

VIRGINIA: AT A REGULAR MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE AGRICULTURAL BUILDING, DINWIDDIE, VIRGINIA ON THE 18TH DAY OF JUNE 1975 AT 8:00 P.M.

PRESENT: M. I. HARGRAVE, JR., CHAIRMAN ELECTION DISTRICT #3
G. S. BENNETT, JR., VICE CHAIRMAN ELECTION DISTRICT #1
L. A. HODNETT ELECTION DISTRICT #2
A. S. CLAY ELECTION DISTRICT #4

B. M. HEATH DEPUTY SHERIFF
J. F. ANDREWS COMMONWEALTH'S ATTORNEY

ABSENT: R. H. RUNDLE ELECTION DISTRICT #2

IN RE: MINUTES JUNE 4, 1975

Upon motion of Mr. Hodnett, seconded by Mr. Clay, Mr. Hodnett, Mr. Clay, Mr. Bennett, Mr. Hargrave voting "aye", the minutes of the June 4th meeting were approved as presented.

IN RE: CLAIMS

Upon motion of Mr. Hodnett, seconded by Mr. Bennett, Mr. Hodnett, Mr. Bennett, Mr. Clay, Mr. Hargrave voting "aye", be it ordered by the Board that the accounts against the following funds for the month of May 1975, be issued payable out of the respective accounts. General Fund- Checks numbering 75-781 through 75-907 amounting to \$77,310.20. Revenue Sharing 75-RS-15 and 16 amounting to \$19,149.60.

IN RE: APPOMATTOX REGIONAL LIBRARY

Mr. Robert A. Whitesides, Director, Appomattox Regional Library, appeared before the Board to give a brief summary of the year's activities. The Board toured the new bookmobile that Mr. Whitesides had brought with him. He felt that circulation has been very satisfactory and was on the increase.

Mr. Whitesides requested that an outside electrical outlet be made available at the Health Building to alleviate some of the wear on the bookmobile generator. Mr. Hargrave stated that such an outlet was already there and with the Board's approval, instructed the County Administrator to arrange for it to be available for the bookmobile's use.

IN RE: COUNTY RECREATION

Mr. Bill Trinkle, Director of County Recreation, appeared before the Board to give a recap of the year's activities and projects for this summer. Included in the past years accomplishments, were the organization of a summer program, the development of an adult basketball league this past winter, and the improvement of two tennis courts at Rohoic School. Planned activities for this summer include several sports clinics. The Board expressed approval of Mr. Trinkle's success with the program and expressed a hope that more money could be made available in the future for recreation in Dinwiddie County.

Mr. Trinkle thanked the Board for their past and continued support.

IN RE: CRATER COMPREHENSIVE HEALTH PLANNING COUNCIL

Mr. Francis Shelton, Health Planner for the Crater Comprehensive Health Planning Council, appeared before the Board to briefly review the council's position on public law 93-641, the National Health Planning and Resources Development Act of 1974. There have been established across the state several health districts, and there will be

several organizations vieing to be the health assistance agency serving the Central District composed of Planning District 13, 14, 15 and 19. The Capital Area Health Planning Council, which Crater Health Planning Council works very closely with, and the Virginia Regional Medical Program are two that are planning to apply to be the agency to serve the Central Health District. Mr. Shelton stated that the local jurisdictions will have the opportunity to express their recommendations. In addition, he felt that the health systems agency would be an implementing, as well as a planning organization.

IN RE: SPCA DOG POUND

Mr. Terry Giannetti appeared before the Board to present the SPCA request for a county dog pound. He stated that adequate facilities were not now being provided by the County and he felt for a reasonable price a building could be constructed to satisfy the County's dog pound needs.

After a brief discussion, the Chairman instructed the County Administrator, the Director of Sanitation and the Dog Warden to come back at the July 16th Board meeting with a recommendation on what type of dog pound the County should build, and a price range for this building.

IN RE: TRANSFER OF FUNDS

Upon motion of Mr. Bennett, seconded by Mr. Clay, Mr. Bennett, Mr. Clay, Mr. Hodnett, Mr. Hargrave voting "aye", the transfer of the following funds to the General Fund was approved.

