

The minutes of Board of Supervisors meetings contained within this website are **unofficial** and are provided solely for the convenience of the website user. The **official** minutes of Board of Supervisors meetings are maintained on paper, bound and are available to the public Monday through Friday 8:30 a.m. - 5:00 p.m. in the office of the County Administrator, located in the Pamplin Government Center, 14016 Boydton Plank Road, Dinwiddie, Virginia. For further information, please contact the Clerk of the Board of Supervisors at (804) 469-4500 or by e-mail at arussell@dinwiddieva.us.

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 2nd DAY OF DECEMBER, 2003, AT 7:30 P.M.

PRESENT: ROBERT L. BOWMAN IV - CHAIR ELECTION DISTRICT #3
DONALD L. HARAWAY – VICE CHAIR ELECTION DISTRICT #2
HARRISON A. MOODY ELECTION DISTRICT #1
EDWARD A. BRACEY, JR., ELECTION DISTRICT #4
AUBREY S. CLAY ELECTION DISTRICT #5

OTHER: PHYLLIS KATZ COUNTY ATTORNEY

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

Mr. Robert L. Bowman, Chair, called the regular meeting to order at 7:39 P.M. followed by the Lord’s Prayer and the Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

The County Administrator requested that the Planning Department be added to the Personnel item during the closed session and Retention of Records be added under Consultation with Legal Counsel.

Upon motion of Mr. Moody, Seconded by Mr. Haraway, Mr. Bracey, Mr. Moody, Mr. Haraway, Mr. Bowman voting “Aye,” the above amendment (s) were approved.

IN RE: CLAIMS

Upon motion of Mr. Clay, Seconded by Mr. Haraway, Mr. Bracey, Mr. Moody, Mr. Haraway, Mr. Bowman voting “Aye,”

BE IT RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia that the following claim is approved and funds appropriated for same using check numbered 1037462 - 1037651 (void check(s) numbered 1037461, 1037512, 1037530, 1037536, 1037620, and 1037351) for:

Accounts Payable

(101) General Fund \$ 184,851.70
(103) Jail Commission \$
(104) Marketing Fund \$

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(222) E911 Fund	\$	485.33
(223) Self Insurance Fund	\$	
(225) Courthouse Maintenance	\$	
(226) Law Library	\$	
(228) Fire Programs & EMS	\$	2,095.00
(229) Forfeited Asset Sharing	\$	
(304) CDBG Grant Fund	\$	217.04
(305) Capital Projects Fund	\$	42,630.36
(401) County Debt Service	\$	35,908.00
(729) Abraham Fund	\$	<u>643.75</u>
TOTAL	\$	266,831.18

PAYROLL 11/30/03

(101) General Fund	\$	426,153.61
(222) E911 Fund	\$	3,539.66
(304) CDBG Fund	\$	<u>7,328.75</u>
TOTAL	\$	437,022.02

IN RE: TRANSFER OF FUNDS – DE STEFANO DESIGN GROUP INVOICE

Upon motion of Mr. Clay, Seconded by Mr. Haraway, Mr. Bracey, Mr. Moody, Mr. Haraway, Mr. Bowman voting “Aye,”

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that \$2,875 be transferred from the General Fund to Fund 305-94100-3002 for the payment of services performed by De Stefano Design Group for the review of the school improvements.

IN RE: COMMUNICATIONS EQUIPMENT REQUISITION #1 – 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:

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<u>Motorola</u>	Design Review	Radio System	\$846,015.60
<u>Total</u>			\$846,015.60

Upon motion of Mr. Clay, Seconded by Mr. Haraway, Mr. Bracey, Mr. Moody, Mr. Haraway, Mr. Bowman voting "Aye,"

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number #1 in the amount of \$846,015.60 be approved and funds appropriated for expenses from the Dinwiddie County IDA Public Facilities Lease Revenue Note Series 2003.

