

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 7TH DAY OF DECEMBER, 2004, AT 7:30 P.M.

PRESENT: DONALD L. HARAWAY – CHAIRMAN ELECTION DISTRICT #2
HARRISON A. MOODY - VICE CHAIR ELECTION DISTRICT #1
ROBERT L. BOWMAN IV ELECTION DISTRICT #3
DORETHA E. MOODY ELECTION DISTRICT #4
MICHAEL W. STONE ELECTION DISTRICT #5

OTHER: PHYLLIS KATZ COUNTY ATTORNEY
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IN RE: INVOCATION – PLEDGE OF ALLEGIANCE – AND CALL TO ORDER

Mr. Donald L. Haraway, Chairman, called the regular meeting to order at 7:44 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

The County Administrator stated the Closed Session needed to be continued at the end of the meeting for Personnel - County Administrator and Appointments; §2.2-3711 (A) (7) Consultation with Legal Counsel - Legal Advice on Potentially Privileged Communication; Legal Issues Relating to Offenses Against the Public Peace; and §2.2-3711 (A)(3) Acquisition of Property; also add Diversified Ambulance billing and Hurricane Isabel compensation for County employees under Action Items.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", the above amendment(s) were approved.

IN RE: MINUTES

Mr. Stone stated Michael Bratschi's address is McKenney, VA not Dewitt as reflected in the Minutes for the November 16, 2004 meeting.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that approval of the November 2, 2004 Regular Meeting, November 12, 2004 Continuation Meeting, November 16, 2004 Continuation Meeting, and the November 16, 2004 Regular Meeting Minutes are approved in their entirety, with the above correction.

IN RE: CLAIMS

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following claims are approved and funds appropriated for same using checks numbered 1047086 through 1047326, (voided check number(s) 1047085, and 1047239).

FY – 04/05

Accounts Payable:

(101) General Fund	\$ 332,157.04
(103) Jail Commission	\$ 1.90

(209) Litter Control	\$
(222) E911 Fund	\$ 3,527.14
(225) Courthouse Maintenance	\$ 7,126.88
(226) Law Library	\$ 146.05
(228) Fire Programs & EMS	\$ 3,947.35
(229) Forfeited Asset Sharing	\$
(304) CDBG Grant Fund	\$ 211.00
(304) Capital Projects Fund	\$ 64,986.40
(401) County Debt Service	\$
TOTAL	\$ 412,103.76

PAYROLL 11/30/04

(101) General Fund	\$ 482,499.13
(222) E911 Fund	\$ 8,097.21
(229) Forfeited Asset	\$ 1,199.80
(304) CDBG Fund	\$ 7,650.27
TOTAL	\$ 499,446.41

IN RE: APPROPRIATIONS RESOLUTION FY 05

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", the following Appropriations Resolution was adopted.

**Appropriations Resolution
For FY 2004-2005**

WHEREAS, the final 2004-2005 budget has been adopted by the Board of Supervisors; and

WHEREAS, in order for the various departments and agencies to make expenditures within this budget, an appropriation of funds must be authorized by the Board of Supervisors;

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the General Fund budget in the amount of \$28,826,248 be appropriated beginning July 1, 2004; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following funds are appropriated beginning July 1, 2004:

Law Library - \$6,500; Fire Programs Fund - \$43,000; School Textbook Fund - \$284,040; School Cafeteria Fund - \$1,475,576; Virginia Public Assistance Fund - \$2,689,194; CSA Fund - \$785,812; E911 Fund - \$658,639; Meals Tax Fund - \$400,000; School Capital Projects - \$257,534; VJCCCA/Grants Fund - \$3,222,697; Jail Phone Commission - \$5,000; Courthouse Maintenance Fees - \$18,000; County Debt Service - \$2,027,068; Head Start Fund - \$197,462; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the CDBG Fund and IPR Fund, as State funds become available, be appropriated on a monthly basis as claims are presented; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the School Board budget be appropriated by category as follows, and transferred on a monthly basis beginning July 1, 2004:

Instruction	\$26,638,835
Administration, Attendance & Health Services	1,522,192
Pupil Transportation Services (includes \$550,000 for school buses)	2,887,225

Operation and Maintenance of Services	3,668,650
Facilities	9,200
School Food	33,226
School Debt Service (includes \$400,000 transfer from Meals Tax); and	2,707,244

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the FY 03 CIP fund balance in the amount of \$709,855 and the \$1,000,000 for the FY 04 undesignated fund balance be reappropriated to the CIP Fund effective July 1, 2004; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following transfers and appropriations from the undesignated FY 04 fund balance be approved:

1. \$4,200,000 transfer and appropriate to County Debt Service
2. \$254,269 in savings from bond refunding transfer and appropriate to School Debt Service for 2004 A & B Lease Revenue Note & Bonds
3. \$16,576 appropriate for personnel expenses related to Hurricane Isabel
4. \$376,512 transfer and appropriate to County Capital Fund for digital upgrade to E911 communications system
5. \$45,000 appropriate for 2003 hail damage repair to Sheriff's vehicles
6. \$5,859 appropriate for Dept of Forestry FY 04 payments
7. \$1,000,000 transfer to County Capital Fund for FY 04 CIP
8. \$72,447 transfer to School Fund the FY 04 School Fund balance
9. \$35,088 transfer to School Fund for reimbursement of FY 04 utility expenditures
10. \$550,000 transfer from School Capital Fund to Pupil Transportation for school bus purchases

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that all funding for fiscal year 2004-05 is subject to further action by the Board as dictated by the availability of State or other sources of funds.

**IN RE: COMMUNICATIONS EQUIPMENT REQUISITION #9 –
DINWIDDIE COUNTY IDA PUBLIC FACILITIES LEASE
REVENUE NOTE SERIES 2003**

The following invoice from InterAct Public Safety Systems, for expenses from the Dinwiddie County IDA Public Facilities Lease Revenue Note Series 2003 was submitted for payment:

CAD, GIS and RMS System (PS000618)	\$27,175.23
CAD, GIS and RMS System (PS000399)	\$54,350.47

TOTAL DUE	\$81,525.70
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Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number #9 in the amount of \$81,525.70 be approved and funds appropriated for expenses from the Dinwiddie County IDA Public Facilities Lease Revenue Note Series 2003.

**IN RE: AUTHORIZATION TO PURCHASE TRUCK FOR
BUILDINGS AND GROUNDS DEPARTMENT**

Mr. Gene Jones, Director of Buildings and Grounds Department, received the following quotes on the F350 Ford Truck with a 7 ½ foot snow plow for his department:

Haley Ford	\$27,182.90
Sheehy Ford	\$22,656.00
Owen Ford	\$22,625.00
Petersburg Ford	\$22,420.00

Mr. Jones recommended purchasing the truck from the low bidder Petersburg Ford.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Director of Buildings and Grounds Department was authorized to purchase the F350 Ford Truck with a 7½ foot snow plow installed from Petersburg Ford at a cost of \$22,420.00.

**IN RE: AUTHORIZATION TO HIRE COMMUNICATIONS OFFICER
- MS. AMBER HARRELL - E911 CENTER**

TO: Board of Supervisors
FROM: David Jolly, Director of Fire Safety
DATE: December 1, 2004
RE: Dispatchers for E911 Center

Ms. Amber Harrell of Dewitt, Virginia has currently been offered and accepted the position with Dinwiddie County as Dispatcher/Communications Officer in the E911 Center. With the filling of this position, it leaves another three positions needing to be occupied.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Ms. Amber Harrell is appointed to the position of Communications Officer I at Grade 10, Step A, with an annual salary of \$ 25,827, effective December 1, 2004.

**IN RE: APPROVAL OF SEXUAL/WORKPLACE HARASSMENT
TRAINING FOR EMPLOYEES**

"MEMORANDUM
TO: Board of Supervisors
FROM: Anne Howerton
DATE: 11/29/04

SUBJ: Sexual/Workplace Harassment Training for employees

I have contacted the Department of Human Resource Management about conducting a Sexual/ Workplace Harassment training for County employees. George Gardner, Director of the Office of Equal Employment Services from DHRM has agreed to conduct a training for managers on January 10, 2005 from 9-12 in the Administration building. He & his assistant will also conduct two ½ day training sessions in February for staff. Once the February date has been confirmed, he will send a Memorandum of Understanding for signature at a total cost of \$1,688. This is a discounted price as the usual fee is \$700 per ½ day session."

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", Administration was authorized to sign the Memorandum of Understanding with the Department of Human Resource Management to conduct the training for the Sexual/Workplace Harassment training for County employees at a cost of \$1,688.

**IN RE: PUBLIC HEARING – P-04-4 – MR. RANDY HERRING –
REZONING REQUEST**

This being the time and place as advertised in the Dinwiddie Monitor on November 16, 2004 and November 23, 2004 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comments for a rezoning request by Randy Herring for a 0.593 acre portion of Tax Map/Parcel 69(4)1 containing a total of 3.72 acres from Agricultural, general A-2 to Business, general B-2.

Staff Summary Report

File: P-04-4
Applicant: Randy Herring
Address: 16001 Hamilton Arms Road, DeWitt, VA
Acreage: .59 acre portion of 3.72 acre tract
Tax Map/Parcel: 69(4)1
Zoning: Agricultural, general A-2 to Business, general B-2

The applicant, Randy Herring, is seeking a rezoning of a 0.593 acre portion of Tax Map/Parcel 69(4)1 containing a total of 3.72 acres from Agricultural, general A-2 to Business, general B-2. The property is located at 16001 Hamilton Arms Road in DeWitt near its intersection with I-85. The Comprehensive Land Use Plan places this property within the Rural Conservation area.

Several years ago Mr. Herring purchased the 3.72 acre tract of land and built a home on the property. Approximately three (3) years ago, Mr. Herring purchased 6.1 acres of an 11.3 acre tract of land which was adjacent to his 3.72 acre tract. The property did not have frontage on Route 650 and was zoned business, general, B-2 when purchased. Mr. Herring wished to use the land for residential purposes therefore he applied for a rezoning of this land parcel from business B-2 to agricultural, general A-2. The Planning Commission recommended approval of the request to the Board of Supervisors. The Board heard the case shortly thereafter and granted the rezoning request. (Note: The remaining portion of the original land parcel [5.18 acres] that actually fronts onto Route 650 is owned by Mr. Joel Mazyck and it retained its commercial zoning. This commercially zoned parcel is in close proximity to the .59 acre parcel under consideration). Now, Mr. Herring wishes to operate a commercial business on a portion of his property fronting on Hamilton Arms Road (Route 650).

The Planning Commission heard this request on October 13, 2004. No one appeared in opposition to the request. Due to the nature of the request, the Planning Commission formed a committee to review the proffers. The committee met with Mr. Herring and addressed the concerns raised during the Planning Commission meeting. Prior to the November 10, 2004 meeting of the Planning Commission, the Planning Department received two (2) letters of opposition from neighbors. The neighbors submitted the notarized letters of opposition since they could not attend the November 10th public meeting. The Planning Commissioners serving on the committee gave their report to the Commission during the November 10th meeting. In their opinion, the request appeared reasonable and the proffers offered covered the areas of concern raised by the Planning Commissioners. In view of the material presented, the Planning Commission voted unanimously to recommend approval of the rezoning request with proffers offered by Mr. Herring.

Since this is a zoning matter, the standard statement regarding your action must be read. In order to assist you in this matter, the statement was provided in your packets.

Mr. Scheid also read the list of proffers offered by Mr. Herring.

Mr. Randy Herring stated he offered the proffers to address the issues raised by the Planning Commission and neighbors and requested that the Board approve his rezoning request.

Mr. Haraway opened the public hearing for P-04-4.

Ms. Connie Manuel – 16011 Hamilton Arms Road, DeWitt, VA – commented she was opposed to the rezoning request.

Mr. Haraway closed the public comment period for P-04-4.

Ms. Moody stated 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, I move that rezoning application P-04-4 be approved with proffers by the Board of Supervisors.

The motion was seconded by Mr. Moody. Mr. Bowman, Ms. Moody, Mr. Moody, Mr. Haraway “voting “Aye”, Mr. Stone, “voting “Nay”, rezoning application P-04-4 was approved with the following proffers offered by Mr. Herring.

1. The only use that will be located on the property, if rezoned, is mini-warehouse storage units.
2. The hours of operation will be as follows:
Summer – 7:00 A.M. - 8:00 P.M.
Winter - 7:00 A.M. – 5:30 P.M.
3. Security lights will be installed in various locations, such that there will not be glare off site or direct downward such that light will mostly be contained to site.
4. A 6 foot chain linked fencing to be installed on perimeter of property.
5. Landscaping will be installed across the front in a 10 foot wide area and a short distance on each property sideline.
6. All areas in between buildings and at the end of the buildings will be paved.
7. Entrance will be located in the left front corner of property with a minimum of 30 foot wide, VDOT approved entrance.
8. The mini storage facility will have 54 units consisting of 10 X 10 units to be constructed in numerous stages.
9. The buildings will be constructed with masonry block with stick built shingled roofing, vinyl sided gables, and metal garage doors.
10. The mini storage sign will be no more than 6 foot tall and no sign will be placed on top of the buildings.
11. The pond adjacent to the site will be made available to the county if they wish to install a dry fire hydrant.

**IN RE: PUBLIC HEARING – A-04-14 – AMENDMENT TO THE
COUNTY CODE TO ADOPT CHAPTER 17.3 TO
ESTABLISH MINIMUM STORM WATER MANAGEMENT
REQUIREMENTS**

This being the time and place as advertised in the Dinwiddie Monitor on November 16, 2004 and November 23, 2004 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comment to amend the County Code to adopt Chapter 17.3 to establish minimum storm water management requirements.

