

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 20<sup>TH</sup> DAY OF APRIL AT 3:00 P.M.

BOARD OF SUPERVISORS

PRESENT: HARRISON A. MOODY – CHAIR ELECTION DISTRICT #1  
MICHAEL W. STONE – VICE CHAIR ELECTION DISTRICT #5  
JOHN V. TALMAGE ELECTION DISTRICT #3  
DORETHA E. MOODY ELECTION DISTRICT #4  
DONALD L. HARAWAY ELECTION DISTRICT #2

ADMINISTRATION

PRESENT: W. KEVIN MASSENGILL, COUNTY ADMINISTRATOR  
ANNE HOWERTON, DIVISION CHIEF OF FINANCE AND GENERAL SERVICES  
JOHN C. BLAIR II, COUNTY ATTORNEY

=====

**1.2.& 3. ROLL CALL – INVOCATION – PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENT:** Mr. Talmage  
Mr. Haraway  
Ms. Moody  
Mr. Stone  
Mr. Moody

**4. AMENDMENTS TO AGENDA**

W. Kevin Massengill, County Administrator stated that there was a need to amend the agenda to add the following: §2.2-3711 (A) (1) Personnel, Division of Fire & EMS; Division of Finance & General Services; Division of Planning & Community Development and §2.2-3711 (A) (7) Legal Consultation, Consultation with Legal Counsel Regarding Land Use.

Upon motion of Mr. Haraway, seconded by Mr. Talmage,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the amended agenda is approved.

Ayes: Ms. Moody, Mr. Talmage, Mr. Haraway, Mr. Stone, Mr. Moody  
Nays: None

**5.A. CONSENT AGENDA: APPROVAL OF MINUTES FOR FEBRUARY 16, 2010 REGULAR MEETING**

Upon motion of Mr. Talmage, seconded by Mr. Haraway,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the February 16, 2010 Regular Meeting Minutes are approved.

Ayes: Ms. Moody, Mr. Talmage, Mr. Haraway, Mr. Stone, Mr. Moody  
Nays: None

**CONSENT AGENDA: APPROVAL OF MINUTES FOR FEBRUARY 24, 2010 SPECIAL MEETING – 3:00 P.M.**

Upon motion of Talmage, seconded by Mr. Haraway,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the February 24, 2010 – 3:00 p.m. Special Meeting Minutes are approved.

Ayes: Ms. Moody, Mr. Talmage, Mr. Haraway, Mr. Stone, Mr. Moody  
Nays: None

**CONSENT AGENDA: APPROVAL OF MINUTES FOR FEBRUARY 24, 2010**  
**SPECIAL MEETING – 5:00 P.M.**

Upon motion of Mr. Talmage, seconded by Mr. Haraway,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the February 24, 2010 – 5:00 p.m. Special Meeting Minutes are approved.

Ayes: Ms. Moody, Mr. Talmage, Mr. Haraway, Mr. Stone, Mr. Moody  
 Nays: None

**CONSENT AGENDA: APPROVAL OF MINUTES FOR MARCH 2, 2010**  
**SPECIAL MEETING**

Upon motion of Mr. Talmage, seconded by Mr. Haraway,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the March 2, 2010 Special Meeting Minutes are approved.

Ayes: Ms. Moody, Mr. Talmage, Mr. Haraway, Mr. Stone, Mr. Moody  
 Nays: None

**5. B. CONSENT AGENDA: CLAIMS**

Upon motion of Mr. Talmage, seconded by Mr. Haraway,

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

<b>CLAIMS</b>	3/5/10	3/12/10	3/19/10	4/2/10	4/9/10	3/31/10	
	Void	Void	Void	Void	Void	Void	
	1072623	1072695	1072757	1072924	1073001	1072894	
	1072624- 1072694	1072696- 1072756	1072758- 1072892	1072925- 1073000	1073002- 1073066	1072895- 1072923	<b>TOTALS</b>
101 - General Fund	\$64,443.89	\$176,705.58	\$294,411.03	\$248,337.64	\$179,367.64	\$897,348.55	<b>\$1,860,614.33</b>
103 - Jail Commission	\$170.89		\$213.85				<b>\$384.74</b>
105 - Playground Equipment							<b>\$0.00</b>
202 - Medical Center							<b>\$0.00</b>
209 - Litter Grant Fund							<b>\$0.00</b>
210 - Community Developmt					\$1,672.45		<b>\$1,672.45</b>
226 - Law Library							<b>\$0.00</b>
228 - Fire Programs & EMS	\$375.20			\$75.00			<b>\$450.20</b>
229 - Forfeited Asset Sharing Program			\$6,646.37	\$163.30			<b>\$6,809.67</b>
301 - School Construction			\$2,497.25				<b>\$2,497.25</b>
304 - CDBG Grant Fund							<b>\$0.00</b>
305 - Capital Projects Fund	\$5,756.04	\$125,609.73	\$23,263.30	\$13,471.14			<b>\$168,100.21</b>
401 - County Debt Service	\$75,325.43		\$30,021.04	\$56,800.00	\$67,676.71		<b>\$229,823.18</b>
3-101 - Revenue		\$110.00	\$90.00	\$109.00	\$5.00		<b>\$314.00</b>
3-202 - Medical Center							<b>\$0.00</b>

3-305							\$0.00
<b>TOTALS</b>	<b>\$146,071.45</b>	<b>\$302,425.31</b>	<b>\$357,142.84</b>	<b>\$318,956.08</b>	<b>\$248,721.80</b>	<b>\$897,348.55</b>	<b>\$2,270,666.03</b>

Ayes: Ms. Moody, Mr. Talmage, Mr. Haraway, Mr. Stone, Mr. Moody  
Nays: None

**5. C. CONSENT AGENDA: SCHOOL BOND REQUISITIONS FROM PROJECT FUND:HS-61; ES-64; FH-15**

The Board received the following requisitions from William David Clark, Superintendent of Schools. These requisitions were approved by the School Board at their meeting on Tuesday, April 13, 2010.

Upon motion of Mr. Talmage, seconded by Mr. Haraway,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$32,849.97 from the VPSA 2007 Bonds, is approved.

Ayes: Mr. Talmage, Mr. Haraway, Ms. Moody, Mr. Stone, Mr. Moody  
Nays: None

No. HS –61

**REQUISITION FROM THE PROJECT FUND**

Note/Bond Account

Industrial Development Authority of Dinwiddie County, Virginia  
VPSA 2007 Bonds

TO: PFM Asset Management

FROM: The Industrial Development Authority of Dinwiddie County, Virginia,  
Project Fund

DATE: April 13, 2010

The undersigned Authorized County Representative requests that you make the following disbursements from the referenced Project Fund:

<u>AMOUNT</u>	<u>TO</u>	<u>PURPOSE</u>
\$ 32,849.97	Kenbridge Construction Co., Inc.	Application for Payment No. 45
<b>\$ 32,849.97</b>	<b>TOTAL OF THIS REQUISITION</b>	

Upon motion of Mr. Talmage, seconded by Mr. Haraway,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$2,983.90 from the VPSA 2007 Bonds is approved.

Ayes: Ms. Moody, Mr. Talmage, Mr. Haraway, Mr. Stone, Mr. Moody  
Nays: None

No. ES-64

**REQUISITION FROM THE PROJECT FUND**

Note/Bond Account

Industrial Development Authority of Dinwiddie County, Virginia  
VPSA 2007 Bonds

TO: PFM Asset Management

FROM: The Industrial Development Authority of Dinwiddie County, Virginia,

Project Fund

DATE: April 13, 2010

The undersigned Authorized County Representative requests that you make the following disbursements from the referenced Project Fund:

<u>AMOUNT</u>	<u>TO</u>	<u>PURPOSE</u>
\$ 2,983.90	Kenbridge Construction Co., Inc.	Application for Payment No. 43
<b>\$ 2,983.90</b>	<b>TOTAL OF THIS REQUISITION</b>	

Upon motion of Mr. Talmage, seconded by Mr. Haraway,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$11,400.00 from the VPSA 2007 Bonds is approved.

Ayes: Ms. Moody, Mr. Talmage, Mr. Haraway, Mr. Stone, Mr. Moody  
Nays: None

No. FH-15

**REQUISITION FROM THE PROJECT FUND**

Note/Bond Account

Industrial Development Authority of Dinwiddie County, Virginia  
VPSA 2007 Bonds

TO: PFM Asset Management

FROM: The Industrial Development Authority of Dinwiddie County, Virginia,  
Project Fund

DATE: April 13, 2010

The undersigned Authorized County Representative requests that you make the following disbursements from the referenced Project Fund:

<u>AMOUNT</u>	<u>TO</u>	<u>PURPOSE</u>
\$ 11,400.00	Haley Builders, Inc.	Construction Services
<b>\$ 11,400.00</b>	<b>TOTAL OF THIS REQUISITION</b>	

**6.A. REPORTS: VIRGINIA DEPARTMENT OF TRANSPORTATION**

The Board received the report below from Ray Varney of VDOT. As Mr. Varney was unable to attend the meeting, Mr. Bob Zimmerman was present to present the report and to be available for any questions. He asked if the Board had made a decision on the proposed roundabout at the proposed intersection Rt. 600 and Rt. 226.

Mr. Haraway stated that he had asked for over a year to see a roundabout that has the same traffic count; and he has not been told of one that exists in Virginia. He said that as he saw it, if the Board approved a roundabout without seeing one that operates effectively with the same traffic count, the Board is opening itself up for a lot of questions in the future. If there is not one in Virginia with the same traffic count, then was there one in a neighboring state. He felt that the Board still should see one in operation that has the same traffic count.

Mr. Zimmerman stated that VDOT would attempt to find a roundabout with approximately the same amount of traffic.

Mr. Talmage stated that he had received calls from residents who were opposed to the roundabout. He said he would also like to look at one with the same traffic count.

Mr. Moody stated that it was his understanding that if the Board does not approve the roundabout, there is not as much funding available.

Mr. Massengill stated that the County had given up its cycle to receive some funding through MPO to do the improvements at intersection of Ferndale and Rt. 1. The reason for forgoing those funds was because of the infrastructure improvements that were needed at the front gate of Ft. Lee – with the intent that after that project was complete, the funds would come back to the County. He said that if the Board decides not to use the MPO funds for the roundabout, the funds will go back to the region for the next tier projects. It could be many years before there are adequate secondary six year funds to do the improvements at that intersection. A roundabout now would be some improvement. He added that there is concern about how a roundabout would be constructed under the traffic volume at that intersection (during the timeframe of 18-24 months).

Mr. Zimmerman stated that regardless of what improvements are done at that intersection; traffic is going to be impacted.

**THE DINWIDDIE MONTHLY**

April 2010

*The VDOT Petersburg Residency monthly report for Dinwiddie County*

**Maintenance Items**

Accomplished Work Highlights

- Responding to drainage issues.
- Pothole patching and skin patching.
- Machining gravel roads.

Budget Summary for Church Road and McKenney AHQs covering the period from June 25, 2009 through March 12, 2010:

	FY 10 Budget	Spent YTD (\$)	Budget Remaining (\$)	Spent (%)	Spend Plan (\$)	Spend Plan (%)	Ahead (-) /Behind(+) (\$)
Church Road AHQ	\$1,450,608.17	\$1,239,272.92	\$211,335.25	85.4	\$1,160,370.51	106.8	-\$78,902.41
McKenney AHQ	\$1,631,281.11	\$1,241,972.30	\$389,308.81	76.1	\$1,290,005.15	96.6	\$48,032.85

**Construction Projects**

Ongoing Projects:

*River Road Intersection Improvements at Ferndale* – Work has begun on this project. This project is scheduled to be complete May 19, 2010. This project is on schedule and on budget. UPC 61294.

