

VIRGINIA: AT A REGULAR MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE AGRICULTURAL BUILDING, DINWIDDIE, VIRGINIA, ON THE 16TH DAY OF JULY 1975 AT 8:00 P.M.

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

C. L. MITCHELL SHERIFF
J. F. ANDREWS COMMONWEALTH'S ATTORNEY

IN RE: MINUTES JUNE 18, 1975 REGULAR MEETING

Upon motion of Mr. Hodnett, seconded by Mr. Bennett, Mr. Hodnett, Mr. Bennett, Mr. Clay, Mr. Rundle, Mr. Hargrave voting "aye", the minutes of the June 18th meeting were approved as presented.

IN RE: MINUTES JUNE 24, 1975 SPECIAL MEETING

Upon motion of Mr. Hodnett, seconded by Mr. Clay, Mr. Hodnett, Mr. Clay, Mr. Bennett, Mr. Rundle, Mr. Hargrave voting "aye", the minutes of the June 24th meeting were approved as presented.

IN RE: CLAIMS

Upon motion of Mr. Rundle, seconded by Mr. Bennett, Mr. Rundle, Mr. Bennett, Mr. Clay, Mr. Hodnett, Mr. Hargrave voting "aye", be it ordered by the Board that the accounts against the following funds for the month of June 1975, be issued payable out of the respective accounts. General Fund - Checks numbering 75-908 through 75-1056 amounting to \$56,015.57. Dog Fund - Checks numbering D-75-82 through D-75-95 amounting to \$925.92. Revenue Sharing Fund - Check number RS-75-17 amounting to \$9,392.25. LEAA Fund - Checks numbering LEAA 75-2 & 3 amounting to \$186.97.

IN RE: TREASURER

Mr. F. E. Jones presented his report for the month of June 1975.

IN RE: VOCATIONAL SCHOOL FUNDS

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

WHEREAS, the Board of Supervisors has budgeted \$71,000.00 of Revenue Sharing Funds as the County's portion of the construction cost of the Rowanty Vocational School, and

WHEREAS, the County Administrator informed the Board that these funds were now needed in the Vocational School Construction Fund.

NOW THEREFORE BE IT RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia, that the Treasurer is authorized to transfer from the Revenue Sharing Fund to the Vocational School Construction Fund, \$71,000.00 as Dinwiddie County's portion of the construction cost of the Rowanty Vocational School.

IN RE: LOAN TO VOCATIONAL SCHOOL CONSTRUCTION FUND

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

WHEREAS, Mr. T. W. Newsom superintendent of Schools, and Mr. F. E. Jones, Treasurer requested that the Board loan to the Vocational School Construction Fund sufficient monies to cover payments to the construction company, and

WHEREAS, the monies will be refunded as soon as funds are received from the Literary Loan covering the vocational school.

NOW THEREFORE BE IT RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia, that the Treasurer is authorized to transfer from the Revenue Sharing Fund, to the Vocational Construction Fund, sufficient monies to cover payments to the construction company.

IN RE: COMMONWEALTH'S ATTORNEY

Mr. James F. Andrews suggested to the Board that emergency generating equipment was needed at the jail. After a brief discussion, the Board agreed with Mr. Andrews and instructed the County Administrator to discuss this situation with the Sheriff and report back at a later meeting.

IN RE: SHERIFF

Deputy Sheriff Claiborne J. Fisher introduced to the Board the newly appointed Deputy Sheriff, Roy Stout.

IN RE: BUILDING INSPECTOR

Mr. James L. Blaha presented his report for the month of June 1975.

IN RE: DOG WARDEN

Mr. G. T. Hughes presented his report for the month of June 1975.

IN RE: DIRECTOR OF SOCIAL SERVICES

The Board had before them 3 SLH applications sent to them by Mrs. King B. Talley, Director Department of Social Services. In her letter, she stated that all three were within the set guidelines and recommended their approval.

Upon motion of Mr. Clay, seconded by Mr. Hodnett, Mr. Clay, Mr. Hodnett, Mr. Bennett, Mr. Rundle, Mr. Hargrave voting "aye", the SLH applications of Lillie Jones, Mattie P. Mason and Jermaine Kelley were approved.