Mr. Scheid stated the code before the Board is to amend the County Code to adopt Chapter 17.3 to establish a minimum storm water management plan as allowed by State code. This code will go hand in hand with the County's subdivision ordinance. The subdivision ordinance right now does provide for a storm water plan to be developed but at this point it does not give any standards

to go by. The storm management plan will provide technical provisions to the subdivision ordinance if adopted by the Board.

Mr. Haraway opened the public hearing. No one spoke in support or in opposition of the amendment. Mr. Haraway closed the public hearing.

Upon motion of Mr. Moody, Seconded by Ms. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT ORDAINED BY THE BOARD OF SUPERVISORS of the County of Dinwiddie, that the Code of the County of Dinwiddie, Virginia shall be amended as follows:

**AN ORDINANCE TO AMEND THE CODE OF DINWIDDIE COUNTY, VIRGINIA
BY ADDING CHAPTER 17.3 (STORM WATER MANAGEMENT) TO
IMPLEMENT A STORM WATER MANAGEMENT PROGRAM AS ALLOWED
BY STATE LAW.**

**Chapter 17.3
Storm water Management**

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Introduction

The Board of Supervisors desires to protect and preserve the physical beauty, historical heritage and environmental integrity of the County. The Board recognizes that development may degrade the waters through increasing flooding, stream channel erosion, and the transport and disposition of waterborne pollutants. Therefore, the County finds it is in the public interest to adopt a Storm water management program.

Section 1. General Provisions

1.1. Statutory Authority

The Virginia Storm water Management Law (the "Act"), Title 10.1, Chapter 6, Article 11 of the Code of Virginia, enables localities to adopt, by ordinance, a Storm water management program consistent with state regulations promulgated pursuant to the Act.

1.2 Purpose

The purpose of this ordinance is to establish minimum Storm water management requirements and controls to protect properties, safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction, and protect aquatic resources. This ordinance seeks to meet that purpose through the following objectives:

1. Require that land development and land conversion activities control the after-development runoff characteristics, as nearly as practicable, as the pre-development runoff characteristics in order to reduce the magnitude and frequency of flooding, siltation, stream bank erosion, and property damage;
2. Establish minimum design criteria for the protection of properties and aquatic resources downstream from land development and land conversion activities from damages due to increases in volume, velocity, frequency, duration, and peak flow rate of storm water runoff;
3. Establish minimum design criteria for measures to minimize nonpoint source pollution from Storm water runoff which would otherwise degrade water quality;
4. Establish provisions for the long-term responsibility for and maintenance of Storm water management control devices and other techniques specified to manage the quality and quantity of runoff and
5. Establish certain administrative procedures for the submission, review, approval, and disapproval of Storm water plans, and the inspection of approved projects.
6. To reduce flood damage in an effort to safeguard public health, safety and property.

1.3. Applicability

This ordinance shall be applicable to all subdivision, site plan, or land use conversion applications, unless eligible for an exception by the Board of Supervisors or its designee. The ordinance also applies to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development that meets the applicability criteria, even though multiple separate and distinct land development activities may take place at different times on different schedules. In addition, plans may also be reviewed by third-party consultants retained by the County to ensure that established water quality standards will be maintained during and after development of the site and that post construction runoff levels are consistent with any local and regional watershed plans.

To prevent the adverse impacts of Storm water runoff, the County has developed a set of performance standards that must be met at new development sites. These standards apply to any land development or land use conversion activity disturbing one (1) acre or more of land, except that these standards shall apply to all commercial and/or industrial development activity disturbing 2,500 square feet or more.

The following activities are exempt from these Storm water performance criteria:

1. Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Act;
2. Tilling, planting or harvesting of agricultural, horticultural, or forest crops;
3. Single-family residences separately built and not part of

subdivision, including additions or modifications to existing single-family detached residential structures;

4. Land development projects that disturb less than 2,500 square feet ;

5. Linear development projects, provided that (i) less than one acre of land will be disturbed per outfall or watershed, (ii) there will be insignificant increases in peak flow rates, and (iii) there are no existing or anticipated flooding or erosion problems downstream of the discharge point; and

6. Family transfers.

When a site development plan is submitted that qualifies as a redevelopment project as defined in Section 2 of this ordinance, decisions on permitting and on-site Storm water requirements shall be governed by the Storm water sizing criteria found in the current Virginia Storm water Management Handbook. This criteria is dependent on the amount of impervious area created by the redevelopment and its impact on water quality. Final authorization of all redevelopment projects will be determined after a review by the County.

1.4. Compatibility with Other Permit and Ordinance Requirements

This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

1.5. Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this ordinance.

1.6. Storm water Management and Erosion and Sediment Control Handbooks

The County will utilize the policy, criteria and information including specifications and standards of the Virginia Storm water Management Handbook, for the proper implementation of the requirements of this ordinance. This Handbook includes a list of acceptable Storm water treatment practices, including the specific design criteria for each Storm water practice. The County will also utilize the policy, criteria and information including the specifications and standards in the Virginia Erosion and Sediment Control Handbook. These handbooks may be updated and expanded from time to time, based on improvements in engineering, science, monitoring and local maintenance experience. Storm water treatment practices that are designed and constructed in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards. The criteria in these handbooks are minimum criteria and the County retains the right to require greater standards when deemed necessary.

1.7 Program Administration

The Board of Supervisors designates the Director of Planning or his designee as the Program Administrator.

Section 2. Definitions:

“Accelerated Erosion” means erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action.

“Act” means Article 1.1 (10.1-603.1 et seq.) of Chapter 6 of Title 10.1 of the Code of Virginia.

“Adequate Channel” means a channel with a defined bed and banks, or an otherwise limited flow area that will convey the designated frequency storm event without overtopping the channel banks nor causing erosive damage to the channel bed or banks.

“Applicant” means any person submitting a Storm water management plan for approval.

“Aquatic Bench” means a 10- to 15- foot wide bench around the perimeter of a permanent pool that ranges in depth from zero to 12 inches, Vegetated with emergent plants, the bench augments pollutant removal, provides habitats, conceals trash and water level fluctuations, and enhances safety.

“Average Land Cover Condition” means a measure of the average amount of impervious surfaces within a watershed (assumed to be 16 %), unless the County opts to calculate actual watershed-specific values for the average land cover condition based upon 4VAC 3-20-101.

“Best Management Practice (BMP)” means a structural or nonstructural practice which is designed to minimize the impacts of development on surface and groundwater systems.

“Bioretention Basin” means a water quality BMP engineered to filter the water quality volume through an engineered planting bed, consisting of a vegetated surface layer (vegetation, mulch, ground cover), planting soil, and sand bed, and into the in-situ material.

“Bioretention Filter” means a bioretention basin with the addition of a sand filter collection pipe system beneath the planting bed.

“Board” or **“Board of Supervisors”** means the Board of Supervisors of Dinwiddie County, Virginia.

“Building” means any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

“Channel” means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

“Constructed Wetlands” means areas intentionally designed and created to emulate the water quality improvement function of wetlands for the primary purpose of removing pollutants from Storm water.

“County” means Dinwiddie County, Virginia.

“Dedication” means the deliberate appropriation of property by its owner for general public use.

“Detention” means the temporary storage of storm runoff in a Storm water management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

“Detention Facility” means a detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

“Developer” means a person who undertakes land disturbance activities.

“Development” means Land Development or Land Development Project as those terms are defined herein.

“Drainage Easement” means a legal right granted by a landowner to a grantee allowing the use of private land for storm water management purposes.

“Erosion and Sediment Control Plan” means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

“Flooding” means a volume of water that is too great to be confined within the banks or walls of the stream, water body or conveyance system and that overflows onto adjacent lands, causing or threatening damage.

“Grassed Swale” means an earthen conveyance system which is broad and shallow with erosion resistant grasses and check dams, engineered to remove pollutants from storm water runoff by filtration through grass and infiltration into the soil.

“Hotspot” means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm water.

“Hydrologic Soil Group (HSG)” means a Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from A soils, with high permeability and little runoff production, to D soils, which have low permeability rates and produce much more runoff.

“Impervious Cover” means a surface composed of any material that significantly impedes or prevents natural infiltration of water into soil. Impervious surfaces include, but are not limited to, roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

“Industrial Storm water Permit” means a National Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial storm water discharges or specifies onsite pollution control strategies.

“Infiltration” means the process of percolating storm water into the subsoil.

“Infiltration Facility” means any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above grade or below grade.

“Jurisdictional Wetland” means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

“Land Conversion Activities” means any activity that results in a modification to the current or natural condition.

“Land Development” or **“Land Development Project”** means a manmade change to the land surface that potentially changes its runoff characteristics.

“Land Disturbance Activity” means any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

“Landowner” means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

“Linear Development Project” means a land development project that is linear in nature such as, but not limited to, (i) the construction of electric and telephone utility lines, and natural gas pipelines; (ii) construction of tracks, rights-of-way, bridges, communication facilities and other related structures of a railroad company; and (iii) highway construction projects.

“Maintenance Agreement” means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

“Nonpoint Source (NPS) Pollution” means pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

“Nonpoint Source Pollutant Runoff Load” or **“Pollutant Discharge”** means the average amount of a particular pollutant measured in pounds per year, delivered in a diffuse manner by Storm water runoff.

“Offset Fee” means a monetary compensation paid to the County for failure to meet pollutant load reduction targets.

“Off-Site Facility” means a Storm water management measure located outside the subject property boundary described in the permit application for land development activity.

“On-Site Facility” means a Storm water management measure located within the subject property boundary described in the permit application for land development activity.

“Owner” means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

“Percent Impervious” means the impervious area within the site divided by the area of the site multiplied by 100.

“Person” means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the Commonwealth, any interstate body or any other legal entity.

“Plan-approving Authority” means the Board of Supervisors or its designee responsible for determining the adequacy of a submitted Storm water management plan.

"Planning Area" means a designated portion of the parcel on which the land development project is located. Planning areas shall be established by delineation on a master plan. Once established, planning areas shall be applied consistently for all future projects.

"Post-development" refers to conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land.

"Pre-development" refers to the conditions that exist at the time that plans for the land development of a tract of land are approved by the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time *prior* to the first item being approved or permitted shall establish predevelopment conditions.

"Program Administrator" means the Director of Planning or his designee.

"Program Authority" means Dinwiddie County which has adopted a Storm water management program.

"Recharge" means the replenishment of underground water reserves.

"Redevelopment" means the process of developing land that is or has been previously developed.

"Regional (watershed-wide) Storm water Management Facility" or **"Regional Facility"** means a facility or series of facilities designed to control storm water runoff from a specific watershed, although only portions of the watershed may experience development.

"Regional (watershed-wide) Storm water Management Plan" or **"Regional Plan"** means a document containing material describing how runoff from open space, existing development and future planned development areas within a watershed will be controlled by coordinated design and implementation of regional storm water management facilities.

"Runoff" or **"storm water runoff"** means that portion of precipitation that is discharged across the land surface or through conveyances to one or more waterways.

"Sand Filter" means a contained bed of sand which acts to filter the first flush of runoff. The runoff is then collected beneath the sand bed and conveyed to an adequate discharge point or infiltrated into the in-situ soils.

"Shallow Marsh" means a zone within a storm water extended detention facility that exists from the surface of the normal pool to a depth of six to 18 inches, and has a large surface area and, therefore requires a reliable source of base flow, groundwater supply, or a sizeable drainage area to maintain the desired water surface elevations to support emergent vegetation.

"Site" means the parcel of land being developed, or a designated planning area in which the land development project is located.

"State Waters" means all waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdiction.

"Stop Work Order" means an order issued which requires that all construction activity on a site be stopped.

"Storm water Detention Basin" or **"Detention Basin"** means a storm water management facility which temporarily impounds runoff and discharges it

through a hydraulic outlet structure to a downstream conveyance system. While a certain amount of outflow may also occur via infiltration through the surrounding soil, such amounts are negligible when compared to the outlet structure discharge rates and are, therefore, not considered in the facility's design. Since a detention facility impounds runoff only temporarily, it is normally dry during non-rainfall periods.

“Storm water Extended Detention Basin” or “Extended Detention Basin” means a storm water management facility which temporarily impounds runoff and discharges it through a hydraulic structure over a period of time to a downstream conveyance system for the purpose of water quality enhancement or stream channel erosion control. While a certain amount of outflow may also occur via infiltration through the surrounding soil, such amounts are negligible when compared to the outlet structure discharge rates and, therefore, are not considered in the facility's design. Since an extended detention basin impounds runoff only, temporarily, it is normally dry during non-rainfall periods.

“Storm water Extended Detention Basin-Enhanced” or “Extended Detention Basin- Enhanced” means an extended detention basin modified to increase pollutant removal by providing a shallow marsh in the lower stage of the basin.

“Storm water Management Facility” means a device that controls storm water runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

“Storm water Management” means the use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.

“Storm water Management Plan” or “SWM Plan” means a document containing material for describing how existing runoff characteristics will be affected by a land development project and methods for complying with the requirements of the this ordinance.

“Storm water Retention Basin” see **“Wet Pond.”**

“Storm water Retrofit” means a storm water management practice designed for an existing development site that previously had either no storm water management practice in place or a practice inadequate to meet the storm water management requirements of the site.

“Storm water Runoff” means flow on the surface of the ground, resulting from precipitation.

“Storm water Treatment Practices (STPs)” means measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or non-point source pollution inputs to storm water runoff and water bodies.

“Storm water Management Plan” or “Plan” means a document containing material for describing how existing runoff characteristics will be affected by a land development project and methods for complying with the requirements of this ordinance.

“Subdivision” means the division of a parcel of land as defined by Section 18-3 of the Code of Dinwiddie County.

“Town” means an incorporated town.

