chavis,

Whereas, this Board convened in a closed meeting under

A. **§2.2-3711 (A)(8) Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel:**

- Tax Delinquent Property
- Agritourism

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

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

AYES: Dr. Moore, Mr. Chavis, Ms. Ebron-Bonner, Mr. Moody, Mr. Lee

NAYS: None

### 4. TAX DELINQUENT PROPERTY AND NONPROFIT GROUP

Mike Drewry, Assistant County Attorney presented the following.

**MEMORANDUM**

TO: Board of Supervisors of Dinwiddie County, Virginia

CC: W. Kevin Massengill, County Administrator  
Tyler Southall, County Attorney

FROM: Michael Drewry, Assistant County Attorney

DATE: February 4, 2020

SUBJECT: Tax Map #80-108 & 108A, 19915 Manson Church Road, McKenney, VA  
Taxes, penalties and interest deemed paid.  
Transfer to §501-C-3 Organization

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**BACKGROUND**

Va. Code § 58.1-3970.2 allows a county to deem paid in full all accumulated taxes, penalties, interest, and other costs on tax delinquent property, in exchange for the conveyance of the property by the owner to an entity that is a § 501-C-3 organization that builds and revitalizes affordable housing for low-income families. The referenced property has to be declared blighted by the local building official.

The subject property is located at 19915 Manson Church Rd., McKenney, Va. The property is currently owned by and the residence of Roberta and Larry Wilkins. The Wilkins qualify but have not taken advantage of the real estate tax exemption for the elderly. Present delinquent taxes are approximately the following: Taxes \$5,322.37; Interest and Penalties \$6,075.01; Attorney collection fees \$7,921.00; Total of \$19,318.38.

The Wilkins have agreed to transfer the property to the Southside Outreach Group, Inc. which is a qualifying § 501-C-3 organization. The Wilkins and Southside Outreach have agreed to a memorandum of understanding in which Southside Outreach agrees to accept the property and revitalize the property to include a new home. This transfer is contingent upon the county instructing the County Treasurer to deem the taxes, interest, and penalties to be paid in full. The County Building Inspector, Jerry Perkinson has declared the property to be blighted.

**ACTION ITEM**

Board discussion on whether to instruct staff to place this item on the February 18, 2020 Board Meeting Agenda for consideration.

**Attachments**







Upon motion of Dr. Moore, seconded by Ms. Ebron-Bonner, the Board agreed to add this as an action item on the February 18<sup>th</sup> Regular Meeting agenda.

AYES: Dr. Moore, Mr. Chavis, Ms. Ebron-Bonner, Mr. Moody, Mr. Lee  
NAYS: None

Mr. Howerton of Southside Outreach Group shared that the plan is to set aside \$70,000 to replace the structure with a new doublewide mobile home.

#### 5. AGRITOURISM ORDINANCE REVISIONS

Mr. Drewry also presented the following for discussion.

##### **MEMORANDUM**

TO: Board of Supervisors of Dinwiddie County, Virginia  
CC: W. Kevin Massengill, County Administrator  
Tyler Southall, County Attorney  
FROM: Michael Drewry, Assistant County Attorney  
DATE: February 4, 2020  
SUBJECT: Agritourism Ordinance Revisions

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##### **BACKGROUND**

The Dinwiddie Code currently addresses Agritourism in Chapter 22 – Zoning, §§ 22-262.1 et seq. The ordinance was enacted by the County in November, 2010. Since it was enacted, the Virginia Code has been amended relating to farm wineries and agritourism activities. The County has also experienced an increase in landowners inquiring and developing agritourism venues. Thus the agritourism ordinance needs to be updated to reflect the revisions and increased interest.

The attached ordinance is for discussion purposes. The concept is to outline what activities are allowed by-right and when an activity will need a conditional use permit.

##### **ACTION ITEM**

No action required. Discussion of draft ordinance.

##### **Attachments**

DIVISION 2. - AGRITOURISM

Sec. 22-262.1. - Intent.

The intent of this division is to encourage economic development in the county based on the county's own historical, recreational and agricultural resources.

Sec. 22-262.2. - Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Agricultural products:* Means any livestock, aquaculture, poultry, horticultural, floricultural, viticulture, silvicultural, or other farm crops.

*Agritourism activity:* Means any agricultural activity that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, natural activities and attractions, or other purposes of agricultural tourism, whether or not the agritourism participant paid to participate in the activity.

*Aquaculture:* Means land or activities devoted to the hatching, raising, harvesting and breeding of fish, shellfish, and aquatic plants for sale.

*Cider mill:* Means a mill that extracts juice from apples to make apple cider.