Auto Tag Account	\$ 95,000.00
Building Permit Account	17,000.00
Landfill Collections	10,000.00
Local Sales Tax 1%	145,000.00
County Utilities Tax	138,000.00

IN RE: LEW JONES VILLAGE SUBDIVISION APPROVAL OF SECTION III

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

WHEREAS, a plat for Section III of the Lew Jones Village Subdivision has been properly signed and approved by the Health Department and the Virginia Department of Highways and Transportation, and

WHEREAS, the County Administrator advised the Board that this plat complies with all requirements of the Code of Dinwiddie County.

NOW THEREFORE BE IT RESOLVED, by the Board of Supervisors of Dinwiddie County Virginia, that Section III of the Lew Jones Village Subdivision is approved and the Chairman is authorized to sign said plat, and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the bond for Section III of Lew Jones Village Subdivision is \$16,000.00.

IN RE: DINWIDDIE COUNTY CODE BOOK

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

WHEREAS, there was a need for codification of newly adopted ordinances into the existing County Code Book, and

WHEREAS, the required data was submitted to Michie City Publications Co, for editorial work on January 28, 1975, and

WHEREAS, Michie Company by letter of June 28th stated that the work was complete and quoted a price of \$1,036.00 to supply the County with 100 copies of the code including supplement #1.

NOW THEREFORE BE IT RESOLVED, by the Board of Supervisors of Dinwiddie County that Michie City Publications Co., is authorized to print 100 copies of the Dinwiddie County Code including supplement #1, at a cost of \$1,036.00.

IN RE: RECESS

The Board recessed at 10:25 P.M. and reconvened at 10:45 P.M.

IN RE: DINWIDDIE COUNTY EROSION AND SEDIMENT CONTROL ORDINANCE

Mr. James F. Andrews, Commonwealth's Attorney presented an Erosion and Sediment Control Ordinance to be adopted as an emergency measure by the Board of Supervisors. Since the Code of Virginia requires localities to adopt an erosion and sediment control ordinance prior to July 1, 1975, and Mr. Andrews felt that the ordinance would require a more detailed effort, he suggested that the prepared ordinance be adopted as an emergency measure to be refined and readopted within 60 days.

Upon motion of Mr. Hodnett, seconded by Mr. Clay, Mr. Hodnett, Mr. Clay, Mr. Bennett, Mr. Hargrave voting "aye", the following Erosion and Sediment Control Ordinance was adopted as an emergency measure:

BE IT ORDAINED by the Board of Supervisors of the County of Dinwiddie, Virginia, that the County Code of the County of Dinwiddie be, and it hereby is, amended by adding thereto a Chapter 20, adopted pursuant to Virginia Code Section 21-89.1 et seq., to read as follows:

CHAPTER 20. EROSION AND SEDIMENT CONTROL

Section 20-1: Purpose

This ordinance is enacted pursuant to Section 21-89.1 et seq. of the Code of Virginia of 1950, as amended, for the purpose of providing for, both during and following development, the control of erosion and sedimentation and establishing procedures for the administration and enforcement of such controls. It is the intent of this ordinance to be an adjunct to both the County's Subdivision and Zoning Ordinances wherein such apply to the development and subdivision of land to the development of previously subdivided land.

Section 20-2: Application

Except as provided for in Section 20-4 of this ordinance, no person may engage in any land-disturbing activity, until he has submitted an erosion and sediment control plan for such land-disturbing activity to the Administrator and received his approval.

Section 20-3: Definitions

For the purpose of this ordinance, certain terms and words used herein shall be interpreted as follows:

1. "Governing Body" shall mean the Board of Supervisors of Dinwiddie County.
2. "Administrator" shall mean that the Zoning Administrator of Dinwiddie County, who is hereby designated by the governing body of Dinwiddie County to serve as its agent to administer this ordinance.