IN RE: SUPERINTENDENT OF SCHOOLS

Mr. T. W. Newsom appeared before the Board to discuss the following matters:

1. In answer to a previous request by the Board as to the number of new students in the County, Mr. Newsom reported a gain of 63 new elementary students, and a loss of 9 high school students.

2. Mr. Newsom told the Board that he could acquire a freezer for the County's cafeteria system, but because of the size, he did not have an adequate area to place this freezer. He requested that the Board allow him to place this freezer in the rear of the old jail. If this freezer was purchased by 1976, the State would assume 3/4 of the cost. The Board agreed to discuss this matter and give Mr. Newsom an answer at a later date.

3. Mr. Newsom asked the Board their position on the land needed for a driving range and a track. The Board advised Mr. Newsom they would like to postpone discussion on this matter until additional information could be provided by the School Board on the need of this property.

IN RE: APPROVAL TO PRECEED WITH LITERARY LOAN FOR P. E. BUILDINGS

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

WHEREAS, the Board of Supervisors had given tentative approval to the construction of 2 physical education buildings, one at Midway and one at Rohoic, during its budget discussions with the School Board, and

WHEREAS, Mr. Newsom has requested the Board grant the School Board permission to start proceedings for a literary loan, authorized the retention of an architect and approval to proceed with the drawing of plans.

NOW THEREFORE BE IT RESOLVED, by the Board of Supervisors of Dinwiddie County, that the School Board is hereby authorized to proceed with an application for a literary loan, authorized to retain an architect and authorized to proceed with the drawing of plans for the two physical education buildings.

IN RE: DINWIDDIE ACRES WATER SYSTEM

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

WHEREAS, Mr. William J. Schmitz, Engineer for William J. Schmitz and Associates, presented to the Board the plans for the central water system for the Dinwiddie Acres Subdivision, and

WHEREAS, Mr. Schmitz informed the Board that the well for this water system had not been dug, therefore the capacity of the well and the size of the pump were not included in these plans, and

WHEREAS, Mr. G. L. Clarke, Jr., of R. Stuart Royer and Associates, the County's engineering firm has reviewed and approved the plans as submitted, and

WHEREAS, the Board of Supervisors is required by the Code of the State of Virginia, Section 15.1-341, 342, 343, to give its approval to all water systems in the County.

NOW THEREFORE BE IT RESOLVED, by the Board of Supervisors of Dinwiddie County, that in accordance with Section 15.1-343 of the Code of Virginia the central water system to be installed in Dinwiddie Acres Subdivision is hereby approved.

IN RE: REZONING APPLICATION P-75-4 F. E. GOODWYN

This being the time and place as advertised in the Progress-Index on July 2nd and 9th for the Dinwiddie County Board of Supervisors to consider for adoption an ordinance to amend the zoning map of Dinwiddie County to change the district classification from Residential R-1 to Agricultural A-2 of land parcel 89 as shown on Section 20 of the zoning map of Dinwiddie County. Mr. Goodwyn appeared in behalf of his rezoning request. He stated that he would like to withdraw his intention to put a trailer on this property and would like to use it for farm related purposes such as raising horses.

Mr. Gene Hamilton, an adjoining property owner, spoke against Mr. Goodwyn's request stating that his main concern was the extent to which Mr. Goodwyn intended to extend his pasture into Mr. Hamilton's back yard. Mr. Hamilton further stated that the raising of horses and such animals would greatly decrease the value of his home and property.

Upon motion of Mr. Clay, seconded by Mr. Hodnett, Mr. Clay, Mr. Hodnett, Mr. Rundle, Mr. Bennett, Mr. Hargrave voting "aye", the adoption of an ordinance to amend the zoning map of Dinwiddie County to change the District Classification from Residential R-1 to Agricultural A-2 of land parcel 89 as shown on Section 20 of the zoning map of Dinwiddie County was not adopted;

IN RE: REZONING APPLICATION P-75-5 HENRY L. RIGGS

This being the time and place as advertised in the Progress-Index on July 2nd and 9th for the Dinwiddie County Board of Supervisors to conduct a public hearing to consider for adoption an ordinance to amend the zoning map of Dinwiddie County and to change the district classification from Agricultural A-2 to Business B-2 of a portion of land parcel (2)-C of Section 19 of the zoning map of Dinwiddie County.