“Vegetated Filter Strip” means a densely vegetated section of land engineered to accept runoff as overland sheet flow from upstream development. It shall adopt any vegetated form, from grassy meadow to small forest. The vegetative

cover facilitates pollutant removal through filtration, sediment deposition, infiltration and absorption, and is dedicated for that purpose.
"Water Quality Volume (WQV)" means the volume equal to the first ½ inch of runoff multiplied by the impervious surface of the land development project

"Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

"Watershed" means a defined land area drained by a river, stream, drainage ways or system of connecting rivers, streams, or drainage ways such that all surface water within the area flows through a single outlet.

"Wet Pond" or "Retention Basin" means a man-made basin which contains a permanent pool of water like a lake or a natural pond. The wet pond is designed to hold a permanent pool above which storm runoff is stored and released at a controlled rate. The release is regulated by an outlet device designed to discharge flows at various rates similar to the methods employed in an extended detention pond.

Section 3. Storm water Management Program Permit Procedures and Requirements

3.1. Permit Required.

No land owner or land operator shall receive any of the building, grading or other land development permits required for land disturbance activities without first meeting the requirements of this ordinance prior to commencing the proposed activity. Should a land-disturbing activity associated with an approved SWM Plan not begin during the 180-day period following approval thereof or cease for more than 180 days, the County may evaluate the existing approved SWM Plan and erosion and sediment control plan to determine whether the SWM Plan still satisfies the requirements of this ordinance and to verify that all design factors are still valid. If the County finds the previously filed SWM Plan inadequate, a modified SWM Plan shall be submitted and approved prior to the resumption of land-disturbing activities and a new performance bond shall be posted. The Program Administrator, at his sole discretion, may grant an extension of the 180-day requirement for unique circumstances.

3.2. Permit Application Requirements

Unless specifically excluded by this ordinance, any land owner or operator desiring a permit for a land disturbance activity shall submit to the County a permit application on a form provided by the County for that purpose.

Unless otherwise excepted by this ordinance, a SWM Plan must be submitted to the County accompanied by the following in order for a land disturbing permit to be issued:

1. Storm water management plan in accordance with Section 3.3;
2. Maintenance agreement in accordance with Section 3.4;
3. Performance bond in accordance with Section 3.5; and
4. Permit application and Plan review fee in accordance with Sections 3.6 and 3.7.

3.3. Storm Water Management Plan Required.

No application for land development, land use conversion, or land disturbance will be approved unless it includes a storm water management plan, as required by this ordinance, detailing how runoff and associated water quality impacts resulting from the activity will be controlled or managed.

A storm water management plan shall consist of a *concept plan* to ensure

adequate planning for the management of storm water runoff, and a *final plan*. Both plans shall be in accordance with the criteria established in this section.

No building, grading, or sediment control permit shall be issued until a satisfactory final storm water management plan, or a waiver thereof, shall have undergone a review and been approved by the Program Administrator after determining that the plan or waiver is consistent with the requirements of this Ordinance. The Program Administrator may retain a consultant to review and comment upon the SWM Plan. All costs associated with such review shall be borne by the applicant pursuant to Section 3.6.

1. Storm Water Management Concept Plan

A storm water management concept plan or proof of prior approval of a concept plan shall be required with all permit applications and will include all information from the submittal checklist to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing storm water generated at the project site. The Program Administrator may determine that a concept plan is not required if a preliminary plan or rezoning is not required.

The concept plan should be prepared at the time of the preliminary plan of subdivision or other early step in the development process to identify the type of storm water management measures necessary for the proposed project. The intent of this conceptual planning process is to ensure adequate planning for management of storm water runoff from future development. To accomplish this goal the following information shall be included in the concept plan:

A. A map (or maps) indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural storm water management and sediment control facilities. The map(s) will also clearly show proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading; A written description of the site plan and justification of proposed changes in natural conditions may also be required.

B. Sufficient engineering analysis to show that the proposed storm water management measures are capable of controlling runoff from the site in compliance with this ordinance.

C. A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site. Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.

D. A written description of the required maintenance burden for any proposed storm water management facility.

E. The Program Administrator may also require a concept plan to consider the maximum development potential of a site under existing zoning, regardless of whether the applicant presently intends to develop the site to its maximum potential.

F. The applicant may be required to include within the storm water

concept plan measures for controlling existing storm water runoff discharges from development or redevelopment occurring on a previously developed site in accordance with the standards of this Ordinance to the maximum extent practicable.

2. Storm Water Management Final Plan

After review of the storm water management concept plan, and modifications to that plan as deemed necessary by the Plan Administrator, a final storm water management plan must be submitted for approval. All storm water management plans shall be appropriately sealed and signed by a professional in adherence to all minimum standards and requirements pertaining to the practice of that profession in accordance with Chapter 4 (54.1-400 et seq.) of Title 54.1 of the Code of Virginia and attendant regulations certifying that the plan meets all submittal requirements outlined in this ordinance and is consistent with good engineering practice.

The final storm water management plan, in addition to the information from the concept plan, shall include all of the information required in the Final Storm Water Management Plan checklist found in the Virginia Storm water Management Manual. This includes:

A. Contact Information

The name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected.

B. Topographic Base Map

A 1" = 200' topographic base map of the site which extends a minimum of 200 feet beyond the limits of the proposed development and indicates existing surface water drainage including streams, ponds, culverts, ditches, and wetlands; current land use including all existing structures; locations of utilities, roads, and easements; and significant natural and manmade features not otherwise shown.

C. Calculations

Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in this ordinance. Such calculations shall include (i) description of the design storm frequency, intensity and duration, (ii) time of concentration, (iii) Soil Curve Numbers or runoff coefficients, (iv) peak runoff rates and total runoff volumes for each watershed area, (v) infiltration rates, where applicable, (vi) culvert capacities, (vii) flow velocities, (viii) data on the increase in rate and volume of runoff for the specified design storms, and (ix) documentation of sources for all computation methods and field test results.

D. Soils Information

Geotechnical properties for the hydrologic and structural properties of soils, especially for dam embankments, shall be described in a soils report. The submitted report shall include boring depth, sampling frequency and types and associated laboratory testing with results and conclusions and follow the criteria in the Virginia Storm water Management Manual.

Soil properties for infiltration facilities shall also conform to the guidance and specification outlined in the Virginia Storm water Management Manual. Information shall include depth to water table and permeability (in/hr) three (3) feet below trench bottom. Information shall be provided and certified by a qualified professional.

E. Maintenance Plan

The design and planning of all storm water management facilities shall include detailed maintenance procedures to ensure their continued function. These plans will identify the parts or components of a storm water management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

F. Landscaping plan

The applicant must present a detailed landscaping plan describing the woody and herbaceous vegetative stabilization and management techniques to be used within and adjacent to the storm water practice. The landscaping plan must also describe who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a qualified individual familiar with the selection of emergent and upland vegetation appropriate for the selected BMP.

G. Maintenance Easements

The applicant must ensure access to all storm water treatment practices at the site for the purpose of inspection and repair by securing all the maintenance easements needed on a permanent basis. These easements will be recorded with the plan and will remain in effect even with transfer of title to the property. See Section 3.4

All storm water management facilities must be located within a drainage easement (i.e., ten (10) feet from the toe of slope and/or periphery) and shall be maintained by the landowner, an Owners or Homeowners Association, or other legal entity approved by the Board. Maintenance responsibilities shall be established in the required Deed of Dedication, in a form acceptable to the County Attorney.

In subdivisions, all SWM/BMP facilities shall be placed in a common area unless prior approval has been obtained from the Program Administrator.

H. Maintenance Agreement

The applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site storm water management measure in accordance with the specifications of this ordinance. See Section 3.4.

I. Erosion and Sediment Control Plans for Construction of Storm water Management Measures

The applicant must prepare an erosion and sediment control plan in accordance with Chapter 9, of the Code of Dinwiddie County (Erosion and Sediment Control) for all construction activities related to implementing any on-site storm water management practices.

J. Other Environmental Permits

The applicant shall assure that all other applicable environmental permits have been acquired for the site prior to approval of the final storm water design plan. This may include, but is not limited to the Virginia Department of Environmental Quality, the Corps of Engineers, the Virginia Marine Resources Commission, the Virginia Department of Conservation and Recreation, and the Virginia Department of Soil and Water Conservation.

K. Floodplain Study

Any construction associated with a storm water management/BMP facility must comply with the provisions of Chapter 11, Flood Protection, of the Dinwiddie County Code.

L. Redevelopment

All redevelopment projects not served by an existing water quality BMP shall either reduce existing site impervious areas by 20% or implement water quality BMPs to reduce pre-redevelopment pollution load of the existing site by 10%.

M. Embankments and Water Impoundments

Embankments and water impoundments shall be in accordance with 3.01 through 3.08 of the Virginia Storm water Management Control Handbook.

The Program Administrator may require additional information and/or calculations greater than those included in the Virginia Storm water Management Manual in a final storm water management plan as he may deem reasonably necessary.

3.4. Storm Water Facility Maintenance Agreements

Prior to the issuance of any permit that has a storm water management facility as one of the requirements of the permit, the applicant or owner of the site must execute a Maintenance Easement Agreement and a Formal Maintenance Agreement that shall be binding on all subsequent owners of land served by the storm water management facility.

1. Maintenance Easement Agreement

The Maintenance Easement Agreement shall provide for access to the storm water management facility at reasonable times for periodic inspection by the County, or its contractor or agent, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this ordinance. The easement agreement shall be recorded by the applicant or owner of the site in the land records.

When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system, the property owner shall grant, after given notice and the opportunity to accompany the inspection, to the County the right

to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.

2. Maintenance Agreement

Maintenance of all storm water management facilities shall be ensured through the creation of a formal Maintenance Agreement that must be approved by the County and recorded into the land record prior to final plan approval. The agreement shall identify by name or official title the person(s) responsible for carrying out the maintenance. Responsibility for the operation and maintenance of storm water management facilities shall remain with the property owner and shall pass to any successor or owner. If portions of the land are to be sold, legally binding arrangements must be made to pass the basic responsibility to successors in title. These arrangements shall designate for each property owner or other legally established entity to be permanently responsible for maintenance. As part of the agreement, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the storm water management facility. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and should also include "failure to maintain" provisions.

The County shall require the submittal of a maintenance performance security or bond with surety, cash escrow, letter of credit or such other acceptable legal arrangement prior to issuance of a permit in order to insure that the storm water management facilities are properly maintained. The criteria for the maintenance performance security shall be the same as for performance bonds as set forth in Section 3.5.

In the event that maintenance or repair is neglected, or the storm water management facility becomes a danger to public health or safety, the County reserves the authority to draw upon the maintenance performance security to perform the work and to recover any additional costs from the owner.

3.5 Performance Bonds

The County shall require the submittal of a performance security or bond with surety, cash escrow, letter of credit or such other acceptable legal arrangement prior to issuance of a permit in order to insure that the storm water practices are installed by the permit holder as required by the approved storm water management plan.

1. The amount of the installation performance security shall be the total estimated construction cost of the storm water management practices approved under the permit, plus 25%.
2. The performance security shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain appropriate actions which may be required of the applicant in accordance with the approved storm water management plan.
3. If the County takes such action upon such failure by the applicant, the County may collect from the applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held.

4. Within sixty (60) days of the completion of the requirements of the approved storm water management plan in the form of certified as-built report and survey, and upon approval by the County, such bond, cash escrow, letter of credit or other legal arrangement, except for the landscaping survivability shall be refunded to the applicant or terminated.

5. The landscaping portion of the storm water management plan shall be inspected one (1) year after installation with replacement in accordance with the final plans and specifications prior to final release.

6. These requirements are in addition to all other provisions of the County ordinances relating to the issuance of such plans and are not intended to otherwise affect the requirements for such plans.

7. The County reserves the right to re-evaluate the bond associated with any project for which an extension is requested to ensure that the bond adequately reflects current market conditions.

3.6. Permit Application Review Fees

Applicants shall submit a permit review fee to the County in the amount of \$250.00 plus \$10.00 per gross acre within the project area at the time of acceptance of the application. The permit review fee may be increased in the future to include the cost of plan review by an outside consultant. If payment is made by check, the check must be made payable to the Treasurer, Dinwiddie County.

3.7. Permit Application Procedure

1. Applications for land disturbance activity permits must be filed with the Department of Planning.

2. Permit applications shall include the following: two copies of the storm water management concept plan, two copies of the final storm water management plan, two copies of the Maintenance Agreement, and any required review fees.

3. Within sixty (60) calendar days of the receipt of a complete permit application, including all documents as required by this ordinance, the County shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved.

4. If the permit application, storm water management plan or Maintenance Agreement is disapproved, the County shall communicate the decision to the applicant in writing. The applicant may then revise the storm water management plan or agreement. If additional information is submitted, the County shall have forty-five (45) calendar days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.

5. If the permit application, final storm water management plan and maintenance agreement are approved by the County, the following conditions apply:

A. The applicant shall comply with all applicable requirements of the approved plan and this ordinance and shall certify that all land clearing, construction, land development and drainage will be done according to the approved plan.

B. The land development project shall be conducted only within the area specified in the approved plan.

C. The County shall be allowed, after giving notice to the owner, occupier or operator of the land development project, to conduct periodic inspections of the project.

D. The person responsible for implementing the approved plan shall conduct monitoring and submit reports as the County may require to ensure compliance with the approved plan and to determine whether the plan provides effective storm water management.

E. No changes may be made to an approved plan without review and written approval by the County.

F. A certified inspection of all aspects of the BMP, including surface As-Built surveys, and geotechnical inspections during subsurface or backfilling and compaction activities shall be required.

Section 4. Exceptions to Storm Water Management Requirements

4.1. Exceptions for Providing Storm Water Management

Every applicant shall provide for storm water management, unless they file a written request to waive this requirement. Requests to waive the storm water management plan requirements shall be submitted in writing to the County for approval. An exception from the storm water management regulations may be granted, provided that: (i) exceptions to the criteria are the minimum necessary to afford relief and (ii) reasonable and appropriate conditions shall be imposed as necessary upon any exception granted so that the purpose and intent of this Ordinance are preserved.