**Preliminary Engineering Items**

Active Project Status (only active projects depicted)

**Non-Maintenance Funded Projects:**

*Route 1 Intersection Improvement at Cox Road* – This project will make improvements to the intersection. Total project cost is estimated to be \$6,354,000. It is unclear if there are sufficient funds to take this project through construction. A second citizens’ information meeting was held on March 18. UPC 73268

*Route 601 (Ferndale Road) Intersections Improvements at Cox Road* - This project will make improvements to the intersection. Total project cost is estimated to be \$4,844,000. It is unclear if there are sufficient funds to take this project through construction. A second citizens’ information meeting was held March 18. There were eight comment sheets submitted. Five supported the roundabout and three did not. Here is the response I got from Jenny Salyers, the Project Manager, when I ask her the results:

“Hey Ray,

*I received 8 completed comment sheets – 5 supporting the project and 3 opposing the project. Three of the five supporting comments addressed the need for eliminating the right turn lane on the roundabout and one pointed out that the right turn lane was needed. The three opposing comments were not very specific other than they just don't like the idea of a roundabout; one comment did reference the right turn lane leaving them stuck.*

*I received one email and one phone call after the meeting requesting information, but there was no comment from either party regarding whether or not they supported the project or not.*

*I am surprised that I did not receive more comments since the turnout was good. In my opinion, if the community really hated the idea then I would have received more comments opposing the project.*

*Let me know if you need anything else.*

*Jenny*

The roundabout can be funded with MPO and SSYP money. The dual left turn lane alternative cannot be funded with the dollars available. We recommend moving forward with the roundabout. UPC 80993

#### **District Maintenance Funded Projects:**

*Route 1 NB Bridge Superstructure Replacement* – This project will replace the bridge from the piers up. It will require a shift in the traffic to the opposite side of Route 1. Project design is just beginning. \$1,600,000 in additional funding is needed in FY 11 from the Federal Bridge Funds. Total project costs are currently estimated at \$2,700,000. Advertisement is scheduled for 1/11/2010. UPC 93287

*I-85 District Wide Bridge System Preservation Project* – This project will make repairs to some of the bridges on I-85, including bridge(s) in Dinwiddie County. Project design is just beginning. \$1,800,000 in additional funding is needed in FY 11 from the Federal Bridge Funds. Total project cost is currently estimated at \$1,800,000. Advertisement is scheduled for 7/10/2010. UPC 89383

*Route 226 over NSRR* – This project will do maintenance on the bridge. Project design is just beginning. \$1,940,000 in additional funding is needed in FY 11 from the Federal Bridge Funds. Total project costs are currently estimated at \$1,940,000. Advertisement is scheduled for 12/31/2010. UPC 89379

*PM-4C-10 – RAAP – Federally Eligible Project* – Plant mix primary roads that are federally eligible. Routes in Dinwiddie are Cox Road from Route 460 to Sunset Drive and Route 460 from a location near Coleman Lake Road to a location near Courthouse and from a location near Pine Hill Road to a location near Butterwood Road. Scheduled Advertisement is January 2010. UPC 94461 (Note, this is the District funded portion of this contract. The Residency funded portion of this contract is shown below.)

*Concrete Pavement Patching – I-85* – Concrete patching on I-85 will go from Mile Marker 40.18 (near the Nottoway County line) to Mile Marker 61.44 (460 Exit), as the budget allows. This project was advertisement 3/23/2010. The bid letting is scheduled for 4/28/10 and the completion date for the work is the end of 2010. UPC 94039

#### **Residency Maintenance Funded Replacement Projects:**

*PL6 – Pipe Culvert Replacement* – SAAP Non-federally eligible project. Replace pipe culverts on Wheeler's Pond Road and Perkins Road in Dinwiddie County. It also includes pipes in Prince George County. Both roads in Dinwiddie will require closure with detours. We will coordinate with emergency services personnel and the School Board. Project scheduled has changed due to funding issues. Advertisement date 5/26/2010. UPC 94319

*O44 – Pipe Culvert Replacement – RAAP* – Federally eligible project. Line four pipe culverts on Namazine Road over Whippernock Creek and replace one culvert under Route 1 just south of Airport Road. It also includes pipes in Prince George County. Road closures with detours will be required. Project has been delayed for funding issues. Schedule has changed due to funding. Scheduled Advertisement 8/10/10. UPC 94317

*PM-4C-10 – RAAP – Federally Eligible Project* – Plant mix for higher volume, federally eligible secondary routes. Routes in Dinwiddie are Courthouse Road from 0.13 miles east

of White Oak Road to Route 460 and Carson Road from Route 1 to bridge over the old railroad track. Scheduled Advertisement January 2010. UPC 94461

*Route 609 (Old Stage Road) Culvert Replacement* – This road has been reopened.

*Route 627 (Courthouse Road) Culvert Replacement* – Road is closed again. We are currently working on this project. We have ordered the materials and moved our equipment to the site. The goal is to have this road open by April 24. Weather will play a big role in meeting this goal.

**Future Funding**

All items in this report are subject to change or cancellation based on funding.

**Items from the Last Board Meeting**

*Route 1 and Franklin Street* – We are committed to litter pickup prior to each mowing. There will be two or three mowings per route this year depending on traffic volumes. Roads having traffic volumes 5,000 ADT or higher, will have three mowings, those with less than 5,000 ADT will have two mowings. Mowing and litter pick up will be limited to the mowed areas. For two lane roads, the mowed areas will generally be 9 feet or the center of the ditch, whichever is less.

**School Routes**

There are a few old schools in the County that are no longer being used as schools. Most of those schools have school bus loop roads that need to be abandoned since they no longer serve school buses during the normal school year. The ones we are aware of are the following:

1. The Eastside Community Center – Route 9922
2. The Old Midway School off of Route 751 (Cox Road) – Route 9920
3. The Old Rehoic School – Route 9921

I am working with the County Attorney on the abandonment of these routes.

**Secondary Six Year Plan**

The SSYP has a couple of items that we need to address. Based on recent changes within the Department and based on the County's current policy, there is some money available for use in the SSYP. The funds that are available are:

- SSYP FY 15/16 - \$90,589
- Countywide Pipe and Entrance - \$68,748
- Countywide Fertilization and Seeding - \$71,002
- Countywide Engineering and Surveying - \$255,933

One place to use the money is on the County's remaining unpaved roads. The most highly travelled unpaved roads in the County are shown below:

ROUTE #	ROAD NAME	FROM	TO	LENGTH	TRAFFIC COUNT
689	Bobcat Road	RT. 628 Tranquility Namozine Road to RT.	RT. 629 – Anderson Mill Road	0.6	180
757	Mamora Drive	708 0.19 Mi N of Flatfoot Rd –	End of State Maintenance	0.6	100
666	Baugh Road	RT. 626	Shady Lane – RT. 670	1.2	100
760	Sutherland Road	Station Road - RT. 623	End of State Maintenance	0.4	90
663	Bain Road	Jones Road - RT. 659	Walkers Mills Road – RT. 665	1.2	94
628	Tranquility Lane	White Oak Road – RT. 613	End of State Maintenance	0.3	73
628	Tranquility Lane	White Oak Road – RT. 613	Bobcat Road – RT. 689	3.0	72
642	Continental Road	0.8 Mi N of Brills Road – RT. 644	Brills Road – RT. 644	0.8	70

**7.A. ACTION ITEM: FY ATHLETIC FIELD CONSTRUCTION**

Anne Howerton, Division Chief of Finance and General Services, presented the information below to the Board.

**BACKGROUND**

Construction of a County recreation park was first authorized by the Board of Supervisors with the FY 2006 CIP budget, with additional funding provided by the FY 2009 and FY 2010 CIP budgets. Site work performed by Southside Virginia Community College has been on-going at the park, the underground utilities have been installed, and the site is now ready for the construction of the four baseball/softball fields and the football field. This construction in general consists of final grading, topsoil screening and placement, furnishing and installing irrigation systems, and establishing grassy areas on these fields. On-going field maintenance for one year is also required to guarantee establishment of the grassy areas.

**CONTRACT NEGOTIATIONS**

After review by the park engineer Vanasse Hangen Brustlin, Dinwiddie County Water Authority, and County staff, we released an IFB for the construction of the fields on March 28, 2010 and held a mandatory pre-bid site visit on April 2, 2010. Six vendors responded to the IFB on April 9, 2010. The bid prices ranged from \$372,022 to \$410,511, with the lowest responsive and responsible bidder being Messer Contracting, LLC. Messer Contracting, LLC has been involved with a number of municipal irrigation/landscaping projects since 1998, and is located in Glen Allen VA. Under the terms and conditions of the IFB, work is to begin within ten days after receipt of the contract and to be completed by June 30, 2010. Project completion by the June 30<sup>th</sup> deadline is crucial to ensuring the establishment of the grass sprigs. Further details on this procurement can be found on the County website at [www.dinwiddieva.us](http://www.dinwiddieva.us), under the Purchasing tab.

**REQUESTED ACTION**

We are asking for approval of the following resolution.

Upon motion of Mr. Stone, seconded by Mr. Talmage,

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, does hereby authorize and direct the County Administrator to execute a contract for the construction and one year maintenance of the ball fields at the County recreation park with Messer Contracting, LLC in an amount not to exceed \$372,022.

Ayes: Mr. Haraway, Ms. Moody, Mr. Talmage, Mr. Stone, Mr. Moody

Nays: None

**7.B. ACTION ITEM: MEHERRIN RIVER REGIONAL JAIL RESOLUTION**

W. Kevin Massengill, County Administrator, presented his memo below to the Board.

Mr. Ted Cole, Davenport, stated that an identical resolution that is before this Board for consideration has been approved by Mecklenburg, and Brunswick County Board is considering the resolution tomorrow. It is setting forth each of the three member jurisdictions' approval for the Authority to move forward with the Virginia Resources Authority (State financing program that has begun to provide long-term financing for jails, water/sewer, solid waste). The Meherrin River Jail Authority is meeting on May 6, 2010 to consider its approval (all three jurisdiction members need to approve first).

**Background:**

As you will recall the County entered into a Service Agreement, dated April 3, 2008, with the counties of Brunswick and Mecklenburg to form the Meherrin River Regional Jail Authority. The purpose for forming such authority was in connection with the acquisition, construction, equipping and operation of a regional jail facility to be located in Brunswick, Virginia that would afford Dinwiddie County the opportunity to more adequately and efficiently house the growing number of inmates.

Pursuant to the Service Agreement approved by the Board, the member jurisdictions are responsible for the payment of fees and charges for the use by their prisoners of the regional jail, and such payments are the primary source of revenue from which the Authority will pay expenses of operations, including debt service on its bonds and other obligations.

As you may recall, Sheriff Rhodes, Supervisors Talmage and I currently represent Dinwiddie County as representatives on the Board of Directors of the Authority. It is the expectation that the Directors will authorize and approve the proposed issuance by the Authority of its revenue bonds in the aggregate principal amount not to exceed \$55,000,000 and its short-term revenue notes in the aggregate principal amount not to exceed \$30,000,000 for the purpose of financing the costs of the acquisition, construction and equipping of the Regional Jail and the costs of issuing the bonds and notes

The notes will finance on a short-term basis the portion of the costs of the project to be reimbursed by the Commonwealth of Virginia upon completion of construction, and such reimbursement will be pledged as security for payment of the notes.

Both our staff and the Authority have determined it is in the best interest to sell the bonds and the notes to the Virginia Resources Authority during their spring bond pool.

**Requested Action of the Board:**

Staff and I are asking that you adopt the resolution as it has been requested by VRA. In order to meet the spring bond pool, this resolution is needed to be acted upon at this meeting.

Upon motion of Mr. Talmage, seconded by Ms. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the resolution approving the issuance of debt by the Meherrin River Regional Jail Authority is approved as presented.

Ayes: Mr. Haraway, Ms. Moody, Mr. Talmage, Mr. Stone, Mr. Moody

Nays: None

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF  
DINWIDDIE, VIRGINIA APPROVING THE ISSUANCE OF  
DEBT BY THE MEHERRIN RIVER REGIONAL JAIL AUTHORITY**

**WHEREAS**, the County of Dinwiddie, Virginia (the "County") entered into that certain Service Agreement, dated April 3, 2008, (the "Service Agreement") among itself and the counties of Brunswick and Mecklenburg (collectively, the "Member Jurisdictions") and the Meherrin River Regional Jail Authority (the "Authority"), in connection with the acquisition, construction, equipping and operation of a regional jail facility to be located in Brunswick, Virginia (the "Regional Jail");

**WHEREAS**, pursuant to the Service Agreement, the Member Jurisdictions will be responsible for the payment of fees and charges for the use by their prisoners of the Regional Jail, and such payments are the primary source of revenue from which the Authority will pay expenses of operations, including debt service on its bonds and other obligations;

**WHEREAS**, the Board of Directors of the Authority is expected to authorize and approve the proposed issuance by the Authority of its revenue bonds in the aggregate principal amount not to exceed \$55,000,000 (the "Bonds") and its short-term revenue notes in the aggregate principal amount not to exceed \$30,000,000 (the "Notes") for the purpose of financing the costs of the acquisition, construction and equipping of the Regional Jail and the costs of issuing the Bonds and Notes (the "Project");

**WHEREAS**, the Notes will finance on a short-term basis the portion of the costs of the Project to be reimbursed by the Commonwealth of Virginia upon completion of construction, and such reimbursement will be pledged as security for payment of the Notes;

**WHEREAS**, the Authority and the County have determined it is in the best interest of the Authority to sell the Bonds and the Notes to the Virginia Resources Authority ("VRA"), which will result in substantial benefit and savings to the Authority and the County;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Dinwiddie, Virginia that:

1. **Consent to Issuance and Sale of Bonds and Notes.** The County hereby acknowledges the benefits and savings and consents to the issuance and sale of the Bonds and the Notes by the Authority to VRA for the Project described above, subject to the adoption of similar resolutions by the governing bodies of the other Member Jurisdictions.

2. **Bonds and Notes Limited Obligation of the Authority.** The County hereby acknowledges and agrees that the source of the payment of and security for debt service on the Bonds are the revenues of the Authority, including but not limited to the fees and charges paid the by the County. While the County recognizes that the expected source of repayment for the Notes is the reimbursement payment from the Commonwealth of Virginia, the County further acknowledges and agrees that in the event such reimbursement payment is not made or is made after the due date of the Notes and the Authority is unable to refinance the Notes prior to maturity, source of payment of and security for debt service on the Notes are the revenues of the Authority, including but not limited to the fees and charges paid by the County. It is to be understood that the documents reflecting the terms and provisions of the Bonds and the Notes shall provide that such indebtedness shall not be deemed to constitute a debt or pledge of the faith and credit or the taxing power of the Commonwealth of Virginia or any political subdivision thereof, including the Authority and the County, and that neither the Commonwealth nor any other political subdivision, including the County, nor the Authority shall be obligated to pay the principal of, premium, if any, or interest on such indebtedness or other costs incident thereto, except from the revenues pledged by the Authority therefor, all as permitted by law and described under the documentation to be entered into in connection with the Bonds and the Notes.