IN RE: SOCIAL SERVICES – ACCEPTANCE OF FUNDS

"To: Wendy Ralph
From: Kim Willis, Director Social Services
Date: November 14, 2003
Subject: Acceptance of Funds

This notice is to kindly request that the County of Dinwiddie Board of Supervisors accept \$24,375 to be used by the County of Dinwiddie Department of Social Services. The monies, allocated by the Virginia Department of Medical Assistance Services were the result of a grant won by the Department of Social Services. The grant's purpose is to improve retention of children enrolled in the Family Access to Medical Insurance Security Plan (FAMIS) and FAMIS Plus Programs.

The funds are for a twelve-month period, commencing on November 1, 2003, and will be paid quarterly in equal installments, beginning in mid November 2003. The award will be used to:

- Hire a Health Insurance Coordinator for 20 hours per week at \$12.00 per hour,
- Provide Quarterly mailings to families of enrolled children,
- Engage certain community partners in retention activities,
- Mail certification reminders and conduct follow-up phone calls when appropriate,

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- Collaborate with Dinwiddie County Schools and nutrition programs,
- Offer enrollment opportunities at employment sites and work with area employers to reach eligible families,
- Work with area medical providers to inform families of the importance of health care coverage, and
- Conduct Quality Improvement activities and evaluate project outcomes,
- Develop/purchase marketing and outreach incentives,
- Purchase a computer, color printer, office supplies,
- Reimburse Coordinator for mileage.

Mrs. Ralph, thank you for presenting this to the Board of Supervisors, and we look forward to collaborating with County of Dinwiddie agencies, businesses and families so that more children in our community will maintain the health coverage they deserve. Our theme is 'Keep 'em Covered', and we plan to implement this theme with thoughtful and meaning activities."

Upon motion of Mr. Clay, Seconded by Mr. Haraway, Mr. Bracey, Mr. Moody, Mr. Haraway, Mr. Bowman voting "Aye,"

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for the County Administrator to sign the Grant Agreement between the Virginia Department of Medical Assistance Services and the County of Dinwiddie, the grant recipient, the purpose of the grant is to improve retention of children enrolled in the Family Access to Medical Insurance Security Plan (FAMIS) and FAMIS Plus Programs. The amount of the grant is \$24,375 to be used by the County of Dinwiddie Department of Social Services. The monies, allocated by the Virginia Department of Medical Assistance Services were the result of a grant won by the Department of Social Services. No local match is needed for this grant.

IN RE: CITIZEN COMMENTS

Mr. Bowman asked if there were any citizens signed up to speak or present who wished to address the Board during this portion of the meeting.

The following citizen(s) came forward to address the Board:

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1. Anne Scarborough – Boydton Plank Road – She stated at the first organizational meeting the Board holds in January she would appreciate if they would have both meetings in the evening and move them to Wednesday nights. She also requested Mr. Moody not to accept the resignation of Mr. Huty Titmus who serves on the Planning Commission. She commented that the Consultant for the Communications Radio System for the E911 Center failed the County because they did not have the foresight to look into the availability of the space on the communications tower that already existed.
2. Creighton Jones– 628 Claiborne Road, Sutherland, Virginia – Requested that Mr. Titmus resignation not be accepted by the Board.
3. Julia Benner – 14416 Boydton Plank Road – Dinwiddie – Stated she was concerned about the number of bags of shredded materials coming from the Commissioner of the Revenues Office. Mr. Bracey explained to the citizens that the Board of Supervisors does not have any authority over the Commissioner of the Revenue or any of the elected official in the County. Mr. Bowman commented she is required by State law to keep a record of everything that has been destroyed in her office.
4. Michael Bratschi – Cutbank Road Road, Dewitt, Virginia – stated that he agreed with the Board. The Commissioner of Revenue has been doing her job for a number of years and she should be given the benefit of the doubt. He encouraged the Board to accept Mr. Titmus' resignation and requested they consider him as a candidate for the Planning Commission.
5. Tommy Peters – requested that Mr. Moody not accept Mr. Titmus' resignation.
6. David Dudley – agreed with Mr. Peters regarding Mr. Titmus.
7. Geri Barefoot – 7411 Frontage Road, Petersburg, Virginia – requested that Mr. Moody not accept Mr. Titmus' resignation.