*Cidery:* A place where cider is produced.

*Craft Brewery:* A brewery that produces small amounts of beer and is independently owned.

*Craft Distillery:* A small distillery that produces beverage grade spirit alcohol usually in small single batches.

*Creamery:* An establishment where butter, cheese, milk or cream are prepared and sold.

*Farm or ranch:* Means one or more areas of land used for the production, cultivation, growing, harvesting or processing of agricultural products.

*Farm market:* Means the sale of agricultural products or value-added agricultural products, directly to the consumer from a site on a working farm or any agricultural, horticultural or agritourism activity.

*Farm stay:* Means visiting a farm at least overnight as a paying guest in two or less structures, not exceeding 6 bedrooms total, providing some experience of rural life.

*Farm winery:* Means an establishment (i) located on a farm in the Commonwealth of Virginia with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume or (ii) located in the Commonwealth of Virginia with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth of Virginia, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume. As used in this definition, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth of Virginia.

*Greenhouse, commercial, and/or nursery:* Establishments engaged primarily in the retail sale of trees, shrubs, seeds, fertilizers, pesticides, plants, plant materials, and garden supplies, primarily for agricultural, residential and commercial consumers.

*Greenhouse, private:* The growing and storage of garden plants, shrubs, trees, flowers, vegetables, and other horticultural and floricultural products within a building whose roof and sides are made of glass or other transparent or translucent material. Items grown are used and/or consumed by the occupants of the premises.

*Private Event:* A private gathering of over one hundred (100) people, limited to members, guests of members of a family, or organization where the event is not open to the general public.

*Public Event:* An event open to the general public where over one hundred (100) people are anticipated to be in attendance at any one time.

*Seasonal:* Means a recurrent period characterized by certain occurrences, festivities, or crops; harvest, when crops are ready; not all year round.

*Wine:* Means any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. The term includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.

Sec. 22-262.3. - Agritourism activities.

- (a) The following agritourism uses, in zoning districts where agritourism is allowed, are permitted by right:
- (1) Aquaculture.
  - (2) Cidery, Cider mill
  - (3) Craft Brewery, Craft Distillery

- (4) Creamery
- (5) Farm or ranch, including:
  - (i) Farm market, where at least 50 percent of the agricultural products offered for sale are or have been produced by the farm operator.
  - (ii) Seasonal self-pick fruit and vegetable operations.
  - (iii) Seasonal outdoor mazes of agricultural origin such as straw bales or corn.
- (6) Farm stays.
- (7) Farm winery, where (i) agricultural products of the winery are derived from crops grown at least 50% on site and (ii) the area for wine tasting, accessory food and souvenir sales do not exceed 50 percent of the floor area of all structures used primarily for agricultural production.
- (8) Greenhouse, commercial and/or nursery.
- (9) Greenhouse, private.
- (10) Exhibits and museums related to farm or agricultural production.
- (11) Facility tours.
- (12) Agri-education activities.
- (13) Hayrides.
- (14) Picnics, self-provided or purchased on-site.
- (15) Other activities which, under state law, are not subject to local regulation at agricultural operations.
- (16) Other events and activities which are considered usual and customary at agricultural operations and which do not have a substantial impact on the health, safety, and general welfare of the public, as determined by the zoning administrator.
- (b) Any year in which the governor of Virginia issues a formal disaster declaration covering Dinwiddie County, such year shall not be included in the calculations prescribed in subsection (a) above, if such disaster significantly affected crop production.

Sec. 22-262.5 – Winery, cidery, craft brewery, and craft distillery activities.

- (a) The following winery, cidery, craft brewery, and craft distillery activities, in zoning districts where agritourism is allowed, are permitted by right:
  - 1. Production of agricultural products used in the manufacture of wine, cider, beer, or alcohol.
  - 2. Tasting room open to the public, accessory food sales, sale of souvenirs, where such activities do not exceed 50 percent of the floor area of all structures used primarily for agricultural production.
  - 3. Direct sale and shipment of products.
  - 4. Storage and warehousing of products.
  - 5. Private personal gatherings by the property owner.
  - 6. Other activities which, under state law, are not subject to local regulation at farm wineries, or establishments with a limited brewery or limited distillery license.
  - 7. Other events and activities which are considered usual and customary at such establishments and which do not have a substantial impact on the health, safety, and general welfare of the public, as determined by the zoning administrator.

Sec. 22-262.6 Winery, cidery, craft brewery, or craft distillery events.