3. **Ratification of Service Agreement.** All terms and provisions of the Service Agreement are hereby ratified and confirmed by the County.

4. **Effective Date.** This resolution shall take effect immediately.

Adopted by a majority vote of the Board of Supervisors of the County of Dinwiddie, Virginia on April 20, 2010.

#### **7.C. ACTION ITEM: ADMINISTRATIVE PROFESSIONALS WEEK RESOLUTION**

W. Kevin Massengill, County Administrator, presented the resolution below.

Upon motion of Mr. Haraway, seconded by Mr. Talmage,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Administrative Professionals Week Resolution is adopted as presented.

Ayes: Ms. Moody, Mr. Talmage, Mr. Haraway, Mr. Stone, Mr. Moody

Nays: None

#### **ADMINISTRATIVE PROFESSIONALS WEEK RESOLUTION**

**WHEREAS,** Administrative professionals play an essential role in coordinating the office operations of businesses, government, educational institutions, and other organizations; and

**WHEREAS,** the work of administrative professionals today requires advanced knowledge and expertise in communications, computer software, office technology, project management, organization, customer service and other vital office management responsibilities; and

**WHEREAS,** Administrative Professionals Weeks is observed annually in workplaces around the world to recognize the important contributions of administrative support staff and is sponsored by the International Association of Administrative Professionals; and

**WHEREAS,** the theme of Administrative Professionals Week 2010 is "Power of Commitment" reflecting how today's career-minded administrative professionals are advancing their careers and the profession as a whole through a commitment to their careers through improving and expanding their skills; and

**NOW, THEREFORE BE IT RESOLVED,** that the Board of Supervisors of Dinwiddie County, Virginia does hereby proclaim the week of April 18-24, 2010 as Administrative Professionals Week, and Wednesday, April 21 as Administrative Professionals Day, saluting the valuable contributions of administrative professionals in the workplace. And, we call on all employers to support continued training and development for administrative staff, recognizing that a well-trained workforce is essential for success in today's business world.

#### **7. D. ACTION ITEM: BUSINESS APPRECIATION WEEK RESOLUTION**

Tammie J. Collins, Division Chief of Planning & Community Development, presented the resolution below.

Upon motion of Ms. Moody, seconded by Mr. Stone,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Business Appreciation Week Resolution is approved as presented.

Ayes: Mr. Talmage, Mr. Haraway, Ms. Moody, Mr. Stone, Mr. Moody

Nays: No

### **BUSINESS APPRECIATION WEEK 2010**

**WHEREAS**, Governor Robert F. McDonnell has recognized May 16-22, 2010 as **BUSINESS APPRECIATION WEEK** in the **COMMONWEALTH OF VIRGINIA**, and called this observance to the attention of all citizens; and,

**WHEREAS**, Virginia and its localities recognize that jobs and investment follow private businesses that seize opportunities to expand markets, develop new products, and invest in equipment that improves productivity; and

**WHEREAS**, the citizens of the County of Dinwiddie benefit from the jobs and investment that business creation, growth and expansion provide ; and

**WHEREAS**, the County of Dinwiddie has joined the Commonwealth in developing a business climate of opportunity to encourage entrepreneurial risk-taking, investment, and job growth; and

**WHEREAS**, businesses in the County of Dinwiddie play a significant role in growing the economy of the Commonwealth when they assume market risks to reap the rewards of pursuing opportunity; and

**WHEREAS**, Business Appreciation Week increases public awareness of the valuable contributions that businesses make throughout our community.

**NOW, THEREFORE**, We, the Board of Supervisors of the County of Dinwiddie, do hereby recognize May 16-22, 2010 as **BUSINESS APPRECIATION WEEK** in the **COUNTY OF DINWIDDIE**, and call this observance to the attention of all our citizens.

#### **7. E. ACTION ITEM: TELEPHONE SYSTEM CONTRACT**

Norman Cohen, Director of Information Technology, presented the information below.

#### **BACKGROUND**

The Information Technology (IT) department is responsible for managing Dinwiddie County's phone system. The current Panasonic PBX systems were purchased in the mid 1990's. One system is housed in each of the following buildings: Courthouse, Sheriff's Office, Social Services, Administration, and the School Board Office.

- We are having problems with the current phone system nearly every week,
- The staff and the citizens we are trying to serve are being impacted by these problems.
- The County's system is based on older hardware and software technology that does not take advantage of the newer infrastructure technology currently used by the County.
- The current system is costly to maintain and operate.
- The current system contains no upgrade path to a next generation solution, it is essentially obsolete.

These challenges were the impetus for the County's decision to upgrade its telecommunications system.

#### **CONTRACT NEGOTIATIONS**

The County is seeking a solution that addresses the above concerns, as well as a centralized voicemail and automated attendant solution that is integrated with the VoIP system. The selected system will have the ability to support an automated attendant for multiple departments independently.

System survivability is critical. All systems required reliability from both the standpoint of historical up-time and redundant operations. The proposed solutions provided redundancy options/alternatives to insure that critical identified sites remain in service in the event of a disaster or major power failure.

Dinwiddie County searched for a full service provider that could offer a turn-key solution. The following solutions were researched: Cisco Unified Communications Solution, Mitel Communications Director Solution, and Avaya Business Communications Solution from five different vendors on various cooperative procurement contracts. These are the following quotes received from those vendors: Chesapeake Communications – Mitel solution - \$140K; Allen Communications – Mitel solution - \$170k; Tri Systems - Avaya Solution - \$149k; Disys – Cisco Solution - \$199k; TBL Networks – Cisco Solution - \$213k.

Our recommendation is to purchase the Avaya Business Communications Solution offered by TriNET Systems. Avaya and TriNET have extensive experience with local government and local school systems throughout the central Virginia region. The total cost of ownership is dramatically reduced with Avaya's solution. Long term expandability and greater capacity will allow for growth in the School System and in the County.

The procurement of the Avaya solution will be accomplished by using the Fairfax County Contract #RQ06-826628-42, which has a cooperative procurement component that has been approved by the County's legal department. System Installation, testing and training should be complete by mid-summer.

**REQUESTED ACTION**

We are asking for approval of the following resolution. Funding is available from Social Services, the School Board, and the County CIP budgets. In the FY 2009 CIP budget, funds had been appropriated for an anticipated payment to SCWWA, which we have learned will not be required. All of these funds combined with the funds already appropriated in the CIP for a telephone upgrade will cover the expected cost of the project.

Social Services	\$ 31,979
School Board	\$ 19,932
County	\$ 97,061
Total	\$148,972

Upon motion of Mr. Stone, seconded by Ms. Moody,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, does hereby authorize and direct the County Administrator to execute the necessary documents to award a contract to TriNET Systems for an amount not to exceed \$148,972 for the installation and configuration of the Avaya Business Communications Solution.

BE IT ALSO RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia does hereby authorize the transfer of \$68,769 from the SCWWA project to the IT Voice over IP project line items within the County CIP fund.

Ayes: Mr. Haraway, Mr. Talmage, Ms. Moody, Mr. Stone, Mr. Moody  
Nays: None

**7.E. ACTION ITEM: VIRGINIA PUBLIC SERVICE WEEK**

Gail F. Vance, Human Resources Director, presented the resolution below.

Upon motion of Mr. Haraway, seconded by Ms. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the resolution recognizing May 3-7, 2010 as Public Service Week is adopted as presented.

Ayes: Mr. Talmage, Ms. Moody, Mr. Haraway, Mr. Stone, Mr. Moody  
Nays: None

**PUBLIC SERVICE WEEK**

**WHEREAS**, the citizens of Dinwiddie County are served every day by state, and local public servants who do the work that keeps our Commonwealth and county moving forward in an efficient and effective manner with the utmost of dedication, pride and commitment to all its residents; and

**WHEREAS**, state and local public servants at all levels provide numerous public services that improve Virginians' quality of life in such areas as education, technology,

public safety, medical care, transportation, economic development, natural resources, recreation, finance; and

**WHEREAS**, state and local entities provide the public with copious resources and assistance opportunities, and thousands of state and local employees are expert at educating Virginians and helping them utilize the public service programs designed to strengthen our great Commonwealth's families and communities; and

**WHEREAS**, Public Service Week is set aside each year to recognize our Commonwealth's local government employees for their outstanding service to the citizens of Virginia, and awards will be given to those employees who have consistently performed beyond the expectations of their employers, co-workers, and the general public;

**NOW, THEREFORE**, the Board of Supervisors does hereby recognize May 3-7, 2010 as **PUBLIC SERVICE WEEK** in Dinwiddie County, and we call this observance to the attention of all our citizens.

## **8. CITIZEN COMMENTS**

Before the citizen comments period, the Chair stated the following.

*The Board of Supervisors desires to provide an opportunity for citizens to express their views on matters pertaining to Board issues that are not listed under the Public Hearings portion of this meeting. It is for that purpose the citizens comment period is provided. This time is not intended to be a question and answer period or time for dialogue with Board members or staff. Citizens desiring to address the Board must sign up prior to the commencement of the meeting. Comments must be confined to matters germane to the business of the Board. Citizens should address the Board with decorum. Loud, boisterous or disruptive behavior, obscenity and vulgarity should be avoided; as well as other words or acts tending to invoke violence or deem to be a breach of the peace. Please do not forget that all comments shall be directed to the Board Chair.*

The Chair opened the citizen comments period.

1. Anne Scarborough – Dinwiddie – questioned payments to Dinwiddie Water Authority. She also had questions regarding economic development and a land sale. She also discussed an A P Hill event.
2. John Wamsley – 2619 Oxford Drive – discussed the budget. He had a question about the Treasurer's report, and some line items that he felt could be adjusted.

As no one else was signed up to speak, the Chair closed the citizen comment period.

## **9. COUNTY ADMINISTRATOR COMMENTS**

W. Kevin Massengill, County Administrator, stated that Southern Dominion Health Systems (the Medical Center) are planning a reopening ceremony on April 26, 2010 at 10:00 a.m. for their temporary building. He said that the Division Chief of Planning & Community Development has been working with West Petersburg Vicinity Awareness and the Cameron Foundation toward a grant (they are looking to do some improvements especially relative to the youth and enrichment programs). The Ford Volunteer Fire Department construction project is going well. The Family Dollar in Dinwiddie is soon to be finished. Planning staff is working with the engineer firm associated with Cedar Ridge in order to get a finalized plat. The third annual *Beautify Dinwiddie Day* will be held on June 5, 2010 (rain date is the following Saturday).

## **10. BOARD MEMBER COMMENTS**

Mr. Haraway said he would like to see some of the budget items that had been mentioned addressed at the next meeting.

Mr. Stone asked if there will be a public hearing regarding the future use of Rohoic.

Mr. Massengill answered that the thought of staff was that as it is included in the C.I.P., it will receive public comment during the next meeting.

Mr. Moody stated that there is information on the County website about the Dinwiddie County Information Technology Department receiving an award from Forbes.com for storage virtualization. He said he would like for there to be an application through VACo for

an award for them as well. He stated also that there will be a VACo Region 4 meeting on this coming Thursday at 6:30 p.m. at Southside Virginia Community College in Alberta.

**11. CLOSED SESSION:**

At 4:12 p.m. upon motion of Mr. Stone, seconded by Ms. Moody,

The Board of Supervisors of Dinwiddie County, Virginia convened in a closed meeting under:

- a. §2.2-3711 (A) (1) Personnel Matters
  - Appointments
    - Crater District Health Advisory Board
    - Resource Conservation and Development Council
    - Dinwiddie County Social Services Board
    - Dinwiddie County Planning Commission
  - Personnel
    - Division of Fire & EMS
    - Division of Finance & General Services
    - Division of Planning & Community Development
- b. §2.2-3711 (A) (5) Business and Industry Development:
  - Prospective Business & Industry
- c. §2.2-3711 (A) (7) Legal Consultation:
  - Consultation with Legal Counsel
    - Land Use

Ayes: Mr. Haraway, Mr. Talmage, Ms. Moody, Mr. Stone, Mr. Moody

Nays: None

At 6:58 p.m. upon motion of Mr. Haraway, seconded by Ms. Moody the Board reconvened into open session.

Ayes: Mr. Haraway, Ms. Moody, Mr. Talmage, Mr. Stone, Mr. Moody

Nays: None

**CERTIFICATION**

WHEREAS, this Board convened in a closed meeting under:

- a. §2.2-3711 (A) (1) Personnel Matters
  - Appointments
    - Crater District Health Advisory Board
    - Resource Conservation and Development Council
    - Dinwiddie County Social Services Board
    - Dinwiddie County Planning Commission
  - Personnel
    - Division of Fire & EMS
    - Division of Finance & General Services
    - Division of Planning & Community Development
- b. §2.2-3711 (A) (5) Business and Industry Development:
  - Prospective Business & Industry
- c. §2.2-3711 (A) (7) Legal Consultation:
  - Consultation with Legal Counsel
    - Land Use

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. Stone, seconded by Ms. Moody, this Certification Resolution was adopted.