3. "District" shall mean a governmental subdivision of the State organized in accordance with the provisions of the Soil Conservation Districts Law, Title 21, Chap. 1, Code of Virginia as amended.
4. "Plan Approving Authority" shall mean the Administrator, who, it is contemplated, will act with the assistance of the County Planner and the Dinwiddie Soil Conservation Service in the exercise of his responsibility for determining the adequacy of conservation plans and who shall approve plans he determines to be adequate.
5. "Clearing" shall mean any activity which removes the vegetative ground cover including but not limited to the removal, root mat removal and/or topsoil removal.
6. "Grading" shall mean any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.
7. "Excavating" shall mean any digging, scooping or other methods of removing earth materials.
8. "Filling" shall mean any depositing or stockpiling of earth materials.
9. "Transporting" shall mean any moving of earth materials from one place to another, other than such movement incidental to grading, when such movement results in destroying the vegetative 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.
10. "Land-Disturbing Activity" shall mean any land change which may result in soil erosion from water or wind and the movement of sediment into State waters or onto lands in the State, including but not limited to, clearing, grading, excavating, transporting and filling of land, other than federal lands, but shall not include the non-controlled activities set forth in Section 20-4.
11. "Land Disturbing Permit" shall mean a permit issued by the County of Dinwiddie for land-disturbing activity.
12. "Erosion and Sedimentation Control Plan" or "Plan" shall mean a document containing material for the conservation of soil and water resources of a unit or a group of units of land. It may include appropriate maps, and 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.
13. "Person" shall mean an individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, or any other legal entity.

Section 20-4: Non-Controlled Activities

In no instance shall the provisions of this Ordinance be construed to apply to the following:

1. Such minor land disturbing activities as home gardens and individual home landscaping, repairs, and maintenance work;
2. Individual service connections and construction or installation of public utility lines;

3. 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;
4. Surface or deep mining; tilling, planting, or harvesting of agricultural, horticultural, or forest crops; or clearing and transporting on privately owned, occupied or operated agricultural, horticultural, or forest land, provided, however, that this ordinance shall apply when grading, excavating or filling of such land.
5. Construction, repair or rebuilding of the tracks, right-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;
6. Preparation for single-family residences separately built, unless in conjunction with multiple construction in subdivision development;
7. Disturbed land areas for commercial or noncommercial uses of less than ten thousand square feet in size;
8. Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
9. 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 requirement of the local plan approving authority;
10. Engineering operations under Section 21-2 (c) of the Code of Virginia, provided, however, that this shall apply when grading, excavating, and filling.

Section 20-5: Plan Submission

Four (4) copies of the erosion and sediment control plan shall be submitted to the Administrator.

Section 20-6: Inspection and Enforcement

Inspection and enforcement of this ordinance shall rest with the Administrator.

Section 20-7: Erosion and Sedimentation Control Plan

An erosion and sediment control plan, drawn to scale, is required and shall detail those methods and techniques to be utilized in the control of erosion and sedimentation, and as a minimum, this plan shall follow the format detailed on pages 7-11 inclusive of part 11 of the Virginia Erosion and Sediment Control Handbook, dated April 1974, and as same may be amended from time to time, which by reference, is adopted as a portion of this ordinance and is to be included in the Dinwiddie County Erosion and Sediment Control Handbook.

Section 20-8: Approval

An erosion and sedimentation plan submitted under the provisions of this ordinance will be acted on in forty-five (45) days from receipt by either approving or disapproving in writing and giving specific reasons for disapproval. The plan shall be approved if the administrator determines that the plan meets the conservation standards of the local control program and if the person responsible for carrying out the plan certifies that he will properly perform the erosion control measures included in the plan and will conform to the provisions of this ordinance. When a plan is found to be inadequate, the administrator shall specify such modifications, terms and conditions as will permit approval of the plan and communicate these to the applicant. If no formal action has been taken by the plan approving authority in forty-five (45) days after receipt of plan, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.

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

Section 20-9: Approved plan required for issuance of grading, building, or other permits; security for performance.

No agency authorized under any other law to issue grading, building, or other permits for activities involving land-disturbing activities may issue any such permits unless the applicant therefor submits with this application the approved erosion and sediment control plan or certification of such approved plan from the local plan-approving authority, as well as certification that such plan will be followed. Such agency, prior to issuance of any permit, may also require from any applicant a reasonable performance bond, cash escrow, letter of credit, any combination thereof, of such other legal arrangement acceptable to the agency, to ensure that emergency measures could be taken by the county at the applicant's expense should he fail within the time specified to initiate appropriate conservation action which may be required of him as a result of his land-disturbing activity. Within sixty days of the completion of the land-disturbing activity, such bond, cash escrow, letter of credit or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the applicant or terminated, as the case may be. These requirements are in addition to all other provisions of law relating to the issuance of such permits and are not intended to otherwise affect the requirements for such permits.

Section 20-10: Monitoring, reports and inspections.