- (a) A winery, cidery, craft brewery or craft distillery may host events, if the following standards are met:
  - (1) A minimum parcel area of 50 acres under same ownership.
  - (2) Fermentation or brewing process and bottling done on site or on property under the same ownership.
  - (3) An on-site tasting room that is open to the public, which may include, accessory food sales, sale of souvenirs, where such activities do not exceed 50 percent of the floor area of all structures used primarily for agricultural production.
  - (4) A minimum of five (5) acres dedicated to growing fruits, grains, or other agricultural products to be used in the production of the establishment's beverages. The acreage must be on site or on adjacent property under the same ownership.
  - (5) Limit of twelve public events per year and limit of two private events per week.
  - (6) Events must conclude by 11:00 p.m. on Friday and Saturday and by 10:00 p.m. on Sunday through Thursday, except that events held on days before a national holiday shall conclude by 12:00 midnight.

- (7) Areas used for events shall have a two hundred-foot setback from the exterior boundary of all adjacent properties not under the same ownership unless a written waiver has been obtained from adjacent landowner.
- (8) All exterior lighting shall be dark-sky compliant.
- (9) If property does not meet the preceding requirements contained in (1) – (8), the use may be allowed with a conditional use permit. Conditions may be imposed to ensure that impacts are adequately addressed in a manner consistent with the requirements in this section.
- (10) Maximum attendance. The maximum attendance at a private or public event is limited to 300 visitors. The maximum attendance does not include any owners or employees of the establishment or vendors providing goods or services to the event. A private or public event with anticipated attendance above the maximum attendance, shall be deemed a special event requiring a special event permit issued under Dinwiddie Code § 3-16 et seq.
- (11) No outdoor amplified music shall be plainly audible from any exterior boundary of all adjacent properties under the same ownership and must be in accordance with Dinwiddie Code § 15-1.

Sec. 22-262.7 Agritourism venue events.

(a) An Agritourism venue may host events, if the following standards are met:

- (1) A minimum parcel area of 50 acres under same ownership.
- (2) A minimum of five (5) acres dedicated to growing fruits, berries, or annual crops. The acreage must be on site or on adjacent property under the same ownership.
- (3) Limit of twelve public events per year and limit of two private events per week. A festival of consecutive days will be counted as one event per every 3 days.
- (4) Events must conclude by 11:00 p.m. on Friday and Saturday, and by 10:00 p.m. on Sunday through Thursday, except that events held on days before a national holiday shall conclude by 12:00 midnight.
- (5) Areas used for events shall have a two hundred-foot setback from the exterior boundary of all adjacent properties not under the same ownership unless a written waiver has been obtained from adjacent landowner.
- (6) All exterior lighting shall be dark-sky compliant.
- (7) If property does not meet the preceding requirements contained in (1) – (6), the use may be allowed with a conditional use permit. Conditions may be imposed to ensure that impacts are adequately addressed in a manner consistent with the requirements in this section.
- (8) Maximum attendance. The maximum attendance at a private or public event is limited to 300 visitors. The maximum attendance does not include any owners or employees of the establishment or vendors providing goods or services to the event. A private or public event with anticipated attendance above the maximum attendance calculation, shall be deemed a special event requiring a special event permit issued under Dinwiddie Code § 3-16 et seq.
- (9) No outdoor amplified music shall be plainly audible from any exterior boundary of all adjacent properties under the same ownership and must be in accordance with Dinwiddie Code § 15-1.

Sec. 22-262.7. - Compliance with laws and regulations; permits and licenses.

- (a) All agritourism activities and ancillary activities shall be conducted in accordance with all federal, state, and local laws and regulations. This includes, but is not limited to, compliance with Code of Virginia, Section 3.2-6402(A), requiring the posting and maintaining of certain warning signs.
- (b) All necessary federal, state and local licenses and permits for agritourism activities and ancillary activities shall be obtained prior to beginning operation of, and shall be maintained in good standing during operation of, the activities. This shall include the business license required by Article I of Chapter 13 of this Code if such activities meet the requirements of that chapter.
- (c) Building permits and inspections are required on all buildings whose primary use is not devoted to production agricultural use.

Secs. 22-263—22-267. - Reserved.

After discussion, the Board agreed that the ordinance needs strengthening and directed staff to proceed with looking into ways to do that.

**6. ADJOURNMENT**

*Upon motion of Dr. Moore, seconded by Mr. Chavis, the meeting was adjourned at 5:04 PM.*

AYES: Dr. Moore, Mr. Chavis, Ms. Ebron-Bonner, Mr. Moody, Mr. Lee  
 NAYS: None

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Daniel D. Lee  
 Chair

ATTEST: \_\_\_\_\_  
 W. Kevin Massengill  
 County Administrator  
 Clerk to the Board