Ayes Mr. Haraway, Mr. Talmage, Mr. Stone, Mr. Moody  
Nays: None

**7:00 P.M.**

**12. PRESENTATION: TO JOHN ROY HODGES**

W. Kevin Massengill, County Administrator, presented the resolution below to Mr. Hodges, as well as a plaque commemorating his years of service to the County.

Upon motion of Mr. Talmage, seconded by Mr. Haraway,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the resolution to John Roy Hodges is adopted as presented.

Ayes: Ms. Moody, Mr. Haraway, Mr. Talmage, Mr. Stone, Mr. Moody  
Nays: None

**RESOLUTION**

**WHEREAS**, John "Roy" Hodges began his employment with the County of Dinwiddie on July 2, 1975 serving as a Dispatcher for the Sheriff's Office, and on March 1, 1978 was appointed Deputy Sheriff, serving faithfully in that capacity until his retirement on April 1, 2010; and

**WHEREAS**, his diligence, and dedication as a law enforcement officer, and his exemplary performance in the line of duty brought honor and credit to him, his colleagues, and to Dinwiddie County; and

**WHEREAS**, in March of 1981, Sergeant Hodges represented his public safety interest by serving as Chairman of the Dinwiddie Highway Safety Commission; and

**WHEREAS**, Sergeant Hodges served diligently from 1985 – 1995 as the Crime Solvers Liaison for the Petersburg-Dinwiddie Crime Solvers; and

**WHEREAS**, in 1987, Sergeant Hodges had the distinct honor of being named the first D.A.R.E. Officer in Dinwiddie County Public Schools; and

**WHEREAS**, Sergeant Hodges earned his state certification as a Police Academy Instructor in Firearms, Chemical Weapons, and Radar; additionally, he was an Instructor for the Crater Criminal Justice Academy and VCIN; and

**WHEREAS**, Sergeant Hodges' dedication to his law enforcement duties, coupled with his years of knowledge, resulted in his promotion to Investigator in 1980; and Sergeant for Patrol; and

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Supervisors on this 20<sup>th</sup> day of April 2010 desires to express their appreciation to Deputy John "Roy" Hodges for his 34 years of loyal, dedicated service to Dinwiddie County, and to extend to him their warmest regards and very best wishes for many years of health and happiness as he enters a new phase of his life; and

**BE IT FURTHER RESOLVED**, by the Board of Supervisors of Dinwiddie County, Virginia, that this resolution be presented to Deputy John "Roy" Hodges, and a copy spread upon the minutes of this meeting for eternity.

**12. B. PRESENTATION TO CAROLYN A. SMITH**

W. Kevin Massengill, County Administrator, stated that Ms. Smith was unable to attend the meeting, and Ms. Vance would accept the resolution and plaque for Ms. Smith. Mr. Massengill then read the resolution.

Upon motion of Mr. Talmage, seconded by Ms. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the resolution for Ms. Carolyn A. Smith is adopted as presented.

Ayes: Mr. Haraway, Ms. Moody, Mr. Talmage, Mr. Stone, Mr. Moody

Nays: None

**Carolyn A. Smith**

**WHEREAS**, Carolyn A. Smith began her employment with the County of Dinwiddie on December 1, 1982 serving as a Dispatcher for the Sheriff's Office, and on July 1, 1985 was appointed Deputy Sheriff, serving faithfully in that capacity until her retirement on January 1, 2010; and

**WHEREAS**, Deputy Smith has the distinction of being the first female Deputy Sheriff to serve with the Dinwiddie County's Sheriff's Office; and Deputy's Smith's exemplary career established her as a mentor to new personnel; and

**WHEREAS**, her professionalism, diligence, and commitment as a law enforcement officer, and her exemplary performance in the line of duty brought honor and credit to her, her colleagues, and to the citizens of Dinwiddie County; and

**WHEREAS**, Deputy Smith achieved the status and distinction of Master Deputy in September of 2000; and

**WHEREAS**, Deputy Smith's devotion to her sworn duties, coupled with her strong work ethic, resulted in her promotion to Sergeant in Civil Process in January of 2008; and

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Supervisors on this 20<sup>th</sup> day of April 2010 desires to express their appreciation to Deputy Carolyn A. Smith for her 27 years of loyal, dedicated service to Dinwiddie County, and to extend to her their warmest regards and very best wishes for many years of health and happiness as she enters a new phase of her life; and

**BE IT FURTHER RESOLVED**, by the Board of Supervisors of Dinwiddie County, Virginia, that this resolution be presented to Deputy Carolyn A. Smith, and a copy spread upon the minutes of this meeting for eternity.

**13. A. PUBLIC HEARING: C-10-1, CONDITIONAL USE PERMIT TO KEEP UP TO 40 COMPANION BIRDS OUTDOORS**

As Mr. Bassett, Director of Planning, was unable to attend the meeting, the information below was presented by Tammie J. Collins, Division Chief of Planning & Community Development.

Before Ms. Collins spoke, John C. Blair II, County Attorney, stated that due to some language issues, he would ask Mr. Huang and the interpreter, Mr. Wei Zhu to come to the microphone. He asked Mr. Huang's native language. Mr. Huang answered that it is Mandarin Chinese. When asked if he had trouble speaking English, the answer was yes. When asked if he requested the services of a translator, the answer was yes.

Mr. Wei Zhu stated his name for the record. He stated that his native language is Mandarin Chinese. He stated that Mandarin is a uniform language and he and the applicant mutually understand each other. Mr. Blair asked Mr. Wei Zhu if he was comfortable translating for the applicant. The answer was yes. Mr. Blair asked Mr. Tony Huang if he was comfortable having this individual translate for him. The answer was yes.

The Board members had several questions regarding the case, and those questions were answered.

The applicant spoke to the Board through the translator, Mr. Wei Zhu. He said that these birds have been his personal interest since he was growing up and he has affection for the birds. In order to keep the limited number he will make every effort to comply with the County codes and the requirements from the subdivision's residents.

The Chair opened the public hearing in this case.

As no one was signed up to speak, the Chair closed the public hearing in this case.

**Planning Commission Report**

File #: C-10-1  
Applicant: Mr. Tony Huang

Property Address: 25610 Walkers Landing Court, Walkers Landing, Petersburg  
Tax Map Parcel #: 9J-1-8  
Magisterial District: Rohoic  
Property Size: Approximately 0.39 acre  
Current Zoning: Residential, Limited, R-1  
P.C. Hearing Date: March 10, 2010

---

### **CASE OVERVIEW**

The applicant, Tony Huang is seeking a conditional use permit to utilize the following described property to keep up to 50 companion birds (pigeons) outdoors in a shelter(s). The property is located at 25610 Walkers Landing Court, Petersburg, VA 23803. The property is designated as Tax Map Parcel No. 9J-1-8 and is zoned Residential, Limited, R-1, which allows such use upon receiving a conditional use permit. The County Comprehensive Land Use Plan places this property within the Urban Planning Area which allows single-family residential development at the Ordinance defined density.

### **CASE BACKGROUND**

On March 6, 2008, the Codes Compliance Officer, Mr. Harris, observed a zoning violation occurring at 25610 Walkers Landing Court further defined by the Commissioner of Revenue's office as tax map parcel 9J-1-8. Mr. Harris sent a zoning violation letter citing that the Dinwiddie County ordinance does not allow the keeping of livestock associated with agriculture within the Residential, Limited, R-1 zoning district.

The property owners, Qi and Xiu Xia Huang, requested a zoning violation determination from the Zoning Administrator, Ms. Greene, stating that the pigeons kept on the property were not for agricultural purposes but rather were companion birds.

In the letter dated April 15, 2008, the Zoning Administrator found that "agriculture" is not a permitted use in the R-1 zoning district. Section 22-1 of the Zoning Ordinance defines "agriculture" as "the tilling of the soil, the raising of crops, horticulture, forestry and gardening, including the keeping of animals and fowls, and including any agriculture industry or business, such as fruit packing plants, dairies or similar uses." By definition, the current activities on the subject property constituted an agriculture use. Agriculture is not a permitted use in the R-1 zoning district.

The applicants were told they could apply for an amendment to the Zoning Ordinance in order to provide for the keeping of companion birds. The property owner filed an Ordinance amendment application and fee and proposed the Ordinance amendments to Chapter 22, Zoning of the Dinwiddie County Code. On October 20, 2009, the Board of Supervisors adopted the Ordinance amendments to include companion birds as a conditional use in the R-1 zoning district along with certain requirements for housing up to 50 companion birds outdoors.

### **RELATED ATTACHMENTS**

- A. CUP Application
- B. GIS Location Map
- C. Pictures of Subject Property

### **LAND USE AND ZONING ANALYSIS**

The subject property includes the single-family residence, and the bird (pigeon) related shelters that are located in the rear of the residence. The surrounding land uses include single-family residential uses, and these surrounding properties are zoned R-1, Residential, Limited.

As designated by the Comprehensive Land Use Plan, the subject property is within the Urban Planning Area which allows for single-family residential development. The R-1, Zoning District allows for the keeping of companion birds outdoors with a conditional use permit with the following Ordinance defined requirements:

- a) It shall be unlawful for any person to keep or cause to be kept any kind of companion bird outdoors within 50 feet of any structure owned by another person and used for human habitation, occupation, or assemblage.
- b) The aggregate number of companion birds kept by persons within the dwelling and on the premises owned by such persons shall not exceed 50.
- c) Persons who keep companion birds shall not permit them to run at large on the premises, in the streets, public places, or anywhere outside of an enclosed structure.

- d) Persons who keep companion birds shall not permit them to depredate the property of any other person.
- e) Persons who keep companion birds outdoors shall provide them with a house or shelter. Such house shall be shielded from the right-of-way or public view, shall be kept dry and well-ventilated, and shall be cleaned at least once a week, between November 1 and May 1, and at least twice a week, between May 1 and November 1, of each year, and more often if necessary or required.
- f) Persons who keep companion birds shall keep their property clean and free from all decaying feathers, feces or vegetable matter or odors.

**OVERVIEW OF IMPACTS**

*Public Utilities, & Public Safety Impacts*

The existing residence utilizes public sewer and water. Considering the use, the impact on public safety services is negligible.

*Transportation Impacts*

With the housing of companion birds, there are no impacts on the subdivision's transportation network.

**SITE AND USE ANALYSIS**

The outdoor shelters for the pigeons are located in the rear yard of the residence and are the appropriate distance from the neighboring residences and staff has not received any complaints involving the pigeons depredate neighboring properties. Given the surrounding stable single-family residential land uses and low density residential zoning pattern the applicant needs to address the number and condition of the pigeon shelters. The shelters should be modified to ensure compliance with the Building Code and to be complimentary to the applicant's principal structure.

**Planning Staff Recommendation:**

The Planning Staff reviewed the conditional use permit and is concerned that the applicant needs to address the number of individual shelters on the subject property, and if the current number of pigeons housed on the property requires that the current number of shelters be maintained then there needs to be a limit on the number of pigeons kept on the subject property.

Staff's recommendation of APPROVAL WITH CONDITIONS of the request for a conditional use permit to allow for the keeping of companion birds (pigeons) outdoors is conditioned on there being a limit on the number of shelters allowed on the subject property and a limitation on the number of pigeons based on the amount of space needed within a shelter to house each pigeon. The approval of the conditional use permit is subject to the following conditions:

1. The shelters utilized as part of the outdoor housing of the companion birds (pigeons) shall be modified as needed to meet the Building Code requirements for the applicable use group as set forth in the Building Code, and the exterior walls and roofs of the shelters shall be complimentary to the applicant's principal dwelling. Additionally, the travel trailer shall not be used as a shelter to house pigeons.
2. Any additional outdoor site lighting installed shall be directed downward and inward to the site and shall not directly cast light onto the adjoining properties.
3. The conditional use permit will be reviewed by the Planning Department on an annual basis on the anniversary date that the permit is approved by the Board of Supervisors of Dinwiddie County for compliance with the stated conditions.
4. The keeping of the companion birds (pigeons) shall comply with all applicable federal, state, and local codes and regulations.

---

**PLANNING COMMISSION RECOMMENDATION**

At their March 10, 2010 meeting, the Planning Commission heard comments from the applicant, Mr. Huang, through the County's interpreter. Mr. Huang stated that he started raising pigeons at the age of eight and has been raising them now for the last ten years. He said they are his life. He said he wakes up and looks at them as companions. He said he wants to keep them because to him they are like family. He also said his pigeons are certified by the American Racing Union. Mr. Huang also indicated to the Planning Commission that he is aware and comfortable with the conditions that the Planning staff recommended and that he is even willing to reduce the number of the pigeons and the

number of shelters if the Commission requests him to do so. Additionally, Mr. Huang stated that each shelter can hold twenty pigeons and he keeps the males separate from the females. Mr. Huang told the Commission that he does not raise the pigeons for selling or eating. He indicated that he gives the excess pigeons to the American Racing Union. He indicated that this is something he has done before.