Mr. Bowman closed the citizen comments period. He also acknowledged that some of the Board of Supervisors in the meeting from Lunenburg County.

IN RE: PUBLIC HEARING – A-03-7 – BIO SOLIDS ORDINANCE

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This being the time and place as advertised in the Progress Index on November 18, 2003 and November 25, 2003, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comment on the following matter:

A-03-7. The applicant, Dinwiddie County Planning Department, is seeking to amend the Code of the County of Dinwiddie by adopting Chapter 23, entitled Biosolids Ordinance. The Biosolids Ordinance is intended to implement state requirements related to biosolids; provide for the testing, monitoring and notifying of adjacent landowners of biosolids applied on County land and to provide for the enforcement of state and local regulations related to biosolids. The Biosolids Ordinance shall also require that biosolids are not applied in the County unless adequate financial responsibility is in place, and to limit the land application of biosolids to agricultural areas.

Mr. Guy Scheid, Director of Planning, stated that he had two basic areas of concern in adopting the VACo model ordinance as it appears before the Board this evening. The first concern is found in section 23-6.a in which the biosolids use will be limited to the Agriculture zoning district, only. There are farmers that have farmland in Residential zoning districts and the model ordinance will not permit them to use biosolids on their property. The second concern involves the date in which the ordinance goes into effect. If it goes into effect immediately, then it appears the planning department will be held responsible for enforcing the ordinance. With the department currently lacking a planner position, it is difficult to accomplish the existing workload. It was suggested that the ordinance become effective in one or two months.

Mr. Bowman asked if any of the Board members had any comments or questions for Mr. Scheid.

Mr. Moody asked Mr. Scheid for his exact wording for the proposed amendment for Section 23 –6.a. Mr. Scheid responded by stating the following verbiage would cover the situation at hand, “Land application of biosolids is authorized in Agricultural zoning districts, in a zoning district where agricultural uses are permitted by right and/or in a zoning district when authorized as a lawful nonconforming use.”

Mr. Bracey commented, here we go again....he said he felt this ordinance should be re-advertised to make sure everything is covered.

Mr. Bowman agreed with Mr. Bracey. He said it would put a hardship on the farmers who live in a Residential zone. These farmers are currently applying biosolids now if the ordinance is passed then they would no longer be able to use them.

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The County Attorney recommended that the Board adopt the present Biosolids Ordinance as presented then re-advertise it with the suggested limited amendment by Mr. Scheid for the January 6, 2004.

The County Administrator stated in the defense of Mr. Scheid he did present this and other issues, in a memo to staff, that he suggested to you tonight. However, the Board was clear that they wanted to use the "model ordinance" which has been approved by the Attorney General's Office. This model ordinance is the one that was advertised.

Mr. Bracey stated that he would like to see the ordinance readvertised to be effective January 1, 2004.

Mr. Moody stated, concerning section 23-6.a, -- that he did not want to restrict people who are already using it now. He stated that he would hate to put the ordinance into effect January 1, 2004 when it could be a possibility that it would prevent a farmer who is presently using biosolids from using them.

The County Administrator proposed that the effective date for the ordinance be set for February 1, 2003. She also commented that a person would have to be hired to perform the monitoring, and that it is Staff's understanding that the State provides reimbursement for the testing but not for the salary of the individual.

Mr. Haraway commented his district was the most heavily populated and he was very much in favor of adopting the ordinance as presented tonight.

Mr. Ralph suggested that Mr. Scheid read the letter from the Dinwiddie County Farm Bureau and the Virginia Farm Bureau Federation.

Mr. Scheid read the letter from the Dinwiddie County Farm Bureau and the Virginia Farm Bureau Federation.