The minimum requirements for storm water management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

1. It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this ordinance.
2. Alternative minimum requirements for on-site management of storm water discharges have been established in a storm water management plan that has been approved by the County.
3. Provisions are made to manage storm water by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of Storm water control that is equal to or greater than that which would be afforded by on-site practices and has a legally obligated entity responsible for long-term operation and maintenance of the storm water practice.
4. The County finds that meeting the minimum on-site management requirements is not feasible due to the natural or existing physical characteristics of a site.
5. Economic hardship is not sufficient reason to grant an exception from the requirements of this chapter.

In instances where one of the conditions above applies, the County may grant a waiver from strict compliance with storm water management provisions that are not achievable, provided that acceptable mitigation measures are provided. However, to be eligible for a variance, the applicant must demonstrate to the satisfaction of the County that the immediately downstream waterways will

not be subject to:

1. Deterioration of existing culverts, bridges, dams, and other structures;
2. Deterioration of biological functions or habitat;
3. Accelerated stream bank or streambed erosion or siltation;
4. Increased threat of flood damage to public health, life and property.

Section 5. General Criteria for Storm Water Management

The following technical criteria shall be applied on all applicable land development and land conversion activities.

5.1 General

1. Determination of flooding and channel erosion impacts to receiving streams due to land development projects shall be measured at each point of discharge from the development project and such determination shall include any runoff from the balance of the watershed which also contributes to that point of discharge.
2. The specified design storms shall be defined as either a 24-hour storm using the rainfall distribution recommended by the U.S. Soil Conservation Service when using U.S. Soil Conservation Service methods or as the storm of critical duration that produces the greatest required storage volume at the site when using a design method such as the Modified Rational Method. Pre-development and post-development runoff rates shall be verified by calculations that are consistent with good engineering practices.

SCS Hydrology. SCS Hydrology consists of Technical Release Number 20 (TR-20) and Technical Release Number 55 (TR-55) including the COE HED-1 software, SCS applications. This hydrology is preferred and acceptable for all applications.

Other Hydrologic Methods. It is recognized that there are many hydrologic methods available, especially in the form of computer software. Other hydrologic methods may be approved by the Program Administrator for specific applications provided it is demonstrated that the alternatives are appropriate for the purpose intended.

3. All development occurring within the County shall provide Storm water management facilities and BMP adequate to reduce increased runoff rates and non-point pollution as outlined herein. The design shall include control of stream flow rates, water surface levels, and runoff rates. This does not preclude demonstration of compliance with Minimum Standard 19 and TB-1 as a method of quantity control.

4. For purposes of computing runoff, all pervious lands in the site shall be assumed prior to development to be in good condition (if the lands are pastures, lawns, or parks), with good cover (if the lands are woods), or with conservation treatment (if the lands are cultivated), regardless of conditions existing at the time of computation.

5. Construction of storm water management facilities or modifications to channels shall comply with all applicable laws and regulations. Evidence of approval of all necessary permits, such as the United States Army

Corps of Engineers and Virginia Department of Environmental Quality Wetland or VPDES Permits, etc., shall be presented.

6. Impounding structures that are not covered by the Impounding Structure Regulations (4 VAC 50-20-10 et seq.) shall be engineered for structural integrity during the 100-year storm event.

7. Pre-development and post-development runoff rates shall be verified by calculations that are consistent with good engineering practices. Storm water management facilities shall be designed to regulate the two (2) and ten (10) year storm such that the post-development peak flows do not exceed pre-development peak flow and safely pass the 100 year storm event.

8. Outflows from a storm water management facility shall be discharged to an adequate channel, and velocity dissipaters shall be placed at the outfall of all storm water management facilities and along the length of any outfall channel as necessary to provide a non-erosive velocity of flow from the basin to a channel.

9. Proposed residential, commercial, or industrial subdivisions shall apply these storm water management criteria to the land development as a whole. Individual lots in new subdivisions shall not be considered separate land development projects, but rather the entire subdivision shall be considered a single land development project. Hydrologic parameters shall reflect the ultimate land development and shall be used in all engineering calculations.

10. All storm water management facilities shall have a maintenance plan which identifies the owner and the responsible party for carrying out the maintenance plan.

11. Construction of storm water management impoundment structures within a Federal Emergency Management Agency (FEMA) designated 100-year floodplain shall be avoided to the extent possible. When this is unavoidable, all Storm water management facility construction shall be in compliance with all applicable regulations under the National Flood Insurance Program, 44 CFR Part 59 and shall be engineered for structural integrity during the 100 year storm event by the primary flooding source or secondary source, whichever yields the most conservative design.

12. Natural channel characteristics shall be preserved to the maximum extent practicable. Storm water management quality and quantity shall be addressed within each drainage area.

13. Land development projects shall comply with the Virginia Erosion and Sediment Control Law and attendant regulations and the County's Erosion and Sediment Control Ordinance.

14. SWM and BMP facilities shall not be located in required buffer areas unless authorized by the Zoning Administrator.

15. All SWM/BMP ponds must be constructed prior to 70% completion (based on performance bond) of the approved project. When ponds are used as temporary sediment controls, the facility must be converted once 90% permanent stabilization has been established.

16. Conveyance Issues. All storm water management conveyance practices shall be designed to convey storm water to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include, but not be limited to:

- (A). Maximizing of flow paths from inflow points to outflow points;
- (B). Protection of inlet and outfall structures; and
- (C). Elimination of erosive flow velocities.

The Virginia Storm Water Management Manual and Virginia Erosion and Sediment Control Handbook provide detailed guidance on the requirements for conveyance for each of the approved Storm water management practices.

Storm water drainage easements shall be extended where necessary to upstream property lines to permit future development reasonable access to on-site drainage ways or drainage systems for connection.

Residential lots in which lot size is less than thirty thousand (30,000) square feet shall be graded in such a manner that surface runoff does not cross more than three (3) lots before it is collected in a storm sewer system or designed storm water conveyance channel. All surface drainage must be contained in an adequate easement once it is discharged from the third residential lot. Any concentrated Storm water must be contained in an adequate easement.

Hydrologic and hydraulic design calculations to demonstrate ten (10) year overland relief, with storm sewer plugged, shall be provided. Calculations for over lot drainage practices shall be provided, where appropriate.

17. Pretreatment Requirements.

Every storm water treatment practice shall consider accepting forms of water quality pretreatment. The applicability of pretreatment will be at the description of the review agent.

18. Landscaping Plans Required.

All storm water management practices must have a landscaping plan detailing both the vegetation to be in the practice and how and who will manage and maintain this vegetation. This plan must be prepared by a qualified individual familiar with the selection of emergent and upland vegetation appropriate for the selected BMP.

19. Safety.

All wet facilities shall have an aquatic bench at least 10' wide with slopes not to exceed 1:10 (V:H) slope or 1' water depth. No facility shall have slopes and/or embankments steeper than 3:1 (H:V) without prior approval of the program administrator.

20. Maintenance Agreements.

A legally binding covenant specifying the parties responsible for the proper maintenance of all storm water treatment practices shall be secured prior to issuance of any permits for land disturbing activities.

21. No more than one penetration shall be allowed through a dam structure without prior approval of the program administrator.

22. Storm water management facilities may be either above grade or below grade design, however, underground facilities shall only be permitted within non-residential areas.

23. No storm water conveyance pipe shall be less than 15" in diameter.

24. Principal outlet control structures shall be RCP unless prior approval is obtained by the County.

25. Storm sewer design calculations shall be performed in accordance with the practices presented in the current edition of the VDOT drainage manual.

26. Non-Structural Storm Water Practices designed to reduce the volume of Storm water runoff are encouraged to reduce the amount of Storm water runoff that must be managed. This will help to minimize the reliance on structural practices which require ongoing maintenance in order to be effective.

5.2 Structural Storm Water Management Practices

1. Minimum Control Requirements

All storm water management practices shall be designed so that the specific storm frequency storage volumes (e.g., water quality, channel protection, 10 year, 100 year) as identified in the current Virginia Storm Water Management Handbook are met, unless the County grants the applicant a waiver or the applicant is exempt from such requirements.

In addition, if hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the County reserves the right to impose any and all additional requirements deemed necessary to protect downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of storm water runoff.

2. Site Design Feasibility

Storm water management practices for a site shall be chosen based on the physical conditions of the site. Among the factors that should be considered:

- A. Topography
- B. Maximum Drainage Area
- C. Depth to Water Table
- D. Soils
- E. Slopes
- F. Terrain
- G. Hydraulic Head
- H. Location in relation to environmentally sensitive features or ultra-urban areas

Applicants shall consult the Virginia Storm Water Management Handbook for guidance on the factors that determine site design feasibility when selecting a Storm water management practice.

3. Conveyance Issues

All storm water management practices shall be designed to convey storm water to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include, but not be limited to:

- A. Maximizing of flow paths from inflow points to outflow points
- B. Protection of inlet and outfall structures
- C. Elimination of erosive flow velocities
- D. Providing of under drain systems, where applicable

The Virginia Storm Water Management Manual provides detailed guidance on the requirements for conveyance for each of the approved Storm water management practices.

4. Pretreatment Requirements

Every storm water treatment practice shall have an acceptable form of water quality pretreatment, in accordance with the pretreatment requirements found in the current Virginia Storm water Management Handbook. Storm water infiltration practices, or practices having an infiltration component, as specified in the Virginia Storm Water Management Handbook, are prohibited, even with pretreatment, in the following circumstances:

- A. Where storm water is generated from highly contaminated source areas known as "hotspots"
- B. Where storm water is carried in a conveyance system that also carries contaminated, non-Storm water discharges
- C. Where storm water is being managed in a designated groundwater recharge area
- D. Under certain geologic conditions (e.g., karst) that prohibit the proper pretreatment of storm water

5. Treatment/Geometry Conditions

All storm water management practices shall be designed to capture and treat storm water runoff according to the specifications outlined in the Virginia Storm Water Management Handbook. These specifications will designate the water quality treatment and water quantity criteria that apply to an approved Storm water management practice (see Sections 5.4, 5.5, and 5.6 of this Ordinance for specific criteria).

6. Landscaping Plans Required

All storm water management practices must have a landscaping plan detailing both the vegetation to be in the practice and how and who will manage and maintain this vegetation. This plan must be prepared by a qualified individual familiar with the selection of emergent and upland vegetation appropriate for the selected BMP.

7. Maintenance Agreements

A legally binding covenant specifying the parties responsible for the proper maintenance of all storm water treatment practices shall be secured prior to issuance of any permits for land disturbance activities. In addition, all Storm water treatment practices shall have an enforceable operation and maintenance agreement to ensure the system function as designed. This agreement will include any and all maintenance easements required for the County to access and inspect the storm water treatment practices. (See Section 3.4 of this Ordinance for specific maintenance provisions).

5.3 Water Quality

Unless judged by the County for a project to be exempt, the following criteria shall be addressed for storm water management at all sites:

- 1. All storm water runoff generated from land development and land use conversion activities shall not discharge untreated storm water runoff

directly into a jurisdictional wetland or local water body without adequate treatment.

2. Annual groundwater recharge rates shall be maintained, by promoting infiltration through the use of structural and non-structural methods. At a minimum, annual recharge from the post development site shall mimic the annual recharge from pre-development site conditions.

3. Land development projects shall comply with any and all water quality Performance-based or Technology-based criteria adopted by the Plan Approving Authority.

5.4 Stream Channel Erosion

To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the Virginia Storm water Management Handbook and Virginia Sediment and Erosion Control regulations.

1. Properties and receiving waterways downstream of any land development project shall be protected from erosion and damage due to increases in volume, velocity and frequency of peak flow rate of Storm water runoff in accordance with the minimum design standards set out in this section.

2. The plan approving authority shall require compliance with subdivision 19 of 4 VAC 50-30-40 of the Erosion and Sediment Control Regulations, promulgated pursuant to Article 4 (10.1-560 et seq.) of Chapter 5 of Title 10.1 of the Code of Virginia.

3. The plan approving authority may determine that some watersheds or receiving stream systems require enhanced criteria in order to address the increased frequency of bank full flow conditions brought on by land development projects. Therefore, in lieu of the reduction of the 2-year post-developed peak rate of runoff as required in subsection 2 of this section, the land development project being considered shall provide 24-hour extended detention of the runoff generated by the 1 -year, 24-hour duration storm.

5.5 Flooding

The calculations for determining peak flows as found in the Virginia Storm Water Management Handbook shall be used for sizing all storm water management practices.

1. Downstream properties and waterways shall be protected from damages from localized flooding due to increases in volume, velocity and peak flow rate of storm water runoff in accordance with the minimum design standards set out in this section.

2. The 10-year post-developed peak rate of runoff from the development site shall not exceed the 10-year pre-developed peak rate of runoff.

3. Linear development projects shall be required to control post-development storm water runoff for flooding on site, except if a County approved watershed or regional storm water management plan indicates otherwise.

5.6 Regional Storm Water Management Plans

Applicants are directed to communicate with the County prior to submitting an application for storm water management plan approval in accordance with Section 3 of this ordinance to determine if a Regional Storm Water Management

Plan has been developed for the applicable watershed. If such a plan is in existence, the applicant must provide storm water management water quality treatment on-site in accordance with the provisions of the regional plan, and other management provisions as specified by the County.

Section 6. Construction Inspection

Storm water management construction inspection shall utilize the final approved plans and specifications for compliance. In addition, the inspection shall comply with latest version of the Erosion and Sediment Control Regulations, promulgated pursuant to Article 4 of Chapter 5 of Title 10.1 of the Code of Virginia.