(a) Land-disturbing activities where permit is issued- With respect to approved plans for erosion and sediment control in connection with land-disturbing activities which involve the issuance of a grading, building, or other permit, the plan-approving authority shall provide for periodic inspections of the land-disturbing activity to ensure compliance with the approved plan, and to determine whether the measures required in the plan are effective in controlling erosion and sediment resulting from the land-disturbing activities. Notice of such right of inspection shall be included in the permit. The owner, occupier or operator shall be given an opportunity to accompany the inspectors. If the plan-approving authority determines that the permittee has failed to comply with the plan, the authority shall immediately serve upon the permittee by registered or certified mail to the address specified by the permittee in his permit application a notice to comply. A copy of each notice shall also be sent to the issuer of the permit. Such notice shall set forth specifically the measures needed to come into compliance with such plan and shall specify the time within which such measures shall be completed. If the permittee fails to comply within the time specified, he may be subject to revocation of the permit; furthermore, he shall be deemed to be in violation of this article and upon conviction shall be subject to the penalties provided by the article.

(b) Other regulated land-disturbing activities- With respect to approved plans for erosion and sediment control in connection with all other regulated land-disturbing activities, the plan-approving authority may require of the person responsible for carrying out the plan such monitoring and reports, and may make such on-site inspections after notice to the resident owner, occupier or operator as are deemed necessary to determine whether the soil erosion and sediment control measures required by the approved plan are being properly performed, and whether such measures are effective in controlling soil erosion and sediment resulting from the land-disturbing activity. Such resident owner, occupier or operator shall be given an opportunity to accompany the inspectors. If it is determined that there is failure to comply with the approved plan, the plan-approving authority shall serve notice upon the person who is responsible for carrying out the plan at the address specified by him in his certification at the time of obtaining his approved plan. Such notice shall set forth the measures needed for compliance and the time within which such measures shall be completed. Upon failure of such person to comply within the specified period, he will be deemed to be in violation of the article and upon conviction shall be subject to the penalties provided by the article.

Section 20-11: Fees

A plan review and inspection fee of \$25 for projects involving one (1) acre or less, plus \$2 per acre of land or part thereof in excess of one (1) acre shall be paid at the time of filing erosion and sediment control plans.

Section 20-12: Amendments

An approved erosion and sedimentation plan may be amended by the Plan Approving Authority if on-site inspection has revealed that the approved control measures are not effective in controlling erosion and sedimentation, or where, because of changed circumstances or other reasons, the approved plan cannot be effectively carried out; provided such amendments are agreed to by the person responsible for carrying out the plan. Should the Administrator and the person responsible for carrying out the plan fail to reach an agreement to an amendment, then the decision of the Administrator shall be final.

Section 20-13: Administrative Appeal: Judicial Review

Final decisions of the Administrator or Plan Approving Authority under this ordinance shall be subject to review by the Board of Supervisors, provided an appeal is filed within 30 days from the date of any written decision by the Administrator or Plan Approving Authority adversely affecting the rights, duties or privileges of the person engaging in or proposing to engage in land-disturbing activities.

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

Section 20-14: Penalties, injunctions, and other Legal Actions

A violation of this ordinance shall be deemed a misdemeanor and a person convicted of violating same shall be subject to a fine not exceeding one thousand dollars or 30 days imprisonment for each violation, or both.

Section 20-15: Liability

Compliance with the provisions of this article 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.

Section 20-16: Severability

Should any provision of this ordinance be held to be unconstitutional or invalid, such declaration shall not affect or impair the remainder of this ordinance.

Section 20-17: Local Control Program

The Dinwiddie County Erosion and Sediment Control Program shall consist of this ordinance and the matter contained in the Dinwiddie County Erosion and Sediment Control Handbook.

Section 20-18: Handbook

The Dinwiddie County Erosion and Sediment Control Handbook shall consist of and contain parts I, II, and III of Virginia Erosion and Sediment Control Handbook, as adopted by the Virginia Soil and Water Conservation Commission and dated April 1974, and shall likewise contain the following which, shall be a part of the local program:

A. On-Site Inspection Procedures

The County Administrator or his agent shall make periodic checks on each project's conformance with the plans submitted by the construction agent. Upon the completion of the project, in accordance with the approved plans, the County Administrator shall sign a completion form and release the respective performance collateral.