"December 1, 2003

Mr. Robert Bowman, IV, Chairman
Dinwiddie County Board of Supervisors
PO Drawer 70
Dinwiddie, Virginia, 23841

Dear Mr. Bowman:

The Dinwiddie County Farm Bureau and the Virginia Farm Bureau Federation appreciate the time and effort of the Board on the issue of land application of

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biosolids. It is our hope that the information presented by Dr. Greg Evanylo, of Virginia Tech, and others was informative and useful.

We also would like to reiterate our support for the state regulated application of biosolids to farmland. With proper oversight from state agencies and local testing and monitoring by county staff we feel the citizens of Dinwiddie will be protected and farmers will be able to have one more option in their constant battle to cut costs.

We therefore ask the Board to pass without amendment the model ordinance provided by the Virginia Association of Counties. It provides a mix of local and state regulation that our organization can live with.

If you have any questions or need for further assistance on this issue please feel free to contact us at any time.

Sincerely,

Travis Y. Lee
President

The letter was notarized by Phyllis L. Williams, December 2, 2003”

Mr. Bowman opened the public hearing for A-03-7 for comments.

1. Mr. Meade Harrison – commented he used biosolids on his farm and has been for several years and his family, livestock, and crops were still alive and doing well. He spoke in opposition of the ordinance.
2. Mrs. Kay Winn – 244 Winnaway Lane, Rich Square, NC 27869 – stated she had no objection to farmers using biosolids. However, signs should be posted when biosolids are applied and there are no requirements for them in this ordinance. She also suggested that the Board should not pass the ordinance if they did not have a plan to police it.
3. Mr. Michael Bratschi – stated the Board should not adopt the ordinance because of the costs involved if the farmers are not allowed to use biosolids. He commented farmers are the backbone of this country.
4. Ms. Diana Parker – Chalkley Road, Richmond, Virginia – Representing the Virginia Sierra Club, Falls of the James Chapter– commented she supported the biosolids ordinance.
5. Mr. Robert Belcher – Flank Road, Petersburg, Virginia – stated it would be shameful for the Board to pass this ordinance that would restrict farmers from using biosolids who have been using them for many years and they didn’t have an opportunity to speak against it tonight.

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He commented if the Dinwiddie County Farm Bureau and the Virginia Farm Bureau Federation farmers were here they certainly would not support the ordinance. If the Board adopts the ordinance they should make sure they have someone to enforce it.

BIOSOLIDS ORDINANCE

AN ORDINANCE AMENDING THE DINWIDDIE COUNTY CODE, BY THE ADDITION OF CHAPTER 23, LAND APPLICATION OF BIOSOLIDS

Sec. 23-1 Findings

The Board of Supervisors finds that improper spreading, placement, disposal or management of Biosolids without appropriate regulation, notice and monitoring may result in adverse effects to the general health, safety and welfare of the inhabitants of the County and to agricultural lands, water supplies, wildlife, livestock, natural resources and the environment.

Sec. 23-2 Purpose and Intent

This ordinance is intended to ensure laws and regulations governing the land application of Biosolids are properly implemented and enforced, and to secure and promote the health, safety and welfare of the county's citizens; to deter the creation of a public nuisance and to prevent pollution of the waters and soils of the county related to land application of biosolids. In carrying out this ordinance the County will test and monitor the application of Biosolids to agricultural land within its boundaries as authorized by the Code of Virginia and applicable regulations. This ordinance is intended to address the land application of biosolids in the County and to implement the authority granted to local governments by Va. Code sections 62.1-44.19:3 and sections 32.1-164.5 et seq., to provide for the testing, monitoring and enforcement of land application of Biosolids within the political boundaries of the County and to ensure compliance with applicable laws and regulations. This ordinance is not intended to regulate the land application of animal wastes or manures or exceptional quality biosolids.