During the Public Hearing portion of the case, a neighbor of Mr. Huang, Mr. Eric King of 25611 Walkers Landing Court Petersburg, VA said he had a concern about a tractor trailer truck that delivers feed to the applicant for the pigeons at his home. He said his other concern is the regulation of the number of birds. He said he was not sure who would do that. He added that in the summer months there is, at any given time, 10 to 30 birds flying in a circular pattern around his house. He said during this time the birds leave waste on his mailbox, vehicles, driveway and roof. He said the pigeons have also attracted predator birds and because of that he has found on several occasions dead birds in his yard. Mr. King said he has witnessed the tractor trailer coming to the property three or four times in a year and he added that there is no noise associated with the birds that he could speak of. Mr. King said there has been only one occasion where a bird didn't want to fly. He said he contacted someone from the applicant's home and they came to retrieve the bird from underneath one of his vehicles. He added that there is no smell coming from the applicant's area. Mr. King said it is a nuisance more than anything. He said after washing the cars and cleaning the area around the home finding waste back on things annoys him. Mr. King said he sees them several times during the day. He said they group up then fly in a big large circle for about an hour before returning to the applicant's property.

The Planning Commissioners concluded the Public Hearing and their questions of Mr. King, and began to focus on the Conditions related to the CUP request. Planning Commissioner Lee stated Mr. King did a good job on giving a synopsis of someone living next door to the applicant. He said the last thing Mr. King said was the most important thing of all which was this property is not agricultural. He said it is a residential neighborhood. He also said that we need to ensure that we are okay with the number of birds and that the applicant understands his buildings must pass building code.

After lengthy discussion and interaction with the applicant concerning the area needed to house pigeons; the number of pigeons to be housed in each shelter; the number of shelters allowed; the number of pigeons allowed to be out of the shelters at any point in time; and the cleanliness of the shelters and area around the shelters as well as any associated health concerns with the keeping of pigeons, the Planning Commission drafted the following five additional Conditions:

1. The applicant shall purchase all feed and supplies in a manner to prevent delivery of said feed and supplies from being transported to his residence in a vehicle with more than two axles.
2. The applicant shall keep no more than forty adult pigeons at one time.
3. The applicant shall keep all pigeons housed in two separate structures with dimensions at approximately one cubic meter per pair of pigeons.
4. The applicant shall not permit more than eight pigeons to leave the structures and fly at one time.
5. The applicant shall comply with all conditions of this permit within 90 days of the granting of this Conditional Use Permit.

After additional discussion and questions for the applicant related to the proposed Conditions, the Planning Commission voted by a vote of 4-3 to recommend approval of conditional use permit, C-10-1, with the Planning staff recommended Conditions and with the five additional Conditions developed by the Planning Commission to the Board of Supervisors.

---

Upon motion of Mr. Stone, seconded by Ms. Moody,

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, that conditional use permit, C-10-1, is approved with conditions by the Board of Supervisors.

Ayes: Mr. Haraway, Mr. Talmage, Ms. Moody, Mr. Stone, Mr. Moody  
Nays: None

### **13. B. PUBLIC HEARING: PROPOSED ORDINANCE AMENDING THE DINWIDDIE**

**COUNTY CODE CONCERNING EXCESSIVE OR DISTURBING NOISE**

John C. Blair II, County Attorney, presented the information below to the Board.

The Chair opened the public hearing in this matter.

As no one was signed up to speak, the Chair closed the public hearing in this matter.

The Dinwiddie County Board of Supervisors conducted two work sessions in January and March. These workshops discussed the rewriting of the County’s solid waste ordinances.

These changes are necessary because the County is no longer a landfill operator, and the solid waste ordinance chapter still reflects a landfill-centric waste policy. The proposed changes mirror the change in the Board’s policy to convenience centers for solid waste.

The Board presented a number of changes at its January work session and the County Attorney’s office presented changes and answers to the Board’s questions at the March work session. The Board indicated its satisfaction with the proposed ordinance changes and they are before you tonight for your consideration and adoption.

The Dinwiddie County Board of Supervisors conducted two work sessions in January and March. These workshops discussed the rewriting of the County’s solid waste ordinances.

These changes are necessary because the County is no longer a landfill operator, and the solid waste ordinance chapter still reflects a landfill-centric waste policy. The proposed changes mirror the change in the Board’s policy to convenience centers for solid waste.

The Board presented a number of changes at its January work session and the County Attorney’s office presented changes and answers to the Board’s questions at the March work session. The Board indicated its satisfaction with the proposed ordinance changes and they are before you tonight for your consideration and adoption.

Mr. Blair stated that there was one thing that had been left unresolved from the last meeting regarding this subject. Porta-johns required at construction sites was a subject that Mr. Haraway had brought up at previous meetings. Mr. Blair said he could add this as an addition to this ordinance to have at the June meeting.

Upon motion of Mr. Stone, seconded by Ms. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the ordinance to amend the Code of the County of Dinwiddie, 1985, as amended, by amending and re-enacting Chapter 17.Solid Waste Sections 17-1 through 17-36 is approved as presented.

Ayes: Mr. Talmage, Mr. Haraway, Ms. Moody, Mr. Stone, Mr. Moody

Nays: None

**AN ORDINANCE TO AMEND  
THE CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,  
BY AMENDING AND RE-ENACTING CHAPTER 17. SOLID WASTE  
SECTIONS 17-1 THROUGH 17-36**

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County:

1. That Chapter 17 of the Code of the County of Dinwiddie, 1985, as amended, is amended and re-enacted to read as follows:

**CHAPTER 17. SOLID WASTE**

**ARTICLE I. GENERALLY**

**Section 17-1. Purpose.**

The purpose of this chapter is to promote the health and welfare of the general public by regulating the removal, collecting and disposal of garbage in the county.

**Section 17-2. 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 indicates a different meaning:

"Applicant" means any and all persons seeking or holding a permit under this chapter.

"Construction litter or debris" means waste resulting from construction or demolition projects, including but not limited to brick, concrete, concrete rubble, gypsum board, lumber, sheetrock, roofing materials, fixtures (such as bath tubs, shower stalls, sinks, and toilets), and remodeling debris (such as cabinets, ceramic tile, Formica, and similar items).

"Convenience center" means a collection point for the temporary storage of solid waste provided for individual solid waste generators who choose to transport solid waste generated on their own premises to an established centralized point, rather than directly to a disposal facility. To be classified as a convenience center, the collection point may not receive waste from collection vehicles that have collected waste from more than one real property owner. A convenience center shall be on a system of regularly scheduled collections.

"Discard" means to abandon, dispose of, burn, incinerate, accumulate, store or treat before or instead of being abandoned, disposed of, burned or incinerated.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that such solid waste or any constituent of it may enter the environment or be emitted into the air or discharged into any waters.

"Garbage" means readily putrescible discarded materials composed of animal, vegetable or other organic matter.

"Hazardous waste" means a solid waste or combination of solid waste which, because of its quantity, concentration or physical, chemical or infectious characteristics, may: (1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

"Household waste" means any waste material, including garbage, trash and refuse, derived from households. Households include single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas. Household wastes do not include sanitary waste in septic tanks (septage) which is regulated by other state agencies.

"Litter" means any solid waste that is discarded or scattered about a solid waste management facility outside the immediate working area.

"Nuisance" means an activity which unreasonably interferes with an individual's or the public's comfort, convenience or enjoyment such that it interferes with the rights of others by causing damage, annoyance, or inconvenience.

"Person" shall have the same meaning as in Section 1-2 herein.

"Refuse" means all solid waste products having the character of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from clean up of spills or contamination, or other discarded materials.

"Refuse container" means any portable device which is durable, watertight, rust-resistant and has a close-fitting lid, in which refuse is stored, transported, treated, or otherwise handled.

"Refuse hauler" means a person who collects and transports refuse, garbage or trash for consideration.

"Release" means, for the purpose of this chapter, any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injection, escaping, leaching, dumping, or disposing into the environment solid wastes or hazardous constituents of solid wastes (including the abandonment or discarding of barrels, containers, and other closed receptacles containing solid waste). This definition does not include: any release which results in exposure to persons solely within a workplace; release of source, by-product or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (68 Stat. 923); and the normal application of fertilizer. For the purpose of this chapter, release also means substantial threat of release.

"Rubbish" means combustible or slowly putrescible discarded materials which include but are not limited to trees, wood, leaves, trimmings from shrubs or trees, printed matter, plastic

and paper products, grass, rags and other combustible or slowly putrescible materials not included under the term "garbage."

"Scavenging" means the unauthorized or uncontrolled removal of waste materials from a solid waste management facility.

"Site" means all land and structures, other appurtenances, and improvements on them used for treating, storing, and disposing of solid waste. This term includes adjacent land within the facility boundary used for the utility systems such as repair, storage, shipping or processing areas, or other areas incident to the management of solid waste.

"Solid waste" means any of those materials defined as 'solid waste' in Part III ([9VAC20-80-140](#) et seq.) of the Virginia Hazardous Waste Management Regulations.

"Storage" means the holding of waste, at the end of which the waste is treated, disposed, or stored elsewhere.

"Trash" means combustible and noncombustible discarded materials and is used interchangeably with the term rubbish.

### **Section 17-3. Violations.**

(a) Unless otherwise specified, violations of this article shall be punishable as misdemeanors in accordance with the following:

(1) First offense shall be punishable by a fine of not more than \$300.00 but not less than \$50.00 or confinement in jail for not more than 30 days but not less than five days, or both;

(2) Second offenses shall be punishable by a fine of not more than \$300.00 but not less than \$100.00 or confinement in jail for not more than 30 days but not less than ten days, or both; and

(3) Third offenses and all subsequent offenses shall result in a fine of \$300.00 or confinement in jail for 30 days, or both.

(b) Each day during which a violation is found to have existed shall constitute a separate offense.

(c) In addition to the penalties prescribed by this chapter, any person found to be in violation of this chapter shall pay to or reimburse the county for all costs or expense of any kind and nature associated with the clean-up and proper disposal of all materials dumped or disposed of by such person in violation thereof.

(d) The board of supervisors or its designee, in its discretion, may request the judge of the general district, juvenile and domestic relations, or circuit court, as applicable, to include community service as a part of any sentence imposed for a violation of this chapter.

(e) The board of supervisors shall request the judge of the general district court to cause to be published in any newspaper of general circulation in the county the names of any violators of this chapter together with the nature of the violation and penalty prescribed for such violation.

### **Section 17-4. Enforcement.**

(a) This chapter shall be enforced by the sheriff's department of the county.

(b) Whenever a violation of this chapter is reported to the director of public works, sheriff, county administrator, or the designee of each, such authorized official shall make and sign complaints and otherwise request and seek the issuance of warrants for violations of this chapter.

(c) The director of public works, sheriff, and the county administrator, or the designee of each, after identifying himself, shall have the authority to enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of the provisions of this chapter if, prior to such entry, the authorized person either (1) obtains consent of the owner or occupant of the subject property to such entry or (2) swears out a warrant authorizing such entry.

## **ARTICLE II. STORAGE AND DISPOSAL**

### **DIVISION 1. STORAGE**

**Section 17-10. Refuse containers.**

(a) Each person having refuse shall provide himself with refuse containers meeting the requirements of this chapter and shall place and keep all refuse therein.

(b) Each person having a refuse container under his ownership or effective control shall keep all refuse confined to such container and shall keep the area surrounding the refuse container free from refuse and debris so as not to create a nuisance or adversely affect the public health.

(c) Commercial establishments, including restaurants, shall store refuse in containers which prevent refuse from leaking, spilling or being blown or hurled from the containers and which prevent the entrance of rodents, dogs, cats and other animals.

(d) Hazardous waste shall be stored in containers appropriate for the specific type and degree of hazard present and clearly labeled as to their contents and the type of hazard present.

**Section 17-11. Storage of waste at construction and development sites.**

(a) All construction or development sites within the county shall be kept free of construction litter and debris at all times.

(b) Any accumulation of construction litter or debris that constitutes a nuisance or threat to the health or safety of the public shall be removed by the county, and all costs incurred therein shall be recoverable by the county, pursuant to Section 17-16 herein.

(c) The owner of record of the construction or development site and each contractor working at the construction or development site shall be jointly responsible for complying with this section.

**DIVISION 2. DISPOSAL**

**Section 17-15. Transportation of refuse.**

(a) Each person transporting refuse in or through the county shall transport refuse in such a manner as not to create a nuisance or adversely affect public health.

(b) Each person transporting refuse in or through the county shall prevent such refuse from being spilled, dumped, leaked, blown, hurled from, deposited, discharged, or thrown into any street, court, lane, alley, sewer inlet, vacant lot., or public way.

(c) It shall be unlawful for any person to transport any refuse upon the streets, roads, or highways in the county in a motor vehicle unless the vehicle is constructed or loaded to prevent any of the load, consisting of the refuse and refuse containers, from dropping, sifting, leaking or otherwise escaping therefrom. A vehicle may be deemed to be constructed or loaded to prevent the load from dropping, sifting, leaking or otherwise escaping if:

(1) The vehicle has a watertight body, completely enclosed and covered, by construction; or

(2) The vehicle transports only refuse which is completely contained within bags, boxes or other containers or covered by a tarpaulin or other suitable cover, securely fastened to the body of the vehicle and of such size and shape as may be necessary to contain the entire load, and all liquid or semisolid material is secured in covered watertight containers.

