

VIRGINIA: AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD
IN THE BOARD MEETING ROOM OF THE ADMINISTRATION BUILDING,
DINWIDDIE, VIRGINIA ON THE 20TH DAY OF JANUARY, 1982
AT 8:00 P.M.

PRESENT:	G.E. ROBERTSON, JR., CHAIRMAN	ELECTION DISTRICT #2
	STEVE WEBER, VICE-CHAIRMAN	ELECTION DISTRICT #2
	G.S. BENNETT, JR.	ELECTION DISTRICT #1
	M.I. HARGRAVE, JR.	ELECTION DISTRICT #3
	A.S. CLAY	ELECTION DISTRICT #4
	T.O. RAINEY, III	ASS'T. COM. ATTORNEY
	DONALD ADAMS	DEPUTY SHERIFF

IN RE: INVOCATION

The Reverend T.A. Lacy, Pastor of the Olive Branch Baptist Church gave the invocation, which was followed by the Pledge of Allegiance.

IN RE: MINUTES

Upon motion of Mr. Weber, seconded by Mr. Hargrave, Mr. Weber, Mr. Hargrave, Mr. Clay, Mr. Bennett, Mr. Robertson voting "aye", the minutes of the January 6, 1982 meeting were approved as presented.

IN RE: CLAIMS

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following claims be approved:

General Fund checks-numbering 82-8 through 82-135 amounting to \$113,605.51; Lew Jones Account check #LJ-82-1 in the amount of \$16,249.21.

IN RE: PUBLIC HEARING--REZONING APPLICATION P-81-3

This being the time and place as advertised in the Progress-Index on Wednesday, January 6, 1982 and Wednesday, January 13, 1982 for the Board of Supervisors of Dinwiddie County to conduct a public hearing to consider for adoption an ordinance to amend the County Code of Dinwiddie by changing the district classification of Sec. 15(5), parcels B,C,D and H from Agricultural, General, A-2 to Residential, Limited R-1.

Mr. W.C. Scheid, Director of Planning, appeared before the Board to present the rezoning application and review the Planning Commission's recommendations. He stated the Planning Commission, at their December 17, 1981 meeting, recommended downzoning the rezoning request, P-81-3, to A-R zoning.

Dr. Janeshwar Upadhyay appeared in support of his rezoning application. He stated that he purchased the property for investment purposes three to four years ago. He further explained that he was opening an industry in the County's industrial park and it was his desire to develop the property for homes for his employees coming to the County. He indicated that his present plans included five or six homes of the \$20,000-\$30,000 category or modular homes with the installation of a central water supply. Dr. Upadhyay stated that his reason for requesting R-1 zoning was because the banks had indicated they would be more willing to advance money if the property had R-1 zoning. He explained there had been some confusion in the beginning because some of the surrounding property owners had confused his request with the Henshaws' development plans in the area. In closing, Dr. Upadhyay said he still desired the R-1 zoning classification; however, if the Board could not grant R-1, he would accept A-R.

Mr. Weber asked if Dr. Upadhyay was only considering a small number of homes in the request. Dr. Upadhyay stated he could only afford six at the present time.

Mr. Bennett asked if he intended to install a central water and sewer system. Dr. Upadhyay advised him that he was only proposing a central water system at this time. Mr. Bennett then asked why the surrounding landowners were not opposed to the development when they realized it was Dr. Upadhyay and not the Henshaws. Dr. Upadhyay indicated that he felt the property owners in the area did not feel he was a big businessman trying to make a lot of money from a large development. Mr. Bennett then asked if Dr. Upadhyay had explored the possibilities of developing land already zoned R-1. Dr. Upadhyay stated he considered that first but could not afford to purchase the land.

Mr. Hargrave stated that although Dr. Upadhyay's intent was a small development now, if the R-1 zoning was granted, there would be no limitation except that which is in the R-1 zoning classification, and the property could very likely change hands.

Mr. Robertson asked if a central water system would be built for 5 to 6 homes or expanded to accommodate 25-30 homes later on. Dr. Upadhyay stated he would have to follow the Code requirements.