B. Educational and Informational Program

An educational and informative seminar on the Dinwiddie County Erosion and Sediment Control Program will be conducted for developers, contractors, real estate agents, other interested persons, and those involved in implementing the Program. This seminar will be conducted by the office of the County Administrator, with such assistance as he may require. The materials to be used in the training seminar will be the Dinwiddie County Erosion and Sediment Control Handbook, including the erosion and sediment control practices and other related educational aids that will be developed by the Administrator and those assisting in the seminar.

C. Estimated Cost and Funding

The Erosion and Sediment Control Program in Dinwiddie County will use existing county positions for administration and inspection purposes. It is contemplated that this will be sufficient for the near future and, thus, little additional cost will be incurred until major development occurs.

Section 20-19: Effective Date

An emergency exists and this ordinance shall be effective upon passage.

IN RE: SURVEY OF COUNTY AND ADJACENT PROPERTY - HIRING OF SURVEYOR

At the June 4th Board meeting, the Board was presented with proposals from surveyors to survey County and adjacent property. The Board was of the opinion that the two local surveyors, Mr. W. G. Chappell and Mr. H. L. Butterworth should have an opportunity to bid on this work. Therefore, action was delayed until proposals could be received from them.

The County Administrator presented to the Board a map showing the parcels of land to be surveyed and the following proposals.

1. W. G. Chappell	\$2,410.00
2. H. L. Butterworth	6,200.00
3. Pritchard & Altman	6,766.00
4. Richard A. Bristow	No lump sum
5. Wm. J. Schmidt & Assoc.	2,450.00
6. Quible & Associates	3,300.00

After reviewing the map it was the feeling of the Board that all this land need not be surveyed.

Upon motion of Mr. Clay, seconded by Mr. Bennett, Mr. Clay, Mr. Bennett, Mr. Hodnett, Mr. Hargrave voting "aye", the land parcels owned by F. W. Beck and Mrs. R. E. Baxter (2A, 2,3,4 & 5) were approved for survey.

Upon motion of Mr. Bennett, seconded by Mr. Hodnett, Mr. Bennett, Mr. Hodnett, Mr. Clay, Mr. Hargrave voting "aye", Mr. W. G. Chappell was chosen to survey the designated land parcels.

IN RE: PUBLICATION OF REDISTRICTING MAP

Mr. Hargrave stated he had received numerous inquiries as to the new election districts. He suggested that the newspaper be requested to publish a map of the election districts and the voting precincts for public information. The Board agreed and the County Administrator was instructed to follow up on this matter.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Clay, seconded by Mr. Hodnett, Mr. Clay, Mr. Hodnett, Mr. Bennett, Mr. Hargrave voting "aye", the Board moved into executive session at 11:15 P.M.

The Board returned to open session at 11:40 P.M.

IN RE: BID ON ALL COUNTY INSURANCE

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

WHEREAS, the Board of Supervisors has for sometime considered consolidating the insurance carried by the School Board and the Board of Supervisors, and

WHEREAS, the Board of Supervisors believes this would benefit the County in several ways, with the reduction in cost being the most prominent.

NOW THEREFORE BE IT RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia, that the County Administrator is instructed to prepare specifications on all insurance required by the School Board, and the Board of Supervisors, and

BE IT FURTHER RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia that the County Administrator is instructed to request bids from the appropriate insurance companies per these specifications.

IN RE: COURT EXPENSES L. L. MEREDITH - DENIED

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

WHEREAS, Mr. L. L. Meredith at the April 16th meeting, requested that the Board of Supervisors reimburse him for expenses incurred in his successful redistricting suit against the County, and

WHEREAS, at the time, the Board of Supervisors indicated that it was doubtful that they would give approval, but they would discuss it and render a decision at a later meeting.

NOW THEREFORE BE IT RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia, that the request of Mr. L. L. Meredith to be reimbursed for his expense incurred in his successful redistricting court case against Dinwiddie County is denied.

IN RE: ADJOURNMENT

Upon motion of Mr. Clay, seconded by Mr. Bennett, Mr. Clay, Mr. Bennett, Mr. Hodnett, Mr. Hargrave voting "aye", the meeting adjourned at 11:50 P.M.

ATTEST:


W. C. KNOTT


M. I. HARGRAVE, JR., CHAIRMAN