**Section 17-16. Removal and/or disposal of trash.**

(a) The owners and occupants of property in the county shall remove therefrom any and all trash, garbage, refuse, litter and other substances (collectively, "trash") which might endanger the health or safety of other residents of such county in a timely manner.

(b) Trash, garbage, refuse, litter and other debris shall be disposed of in personally owned or privately owned receptacles or in authorized facilities provided for such purpose and in no other manner not authorized by law.

(c) If the county believes that trash has accumulated on property which might endanger the health of other residents of the locality, and if the owners and occupants of the property have failed to remove the trash from the property in a timely manner, the county shall send notice via certified mail to the property owner at the address listed in the tax records of the county and the property occupant at the address of the property that such trash must be

removed within fourteen calendar days of receipt of the notice. If the property owner fails to remove the trash from the property within fourteen days of receipt of the notice, the county shall have the trash removed by the county's own agents or employees. The cost or expenses thereof shall be chargeable to and paid by the owners of such property, and the county shall collect such costs or expenses as taxes are collected.

(d) Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 and 4 of Chapter 39 of Title 58.1 of the Code of Virginia.

(1) The county may waive such liens in order to facilitate the sale of the property, but only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner.

(2) All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

(e) Violations of this section shall be subject to a civil penalty, not to exceed \$50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period. Except for the penalties provided in subsection (f) herein, these penalties are in lieu of criminal penalties and shall preclude prosecution of such violation as a misdemeanor.

(f) In the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period, such subsequent violations shall be a Class 3 misdemeanor. Civil penalties shall not be imposed on violations classified as criminal offenses pursuant to this subsection.

#### **Section 17-17. Burning of refuse and leaves.**

(a) A person may dispose of his own refuse by burning such refuse upon property under his ownership or under his effective control so long as such burning does not jeopardize the health, safety or general welfare of the public.

(b) A person may dispose of leaves originating on the premises of private residences in residential districts by burning the leaves on such premises, provided that:

(1) Such burning is done between 9:00 a.m. and 9:00 p.m. and all embers are totally extinguished at the end of this period;

(2) No material is added to the location of burning between 8:00 p.m. and 9:00 a.m.;

(3) The leaves are burned not less than 100 feet from any occupied building unless the occupant of the building has given prior written permission;

(4) The fire is attended at all times;

(5) No burning shall commence, and all current burning shall be terminated immediately, upon declaration of an alert warning or emergency stage of the air pollution episode by the executive director of the state air pollution control board or his designated representative; and

(c) All burning conducted pursuant to this section must be done in accordance with and as permitted by Section 10.1-1142 of the Code of Virginia, 1950, as amended.

(d) Notwithstanding any other provision of this section, it shall be unlawful for any person to burn refuse or leaves during the period beginning February 15 and ending April 30 of each year except as provided in Section 10.1-1142 of the Code of Virginia, 1950, as amended.

#### **Section 17-18. Dumping trash, companion animals, etc., on highway, right-of-way or private property; penalty.**

(a) It shall be unlawful for any person to dump or otherwise dispose of trash, garbage, refuse, litter, a companion animal for the purpose of disposal, or other unsightly matter, on public property, including a public highway, right-of-way, property adjacent to such highway or right-of-way, or on private property without the written consent of the owner thereof or his agent.

(b) When any person is arrested for a violation of this section, and the matter alleged to have been illegally dumped or disposed of has been ejected from a motor vehicle or transported to the disposal site in a motor vehicle, the arresting officer may comply with the provisions of Code of Virginia, § 46.2-936 in making such arrest.

(c) When a violation of any provision of this section has been observed by any person, and the matter illegally dumped or disposed of has been ejected or removed from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting or disposing of such matter. However, such presumption shall be rebuttable by competent evidence.

(d) Any person convicted of a violation of this section shall be guilty of a class 1 misdemeanor punishable by confinement in jail for not more than 12 months and a fine of not less than \$250 or more than \$2,500, either or both.

(e) The provisions of this section shall not apply to the lawful disposal of permitted waste in county-provided convenience centers.

**Section 17-19. Disposal of hazardous waste.**

It shall be unlawful for any person to dispose of hazardous waste within the county.

**DIVISION 3. CONVENIENCE CENTERS**

**Section 17-20. Convenience centers; establishment and regulation.**

(a) The board of supervisors shall establish convenience centers at locations deemed necessary to adequately serve the citizens of the county. Sites shall be selected with due regard for convenience of residents in the service area, safe ingress and egress, traffic flow, topography, environmental protection, avoidance of nuisances to adjacent and nearby residents and landowners, and budgetary concerns.

(b) County owned or operated waste facilities shall be administered by the director of public works. The board of supervisors is authorized and empowered to adopt such operational procedures for convenience centers as it deems proper for the health, welfare and safety of persons disposing of refuse.

(c) It shall be unlawful for any person to deposit or cause to be deposited any trash, garbage or other refuse in or on any county-provided convenience center without first complying with such rules and regulations as may be prescribed by the board of supervisors and posted at the convenience center.

(d) It shall be unlawful to mutilate, deface, or damage any convenience center. Costs associated with cleanup shall be recoverable as provided in Section 15.2-908 of the Code of Virginia.

**Section 17-21. Disposal of refuse at convenience centers.**

(a) Convenience centers shall be provided for the disposal of waste by residents of the county [and owners of real property in the county]. It shall be unlawful for persons other than county residents [or county real property owners] to dispose of waste at county-provided convenience centers.

(b) It shall be unlawful for persons to dispose of waste generated outside the county at county-provided convenience centers.

(c) It shall be unlawful to deposit at a convenience center any material other than that specified on convenience center signage.

(d) It shall be unlawful for refuse haulers to use the convenience centers.

(e) It shall be unlawful for any person to engage in scavenging or to remove any refuse or other waste from a county-provided convenience center unless authorized to do so in writing by an authorized county official.

(f) All waste must be deposited in containers provided at each convenience center. It shall be unlawful to deposit waste outside of the provided containers, including but not limited to on the ground at the convenience center. Any article found placed outside of a refuse container or convenience center and bearing a person's name and/or address shall be presumed to be the property of such person whose name and/or address appears thereon, and that such person placed or caused to be placed such article outside of a refuse container; provided, however, that such presumption shall be rebuttable by competent evidence.

(g) All refuse delivered and deposited at a county-provided convenience center shall be done in accordance with the directions and orders of the attendant in charge of operations at the convenience center and the regulations posted thereat and shall be considered the property of the county upon delivery or deposit thereof.

(h) Any person using county owned or operated waste facilities shall, upon request of an authorized county employee or official, present suitable evidence of his or her residency within the county or ownership of real estate within the county, including but not limited to the person's driver's license or other evidence.

**Section 17-22. Recycling at convenience centers.**

(a) The county shall provide containers at convenience centers to facilitate recycling of selected recycling commodities which shall be marked clearly to indicate the recycling commodity or commodities that may be placed in the containers.

(b) It shall be unlawful for any person to place anything in these containers other than the recycling commodity or commodities so designated.

**Section 17-23. Trespassing.**

(a) It shall be unlawful for any person, other than county employees or law enforcement officers in the performance of their employment, or with the consent of an authorized person to enter or cause another to enter upon a county-provided convenience center while the convenience center is closed. For the purposes of this section, premises shall include such roadway providing immediate ingress and egress to such convenience center.

(b) It shall be unlawful for any person, other than county employees or law enforcement officers in the performance of their employment, or with the consent of an authorized person to stop or park a motor vehicle at a county-provided convenience center except temporarily for the purpose of unloading refuse in accordance with the provisions of this chapter and the regulations promulgated thereunder. Only temporary stopping for the purpose of unloading refuse into proper containers shall be permitted.

**ARTICLE III. REFUSE COLLECTORS**

**DIVISION 1. PERMIT**

**Section 17-30. Permit and license required.**

It shall be unlawful for any person, for profit, to remove or transport any refuse through or upon any of the roads, streets or alleys of the county or dispose of the refuse in any manner or place without first obtaining (a) the permit required by Section 17-31 herein and (b) the business license required by Article I of Chapter 13 of this Code, including the payment of any required fee or tax.

**Section 17-31. Permit application and regulation.**

(a) Each person desiring to procure or renew a permit authorizing such person to engage in the collection of refuse in the county for compensation shall make written application to the county administrator setting forth the following:

- (1) The name, telephone number and address of such person;
- (2) A description of the equipment to be used in the collection of such solid waste;
- (3) The types of solid wastes to be collected;
- (4) The place and method of disposal;
- (5) A map of the routes served or proposed to be served;
- (6) The frequency of waste collection; and
- (7) The rates charged or proposed to be charged for the service.

(b) Within fifteen (15) days of receipt of a complete and accurate permit application and verification of the information listed below, the county administrator shall make a decision.

(1) The applicant possesses a valid county business license and has paid all required license taxes;

(2) The applicant has reasonably and substantially complied with all applicable provisions of this chapter;

(3) The applicant has the proper equipment and personnel to collect and dispose of refuse in accordance with the provisions of this article;

(4) The applicant's proposed method of disposal complies with all applicable laws and regulations, including but not limited to the recommendations of the bureau of solid waste management, state health department and regulations promulgated thereunder; and

(5) Payment of the nonrefundable, nonproratable application fee of \$ \_\_\_\_\_.

(c) If the application is approved, the permit shall be issued within the 15 day time frame. If the application is denied, the denial and explicit reasons therefore shall be sent to the applicant at the address provided on the application, also within the 15 day time frame.

(d) All permits shall expire on December 31 of the year of issue and shall be renewable annually between December 1 and December 31. The county reserves the right not to renew such permit for any reason when such action is deemed to be in the best interests of the county.

(e) No permit or license issued hereunder may be transferred, sold, or assigned without the express permission of the county administrator, and any permission so granted may impose such conditions on any transfer, sale or assignment as necessary in the opinion of the board to protect the public health and safety. Should the permit or license holder be a corporation or other association, sale or transfer of a controlling interest therein shall constitute an assignment for the purpose of this provision.

(f) No refuse collector shall make any change in any of the information listed on the permit application without first notifying and receiving the approval of the county administrator.

(g) The refuse collector shall notify the board of supervisors and each customer in writing at least 30 days prior to date of fact of the refuse collector's termination and discontinuance of business. On the date of the refuse remover's termination or discontinuance of business, the permitholder will surrender his permit to the county administrator.

#### **Section 17-32. Bond.**

(a) Upon issuance of the county refuse collecting permit, each permitholder must furnish a bond payable to the county in an amount equal to not less than \$500.00 for each vehicle licensed, but not to exceed \$3,000.00 in total, with surety approved by the board and conditioned to indemnify and save harmless the county as well as any person from all expense or damage that may be incurred by such, caused by any failure to comply with the provisions of this article. Such bond shall be deposited with the treasurer of the county. The original bond shall be for a period of not less than 12 months and shall be renewed annually.

(b) Handling of refuse shall be deemed neglected when the permitholder fails to meet the frequency of collection as stated in the application for permit. If the permitholder fails to correct any such neglect or noncompliance with this section within 48 hours after receipt of written notice, the bond shall be forfeited and the principal and surety on such bond shall be required to reimburse the county or any customer or any permitholder for any expense or damage incurred as a result of such neglect or failure.

### **DIVISION 2. COLLECTION PROCEDURES.**

#### **Section 17-35. Refuse collecting vehicles.**

All vehicles used for collection of refuse by a collector shall meet the following minimum requirements:

(a) The body of the vehicle shall be constructed of metal, wood, or both in combination, and shall be completely enclosed. A tarpaulin over an open body truck shall not be permitted for the collecting of refuse.

(b) The vehicle shall be equipped with a fire extinguisher capable of extinguishing Class A and Class B fires.

(c) Identifying information about the refuse collector, such as name, address, and telephone number, shall be displayed on each vehicle.

(d) The vehicle shall be kept in a clean and sanitary condition.

#### **Section 17-36. Collection of refuse; timing.**

Refuse collectors shall collect and transport refuse during daylight hours only and shall comply with Section 15-1 herein in all such activities.

Section 17-1. Definitions.