6.1. Notice of Construction Commencement

The applicant must notify the County in advance before the commencement of construction. In addition, the applicant must notify the County in advance of construction of critical components of the storm water management facility. Periodic inspections of the storm water management system construction shall be conducted by the staff of the County or a professional engineer or their designee who has been approved by the jurisdictional storm water authority. Upon completion, the applicant is responsible for certifying that the completed project is in accordance with the approved plans and specifications (refer to As-built Plans - Section 6.2) and shall provide regular inspections sufficient to adequately document compliance. All inspections shall be documented and written reports prepared that contain the following information:

1. The date and location of the inspection;
2. Whether construction is in compliance with the approved storm water management plan;
3. Variations from the approved construction specifications; and
4. Any violations that exist.

If any violations are found, the property owner shall be notified in writing of the nature of the violation and the required corrective actions. No additional work shall proceed until any violations are corrected and all work previously completed has received approval by the County. In addition, the person responsible for carrying out the plan may be required to provide inspection monitoring and reports to ensure compliance with the approved plan and to determine whether the measures required in the plan provide effective storm water management.

If the County determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan in accordance with Section 8 of this Ordinance.

6.2. Post-Construction Final Inspection and As-Built Plans

All applicants are required to submit actual "as built" plans for any storm water management practices located on-site after final construction is completed. The plan must show the final design specifications for all storm water management facilities and must be certified by a professional engineer. A final inspection by the County is required before the release of any performance securities can occur. A certified inspection of all aspects of the BMP construction is required, including surface As-Built surveys, and geotechnical inspections during subsurface or backfilling, riser and principal spillway installation, bioretention soil placement and compaction activities.

Section 7. Maintenance Inspection and Repair of Storm Water Facilities

7.1. Maintenance Inspection of Storm Water Facilities

All Storm water management facilities must undergo inspections to document maintenance and repair needs and ensure compliance with the requirements of this ordinance and accomplishment of its purposes. These needs may include but are not limited to the removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation and any repair or replacement of structural features.

A storm water management facility may be inspected by the County. In the event that the Storm water management facility has not been maintained and/or becomes a danger to public safety or public health, the County shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the address specified in the maintenance covenant. The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. If the responsible party fails or refuses to meet the requirements of the maintenance covenant, the County, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition, and recover the costs from the owner.

7.2 Records of Maintenance and Repair Activities.

Parties responsible for the operation and maintenance of a storm water management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least three (3) years. These records shall be made available to the County Administrator during inspection of the facility and at other reasonable times upon request.

Section 8. Enforcement and Penalties.

8.1. Violations

Any development activity that is commenced or is conducted contrary to this Ordinance or the approved plans and permit may be subject to the enforcement actions outlined in this section and the Virginia Storm Water Management Law.

8.2. Notice of Violation

When the County determines that an activity is not being carried out in accordance with the requirements of this Chapter, it shall issue a written notice of violation delivered by registered or certified mail to the applicant. The notice of violation shall contain:

1. The name and address of the applicant;
2. The address when available or a description of the building, structure or land upon which the violation is occurring;
3. A statement specifying the nature of the violation;
4. A description of the remedial measures necessary to bring the development activity into compliance with this ordinance and a time schedule for the completion of such remedial action;
5. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and
6. A statement that the determination of violation may be appealed to the

municipality by filing a written notice of appeal within thirty (30) days of service of notice of violation.

8.3. Stop Work Orders

Persons receiving a notice of violation will be required to halt all construction activities. This "stop work order" will be in effect until the County confirms that the development activity is in compliance and the violation has been satisfactorily addressed. Upon failure to comply within the time specified, the permit may be revoked and the applicant shall be deemed to be in violation of this article and upon conviction shall be subject to the penalties provided by Section 9.4 of this Chapter.

8.4. Civil and Criminal Penalties

Any person who violates any provision of this Chapter or any permit issued there under shall be guilty of a Class 1 misdemeanor and shall be subject to a fine not exceeding \$1,000 or up to thirty days imprisonment, or both, for each violation. In addition the County may pursue the following actions:

1. The County may apply to the circuit court to enjoin a violation or a threatened violation of the provisions of this ordinance without the necessity of showing that an adequate remedy at law does not exist.
2. Without limiting the remedies which may be obtained in this section, the County may bring a civil action against any person for violation of this ordinance or any condition of a permit. The action may seek the imposition of a civil penalty of not more than \$2,000 against the person for each violation.
3. With the consent of any person who has violated or failed, neglected or refused to obey this ordinance or any condition of a permit, the County may provide, in an order issued by the County against such person, for the payment of civil charges for violations in specific sums, not to exceed the limit specified in subdivision 2 of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subdivision 2.

8.5. Restoration of Lands

Any violator may be required to restore land to its undisturbed condition or in accordance with a Notice of Violation, Stop Work Order, or Permit requirements. In the event that restoration is not undertaken within a reasonable time after notice, the County may take necessary corrective action, the cost of which shall be covered by the performance bond, or become a lien upon the property until paid, or both.

8.6. Holds on Occupation Permits

Occupation permits shall not be granted until corrections to all storm water practices have been made in accordance with the approved plans, Notice of Violation, Stop Work Order, or Permit requirements, and accepted by the County.

This ordinance shall be in full force and effect upon the date of adoption by the Board of Supervisors.

**IN RE: PUBLIC HEARING – A-04-17 – ORDINANCE TO
ESTABLISH APPLICATION AND DISPOSITION OF
DEADLINES FOR EQUALIZATION OF REAL ESTATE
ASSESSMENTS**

This being the time and place as advertised in the Dinwiddie Monitor on November 23, 2004 and November 30, 2004 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comment on the following matter:

Ordinance to establish application and disposition of deadlines for equalization of real estate assessments.

The County Administrator pointed out that this ordinance amendment was brought to them by Mr. Harold Wingate as a suggestion and one that was adopted during the last reassessment. This is to establish a deadline when the equalization board sits and if you don't establish a deadline it is subject to be in service for a whole year. So the suggestion was that the deadline for receipt of applications to the county board of equalization shall be February 1, 2005. The deadline for disposition of timely applications by the county board of equalization shall be March 1, 2005, which would give them 30 days to complete the hearings.

Mr. Haraway asked the County Administrator if she felt this would give them enough time. Mrs. Ralph stated Mr. Wingate felt it was but it was at the discretion of the Board if they wanted to extend the deadline to a later date. Mr. Haraway commented he wished the Board had some input from that board from the last time. The County Attorney confirmed that the Board could hold the public hearing and take action at the next meeting; or they could extend the deadline for the real estate hearings today. Mr. Moody suggested that the date be extended to April 1, 2005 and if they finished early it would be okay.

Mr. Haraway opened the public hearing for citizen comments. No one spoke on issues concerning the amendment A-04-17. Mr. Haraway closed the public hearing.

Upon motion of Mr. Stone, Seconded by Mr. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that Section 19-9 of the Code of the County of Dinwiddie be amended and reordained as follows:

**AN ORDINANCE TO AMEND SECTION 19-9 OF THE CODE OF THE
COUNTY OF DINWIDDIE, VIRGINIA TO ESTABLISH APPLICATION AND
DISPOSITION DEADLINES FOR EQUALIZATION OF REAL ESTATE
ASSESSMENTS**

**Sec. 19-9 Application and Disposition Deadlines for the Processing of
Equalization of Real Estate Assessments.**

(a) The deadline for receipt of applications to the county board of equalization shall be ~~April 20, 2004~~ February 1, 2005.

(b) The deadline for disposition of timely applications by the county board of equalization shall be ~~June 1, 2004~~ April 1, 2005.

* * *

This Ordinance shall become effective immediately upon its adoption by the Board of Supervisors.

IN RE: DINWIDDIE AIRPORT – RESOLUTION & EASEMENT FOR OBSTRUCTION REMOVAL

The County Administrator stated after the board packets were sent out the County Attorney received from the Airport Authority and Mr. Ploeger a revised easement which expands the length of the easement not the width. Therefore it required some clarification in the Resolution. The new resolution adds some language to indicate that a second purpose of the amendment is to clarify the location of the easement (as well as the terms of it). Since the easement already existed there was no need to hold a public hearing. However, the Progress-Index printed two articles about a public hearing tonight and if the Board wanted to allow anyone to speak it certainly would be okay; but the County is not legally required to hold one. The Deputy Clerk stated there were two persons who wished to speak on the issue. Continuing the County Administrator commented that the enclosed version incorporates both plats into the easement as they both have slightly different information on them, all of which is applicable to the easement. Mr. David Ploeger the Director of the Airport is present if the Board has any specific questions regarding what the changes are on the plat. She recommended since there were persons present to speak on the issue that they be allowed to address the Board.

Mr. Haraway commented this would be a good time for those two persons to speak.

Mr. Robert Colvin – 23509 Old Cox Road, Petersburg, VA – was basically concerned with the amount of property that would be cleared and what the County was going to do with it. He also stated he understood that it was 85 acres that was purchased not 5 acres. The County Administrator explained that the issue tonight is to expand an easement on property which did belong to Mrs. Brown which already existed at the airport and Mr. Ploeger would address what needs to be done with the trees on that easement. What you are asking about is the 81 acres the County purchased from Mrs. Brown. The County has not solidified what that property is going to be used for. Mrs. Ralph asked Mr. Ploeger to explain the easement.

Mr. Ploeger stated he did not know the exact amount of property being discussed, but it wasn't the entire size of the Brown property; it falls under the approach corridor into the airport as designated by the FAA for the runway. The easement that exists out there is wider than this piece we are talking about modifying. It goes out to the edges of what is called the transition zone which is a slope off the side of the approach corridor of the runway. This easement request is narrower than that but it goes back almost to the house on the Brown property (but not as wide as her property). The reason behind it is the current easement allows the airport to remove trees that have grown too tall; and in the past the FAA grants has given grants to remove the trees in the flight path. However, the FAA changed their policy and they will no longer pay to go on the same piece of property twice to remove the trees. Now all the trees have to be removed from the property. The stumps have to be grubbed and the land seeded and kept mowed. So that is the idea behind the easement from the County now that it owns the property. The airport has federal funds for this piece of property and also for the other end of the runway between the raceway and the airport.

Mr. Stone asked if the trees are being removed now. Mr. Ploeger replied no. The only trees that have been removed are the trees on the Airport's property where the dumpsters are located. The trees that will be removed are located behind that parcel.

Mr. Bob Colvin adjacent property owner commented his concern was where the land is going to be cleared. He stated he has an undeveloped piece of property with approximately 25 lots which he hoped to develop in the future. He was concerned that this would be detrimental to his property. Mr. Ploeger

explained that the approach path is a narrow piece of property located at each end of the landing strip at the airport and it has existed since 1940 when the airport was built. This path runs from the center line of the runway and extends out ten thousand feet. It is on a slope of 34 to 1, for every 34 feet, you go past the end of the runway it goes up one foot. The area which has been designated to be cleared, we believe, once you have cleared the end of the runway, the slope is so high in the air at that point no tree can grow that tall in that area. The approach path has been in existence since the airport was built. There is no change to that at all; we are simply clearing out an area once the trees have grown too tall and need to be removed. Mr. Colvin stated you are not planning to expand the airport at this time. Mr. Ploeger replied no, this has nothing to do with an expansion; it is simply to remove trees that are in the approach path.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the following resolution and deed of easement was adopted.

RESOLUTION

WHEREAS, the Board of Supervisors of the County of Dinwiddie, Virginia (**the "Board"**) is the owner of that certain tract of land located on Airport Road, State Route 460, described in and conveyed to the County by Gladys M. Brown by Deed dated September 17, 2004, recorded September 22, 2004, in the Clerk's Office of the Circuit Court of Dinwiddie County, as Deed #04-4369 (**the "Property"**); and

WHEREAS, the Property is subject to a perpetual aviation easement benefiting the Dinwiddie Airport and Industrial Authority (**the "Authority"**) and conveyed to it by Gladys M. Brown by Deed of Easement dated January 22, 1985, recorded February 1, 1985, in the Clerk's Office aforesaid in Deed Book 233, Page 21 (**the "Deed of Easement"**); and

WHEREAS, the Authority has requested the Board to amend the Deed of Easement as provided for hereafter in order to clarify the location of the easement conveyed thereby and certain rights of the Authority granted thereunder; and

WHEREAS, the Board believes it to be in the best interest of Dinwiddie County (**"the County"**) to so amend the Deed of Easement; and

WHEREAS, the Board has been presented with an instrument titled "Amendment to Deed of Easement" to accomplish such amendment and desires to approve the adoption and execution of such instrument;

NOW, THEREFORE, BE IT RESOLVED that the amendment of the Deed of Easement by the County is hereby deemed to be in the best interests of the County and is approved by the Board in accordance with the terms and provisions of the Amendment to Deed of Easement; and

FURTHER RESOLVED, that the Chairman and Vice-Chairman of the Board, the County Administrator and the Assistant County Administrator are each authorized and directed to execute and deliver the Amendment to Deed of Easement with such changes as they deem appropriate and to take all such actions as they deem necessary or expedient to fulfill the Board's obligations thereunder and to carry out the purposes and intents of this resolution, including without limitation, the execution and recordation in the Clerk's Office of the County of the Amendment to Deed of Easement and all such other documents as may be deemed necessary in their sole discretion to effectuate such obligations, purposes and intents (the approval of which shall be conclusively evidenced by their execution thereof).

Adopted this 7th day of December, 2004.

AMENDMENT TO DEED OF EASEMENT

THIS AMENDMENT TO DEED OF EASEMENT, made this 7th day of December, 2004, by and between the **BOARD OF SUPERVISORS OF DINWIDDIE COUNTY (the "County")**, a political subdivision of the Commonwealth of Virginia, party of the first part, and the **DINWIDDIE AIRPORT AND INDUSTRIAL AUTHORITY, formerly known as the Petersburg-Dinwiddie County Airport and Industrial Authority (the "Authority")**, also a political subdivision of the Commonwealth of Virginia, party of the second part, recites and provides as follows.

RECITALS.