Mr. Allen M. Halloway, Sr. appeared before the Board in opposition to the rezoning request. He stated he would be in favor of 5 acre parcels but not anything less. Mr. Bennie Hensley also appeared in opposition.

Mr. Scheid read the minutes of the Planning Commission stating the action taken and his own comments concerning the request as follows:

1. The comprehensive land use plan indicates that this area should remain in agricultural/timber use.
2. When the property was divided by the parent tract concept, it was clearly stated that one (1) building site would be permitted on each site (except on parcel H which is a row).
3. While there are some homesites in this area, they are built upon one (1) acre or greater land parcels (R-1 with central water could allow building sites of 18,500 sq. ft. which is less than $\frac{1}{2}$ acre).
4. Previous rezonings of similar nature have been as follows:
 - a. P-76-3 - Algra Corp, A-2 to R-1 on Route 670 near Hatcher's Run, 29.46 acres, disapproved.
 - b. P-76-14 - Vance Barker, A-2 to R-1 on Route 611 near Rt. 460, 9.5 acres, disapproved (this land is located in same part of County as P-81-3).
 - c. P-75-8 & P-77-8 - Ron-Gill Properties, A-3 to R-1 on Rt. 750 at Lake Chesdin, 20.3 acres, disapproved (eventually rezoned AR by case P-79-7).
 - d. P-80-4 - William Patton, A-2 to R-1 on Route 615 behind Blue Tartan (Rt. 1), 15.15 acres, disapproved.
 - e. P-80-2 - Louis Shell, A-3 to AR on Route 750 at Lake Chesdin, 105.9 acres, approved.
5. While this development would use a central water system (most likely), each home would be on individual septic systems.
6. Route 624 is hard surfaced, State maintained road.
7. The timber was cut on this property about 4 years ago.
8. The property is not in the land use program.
9. There are many land parcels already zoned for residential purposes that are found near or within the urbanized area.

After reviewing the request, I must recommend either disapproval of the rezoning request or approval of a downgrading of the request to an AR district. The major concerns which I see are:

1. violation of the comprehensive land use plan;
2. actions taken on similar requests; and
3. higher density of residential development than found in surrounding areas.

Mr. Robertson asked if Dr. Upadhyay wished to amend his request to A-R zoning since the request before the Board at this time was R-1. The Chairman advised Dr. Upadhyay that if the rezoning request for R-1 was denied, he would have to go through the rezoning process again in order for the Board to consider the A-R classification.

After further discussion, Dr. Upadhyay asked that his rezoning request be amended to A-R.

Mr. Weber stated that he had voted for the A-R zoning as a planning commission member and had visited the site. He felt that Dr. Upadhyay's business will benefit Dinwiddie County and the County should help him in this request. Mr. Weber then moved that the rezoning request of Dr. Janeshwar Upadhyay, P-81-3, be approved for A-R Zoning. There was no second.

Mr. Halloway asked if it was legally possible to consider the A-R classification without re-advertising and holding a public hearing. The Assistant Com. Attorney and Mr. Scheid advised him that the maximum allowable classification, R-1, had been advertised, and the State Code allows the Board to consider downzoning to a lesser zoning classification without an additional notification and public hearing.

Mr. Weber, Mr. Robertson voting "aye", Mr. Hargrave, Mr. Bennett, Mr. Clay voting "nay", the rezoning request of Dr. Janeshwar Upadhyay, P-81-3 was denied.

Dr. Upadhyay asked what recourse he now had. Mr. Scheid advised him that he could pursue his request through the court system or wait six months and submit another rezoning request. Dr. Upadhyay stated he did not have time to wait 6 months. He felt he had been treated unfairly and if he had known this was going to happen, he would not have recommended that his industry locate in Dinwiddie.

Mr. Bennett stated he was sorry Dr. Upadhyay felt that way but he did not feel he was treated differently than any other applicant. He further indicated to Dr. Upadhyay that he still had the same building rights that he had when he first purchased the property.

Mr. Robertson stated that although he voted for the A-R zoning, he agreed that Dr. Upadhyay had not been treated any differently than anyone else.

Mr. Weber stated that he felt the Board was making a mistake in not helping Dr. Upadhyay and he felt if the Board continued this way, they would never get any industry in the County.