~~For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.~~

~~Agricultural waste. Solid waste resulting from the production of farm or agricultural products before processing.~~

~~Commercial waste. All solid waste emanating from establishments engaged in business. This category includes, but is not limited to, solid waste resulting from the operation of stores, mobile home parks consisting of ten or more mobile homes, markets, office buildings, restaurants, shopping centers, and theatres.~~

~~Garbage. All offal and refuse; animal and vegetable matter.~~

~~Garbage and trash collectors and refuse removers. All persons engaged in the business of picking up garbage and trash of any description by truck or other vehicle for the delivery to a sanitary landfill area as may be permitted by law.~~

~~Hazardous waste. A solid waste or combination of solid waste which, because of its quantity, concentration or physical, chemical or infectious characteristics, may:~~

~~(1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; or~~

~~(2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.~~

~~Incineration. The destruction of solid waste by burning in a furnace designed for the purpose wherein solid waste is essentially reduced to ash, carbon dioxide, and water vapor.~~

~~Industrial waste. All solid waste resulting from manufacturing and industrial processes such as, but not limited to, those carried on in factories, processing plants, refineries, slaughterhouses, and steel mills.~~

~~Institutional waste. All solid waste emanating from institutions such as, but not limited to, hospitals, nursing homes, orphanages, schools, and universities, public or private.~~

~~Open dump. An unregulated disposal site that is operated without required daily compaction and cover.~~

~~Prohibited waste. Those materials which, because of their inherent nature or quantities, require special handling during disposal to avoid creating environmental damage or hazards to public health or safety. Prohibited waste includes, but is not limited to, such items as petroleum waste; paints; explosives; acids; caustics; toxic substances; poisons; drugs; radioactive materials; asbestos fibers; imported wool fibers; pathologic wastes from hospitals, sanatoriums, nursing homes, clinics, and veterinary hospitals; waste from slaughterhouses and poultry processing plants; automobile tires which have not been shredded or split; and the like. Residential solid waste normally contains some prohibited materials, but because such materials are usually present in very small quantities, their safe disposal either in a sanitary landfill or incinerator presents no special problem. Therefore, residential waste is not considered to be "prohibited" within the meaning of "prohibited waste" as used in this chapter.~~

~~Refuse. All solid and semiliquid waste of a community, including garbage, ashes, rubbish, street cleanings and solid market and industrial wastes, but not including human or animal body wastes.~~

~~Residential wastes. Solid wastes resulting from household operations, including tree trimmings and lawn trimmings.~~

~~Sanitary landfill. A land site on which engineering principles are utilized to bury deposits of solid waste without creating nuisances or hazard to public health or safety.~~

~~Solid waste. Garbage, refuse, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage or other significant pollutions in water resources, such as silt, dissolved or suspended solids in~~

~~industrial wastewater effluences, dissolved material in irrigation return flows, or other common water pollutants.~~

~~Solid waste disposal system. The method of disposal of solid wastes.~~

~~Trash. Any and all rubbish, cans, bottles, containers, refuse, paper, cardboard or any other like waste or discarded materials of any inorganic nature.~~

~~(Ord. of 9-7-88)~~

#### **~~Section 17-2. Use of streets, vacant property for disposal of refuse.~~**

~~No person shall dump or dispose of, or leave or cause to be thrown any rubbish, tin cans, trash, tires, construction material, land clearing debris, garbage, prohibited waste, hazardous waste or other waste substance or materials, in or upon and along any street, road, highway, park, or alley in the county, nor shall any person dispose of, dump, or throw any rubbish, tin cans, trash, tires, construction materials, land clearing debris, garbage, prohibited waste, hazardous waste, or any other waste material or substance upon any vacant lots or any other property in the county except that which shall be so designated by the board of supervisors.~~

~~(Ord. of 9-7-88)~~

~~State law references: Litter control, Code of Virginia, § 33.1-346.~~

#### **~~Section 17-3. Transporting rubbish in open vehicles.~~**

~~No person shall transport any rubbish, tin cans, trash, garbage, or any other waste or refuse substance, in an open or uncovered vehicle, along the streets, roads, or highways in the county, unless the load is completely contained within bags, boxes or other containers or covered by a tarpaulin or other suitable cover, securely fastened to the body of the vehicle and of such size and shape as may be necessary to contain the entire load.~~

~~(Ord. of 9-7-88)~~

#### **~~Section 17-4. Incineration of refuse.~~**

~~Burning or incineration of refuse in the county shall be conducted in such a manner as to conform to title 10.1, chapter 13 of the Code of Virginia as regulated and administered by the state air pollution control board.~~

#### **~~Section 17-5. Burning of leaves.~~**

~~Leaves originating on the premises of private residences in residential districts may be burned on those premises, provided that:~~

~~(a) Such burning is done between 9:00 a.m. and 9:00 p.m. and all embers are totally extinguished at the end of this period.~~

~~(b) No material will be added to the fire between 8:00 p.m. and 9:00 a.m.~~

~~(c) The location of burning is not less than 100 feet from any occupied building unless the occupant has given prior written permission.~~

~~(d) To minimize the possibility of contaminant emission from inadvertent fires, at no time shall the fire be unattended.~~

~~(e) All burning of leaves permitted under this section shall not be commenced and shall be immediately terminated upon declaration of an alert warning or emergency stage of the air pollution episode when proclaimed by either the executive director of the state air pollution control board or his designated representative.~~

~~(f) Notwithstanding any other provision of this section, it shall be unlawful for any person to burn leaves during the period beginning March 1 and ending May 15 of each year except as provided in § 10.1-1142 of the Code of Virginia, 1950, as amended.~~

~~(Ord. of 9-7-88)~~

**~~Section 17-6. Proper disposal of refuse--By county residents.~~**

~~(a) Availability. A public sanitary landfill shall be available only to county residents or owners of real property in the county for the disposal of garbage and trash generated within the county during such hours upon which such conditions as the board of supervisors may direct.~~

~~(b) Disposal of waste generated outside county prohibited. It shall be unlawful for any person to dispose of solid waste of any kind or nature, including, but not limited to, agricultural waste, commercial waste, hazardous waste, industrial waste, prohibited waste refuse, garbage, residential waste or trash, which solid waste was generated outside of the county in the county's public sanitary landfill.~~

~~(c) Documentation. Any person found to be using the county public sanitary landfill who is unable to exhibit for inspection a current county vehicle license decal issued pursuant to section 14-22 of the Code for a vehicle owned by that person or a member of his immediate family, a current dumping permit issued by the county or a tax bill for the current year for real property located in the county in the name of that person or a member of his immediate family, or a current county building permit reflecting the location of the site in the county where the waste originated shall be presumed to be in violation of this section.~~

~~(d) Penalty for violation. Violation of this section shall be punishable pursuant to the penalties prescribed in section 17-13 of this Code.~~

~~(Ord. of 9-7-88; Ord. of 2-5-92)~~

**~~Section 17-7. Same--By business firms.~~**

~~It shall be unlawful for any person engaged in the business of collecting, transporting or disposing of refuse, to dispose of the same at any location in the county other than at a public sanitary landfill which has been established and is operated under the provisions of this chapter.~~

~~(Ord. of 9-7-88)~~

**~~Section 17-8. Injury to public health or safety.~~**

~~(a) It shall be unlawful for any occupant of a dwelling house, business house, or other building to store, accumulate or dump any refuse, trash, rubbish or any other waste material or substance on such premises in such quantities or in such a manner or for such a period of time as to constitute a nuisance or as to be injurious to the health or safety of the public, or potentially injurious to the health or safety of the public.~~

~~(b) All garbage shall be placed in tight containers and be kept covered until transported to a public sanitary landfill or until taken from the premises by trash or garbage collectors as defined by this chapter or otherwise disposed of as provided by law.~~

~~(Ord. of 9-7-88)~~

**~~Section 17-9. Permits for licensed collectors of refuse.~~**

~~(a) It shall be unlawful for any person other than local governing bodies, unless he possesses a valid permit from the board of supervisors, to collect and transport refuse, garbage or trash for others for consideration. The board of supervisors may issue permits or franchises for such applicants and the county administrator may issue permits or franchises for renewals for applicants holding existing permits or franchises; provided, that such permits shall be limited to persons having proper equipment and personnel to collect and transport refuse in accordance with the provisions of this chapter.~~

~~(b) Every person desiring to engage in the collection of refuse in the county shall make written application to the board of supervisors or if the person holds an existing permit or franchise shall make written application to the county administrator, setting forth the name, address and phone number of such person, a description of the equipment to be used in the collection of such refuse, and shall state generally the areas within the county that he proposes to serve, the frequency of collections, proposed rates, the number of vehicles to be used and the place and manner of disposal. Upon approval of such an application the board of supervisors may issue a permit to the applicant.~~

~~(c) A permit or franchise issued under this chapter may extend for a period not in excess of one year if the holder conforms to standards established by the responsible county agencies. Should the holder fail to correct conditions and practices not in accordance with regulations set by the responsible county agency, when warned of infraction thereof, his permit is subject to revocation after written notice is made to the county administrator, the board of supervisors, and the license holder.~~

~~(d) The board of supervisors may issue a permit and the county administrator may issue a renewal permit upon receipt of a valid application and upon satisfactory finding that the applicant has complied with all applicable sections of this chapter. Prior to the issuance of any permit, all vehicles shall be inspected by the county health department. Such permit shall assign each vehicle covered by such permit with a number.~~

~~(e) All permits shall expire on December 31 following the date of issue and shall be renewed between January 1 and 31 of each year. The board of supervisors reserves the right now to renew such permits or to direct the county administrator not to renew such permit for any reason when such action is deemed to be in the best interests of the county.~~

~~(f) At the time of the issuance of the permit, the applicant shall pay the license fees and furnish the required bond as set forth in subsections (g) and (h), below.~~

~~(g) It shall be unlawful for any person to engage in the business of being a refuse remover in the county without first having obtained an annual vehicle license. This license shall be issued by the commissioner of revenue for each vehicle to be used for removal or transporting of refuse upon notification from the approving authority that the vehicle is satisfactory for refuse removal or transporting and the payment of a license fee of \$25.00 per vehicle payable to the general county fund. The license shall be renewed annually between January 1 and 31 of each year and shall not be proratable. No license shall be issued or renewed without a permit having been issued as set forth in subsections (d) to (f).~~

~~(h) All persons engaging in the removal or transporting of refuse from residential, commercial and industrial establishments in the county must furnish a bond payable to the county in an amount equal to not less than \$500.00 for each vehicle licensed, but not to exceed \$3,000.00, with surety approved by the board and conditioned to indemnify and save harmless the county as well as any person from all expense or damage that may be incurred by such, caused by any failure to comply with the provisions of this section or neglect in the handling of refuse.~~

~~(i) Handling of refuse shall be deemed neglected when the permit holder fails to meet the frequency of collection as stated in the application for permit. If the permit holder fails to correct any such neglect or noncompliance with this section within 48 hours after receipt of written notice from the approving authority, the bond shall be forfeited and the principal and surety on such bond shall be required to reimburse the county or any customer or any permit holder for any expense or damage incurred as a result of such neglect or failure. Such bond shall be deposited with the treasurer of the county. The original bond shall be for a period of not less than 12 months and shall be renewed annually.~~

~~(j) The applicant shall have all vehicles used or to be used for refuse removal or transport inspected once in every six months by the county health department at a reasonable time and place within the county. In the event of an emergency requiring the immediate replacement of a vehicle, the applicant shall notify the county health department of such replacement and have the replacement vehicle inspected by the county health department within five days after its acquisition.~~

~~(k) Vehicles used for the removal or transportation of refuse shall be made available for inspection, in addition to the inspections required in subsection (j) upon request of the responsible county agency. A reasonable time shall be provided for such inspections.~~

~~(l) Upon the issuance of a permit, the board of supervisors shall assign or upon the issuance of a renewal permit, the county administrator shall assign, to all approved vehicles a permit number, which shall be permanently affixed by the applicant with the name, address, and telephone number of the applicant to both sides of the vehicle on the door of the cab or at the farthest point forward on the truck body in letters and numbers not less than four inches high, and such permit numbers will be four inches high, not less nor more. The above identification shall be painted in conspicuous color contrasting with that of the vehicle.~~

~~(m) Vehicles for transporting or removing refuse must provide against refuse leaking, spilling, being blown or hurled from or deposited upon any street or public way during loading or while in transit. Two types of vehicles will be permissible:~~

~~(1) A vehicle with a watertight body, completely enclosed and covered, by construction.~~

~~(2) A vehicle with a nonwatertight body, with built-in cover, or with tarpaulin or equally effective cover. Such a vehicle must have secured and covered watertight containers for all liquid or semisolid material.~~

~~(n) All vehicles must be provided with an affixed approved fire extinguisher with an ABC rating.~~

~~(o) Refuse shall be removed only during daylight hours and in such manner that it does not create a nuisance or adversely affect public health.~~

~~(p) Refuse shall be removed in such a manner and transported so that it does not spill or fall into a street or public way, nor shall it be dumped, spilled, or thrown into any street, court, lane, alley, sewer inlet, or public or private lands.~~

~~(q) No hazardous waste, prohibited waste or harmful material, including materials which are explosive, toxic, radioactive or highly combustible by nature or burning, shall be removed for disposal by the refuse remover. In the event that hazardous waste or prohibited waste is disposed of within a licensed landfill, state and local officials shall be immediately notified and every action must be taken to contain and remove said materials immediately. The refuse remover shall be responsible for all costs for containment and removal of any and all hazardous waste or prohibited waste under the guidance and control of state and county officials. This subsection, however, is not applicable to materials loaded and carried at the direction of public officials or public servants executing their duties in emergencies.~~

~~(r) Each vehicle used for the transportation of refuse in or through the county which is not subject to the licensing and bonding provisions of this section shall transport the refuse in such a manner as not to create a nuisance or adversely affect public health. The refuse shall not be spilled, dumped, or thrown into any street, court, lane, alley, sewer inlet, or vacant lot. Liquid and semiliquid refuse when collected in nonwatertight bodies shall be carried in watertight containers.~~

~~(s) The refuse remover shall notify in writing the board of supervisors and each customer at least 30 days prior to date of fact of the refuse remover's termination and discontinuance of business. On the date of the refuse remover's termination or discontinuance of business, the applicant will surrender his permit to the county administrator.~~