Sec. 23-3 Authority and Severability

This ordinance is adopted pursuant to the authority granted by the Code of Virginia, including but not limited to sections 15.2-1200 et seq., 15.2-2200 et seq., 15.2-2283 et seq., 62.1-44.19:3 and 32.1-164.2 et seq. In the event that any portion of this ordinance is declared void for any reason, such decision shall not affect the remaining portions of the ordinance, which shall remain in full force and effect, and for this purpose the provisions of this ordinance are hereby declared to be severable.

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Sec. 23-4 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicated a different meaning:

Applicator: Any person who applies biosolids pursuant to appropriate permits.

Biosolids: Sewage sludge that has received an established treatment for required pathogen control and is treated or managed to reduce vector attraction to a satisfactory level and contains acceptable levels of pollutants, such that it is acceptable for use for land application, marketing or distribution in accordance with state law and regulations.

Biosolids Monitor: An employee or agent of the County, either full-time or part-time, charged with the responsibility of ensuring that the land application of biosolids is conducted in accordance with this ordinance and applicable laws and regulations.

Exceptional Quality Biosolids: Biosolids that have received an established level of treatment for pathogen control and vector attraction reduction and contain known levels of pollutants, such that they may be marketed or distributed for public use in accordance with state regulations.

Land Application of Biosolids: The spreading, placement or distribution of biosolids upon, or insertion into, the land.

Nutrient Management Plan: A plan prepared by a person certified by the Commonwealth as a nutrient management planner and otherwise meeting the requirements set forth by state law and regulation.

Owner: A person who holds legal title, equitable title, a leasehold interest or the right of possession or control over land.

Permit: An authorization granted by the authority of the Commonwealth of Virginia to land apply biosolids.

Permittee: Any person who holds a permit authorizing the land application of biosolids.

Sewage Sludge: Any solid, semi-solid, or liquid residues, which contain materials, removed from municipal or domestic wastewater during treatment including primary and secondary residues.

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Storage Facility: Any facility designed to store biosolids for a brief period of time. Such facilities include, but are not limited to: above ground or underground storage tanks, silos, ponds lagoons and other holding devices.

Sec. 23-5 Prohibited Practices

(a) No person shall dispose of sewage sludge, including biosolids, on land located in the County except in accordance with federal and state law and regulations and this ordinance.

(b) No person shall land apply biosolids on lands in the County until all of the procedural requirements set forth in this ordinance as well as those set forth in applicable federal and state laws and regulations have been satisfied. No Owner shall permit land application of biosolids on land in the County until all of the procedural requirements set forth in this ordinance and those set forth in state and federal law and regulation have been satisfied.

(c) No person shall apply and no Owner shall permit the application of sewage sludge other than biosolids that have been approved by the regulations of the Virginia Department of Health or Department of Environmental Quality to land in the County.

(d) No person shall apply biosolids to land in the County except pursuant to a valid permit issued by the Virginia Department of Health or Department of Environmental Quality, in compliance with all applicable federal and state statutes and regulations, and in accordance with the provisions of this Ordinance.

Sec. 23-6 Notice & Requirements for Land Application of Biosolids

(a) Land application of biosolids is authorized only in Agricultural zoning districts.

(b) Any person proposing or intending to land apply biosolids to lands in this County shall notify the County Biosolids Monitor in writing at least fourteen (14) days prior to any intended land application of Biosolids, or as otherwise required by state law or regulation.

(c) The notice provided to the Biosolids Monitor shall include the following information (if not already submitted to the locality):

(1) The name, address and telephone number of the Permittee or Applicator;

(2) The tax map numbers of the parcels where land application will occur;

(3) The name, address and telephone number of the Owner of the property where the land application will occur;

(4) The name, telephone number and address of the hauler of the biosolids;

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(5) The estimated date range on which land application will occur and the duration of the planned application;

(6) A copy of the current state permit and any other state or federal permits authorizing the land application;

(7) A copy of a Nutrient Management Plan (NMP) as required by state law and regulation;

(8) Information on proposed haul routes and alternative haul routes on a county map;

(d) The county shall review the documentation provided with the notice and shall notify the applicant in writing of any deficiencies in the submittal within ten (10) business days of receipt. The applicant will have ten (10) business days to correct and amend the deficiencies unless otherwise permitted by the county in writing.