IN RE: ROCHESTER BUTTON COMPANY

Mr. Nick Krauszer, Manager, Rochester Button Company, appeared before the Board to discuss the contract with the County for disposing of the company's non-hazardous waste in the County Landfill. This contract expired January 17, 1982. Mr. Krauszer stated that the company had made changes since November to accommodate the disposal and he felt it was working out well. He, therefore, asked that the contract be extended for a year, to be renegotiated at the end of that year. He further indicated that the Company understood that a larger trench that would last three years

would be needed and they were willing to pay for the cost of digging the trench. After the initial cost of the trench, Mr. Krauszer stated the Company would like to see the fee reduced to the minimum needed to keep up the maintenance of the trench.

Mr. Clay stated he would like to see the County approve a one year contract and agree upon a cost for digging the trench, with a maintenance fee after the initial cost was returned.

The County Administrator stated he had discussed the costs with the Director of Sanitation and their estimated cost for the trench would be from \$3900 to \$4500. The ditch would last four to five years and meet State requirements.

Mr. Clay asked how often the material had to be covered. The County Administrator stated he was working with the State Health Department to make a determination. The State representative did not make a decision when the disposal first started because he wanted to watch the material for a while. The County Administrator stated they were hoping to work out a more lenient requirement which would be less costly.

Mr. Hargrave stated that he agreed with the one year contract. His only concern was that the disposal was safely done, and suggested that the same tests be run with samples at the end of the year as was done in the beginning. Mr. Krauszer stated they were saving samples with that in mind.

Mr. Weber stated that in the beginning he had been the most opposed to the contract but the company had supplied the information he asked for and after visiting the site, he would agree to the one year contract.

Mr. Robertson asked if the initial expenditure for the trench is needed now. The County Administrator stated it would be because the trench would be dug now.

Mr. Robertson suggested that if the Company was going to pay for the trench, then a figure should be put in the contract.

Mr. Bennett asked if it would be cheaper to advertise and get a private contractor to dig the trench. The County Administrator stated that he felt the County could do it cheaper since the minimum and maximum figures given were based on private contractors costs for digging it.

Upon motion of Mr. Clay, seconded by Mr. Hargrave, Mr. Clay, Mr. Hargrave, Mr. Bennett, Mr. Weber, Mr. Robertson voting "aye", the Chairman was authorized to sign the following contract:

THIS AGREEMENT, made in duplicate this 20th day of January, 1982, by and between the County of Dinwiddie, Virginia, acting by and through its Board of Supervisors, hereinafter referred to as the County; and Rochester Button Company, its successors or assigns, hereinafter referred to as the Company;

WITNESSETH:

That for and in consideration of the covenants and agreements hereinafter contained to be kept and performed by the respective parties hereto, it is agreed as follows:

1. The County agrees to allow the Company the right to dispose of non-hazardous wastes resulting from the manufacture of buttons at its plant in McKenney, Virginia, in the County Landfill. In addition to its ordinary meaning, "hazardous wastes" shall include any substance so labelled by the Virginia State Board of Health in their rules and regulations.

2. The location within the landfill, manner of disposal and schedule of disposal shall be at the discretion of the County's Director of Sanitation.

3. The Company agrees to cause randomly selected samples of said substance to be submitted to an independent laboratory for analysis and provide the results of such analysis to the County and State Health Departments every four (4) weeks of operation. The County reserves the right to make this provision less restrictive if circumstances warrant.

4. For services provided the Company by the County, the Company agrees to pay the County a fee of \$4000.00 to be paid in monthly installments of \$333.33. No portion of this fee shall be refunded if this Agreement is terminated through no fault of the County.

5. The term of this Agreement is one year, beginning on the 18th day of January, 1982 and ending on the 18th day of January, 1983.

6. If either party violates any of the terms of this Agreement, the Agreement may be terminated immediately.

7. Company agrees to keep, save and hold County harmless from any and all actions, liabilities, damages, judgments, costs and expense that may be brought or in any wise accrue against County in consequence of this Agreement or for any act, negligence or omission of Company, its agents, subcontractors, employees or workmen, in the performance of this Agreement. Specifically, but not in way of limitation, if at any time it is determined that any substance disposed of by Company is hazardous, Company agrees to remove from County's Landfill and hold County harmless for any liability associated therewith.