1. The County is the owner in fee simple absolute of that certain tract of land located on Airport Road, State Route 460, described in and conveyed to the County by Gladys M. Brown by Deed dated September 17, 2004, recorded September 22, 2004, in the Clerk's Office of the Circuit Court of Dinwiddie County, as Deed #04-4369 (**the "Property"**).
2. The Property is subject to a perpetual aviation easement benefiting the Authority and conveyed to it by Gladys M. Brown by Deed of Easement dated January 22, 1985, recorded February 1, 1985, in the Clerk's Office aforesaid in Deed Book 233, Page 21 (**the "Deed of Easement"**).
3. The Authority has requested the County to amend the Deed of Easement as provided for hereafter in order to clarify certain rights of the Authority granted thereunder.
4. The Board of Supervisors has determined that it is in the best interests of the County to consent to such amendment, and the County and the Authority desire to amend the Deed of Easement as provided for in this agreement and to record a copy of this agreement in the Clerk's Office to evidence such amendment.

AGREEMENT.

Now, therefore, for and in consideration of the foregoing recitals, the mutual benefits to be gained by the parties by entering into this agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto covenant and agree as follows.

1. The following is hereby added at the end of the last sentence of the second paragraph of page 1 of the Deed of Easement after the words "...of this deed as Exhibit A:"

... and as shown on that certain plat of survey by Townes Site Engineering dated October 18, 2004, revised November 30, 2004, entitled "Aviation Easement Across the Property of Robert L. Brown and Gladys M. Brown, Rohoic District, Dinwiddie County, Virginia," a copy of which is attached to and recorded with this Amendment to Deed of Easement. In the event of any conflict in the information depicted on the Pritchett plat attached as Exhibit A and the Townes plat referred to above, the Townes plat shall control and take precedence.
2. The second and last sentence of the fifth paragraph of the Deed of Easement, which is on page 2 thereof, is hereby deleted in its entirety and the following is substituted therefore:

The party of the first part further grants and conveys to the party of the second part a continuing right and easement to take such action as it may

deem necessary or advisable, including without limitation, the cutting, grubbing and removal of trees growing under the Surfaces or whose tops are above, at, or within three (3) feet below the Surfaces, to prevent the erection or growth of any structure, tree, or other object into the air space above the Clear Zone Approach and Transition Zone Surfaces, and to remove from such airspace, or mark or light as obstructions to air navigation, any and all structures, trees, or other objects that may extend above such Surfaces, together with the right of ingress and egress over its lands to exercise such rights.

3. The sixth paragraph of the Deed of Easement, which is on page 2 thereof, hereby is deleted in its entirety and the following is substituted therefore:

The party of the first part further grants unto the party of the second part, for the use and benefit of the public, a right for the free and unobstructed passage of aircraft in the airspace above the Clear Zone Approach and Transition Surfaces, together with the right to cause in said airspace such noise, light, fumes, and vibration as may be inherent in the operation of aircraft using said airspace for landing at, taking off from, or operating at, or near, the aforementioned Airport.

All references in the Deed of Easement to Gladys M. Brown and the party of the first part shall be deemed to refer to the County, its successors and assigns. Except as expressly set forth herein, the Deed of Easement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the County and the Authority have caused this agreement to be executed by their duly authorized officers as of the day, month and year first written above.

**IN RE: CITY OF PETERSBURG REQUEST FOR RESOLUTION
OF SUPPORT FOR THE MAINTENANCE DREGGING OF
THE APPOMATTOX RIVER**

The County Administrator commented the City of Petersburg has requested that the Board adopt a resolution of support for the maintenance dredging of the Appomattox River in Petersburg. She stated they all felt it would benefit the surrounding localities especially in the area of tourism and possibly economic development that it might bring. Mr. Haraway commented he was in the meeting where this was presented and all the localities verbally approved it. He pointed out if it does materialize it would be a great asset to the region.

Mr. Stone moved to adopt the resolution of support. The motion was seconded by Mr. Bowman. Mr. Moody asked if they were asking for any financial support. Mr. Haraway and the County Administrator replied no, just the resolution of support.

Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the following resolution of support was adopted.

**RESOLUTION OF SUPPORT FOR THE MAINTENANCE
DREDGING OF THE APPOMATTOX RIVER**

WHEREAS, the Appomattox River is tidal and historically was navigable to its Fall Line in South Central Virginia; and

WHEREAS, the navigability of the Appomattox River was an important factor in the historical development of South Central Virginia, enabling early Virginia colonists to explore the territory now comprising that section of Virginia,

to conduct extensive trade with Native Americans, and to establish a settlement at the Fall Line, such settlement eventually incorporating under the laws of the Commonwealth of Virginia as the City of Petersburg and becoming a major transshipment point for agricultural goods and manufactured products of the farmers and mercantilists of South Central Virginia; and

WHEREAS, the U. S. Congress, recognizing the importance of the navigability of the Appomattox River to the development of South Central Virginia, authorized, in 1871, a navigation channel, to be maintained by the U. S. Army Corps of Engineers, in the Appomattox River from its confluence with the James River at what is now the City of Hopewell to a harbor in the City of Petersburg; and

WHEREAS, the navigation channel was utilized extensively by river traffic until around 1960, about which time siltation in the channel first restricted and eventually precluded river access to the harbor in Petersburg, thereby discontinuing the historical navigability of the Appomattox River to its Fall Line; and

WHEREAS, reopening the authorized channel in the Appomattox River will improve the environmental condition of the Appomattox River, serve as a catalyst for the commercial revitalization of historic downtown Petersburg, enhance local and regional tourism, expand local and regional recreational opportunities, and return the River to its historical navigability to the City of Petersburg.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County, Virginia strongly supports the maintenance dredging of the existing federally-authorized navigation channel in the Appomattox River to restore the historical access to the harbor in the City of Petersburg at the Fall Line of the River, and encourages the State and federal governments to provide the requisite funding to implement this project.

IN RE: VACO – CONTRIBUTION REQUEST FOR ANNUAL CONFERENCE

The County Administrator informed the Board that Virginia will be hosting the Annual NACO Conference in July of 2007 and they are requesting that the County contribute a minimum of \$1,000 to help cover the cost of the conference. They have created a non-profit corporation (Conferences, Inc.) to raise funds and carry out their duties. They expect the cost of their responsibilities to be around \$1 million dollars. There was a brief discussion between the Board members and the County Administrator regarding the amount of the contribution and what it would cover. The County Administrator stated this is a cost to cover the promotion of the event. It doesn't cover the actual cost of the speakers or other related items. Mr. Moody stated it is a National Conference and it takes a lot of preparation. Mr. Stone asked if the County's national dues covered any of the costs. The County Administrator recommended that action be deferred so she could get some answers to their questions. The Board agreed.

IN RE: APPOINTMENT – MICHAEL MCGOWAN – SOCIAL SERVICES BOARD

Upon motion of Mr. Moody, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Michael McGowan is hereby appointed to fill the unexpired term of Mrs. Patsy Cansler, District 2 representative, ending June 30, 2008 on the Dinwiddie County Social Services Board.

**IN RE: APPOINTMENT RECOMMENDATIONS FOR BOARD OF
EQUALIZATION – RENNIE BRIDGMAN, JR, FRANKIE
FRANCK, COLONEL HOBBS**

Upon motion of Mr. Stone, Seconded by Mr. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Rennie Bridgman, Jr., District 5, Ms. Frankie Franck, District 2, and Mr. Colonel Hobbs, District 1 are hereby recommended to the Circuit Court Judge for appointment to the Board of Equalization for the 2005 Real Estate Reassessment.

**IN RE: REAPPOINTMENT RECOMMENDATION FOR BOARD OF
ZONING APPEALS – THELMA JONES**

Upon motion of Mr. Moody, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Ms. Thelma Jones, District 1, is recommended to the Circuit Court Judge to be re-appointed to the Board of Zoning Appeals for a term ending December 31, 2009.

IN RE: DIVERSIFIED AMBULANCE UNCOLLECTABLE DEBTS

Mrs. Anne Howerton, Finance Director, stated the ambulance billing company, Diversified Ambulance, has uncollected accounts on the books for February 2003 – October 2004 which they have deemed bad debts. They would like the County to decide whether to let them write them off as bad debts or send them back to the County for disposition. The billing analysis is as follows:

Diversified Ambulance Billing Analysis

Dates of Service	Charges	Collections	% Collected	Bad Debt	% Bad Debt
02-12/03	663,388	219,422	33.08	49,639	7.48
01-10/04	612,670	312,690	51.04	34,769	5.67
Totals	1,276,058	532,112	41.70	84,408	6.61

Mr. Haraway asked if \$84,408 was the amount that had been written off as bad debts. Mrs. Howerton stated yes, that is the amount they would like to write off as bad debt. Mr. Haraway asked if the remaining approximately \$600,000 was contractual adjustments. She replied yes and the remaining 99% are self pay accounts. The Financial Director stated 4 bills were sent and samples were distributed to the Board. Mr. Haraway asked if the Board does not agree to write them off what was the alternative. She replied they would just sit on the books because DAB has exhausted all means for collection. Mr. Haraway commented the bad debt at 6.61% was low and he felt the company had done a good job.

There was a short discussion regarding the contractual adjustments and whether the bad debts would be reported to the credit bureau. Mr. Stone asked if the accounts would be sent to a collection agency. The County Administrator pointed out that DAB would not take any further action. Mrs. Howerton said the County would have to turn the accounts over to a collection agency which would charge a percentage of the funds they collected if that was what the Board decided.

Mr. Haraway asked what the surrounding jurisdictions that use DAB were doing with the bad debt accounts. Mr. Jolly reported that the jurisdictions that replied were writing them off as bad debts, because the debt ratio was less than 10% which was considered acceptable. He also commented that at the onset of the ambulance billing one of the things that was made quite clear by the Board was that the accounts would not be sent to a collection agency. Insurance companies normally pay for ambulance transportation and the County was looking to collect those funds from persons who were covered on their policies which had not been collected in the past by the County. The County was not looking to try to collect from persons to pay out of their pockets to be transported to the hospital for an emergency. The County was looking to recoup those funds from the insurance companies that were already charging in their premiums for this service. Mr. Moody stated he agreed with Mr. Jolly and that was the direction that the Board took at that time. He did not agree with reporting them to a credit bureau and possibly ruining their credit.

Mr. Jolly also stated that about 90% were probably self pay and financially they couldn't afford insurance premiums. Mr. Haraway stated he was on the Board at that time but to follow along the lines that Mr. Bowman was thinking, if there was a self pay patient who has the resources to pay and they don't pay then the County should go after those accounts. Mr. Bowman asked how many accounts were involved. Mrs. Howerton replied approximately 252.

Mr. Haraway directed Staff to ask DAB for an electronic list of the delinquent accounts to investigate whether they were repeat offenders and to see if the accounts could be collected in future years.

Upon motion of Mr. Moody, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the ambulance billing company is authorized to write off the uncollected accounts for February 2003 – October 2004 as bad debts in the amount of \$84,408 which represents 6.61% of gross charges for ambulance services.

IN RE: HURRICANE ISABEL 2003 COMPENSATION FOR EMPLOYEES

The County Administrator distributed copies of the revised list of the proposed compensation for employees who worked during Hurricane Isabel with the FEMA payment received. Mr. David Jolly was requested to walk through how the Federal government considers an emergency situation and how they reimburse the localities so the public could understand what happens when an emergency situation has been declared.

Mr. Jolly went through the scenario of the differences between a local emergency and a state wide or county wide emergency. The laws allow for the jurisdictions to declare local emergencies for local events that may impact the entire county or a portion thereof. In those cases the County implements its local emergency operations plan and can exercise certain authorities that it normally can't, to include bringing personnel in to fill other job roles that are not typically staffed on day to day operations. If that emergency spreads outside the County or impacts the County significantly enough that the State meets certain thresholds the Governor can proclaim a "State of Emergency" for the Commonwealth; at that point our emergency management plan then becomes part of the state wide emergency operations plan. At that point personnel and staff that are part of that plan are now working in unison with the state plan. If the majority of the Commonwealth is affected or a sizeable portion of it, then the Governor's Office can ask the President to declare a Federal disaster for the State; or a portion of the State, at which time if it is declared FEMA then starts to pick up the ball and the State works with the Federal plan. In essence local works to state; state works to FEMA; so our local resources become an operational piece of a bigger puzzle of your State and Federal guidelines. During the Hurricane Isabel event obviously that affected several states and the majority

of the Commonwealth and therefore it was declared a Federal Disaster. At that point our local jurisdiction accountability operations has to be presented to both the State and Federal Government for their review for expenses incurred, salaries, with cost for delivering services, restoring damaged property, mitigating issues and so on. Those reports go all the way up to the Federal level and at some point the County recoups Federal dollars back into the localities through the State. For every disaster FEMA has a different set of guidelines that have been tweaked or changed based on the previous disaster and what they saw as a need to update or change policies. For this particular disaster the personnel expenses were only figured if they were specifically outlined in the County Policy or the Emergency Operations Policy as being essential personnel. In our policy certain positions are listed but the majority is not listed as essential personnel. We are not unlike most of the counties, cities and even at the State level during Isabel there were personnel who worked, that could have stayed home because the offices were closed; however, some of them were called in to work during the emergency. Therefore, their time was accounted for at the local, State, and Federal levels. Because they were not specifically designated, before the disaster in the emergency plan, the County was only compensated for those designated positions by FEMA for overtime, which is anything worked over 40 hours.

Mrs. Anne Howerton, Financial Director, stated based on the information provided by Mr. Jolly FEMA reimbursed the County a total of \$16,576.00 for the personnel who worked during the disaster. The amount already paid out from that sum is \$3,650 which leaves a total of \$12,913 to be paid out to specific employees that worked during Hurricane Isabel.