Sec. 23-7 Monitoring and Sampling

(a) By agreeing to accept biosolids for land application, the Owner of the property on which land application takes place agrees to allow the Biosolids Monitor access to the land application site for the purpose of monitoring land application activities. It is the responsibility of the Permittee to ensure that the property Owner is advised of this requirement. The Biosolids Monitor shall make diligent efforts to make contact with the property Owner prior to entering the property.

(b) The Permittee and Owner shall allow the county to take samples at the application site before, during and after the application. Any test samples shall be analyzed at a lab qualified to conduct such analysis and the County Health Department may review these test results to determine compliance with applicable laws and regulations. At the request of the Applicator the Biosolids Monitor will provide the applicator with a split sample.

(c) At the request of the Biosolids Monitor, the Applicator or Permittee shall provide the most recent analysis results for biosolids that are land applied at any site in the county.

Sec. 23-8 Complaint Response

(a) The Biosolids Monitor shall notify the Virginia Department of Health, the Applicator or Permittee and the Owner of all complaints concerning the land application of biosolids.

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(b) The Biosolids Monitor shall notify the Permittee of any failure to follow the requirements of the Permit resulting in the improper application of Biosolids or in the spillage of biosolids onto public streets or rights-of-way or on property outside the area authorized by the Permit.

(c) The Permittee shall respond to undertake appropriate corrective action for improperly applied biosolids, or to clean up biosolids spilled onto public streets, roadways or other non-permitted areas, immediately upon receiving such notification.

(d) In the event that the Permittee does not respond to notification of spillage or improper application and the County conducts the cleanup of spilled biosolids, the Permittee shall compensate the County for the actual costs of such cleanup.

(e) The Permittee is responsible for ensuring that the tracking of biosolids from land application sites onto public roads is minimized and that biosolids that are dragged or tracked out from land application sites are promptly removed from public roads and highways.

Sec. 23-9 Scheduling

The Permittee will, at the request of the Biosolids Monitor, make all reasonable efforts to schedule land application activities so as to avoid conflicts with community or social events in the vicinity of the land application site.

Sec. 23-10 Storage

(a) Biosolids shall be land applied as they are received at the site unless land application is precluded by unforeseen weather conditions or other circumstances beyond the control of the Permittee.

(b) Biosolids shall not be stored at any site in the County other than storage that is approved in accordance with the law and regulations of the Virginia Department of Health.

Sec. 23-11 Financial Responsibility

Land application of biosolids is not allowed unless the Permittee has in effect liability insurance or other evidence of financial responsibility in the amount that is required by state law or regulation, covering losses and claims arising from the land application or transportation of biosolids and related activities in the County. Such insurance or other form of financial responsibility shall be maintained in full force and effect throughout the time that the applicator is engaged in land application of Biosolids in the County. The Permittee shall provide the Biosolids Monitor with certificates of insurance and shall promptly notify the Biosolids Monitor of any proposed cancellation or modification of insurance coverage.

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Sec. 23-12 Reimbursement

The County shall submit requests for reimbursement for the costs and expenses of testing and monitoring of land application and related activities as are allowed by applicable state law, regulations, manuals, guides and procedures.

Sec. 23-13 Effective Date

This ordinance is effective as of February 1, 2004. Any land application that is in progress on the date this ordinance is adopted, and any land application that was scheduled before the effective date of this ordinance, shall be deemed in compliance with this ordinance provided that land application is completed within thirty (30) days after the effective date of this ordinance.

Sec. 23-14 Enforcement

(a) Any person who violates any of the provisions of this ordinance shall be charged with a Class 1 misdemeanor as defined by the Code of Virginia, as amended. Each day during which any violation is committed or exists shall constitute a separate offense.