~~(t) No permit or license issued hereunder may be transferred, sold, or assigned without the express permission of the board of supervisors granted after public hearing and any permission so granted may impose such conditions on any transfer, sale or assignment as necessary in the opinion of the board to protect the public health and safety. Should the permit or license holder be a corporation or other association, sale or transfer of a controlling interest therein shall constitute an assignment for the purpose of this provision.~~

~~(Ord. of 9-7-88; Ord. of 4-3-96)~~

#### **Section 17-10. Sanitary landfills.**

~~(a) Pursuant to Chapter XXVIII of the Regulations of the Virginia Department of Health governing disposal of solid waste, the board of supervisors may create and establish a sanitary landfill for the express purpose of receiving and depositing solid waste materials generated within Dinwiddie County, to be operated in a manner as not to create a hazard to public health or safety.~~

~~(b) If created, the county sanitary landfill will be open six days each week, Monday through Saturday. The sanitary landfill shall be closed all day Sunday, except in an emergency situation. The general hours of operation of the county landfill shall be established by the director of sanitation, with the approval of the county administrator.~~

~~(c) The county landfill shall be established and designed to receive refuse, garbage, trash and solid waste generated within the county. There shall be no collecting of garbage, trash, refuse, rubbish or solid waste from outside of the county to the county landfill unless a fee is paid as hereinafter described. This provision shall also include individuals or corporations residing in the county which transport garbage, trash or refuse from outlying areas not a part of the county, which garbage, trash or refuse has been generated from outside of the county.~~

~~(d) The operation of the county landfill shall conform to the guidelines established by the Virginia Department of Solid Waste governing the disposal of solid waste. No hazardous~~

~~waste, prohibited waste or harmful material, including materials which are explosive, toxic, radioactive or highly combustible by nature or burning, shall be deposited within the county landfill. In the event that hazardous waste or prohibited waste is disposed of within the landfill, state and local officials shall be immediately notified and every action must be taken to contain and remove said materials immediately. Upon investigation, any party who is found to have deposited such material within the landfill shall be responsible for all costs for containment and removal of any and all hazardous waste or prohibited waste under the guidance and control of state and county officials. This subsection, however, is not applicable to materials loaded and carried at the direction of public officials or public servants executing their duties in emergencies.~~

~~(e) Dead animals of any type shall not be accepted into such landfill, except that the county animal control department may be given a designated portion of the landfill property in which to bury animals euthanized in accordance with law and in that area other dead animals may be buried as allowed by state law or regulation.~~

~~(f) Residents of Dinwiddie County may deposit trash and garbage generated from their individual households and agricultural waste, not including land clearing debris, into the county sanitary landfill without charge. All commercial enterprises, businesses, industries, manufacturing concerns, private collectors of refuse operating in the county and nonresidents of the county shall be charged a fee for the use of the county sanitary landfill. The fee or charge for use of the county landfill is to be established and regulated by the director of sanitation, with the approval of the county administrator. The charge or fee may be based upon size of the load, number of loads brought into the landfill, by tonnage, or by cubic yards. Commercial enterprises required to pay the fee under this section shall include motels, mobile home parks, trailer parks, apartments and other entities which provide trash pickup and disposal service for their customers or tenants, as well as commercial collectors of residential waste and/or commercial waste.~~

~~(g) It is unlawful for any person, company, corporation or other entity to dump trash, refuse, solid waste or garbage anywhere in the county, whether on public or private property, except in an authorized sanitary landfill or in bulk trash containers placed by the county in accordance with the provisions of section 17-11 of this Code. Violation of this section is punishable pursuant to the penalties prescribed in section 17-13 of this Code.~~

~~(Ord. of 9-7-88)~~

#### **Section 17-11. Disposition of bulk trash containers.**

~~(a) A solid waste disposal system consisting, in part, of bulk trash containers in sufficient quantities to serve the needs of residents of the county shall be provided where space for such containers on or near well-travelled roads in the county shall benefit the greatest number of residents.~~

~~(b) Bulk trash containers may also be made available to county business firms desiring such service as the containers may be available to the sanitation department. Bulk trash containers shall be available to local businesses on either a rental or purchase agreement, prices of which shall be established and regulated by the sanitation department. The director of sanitation with the consent of the county administrator shall establish rules and regulations controlling maintenance and use of such containers.~~

~~(c) Only residents of the county, owners of real property in the county and those persons visiting or touring the county who are actual "bona fide tourist" may use bulk containers for disposal of normal household and residential wastes generated from the county. However, no commercial, industrial or institutional wastes shall be placed in bulk containers for public use.~~

~~(d) Dead animals of any kind shall also be prohibited from such containers.~~

~~(e) Hazardous wastes of any nature and all prohibited wastes shall be prohibited from the above containers. Such other items as determined by the director of sanitation with the consent of the county administrator may be prohibited from being placed within the bulk trash containers, provided that a list of such prohibited materials shall be posted at the site of the container.~~

~~(f) Mutilation, defacement, or damage of any nature to bulk refuse containers (including burning or setting fire to the contents of said containers) shall be a misdemeanor and shall also subject the offender to recovery for all costs of the county incurred because of such action.~~

~~(g) It shall be unlawful for any person, except an actual bona fide resident of the county or a bona fide tourist, to deposit or place waste in or use such bulk trash containers. The words "bona fide tourist," as used herein, shall not be construed to mean or include any person who resides within 50 miles of the county courthouse at Dinwiddie, Virginia.~~

~~(h) It shall be unlawful for anyone to scavenge from or within any bulk trash container or to remove any item placed therein for disposal.~~

~~(i) It shall be unlawful for any person, other than as permitted under subsection (c) above, to dispose of solid waste of any kind or nature, including, but not limited to, agricultural waste, commercial waste, hazardous waste, industrial waste, prohibited waste, refuse, garbage, residential waste or trash, in bulk containers.~~

~~(j) Any person found to be disposing of solid waste in bulk containers who is unable to exhibit for inspection a current county vehicle license decal issued pursuant to section 14-22 of the Code for a vehicle owned by that person or a member of his immediate family, a current dumping permit issued by the county or a tax bill for the current year for real property located in the county in the name of that person or a member of his immediate family, or a current county building permit reflecting the location of the site in the county where the waste originated shall be presumed to be in violation of this section.~~

~~(k) Violation of this section shall be punishable pursuant to the penalties prescribed in section 17-13 of this Code.~~

~~(Ord. of 9-7-88; Ord. of 2-5-92)~~

#### **~~Section 17-12. Unlawful conditions of litter on construction and development sites.~~**

~~(a) Every parcel of property being utilized as a construction or development site shall be kept free of construction litter and debris and any accumulation of litter that constitutes a nuisance or threat to the health or safety of the public.~~

~~(b) At all times before, during, and after completion of any construction or development site, construction litter and debris shall be contained on the parcel of property being utilized as a construction or development site.~~

~~(c) It shall be the joint responsibility of the owner of the parcel and each contractor performing construction on the parcel to comply with the requirements of this section.~~

~~(Ord. of 9-18-07, § 1)~~

~~**State law references:** Similar provisions, Code of Virginia, § 15.2-901.~~

#### **~~Section 17-13. Violations; penalties.~~**

~~(a) Violation of any of the provisions of this chapter, except where otherwise provided, by any person shall constitute a misdemeanor and shall be punishable for the first offense by a fine of not more than \$300.00 but not less than \$50.00 or confinement in jail for not more than 30 days but not less than five days, or both.~~

~~(b) Second offenses shall be punishable by a fine of not more than \$300.00 but not less than \$100.00 or confinement in jail for not more than 30 days but not less than ten days, or both.~~

~~(c) Third offenses and all subsequent offenses shall result in a fine of \$300.00 or confinement in jail for 30 days, or both.~~

~~(d) In addition to the penalties prescribed above, any person found to be in violation of this chapter shall pay to or reimburse the county for all costs or expense of any kind and nature associated with the clean-up and proper disposal of all materials dumped or disposed of by such person in violation of this chapter.~~

~~(e) It shall hereby be the duty of the county director of sanitation or his authorized representative to secure a summons against persons who are in violation of this chapter. Further enforcement shall rest with the county sheriff's department and the courts of the county.~~

~~(f) The board of supervisors requests the judge of the general district court to cause to be published in any newspaper of general circulation in the county the names of any violators~~

of this chapter together with the nature of the violation and penalty prescribed for such violation.

(Ord. of 9-7-88; Ord. of 2-5-92)

2. That this ordinance shall become effective immediately upon adoption.

**AN ORDINANCE TO AMEND  
THE CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,  
BY DELETING CHAPTER 2, ADMINISTRATION, DIVISION 4, SOLID WASTE  
AUTHORITY, SECTIONS 2-64.1 THROUGH 2-64.4**

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County:

1. That the Code of the County of Dinwiddie, 1985, as amended, is amended by deleting Chapter 2, Administration, Division 4, Solid Waste Authority, Sections 2-64.1 through 2-64.4, shown in strikethrough below:

**~~DIVISION 4. SOLID WASTE AUTHORITY\*~~**

**~~Section 2-64.1. Creation.~~**

~~It is the intention of the board of supervisors of Dinwiddie County, Virginia, to create an authority under the Virginia Water and Sewer Authorities Act, as amended (Code of Virginia, 1950, Sections 15.1-1239 to 15.1-1270, inclusive) (the "Act"), for the purpose of acquiring, financing, constructing, equipping, operating and maintaining a garbage and refuse collection and disposal system or systems and other property facilities incidental thereto, including, but not limited to, recycling facilities, for the purpose of furnishing such services and facilities to residents within the legal boundaries of Dinwiddie County (the "county") as of this date (April 17, 1991).~~

~~(Ord. of 4-17-91, § 1)~~

**~~Section 2-64.2. Powers and authority.~~**

~~(a) The board of supervisors of the county hereby finds and determines that the inclusion of information concerning specific projects and other items referred to in section 15.1-1242(A)(3) of the Act is impracticable. Therefore, the Dinwiddie County Solid Waste Authority shall have all of the powers and authority permitted by the Act.~~

~~(b) Dinwiddie County Solid Waste Authority further is specifically authorized to embark upon such garbage and refuse collection and disposal system facilities, including, but not limited to, recycling facilities, in its sole discretion and at such times and in such geographical areas as it may deem appropriate and to be in the best interest of the citizens of the county.~~

~~(Ord. of 4-17-91, § 1)~~

**~~Section 2-64.3. Finding as to importance of authority.~~**

~~The board of supervisors hereby finds and determines that operation by the Dinwiddie County Solid Waste Authority or contract for such operation, in spite of any potential anti-competitive effect, is important in order to provide for the development and/or operation of a regional system of garbage and refuse collection and disposal for two or more units.~~

~~(Ord. of 4-17-91, § 1)~~

**~~Section 2-64.4. Articles of incorporation.~~**

~~In compliance with the Virginia Water and Sewer Authorities Act, as amended (Code of Virginia, sections 15.1-1239 to 15.1-1270, inclusive), the board of supervisors of Dinwiddie County, Virginia, pursuant to a resolution duly adopted signifying its intention to form a garbage and refuse collection and disposal authority, hereby certifies:~~

~~(1) The name of the authority shall be the Dinwiddie County Solid Waste Authority, and the address of its principal office shall be Pamplin Administration Building, 14016 Boydton Plank Road, Dinwiddie, Virginia 23841.~~

~~(2) The name of the incorporating subdivision is the County of Dinwiddie, and the names and addresses and terms of office of the first members of the Dinwiddie County Solid Waste Authority were set out in the ordinance from which this division was derived.~~

~~(3) The commencement of the terms of office of the first members began on the date of the issuance of a certificate of incorporation by the State Corporation Commission.~~

~~(4) The number of members of the Dinwiddie County Solid Waste Authority shall be the same as the number of members of the Board of Supervisors of Dinwiddie County, which currently is five. Each member of the board of supervisors shall be a member of the county solid waste authority for a term to run concurrent with such member's term on the board of supervisors.~~

~~(5) The purposes for which the solid waste authority is created are to acquire, purchase, lease, construct, reconstruct, improve, extend, equip, operate, maintain and finance a garbage and refuse collection and disposal system within, without or partly within and without the county, and to otherwise have, possess and exercise the powers granted by the Virginia Water and Sewer Authorities Act as otherwise authorized or permitted by law.~~

~~(6) The solid waste authority shall have all of the powers authorized under the Act and as otherwise authorized or permitted by law.~~

~~(Ord. of 4-17-91, § 2)~~

2. That this ordinance shall become effective immediately upon adoption.

#### **14. OLD / NEW BUSINESS: APPOINTMENTS**

There were no appointments at this meeting.

#### **15. CITIZEN COMMENTS**

The Chair opened the citizen comment period.

As there was no one signed up to speak, the Chair closed the citizen comment period.

#### **16. ADJOURNMENT**

Upon motion of Mr. Stone to adjourn, seconded by Mr. Talmage,

Ayes: Ms. Moody, Mr. Haraway, Mr. Talmage, Mr. Stone, Mr. Moody

Nays: None

The meeting was adjourned at 7:53 p.m.

\_\_\_\_\_  
Harrison A. Moody  
Chairman

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

/wjn