The County Administrator pointed out that because it is Federal money the County's options are to pay the money that has not been paid to the designated persons on the list who worked or send the FEMA money back. At the last meeting there was some confusion that everyone was being paid from the undesignated fund balance and that was not the case. There are specific people that Mr. Jolly indicated that were working for the Federal government and recognized at that point in the County's plan and received the money from FEMA as outlined.

Mr. Bowman restated, the \$16,576 the County received from FEMA, if it is not given to the employees then it will have to be sent back? Mrs. Howerton replied that is correct. The County has to give the money to the specific employees that were turned in to FEMA.

The County Administrator commented action was taken at the last meeting to take the FEMA money and compensate everyone that worked. However, after review, that is not allowed by FEMA. The Sheriff's personnel have already been paid for their time. The money being discussed now is the other positions that were reimbursed by FEMA which is \$12,913.

Mrs. Ralph said now to move to the positions that worked but were not covered under FEMA reimbursements because they were not designated in the County Emergency Plan. The plan will be corrected, but it was not in effect at that time. The Financial Director presented three options to the Board to pay (thank you pay) the employee who worked while the offices were closed: Option 1 (would pay everyone who worked) total - \$16,675; Option 2 (excludes exempt employees) - \$10,176; Option 3 (capped amount) - \$10,355; and this would be in addition to the FEMA money. The County Administrator stated the overall concern that we have as Administrative Staff is that the next time staff has to be called out, (who have not been designated in the emergency plan) when they could have stayed at home, they will not be here. She pointed out over a year ago now the other agencies paid their personnel who came out whether they got reimbursed by FEMA or not. It is only the people under the Board of Supervisors who have not been paid anything.

Mr. Haraway asked what amount staff recommended. The County Administrator replied the second option which is \$10,176, so everyone would receive something.

Mr. Bowman stated FEMA sent the money for senior administrative staff for their overtime. Would they receive any compensation? The Finance Director stated they would receive their FEMA money but they would not receive any additional thank you pay.

Mr. Haraway stated the amount approved by the Board at the last meeting was \$15,398.05; staff is recommending that amount be decreased to \$10,176.29, out of the general fund, and basically what that is doing is not paying the exempt senior administrative staff. The County Administrator commented it is also approving the FEMA money that needs to be paid or sent back. The County Administrator advised the Board that a motion needed to be made to rescind the action taken at the previous meeting to compensate the employees.

Mr. Bowman made the motion to rescind the action taken by the Board to compensate the employees at the prorated rate within the \$16,576.00 which FEMA reimbursed the County. Ms. Moody seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", motion carried.

Mr. Bowman made the motion, recommended by Staff, to pay the non-exempt employees \$10,176.29 out of the general fund for the hours they worked during the storm when the offices were closed. Ms. Moody seconded the motion.

Mr. Haraway stated he voted no the first time, but he was going to vote for this plan, although he still has a few questions the majority had been satisfied by this action.

Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", motion carried.

Mr. Bowman made the motion to pay the exempt employees the balance of the designated FEMA money in the amount of \$12,913.10.

Mr. Haraway commented this includes payment to exempt people; but if the County does not pay them; the money would have to be returned to FEMA, and it is not costing the County anything to pay them. The Finance Director replied that is correct; this is reimbursement money from FEMA.

Mr. Haraway commented there was a statement made that there would be some changes made to the County's Emergency Plan to designate essential personnel so this would not be necessary in the future. The County Administrator stated she was going to make that point. Staff will be going back and revising the personnel policy naming the essential personnel so that when the list is submitted, unless FEMA changes their rule, all the funds will be reimbursed.

Mr. Moody seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", motion carried.

IN RE: COMMUNICATIONS CENTER UPDATE ON RADIO SYSTEM

Mr. David Jolly, Director of Fire Safety, stated "with the new Communication center approaching completion, I would like to provide an update and timeline for the staged opening of the center. In addition, I would like to address key points that need consideration by the Board of Supervisors.

The infrastructure for the new radio has been installed at all three tower sites and the public safety building. The County was divided into approximately 2100 grids each measuring ½ x ½ mile square. Of these grids we tested approximately 1458 grids with all but 5 passing on both the digital and analog systems. This resulted in pass rate of 99.8% of the grids tested. The remaining grids were not tested due to large tracks of timber land or fields without adequate access. We have prepared a map of the testing for presentation at the upcoming Board meeting. Also, the microwave link between the public safety building and the prime tower site (Dinwiddie Fire Station) has been moved, tested and is operating without any errors. All communication personnel have been trained on the radio and phone equipment. The new personnel have been working on data entry of all pertinent information into the system. This has allowed us to perform quality checks on each contact name and number that was being utilized by either the current dispatch center or other information that had been developed over time.

The installation of mobile radios has been completed for all Fire, Rescue, and Sheriff's vehicles and each agency has been invited to attend train-the-trainer classes for the equipment. In addition, we have distributed all portable radios to the agencies along with the training material for them to prepare for the implementation onto the new system.

The CAD system has been installed in the Public Safety Building and training of all current communication personnel will be completed on December 10, 2004. The installation of the Records Management and Jail Management has been delayed until a server can be installed in the Sheriff's Office. The CAD vendor, InterAct, at no cost to the County, is providing this server. We are also working on the connectivity between the two buildings and have prepared some options for consideration.

Phase In of New Center

With the equipment now in place, we have adopted the following phase in dates to bring the new center on line. With this approach we have the necessary timeline to train personnel, move equipment and test system prior to implementation. I have included a timeline chart for your review at the end of the report.

- ❖ Cutover Meeting on December 3rd with Motorola, InterAct, Verizon, Sheriff's Office, and Public Safety.
- ❖ Cutover 911 functions during the early morning hours of December 15th.
- ❖ New Communication Center to go in-service December 15, 2004. VCIN and Record Management to stay in Sheriff's Office. This will require that we staff both facilities until approximately March 2005. This is needed in order to allow for the training of Sheriff's office employees (desk sergeants) currently in school that are graduating by March 1, 2005.
- ❖ Connectivity between Sheriff's Office and Public Safety by the end of February 2005.
- ❖ Installation of the server, records management and jail management software by InterAct by March 2005.
- ❖ Training for Sheriff's Office personnel during late March and early April 2005.
- ❖ Up to eight dispatchers in dispatcher school for three weeks from late February through early March 2005.
- ❖ Emergency Medical Dispatch training for all personnel during May 2005.
- ❖ Activate EMD protocols on July 1, 2005.

Conclusion

After more than 24 months the end is in sight. With the vision from the Board of Supervisors we were able to bring to a reality a state of the art facility that each member can be proud of. In spite of the many roadblocks that have been

experienced during the project we have positioned the County to serve the 9-1-1 requests of the citizens for several years to come.

The radio system has room to grow and is compatible with the Commonwealths "STARS" project that is now in the develop stages. Based on the latest information, we will be one of the first jurisdictions that the new radio system will be installed in. This will allow us the opportunity to make the necessary upgrades, at the States expense, to allow for the direct inoperability with the State Police and other state agencies."

IN RE: CHANGE ORDER FOR INTERACT- SERVER FOR SHERIFF'S DEPARTMENT

Mr. Jolly commented the server he mentioned that InterAct has provided to the County at no cost; the Board needs to approve the change order. This is for the installation of the Records Management and Jail Management in the Sheriff's Office. The CAD vendor is providing this server at no cost to the County.

Mr. Stone requested that Mr. Jolly provide him a copy of the radio coverage map and a cut-sheet for the server to be installed in the Sheriff's Office. Continuing he thanked Mr. Jolly for taking this project on by the exiting of an employee and the radio update.

The County Administrator stated for the record, staff would like approval of the Board for Mr. Jolly to sign the change order for the server.

Upon motion of Mr. Bowman, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Director of Fire Safety was authorized to sign the change order for the server for the installation of Records Management and Jail Management in the Sheriff's Office by InterAct at no cost to the County.

The County Administrator also thanked Mr. Jolly for all his assistance with this project.

IN RE: COMMUNICATIONS CENTER AGREEMENT - BOARD OF SUPERVISORS AND SHERIFF

Mr. Jolly commented after working with County Administration, Sheriff's Office, County Attorney and Public Safety staff, a resolution and agreement are provided for your review and consideration. In order to ensure State Compensation Board funding for the five positions, we need to have the resolution and agreement in place prior to the transfer of day-to-day management for those positions. The Sheriff has agreed to both by the indication of his signature.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the following Resolution and Agreement between the Board of Supervisors and Sheriff were approved.

RESOLUTION

BE IT RESOLVED that the Sheriff and the Board of Supervisors of Dinwiddie County, Virginia have agreed that the residents of the County would be best served if the emergency fire and rescue and the public safety dispatching services were merged into one central dispatch center;

AND BE IT FURTHER RESOLVED that the best means of assuring the proper operations and management of such a dispatch center would be through an agreement between the Sheriff and the Board of Supervisors;

AND BE IT FURTHER RESOLVED that the attached Agreement between the Board of Supervisors and the Sheriff of Dinwiddie County Virginia is hereby approved;

AND BE IT FURTHER RESOLVED that the Chairman of the Board is hereby authorized and directed to execute the AGREEMENT on behalf of the Board.

COUNTY OF DINWIDDIE

CHAIRMAN OF THE BOARD
Donald L. Haraway

ATTEST:

COUNTY CLERK/COUNTY ADMINISTRATOR
Wendy Weber Ralph

AGREEMENT

This Agreement is made and entered in this ____ day of _____ by and between the Dinwiddie County Sheriff (the "SHERIFF") and the Board of Supervisors of Dinwiddie County, Virginia (the "BOARD"), collectively the PARTIES, for the purpose of establishing the relationship between the Parties regarding the management control of the Dinwiddie County Emergency and Public Safety Communications Center (the "Communications Center").

WITNESSETH

WHEREAS, the Board maintains and operates an Enhanced 911 service to receive telephone requests and dispatch emergency medical and fire protection services; and

WHEREAS, the Sheriff maintains a public safety dispatch center for the receipt of telephone requests for law enforcement services; and

WHEREAS, the Parties acknowledge that a single contact point for emergency and public safety dispatch requests will improve the delivery of these services in the County; and

WHEREAS, Parties have existing communications compatibility via radio, telephone and computer; and

NOW, THEREFORE, in consideration of the mutual understandings, covenants, and conditions set forth herein, the Parties agree as follows:

(1) The County will provide Virginia state certified dispatchers who will be trained and under the direction and control of the Chief, Division of Public Safety.

(2) The County will provide the public safety telephone answering point for all emergency requests for police, fire or rescue services.

(3) The Parties will ensure that all personnel having access to computer, radio, telephone, or terminal equipment used to process, store, or transmit criminal justice information will:

- (a) Be at least eighteen years of age;
 - (b) Have at least a high school education;
 - (c) Not have been convicted of a misdemeanor involving moral turpitude, a felony, or use or have used controlled substances;
 - (d) Be fingerprinted, photographed, and submitted to a complete background investigation which will be conducted by the Sheriff's Office;
 - (e) Be under the direct control of the Sheriff or his designee, whenever operating any law enforcement related applications;
 - (f) Not divulge any information acquired from VCIN/NCIC terminal to any one not having an legal right to such information; and
 - (g) Will sign the Criminal Justice Information Systems Confidentiality Statement.
 - (h) Will abide by the Standard Operating Procedures developed respectively by the Communications Manager and the Sheriff; and
 - (i) Any other requirements deemed necessary by each Party.
- (4) The Sheriff will have general oversight and develop rules for the use of the Law Enforcement Dispatch Frequency which is has been granted for such purposes by the Federal Communications Commission.
- (5) The Sheriff will assign at least five deputies to serve as dispatchers in the Communications Center and will make all efforts to assure, including making an annual application, that the positions so assigned will be funded fully by the Virginia Compensation Board including all increases in compensation, salaries, and other benefits that the Compensation Board appropriates for dispatchers throughout the state.
- (6) The Sheriff will retain management control over all computer, terminal equipment and law enforcement radio frequencies used to process, store, or transmit criminal justice information. For the purposes of this paragraph "Management Control" is defined as the ultimate authority to set and enforce: (1) establishing the standards for the selection, supervision, evaluation, and termination of Compensation Board personnel; and (2) monitoring the operations of computers, radio frequencies relating to law enforcement communications circuits and telecommunications terminals used to process criminal history information.
- (7) Either Party may terminate this Agreement by providing the other Party with written notice ninety days in advance of the termination date.

IN WITNESS WHEREOF, these parties have executed this Agreement on the day and year first above written in two (2) counterparts, each of which is to be deemed an original Agreement.

COUNTY OF DINWIDDIE

BY: _____
CHAIR BOARD OF SPERVISORS
Donald L. Haraway

BY: _____
SHERIFF
Samuel H. Shands

IN RE: CITIZENS COMMENTS

1) Ms. Gloria Jones – representing the Citizens for a Better Dinwiddie presented the Dinwiddie Monitor and its Staff with a plaque of thanks for providing the citizens of the County with fair, prompt, and reliable news coverage.

2) Michael Bratschi - 23500 Cutbank Road, McKenney, VA – commented on the following issues: a) when citizens ask questions in the meetings that the Board have key administrative staff to respond or send a written response b) he felt it was a disgrace for the Board to go after citizens who can't afford to pay for ambulance service c) requested that the Board adopt an ordinance which would require a person driving under the influence and caused a serious accident, if convicted in court, that the County under civil action could recover the costs provided by EMS/Fire coverage.

3) David Dudley – 25907 Smith Grove Road, Petersburg, VA – asked if Administrative Staff had contacted the State Police about monitoring the trucks hauling biosolids which had been requested by Ms. Moody.

IN RE: LEAVE TIME BUY DOWN FOR EMS & SHERIFF'S DEPARTMENT

The County Administrator stated there is a considerable amount of accumulated leave time especially in the Public Safety area that Staff would like for the Board to consider offering a buy down option to the employees. A proposal was prepared by Mrs. Glenice Townsend which offers the employees a 75% buy down if they wish to participate.