(b) The Biosolids Monitor shall have the authority to order the abatement of any violation of state law or regulation. The abatement order shall identify the activity constituting the violation; specify the code provision or regulation violated by the activity and order cessation and correction of the violation.

(c) The County may bring suite to enjoin, restrain, correct or prevent any violation of this ordinance.

Upon motion of Mr. Bracey, Seconded by Mr. Clay, Mr. Bracey, Mr. Moody, Mr. Haraway, Mr. Bowman voting "Aye," the above Biosolids Ordinance was adopted with an effective date of February 1, 2004.

IN RE: AUTHORIZATION TO ADVERTISE AMENDMENT TO SECTION 23-6 BIOSOLIDS ORDINANCE

Mr. Moody stated he would like to have the public hearing for Section 23-6 a, at the first meeting in January with the suggested verbiage from Mr. Scheid, "Land application of biosolids is authorized in Agricultural zoning districts, in a zoning district where agricultural uses are permitted by right and/or in a zoning district when authorized as a lawful nonconforming use."

Upon motion of Mr. Bracey, Seconded by Mr. Clay, Mr. Bracey, Mr. Moody, Mr. Haraway, Mr. Bowman voting "Aye,"

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BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for Administration to advertise for a Public Hearing to amend the Biosolids Ordinance - Section 26.3a.

IN RE: COUNTY ADMINISTRATOR COMMENTS

1. The County Administrator stated she wanted to reiterate the reason we have not gone forward with a public hearing on Voluntary Cash Proffers is because a decision needs to be made on the amount of the cash proffer we want to include in the ordinance. The range of cash proffers that could be justified at this time is from \$1,228 to \$6,529. The driving factor in the justification is the amount of school improvements, which has ranged from \$40 million to \$88 million dollars. The amount of money being spent for schools will make a big difference in the amount of the proffer. As soon as a decision is made on what school improvements are going to be made, staff can plug that into the formula and proceed with the public hearing.

IN RE: HIGH GROWTH COALITION FY 2004 CONTRIBUTION

The County Administrator stated that the High Growth Coalition is hiring a lobbyist to represent the Coalition during the 2004 General Assembly Session to promote the priorities of the Coalition. She stated that the Executive Committee of the Coalition has recommended Roger Wiley as the lobbyist. She also stated that the contribution this year would increase to allow the Coalition to retain an Executive Director/Administrative Support. She commented that the contributions from each member locality are based on a formula that combines a per capita payment basis with a minimum payment cap. The minimum of a member locality is \$750, which is an increase of \$250 from last year, and the maximum of \$5,000, is based upon 2000 U.S. Census population data.

Upon motion of Mr. Bracey, Seconded by Mr. Moody, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman voting "Aye,"

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the contribution increase to \$750 be approved.

IN RE: COUNTY ADMINISTRATOR COMMENTS (CON'T)

3. The County Administrator, Wendy Weber Ralph stated that the Virginia Center for Behavioral Rehabilitation (VCBR) has received a new resident as of December 10, 2003 and that brings the count up to two. She stated that (VCBR) would advise all parties concerned and give a new count when a new resident arrives.

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4. Mrs. Ralph stated that there is one week left to register for any assistance from FEMA.

5. Mrs. Ralph stated that that the reception for the outgoing officials will be December 16, 2003 at 6:00 P.M.

6. Mrs. Ralph stated that she had one change in the plans for the oath of office for the Board members. She stated that Annie Lee Williams, Clerk of the Court, has advised the County that the incoming Board members must be sworn in before the first of the year; therefore, the only time we will have is the December 16, 2003 meeting. She stated that in order to allow family members or friends to attend, we will plan on having the Oath of Office at 6:00 P.M. immediately following the Board meeting. She stated that if that is a problem for anyone, please let her know. The reception for the out going members would be at 12 noon.

7. She closed by saying that she had enclosed information on the Governor's upcoming budget proposal.

IN RE: BOARD MEMBER COMMENTS

Mr. Moody gave a brief report about the VACO conference and the seminars and board meetings he attended.