8. This writing constitutes the entire agreement between the parties and any changes of any kind whatsoever to the terms of this Agreement shall be in writing approved by the County and Company. This Agreement is to be interpreted and enforced according to laws of the Commonwealth of Virginia.

WITNESS the following signatures and seals:

DINWIDDIE COUNTY BOARD OF SUPERVISORS
By: George E. Robertson, Jr., Chairman

ATTEST: William C. Knott
County Administrator

ROCHESTER BUTTON COMPANY

By:

ATTEST:

IN RE: PRESENTATION OF PLAQUE--A.S. CLAY

The Chairman presented a plaque to Mr. A.S. Clay in recognition of his service as Chairman for the year 1981.

IN RE: KENT BOOTY--RECOGNITION OF BIRTH OF SON

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

WHEREAS, Kent Booty, the esteemed and renowned reporter for the Progress-Index and his wife, Wynn timer, brought into this world, Matthew, their first-born son, on January 19, 1982 at 3:27 P.M.; and

WHEREAS, the Board of Supervisors of Dinwiddie County is desirous of recognizing this momentous occasion in the lives of Kent and Wynn timer Booty;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia hereby memorializes this day in history

by recognizing Matthew as the junior reporter for the Progress-Index;
and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Matthew's first article will be a plea to Kent and Wynnie to bring into this world a brother or sister; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that this resolution be delivered to Matthew Booty and a copy spread upon the minutes of this meeting.

IN RE: BRIDGE OVER N&W RAILROAD--U.S. ROUTE 1

The County Administrator presented a questionnaire from the Virginia Department of Highways and Transportation concerning the environmental aspects of the project to replace a substandard bridge over the N&W Railroad on U.S. Rt. 1. The project has been discussed previously by the Resident Engineer.

The Board had no negative comments and urged the VDH&T to continue with its plans to have the bridge replaced.

IN RE: APPOINTMENT--CPDC COURT SERVICES ADVISORY COUNCIL

The County Administrator stated that he had talked with Mrs. Lena Roberts who had served on the Court Services Advisory Council and she had discussed the appointment with Judge Benjamin Campbell. They felt the organization was fairly dormant at this time and recommended that an appointment was not needed.

The Board members agreed with this recommendation.

IN RE: AUTHORIZATION TO ADVERTISE ORDINANCE DEALING WITH FEMALE DOGS IN HEAT

The Assistant Commonwealth Attorney presented an ordinance dealing with female dogs in heat for the Board's consideration for advertisement. Mr. Rainey explained that the ordinance is meant to discourage owners from allowing their female dogs to run at large while in heat and allows them one warning.

Upon motion of Mr. Hargrave, seconded by Mr. Weber, Mr. Hargrave, Mr. Weber, Mr. Clay, Mr. Bennett, Mr. Robertson voting "aye", the County Administrator was instructed to advertise the ordinance for a public hearing at the February 17, 1982 meeting.

IN RE: BILL DEALING WITH NOISE CONTROL

The County Administrator stated that there was a bill introduced concerning noise control and asked the Assistant Commonwealth Attorney to investigate it to see what effect it would have on the local ordinance dealing with loudness being considered by the Board.

IN RE: EXTENSION OF DEADLINE--COUNTY TAGS AND DOG TAGS

Mr. Clay stated that the Treasurer had discussed with him extending the deadline ten days to purchase County tags and dog tags due to the inclement weather.

The County Administrator stated the Board could adopt an emergency ordinance for 60 days without a public hearing. He indicated that the Treasurer felt alot of people have been out of work also and do not have the funds needed to purchase the tags.

Mr. Hargrave stated he wanted to make sure it was understood that the extension was for this year only because of the inclement weather.

Upon motion of Mr. Clay, seconded by Mr. Hargrave, Mr.