Mrs. Anne Howerton, Financial Director, explained how the time was accrued. If everyone in the Sheriff's Department opted to accept the cash buy out at 75% the total would be \$13,000. It is not anticipated that all of the employees would participate. The possible pay out for the EMS personnel would be \$20,000.

Upon motion of Mr. Bowman, Seconded by Mr. Stone, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Administrative Staff was authorized to offer an optional plan to the Sheriff's Department and EMS employees to buy down holiday time at 75%.

IN RE: AUTHORIZATION TO EXTEND ANNUAL LEAVE TIME - COUNTY EMPLOYEES & CONSTITUTIONAL OFFICER'S EMPLOYEES

The County Administrator commented the Board directed its employees to work down their leave time to a maximum of 80 hours by the end of December 2004 which is what staff has been trying to do. But some of them have not been able to work it down and would lose it. In our discussions that have been held in considering allowing the Constitutional Officer's employees to come under the County policies, Staff realized that there would be a difference in County policy for accumulated leave time as well as other areas in what the Constitutional

development plans needed to construct the County industrial park.

Officers have been following which is the State policies; which allows for more time to be accumulated. She requested that the Board allow the County employees as well as the Constitutional Officer's employees to carry over their annual leave time to July 1, 2005.

Mr. Haraway stated one reason for this is that most employers allow their employees to carry over more than 80 hours annual leave. When the changes are made in the personnel policy next year that figure will probably increase.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia extended the deadline for the County employees as well as the Constitutional Officer's employees to carry over their annual leave time to July 1, 2005.

IN RE: REQUEST TO NEGOTIATE CONTRACT WITH TOWNES AND ASSOCIATES - FINAL DEVELOPMENT OF INDUSTRIAL SITE

Mr. Scheid addressed the Board of Supervisors regarding the development of a site plan schematic and construction plans for the Dinwiddie County Industrial Park known as the Rohoic site. It was stated that the County entered into a contract with Townes Site Engineers over a year ago after following the contractual procedures outlined by State Code. As part of the contract, the company assisted the County in reviewing several available sites and developing a site selection procedure to choose the site most desirable to accomplish the goals of the County. Now we are at the stage of completing the transfer of ownership of the property. The next step is to develop construction plans for the industrial park, infra-structure and design specifications for uses permitted in the industrial park. The contract previously awarded to Townes Site Engineers provided for the original contract to include the noted services above. Mr. Scheid requested that the Board of Supervisors authorize the Staff to enter into negotiations with Townes Site Engineers for accomplishing the remaining development plans needed to construct the County industrial park.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Staff is authorized to enter into negotiations with Townes Site Engineers for the development plans needed to construct the County industrial park.

IN RE: REQUEST FOR RABIES CLINICS - 2005

The County Administrator informed the Board that under State Code rabies clinics must be held in counties that veterinarians are inadequate to meet the needs in the County. The Code requires that the Health Department approve the rabies clinics as well as the governing body. She presented the following dates and locations for consideration to the Board.

Chesdin Animal Hospital	Saturday, January 15	2:00 - 4:00 P.M.
Hawk's Pharmacy Sutherland	Sunday, January 16	2:00 - 4:00 P.M.
Wallace's Supermarket McKenney	Saturday, January 22	2:00 - 4:00 P.M.
J.B.'s Grocery	Sunday, January 23	2:00 - 4:00 P.M.

Poole Siding

Dinwiddie Administration
Building Parking Lot

Saturday, January 29

2:00 – 4:00 P.M.

Rabies shots for dogs and cats \$6.00 each. Call Chesdin Animal Hospital at 732-6420 for more information.

Upon motion of Mr. Bowman, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Chesdin Animal Hospital is hereby authorized to hold rabies clinics as outlined above.

IN RE: COUNTY ADMINISTRATOR COMMENTS

The Assistant County Administrator stated he had a conversation with Delegate Fenton Bland today to review the Dinwiddie County Legislative package. There were two items of interest he felt the Board should be made aware of 1) The VCBR Program which houses the Sexual Violent Predator Program; there is legislation patroned by Delegate Bland to have that moved out of Dinwiddie County. He is coming up with a plan for that for the General Assembly. 2) He is also patroning legislation for full time commonwealth attorney status for Dinwiddie County. Mrs. Ralph, myself and Commonwealth Attorney Marable will be going to the Governor's Office next week to lobby him and the Secretary of Administration's Office to see if there are any funds available within his budget to provide for this. If there are funds available in his budget the County stands a better chance. But at the same time we recognize that the money committees both in the House and the Senate are very tight this year and would urge every citizen that has a voice in Dinwiddie County to please contact their local legislator and the Senate Finance Committee and House Committee to try and get this passed; specifically for the need of the full-time commonwealth attorney in the County.

A meeting is scheduled for Thursday with the High Speed Rail folks who are coming in at 10:00 A.M. in the multi-purpose room. This will be one of our last chances to speak with them in regards to the High Speed Rail before they come up with the recommendations they have. He encouraged everyone to attend.

Mr. Bowman requested that Mr. Massengill provide a list of the key people to lobby on the committees. Mr. Massengill stated he had the list with the address and telephone numbers.

Mr. George Marble, III, Commonwealth's Attorney, stated he would like to echo Mr. Massengill. He requested that the Board ask their constituents to send letters, or contact their delegates. Delegate Bland contacted him today because of a letter that was sent to him from a business owner in the County regarding this issue. Mr. Marable stated this was going to be an uphill battle just to get the legislation presented but it may not get the County where it needed to be, so please encourage the citizens to contact their delegates stressing the importance of this issue in Richmond. Mr. Bowman suggested that the caseloads compared to other counties might be helpful also.

IN RE: REPORT ON CURFEW ORDINANCE

Mr. Haraway stated he attended a meeting with the other localities and Dinwiddie County is the only locality in the Tri-City area that does not have a curfew. The localities that have the curfews are not planning on eliminating them. The Board members agreed to hold a public comment period sometime

in January to discuss the issues for the curfew before it was drafted by the County Attorney.

IN RE: BOARD MEMBER COMMENTS

Mr. Stone stated the District 5 community meeting would be held December 20, 2004 at 7:30 P.M. in the Board Room. He said starting in January 2005 he would be holding monthly meetings rotating between the three precincts in District 5.

Mr. Moody commented he had a discussion with Mr. Denny King, Waste Management Director, about the misfortune with the trash truck burning up at the landfill; and a gentleman sitting near them overheard the conversation and told them he had a good used trash truck he wanted to sell. Mr. King took a look at the truck and found it to be in very good condition. The insurance company has issued a check for the County's truck. The County Administrator interjected the check was for the cash value. Mr. Moody requested that the Board give the County Administrator and Mr. King authorization to negotiate the purchase of the trash truck as a back up if it checked out okay but not to exceed the amount of the insurance check. The County Administrator stated they would follow the procurement act and get three bids before purchasing any truck. But under the assumption that this is the lowest bid the cost would not exceed the insurance check issued for the burned trash truck.

Mr. Moody made the motion to authorize the County Administrator to purchase a replacement trash truck for the landfill at a cost not to exceed the amount issued by the insurance company. Ms. Moody seconded the motion. Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", motion carried.

Ms. Moody stated at a previous meeting she requested that Staff contact the State Police to see if they would help with the monitoring of trucks hauling biosolids in the County. She stated a meeting has been scheduled this week with the State Police and Administrative Staff and she would keep the citizens updated. Continuing she stated at the November 2nd Board meeting I made a motion to postpone action on the rezoning application P-04-3 (Referred to as the Turkey Egg Road Rezoning). I asked that a vote not take place until the Committee on Growth Management finished developing the growth plan for the County. This motion was seconded by Mr. Bowman who sits with me on the Growth Management Committee; and the other members unanimously agreed.

Following the November 2nd meeting, the Committee on Growth Management has met on two separate occasions and discussed specific areas of concern with this rezoning. After such discussions, I feel compelled to ask the technical arm of the Board of Supervisors, the Planning Commission, to review the following areas of concern by both the Committee on Growth Management and me personally.

1. Potential wetlands on this property need to be identified and appropriately delineated by the U.S. Army Corp of Engineers or a licensed wetlands scientist. This delineation could have extreme impacts on the potential design of the proposed development by affecting the lot size, road network, Erosion and Sedimentation Plan, and the Storm Water Management Plan. Further, the impacts to the wetlands and bordering resource areas need to be assessed.
2. Proffers statement (8) states that "Any existing Cemetery on this site will be fully enclosed within an easement and an adequate access granted. Limits of cemetery will be determined by a qualified mortician". The applicant and his engineer have informed the Planning Commission and the Board of a cemetery that is believed to be located on this property. Before rezoning the cemetery location needs to be

identified and the historical significance, if any, determined. Its location and size may have an effect on the development.

3. There are growing concerns, and noteworthy cases of high levels of Uranium in drinking water throughout residential areas in Dinwiddie County. In addition, the County Courthouse that is located only a few miles from the site has high levels of Uranium. Water quality tests should be conducted before the property is rezoned from an agricultural to residential use. Without such tests, the County is approving a development whose residents may experience a hardship that could have been prevented.
4. Two of the most traveled roads in Dinwiddie County are U.S. Route 1 and Courthouse Road. Many citizens use Turkey Egg Road as a connector between these two roadways. As the county continues to develop, surely the demands of Turkey Egg Road will enlarge and may potentially create safety concerns for those constituents residing on and using Turkey Egg Road. Furthermore, with the demands on this road increasing, a detailed analysis of the proposed ingress and egress of the proposed subdivisions may be warranted.
5. Finally, growth and the demand for crucial government services is something dear to me and has been an issue that I have followed very closely during the development of a growth management plan. I would like to see the financial impacts associated with the approval of this subdivision. Certainly, more children will be in our schools. But, what are the capital and operational costs? How many more school buses, more teachers, more administrators, etc., will be required? What, if any, are the capital and operational costs to the County to deliver EMS and Fire services?

With these concerns noted. I am making a motion to send the rezoning application P-04-3 (Refereed to as the Turkey Egg Road Rezoning) back to the Planning Commission for further review of the items I have just noted. In addition I expect the Planning Commission will expeditiously work this into their schedule. Mr. Bowman seconded the motion.

Mr. Moody stated he felt the Planning Commission had worked diligently on this rezoning request and he would not be in favor of setting precedence by sending it back to them. Mr. Stone commented he would not speak for all of the Planning Commissioners but this case was held over for two meetings. The proffers were more than they expected; but if it is the will of the Board to return this to the Planning Commission they would like a copy of Ms. Moody's request so they would know exactly what she was looking for but he felt those issues had been addressed. Mr. Haraway commented he understood what Ms. Moody was saying but he was impressed with the presentation and type of houses they are going to build. He said it would be an asset to Dinwiddie County and something they could be proud of. The developer has built homes in his district and it is a first class development. Mr. Bowman stated he agreed that he is an excellent builder and the kind of houses he would like to see built in the County. But he felt the burden of proof should be on the developers not on the County. Many times they are allowed to move forward then they come back with all these problems with uranium in the water and other issues and he felt they should be addressed before the rezoning is approved. Mr. Moody stated there are homes being built all over the County and if there are problems with the wells they have to deal with them and he did not feel the developer should be tied down with some possible problem that might happen. There was a lengthy discussion between the Board members regarding who should be responsible for the well water. The Chairman called for a vote.

Mr. Stone, Mr. Moody, Mr. Haraway voting "Nay", Ms. Moody, Mr. Bowman, voting "Aye" motion did not carry.

Mr. Moody commented that the rezoning case needed to be placed on the agenda because the case had been held up for some time already. The Board members also requested that the Planning Director make his recommendations for the case at the next meeting.

Mr. Haraway requested that the Board members provide a list of changes they felt needed to be made to the Personnel Policy to Staff by Tuesday.

IN RE: CLOSED SESSION

Mr. Moody moved to close the meeting in order to discuss matters exempt under section: §2.2-3711 (A)(1) – Personnel –Appointments; and County Administrator and §2.2-3711 (A)(3) Acquisition of Property; §2.2-3711 (A) (7) - Consultation with Legal Counsel – Legal Advice on Potentially Privileged Communication; Legal Issues Relating to Offenses Against the Public Peace;

Mr. Bowman seconded the motion. Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 10:28 P.M.

The meeting reconvened into Open Session in the Board Meeting Room at 12:06 A.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under: §2.2-3711 (A)(1) – Personnel –Appointments; and County Administrator and §2.2-3711 (A)(3) Acquisition of Property; §2.2-3711 (A) (7) - Consultation with Legal Counsel – Legal Advice on Potentially Privileged Communication; Legal Issues Relating to Offenses Against the Public Peace;

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, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", this Certification Resolution was adopted.

IN RE: COUNTY ADMINISTRATOR COMMENTS

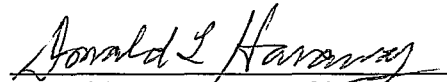
The County Administrator stated it was suggested by the Board that a committee be comprised to meet with the Constitutional Officers to work out an agreement for them to come under the County Policies. She asked if any of the Board members would like to be included in the committee. Mr. Haraway agreed to meet with them.

Mrs. Ralph requested authorization to issue a special payroll for the FEMA/thank you pay in December 2004 before Christmas.

Upon motion of Mr. Moody, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", Staff was authorized to pay the employees for the FEMA/thank you pay in December 2004 before Christmas.

IN RE: ADJOURNMENT

Upon Motion of Mr. Moody, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the meeting adjourned at 12:21 A.M. to be continued until 10:00 A.M. on Thursday, December 9, 2004 in the Multi-Purpose Room.


Donald L. Haraway, Chairman

ATTEST: 
Wendy Weber Ralph
County Administrator

/abr