IN RE: ACCEPTANCE OF RESIGNATION -- DINWIDDIE COUNTY PLANNING COMMISSION -- MR. EDWARD HUTSON TITMUS, III

Upon motion of Mr. Moody, Seconded by Mr. Clay, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman voting "Aye,"

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the resignation of Mr. Edward Hutson "Hutty" Timus, III with an effective date of December 31, 2003 was accepted.

IN RE: BOARD MEMBER COMMENTS (CON'T)

Mr. Haraway stated that the fiscal year ended June 30, 2003 and he wants an explanation on why the report is so late. He asked why do we continue to allow this to happen?

Mr. Bowman stated, concerning school expansions, he would like to see a comparison of building permits with surrounding localities development fees.

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IN RE: CLOSED SESSION

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

2.2-3711 A.1 of the code of Virginia - Appointments: Administration; Building Inspections, Planning Department; Public Safety;

2.2-3711 A.3 of the code of Virginia, Acquisition of Property

2.2-3711 A.7 of the code of Virginia, Consultation with Legal Counsel; litigation; EMS; Record Restriction Schedule

Upon Motion of Mr. Haraway, Seconded by Mr. Clay, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman, voting "Aye", the Board moved into Closed Session at 9:46 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 11:54 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under section

2.2-3711 A.1 of the code of Virginia, Appointments: Administration; Building Inspections, Planning Department; Public Safety;

2.2-3711 A.3 of the code of Virginia, Acquisition of Property

2.2-3711 A.7 of the code of Virginia, Consultation with Legal Counsel; litigation; EMS; Record Restriction Schedule

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. Clay, Seconded by Mr. Haraway, Mr. Bracey, Mr. Moody, Mr. Clay, Haraway, Mr. Bowman, voting "Aye," this Certification Resolution was adopted.

IN RE: AUTHORIZATION TO CARRY OVER ACCUMULATED ANNUAL LEAVE 2003

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Upon motion of Mr. Bracey, Seconded by Mr. Haraway, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman voting "Aye,"

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the staff members presented to the Board who have been unable to take their vacation time in 2003 are authorized to carry over their accumulated annual leave until 2004.

IN RE: AUTHORIZATION FOR COUNTY ADMINISTRATOR TO SIGN PURCHASE AGREEMENT FOR PROPERTY FOR THE INDUSTRIAL PARK

Mrs. Ralph stated one of the first steps the County will need is authorization to sign the purchase agreement which allows the County to do certain things, such as go on the property to perform development tests. The Virginia Tobacco Commission is funding the land acquisition cost for the property being considered for the Industrial Park. Allowing the County Administrator to sign the purchase agreement does not bind the County to purchase the property. Rather, it allows the County to execute an option to purchase the property if deemed advantageous after the site has been tested. Both the County and the landowner have the ability to terminate this agreement if certain contingencies are not met.

Upon motion of Mr. Bracey, Seconded by Mr. Clay, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway, voting "Aye," Mr. Bowman "abstaining",

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia authorized the County Administrator to sign the purchase agreement for the property being considered for the Industrial Park.

IN RE: APPOINTMENT TO CRATER PLANNING DISTRICT COMMISSION (CPDC) COMMISSIONERS & EXECUTIVE BOARD

Upon motion of Mr. Haraway, Seconded by Mr. Clay, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway, voting "Aye," Mr. Bowman "abstaining",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Robert Bowman, IV, was appointed to the Crater Planning District Commission (CPDC) Commissioners & Executive Board for a four-year term beginning January 1, 2004 until December 31, 2007.

IN RE: ADJOURNMENT

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Upon Motion of Mr. Moody, Seconded by Mr. Clay, Mr. Bracey, Mr. Haraway, Mr. Moody, Mr. Bowman, voting "Aye", the meeting adjourned at 11:59 P.M.

Robert Bowman, IV, Chairman

Wendy Weber Ralph
County Administrator

/abr