Clay, Mr. Hargrave, Mr. Bennett, Mr. Weber, Mr. Robertson voting "aye", the following resolution was adopted:

WHEREAS, the Board of Supervisors finds that due to the unusually harsh weather it may be difficult or impossible for some County residents to purchase vehicle licenses and dog licenses by the due date of January 31, 1982, as required by the Dinwiddie County Code in Article II of Chapter 11 as to vehicles, and Article II, Chapter 4 as to dogs;

NOW THEREFORE BE IT RESOLVED AND ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia that the license deadlines referred to above be and hereby are extended to midnight, February 10, 1982, for the year 1982 only.

The Board of Supervisors finds that an emergency exists and that this action shall go into effect without advertising.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Clay, seconded by Mr. Bennett, Mr. Clay, Mr. Bennett, Mr. Weber, Mr. Hargrave, 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 9:35 P.M. to discuss legal matters. The meeting reconvened into Open Session at 10:07 P.M.

IN RE: ADJOURNMENT

Upon motion of Mr. Hargrave, seconded by Mr. Clay, Mr. Hargrave, Mr. Clay, Mr. Bennett, Mr. Weber, Mr. Robertson voting "aye", the meeting adjourned until 7:00 P.M., January 21, 1982.

JANUARY 21, 1982 -- CONTINUATION OF JANUARY 20, 1982 MEETING
7:00 P.M.

PRESENT:	G.E. ROBERTSON, JR., CHAIRMAN	ELECTION DISTRICT #2
	STEVE WEBER, VICE-CHAIRMAN	ELECTION DISTRICT #2
	G.S. BENNETT, JR.	ELECTION DISTRICT #1
	M.I. HARGRAVE, JR.	ELECTION DISTRICT #3
	A.S. CLAY	ELECTION DISTRICT #4

IN RE: REVIEW OF BUDGET

The Board of Supervisors reviewed the income figures for 1981-82 and discussed the income picture for 1982-83.

IN RE: ADJOURNMENT

Upon motion of Mr. Clay, seconded by Mr. Hargrave, Mr. Clay, Mr. Hargrave, Mr. Bennett, Mr. Weber, Mr. Robertson voting "aye", the meeting was adjourned until 7:00 P.M., February 1, 1982.

FEBRUARY 1, 1982 -- CONTINUATION OF JANUARY 21, 1982 MEETING
7:00 P.M.

PRESENT:	G.E. ROBERTSON, JR., CHAIRMAN	ELECTION DISTRICT #2
	STEVE WEBER, VICE-CHAIRMAN	ELECTION DISTRICT #2
	G.S. BENNETT, JR.	ELECTION DISTRICT #1
	M.I. HARGRAVE, JR.	ELECTION DISTRICT #3
	A.S. CLAY	ELECTION DISTRICT #4

IN RE: REVIEW OF BUDGET

The Board of Supervisors discussed several areas of the expense side of the budget for 1982-83.

IN RE: ADJOURNMENT

Upon motion of Mr. Weber, seconded by Mr. Hargrave, Mr. Weber, Mr. Hargrave, Mr. Bennett, Mr. Clay, Mr. Robertson, voting

"aye", the meeting was adjourned until 7:00 P.M., February 2, 1982.

FEBRUARY 2, 1982 -- CONTINUATION OF FEBRUARY 1, 1982 MEETING
7:00 P.M.

PRESENT:	G.E. ROBERTSON, JR., CHAIRMAN	ELECTION DISTRICT #2
	STEVE WEBER, VICE-CHAIRMAN	ELECTION DISTRICT #2
	G.S. BENNETT, JR.	ELECTION DISTRICT #1
	M.I. HARGRAVE, JR.	ELECTION DISTRICT #3
	A.S. CLAY	ELECTION DISTRICT #4

IN RE: REVIEW OF BUDGET

The Board of Supervisors met with members of the School Board to discuss various areas of the 1982-83 budget.

IN RE: ADJOURNMENT

Upon motion of Mr. Clay, seconded by Mr. Hargrave, Mr. Clay, Mr. Hargrave, Mr. Bennett, Mr. Weber, Mr. Robertson voting "aye", the meeting adjourned at 9:25 P.M.


G.E. ROBERTSON, JR., CHAIRMAN

ATTEST: 
W.C. KNOTT