Mr. Riggs appeared in behalf of his request. He stated that he now wanted only to construct a building for a used car lot, not to involve an office and a restaurant as he had previously indicated at the Planning Commission meeting. Mr. Riggs presented plans and a picture of the building he wished to construct. He stated that the used car lot would be in the shape of a rainbow to allow customers freedom of movement with the vacant land seeded with grass to appear as a lawn. Mr. Riggs also presented a petition with 86 names in support of his rezoning request.

Mr. Gail White, and Mr. Bob Hill, residents of Sutherland Manor, appeared in support of Mr. Riggs' request.

Mr. Ted Baxter, Mr. Dave Mendenhall, Mr. Henry G. Walker, Sr. Mr. W. M. Coleman, Mrs. Byran P. Dyson, Mrs. Margaret T. Pamplin, Mr. Mike Leonard, Mrs. Ann Mendenhall, Mr. Ray Heller, Mr. Raymond Horner, Mr. James W. Prince, and Mr. M. G. Rainey, appeared to speak in opposition to Mr. Riggs rezoning request. All these people were nearby landowners, and felt that a used car lot would disrupt and de-value the residential area. Mr. Rainey had previously sent a letter to the Board in opposition, which Mr. Rundle asked to be included in the official records of this rezoning case.

Upon motion of Mr. Rundle, seconded by Mr. Hodnett, Mr. Rundle, Mr. Hodnett, Mr. Clay, Mr. Bennett, Mr. Hargrave voting "aye", the adoption of an ordinance to amend the zoning map of Dinwiddie County to change the district classification from Agricultural A-2 to Business B-2 of a portion of land parcel (2)-C of Section 19 of the zoning map of Dinwiddie County was not adopted.

IN RE: RECESS

The Board recessed at 10:00 P.M. and reconvened at 10:15 P.M.

IN RE: SOIL EROSION AND SEDIMENT CONTROL ORDINANCE PUBLIC HEARING

This being the time and place as advertised in the Progress-Index on July 2nd and 9th for the Board of Supervisors to consider for adoption a Soil Erosion and Sediment Control Ordinance.

The Board at its June 18, 1975 meeting, adopted a Soil Erosion and Sediment Control Ordinance as an emergency measure to beat the deadline set by the State of July 1, 1975, for the adoption of such an ordinance.

Mr. Hargrave briefly stated that the purpose of the ordinance was to set requirements for issuance of a permit from the County for designated land disturbing activities.

Mr. Joe McKenney of the ASCS spoke in favor of the ordinance and stated that his office was available for any needed training and assistance. No one appeared in opposition.

Upon motion of Mr. Rundle, seconded by Mr. Hodnett, Mr. Rundle, Mr. Hodnett, Mr. Clay, Mr. Bennett, Mr. Hargrave voting "aye",

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

CHAPTER 20. EROSION AND SEDIMENT CONTROL

Section 20-1: Purpose

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

Section 20-2: Application

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

Section 20-3: Definitions

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

1. "Governing Body" shall mean the Board of Supervisors of Dinwiddie County.
2. "Administrator" shall mean that the Zoning Administrator of Dinwiddie County, who is hereby designated by the governing body of Dinwiddie County to serve as its agent to administer this ordinance.
3. "District" shall mean a governmental subdivision of the State organized in accordance with the provisions of the Soil Conservation Districts Law, Title 21, Chap. 1, Code of Virginia as amended.
4. "Plan Approving Authority" shall mean the Administrator, who, it is contemplated, will act with the assistance of the County Planner and the Dinwiddie Soil Conservation Service in the exercise of his responsibility for determining the adequacy of conservation plans and who shall approve plans he determines to be adequate.
5. "Clearing" shall mean any activity which removed the vegetative ground cover including but not limited to the removal, root mat removal and/or topsoil removal.
6. "Grading" shall mean any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.
7. "Excavating" shall mean any digging, scooping or other methods of removing earth materials.
8. "Filling" shall mean any depositing or stockpiling of earth materials.
9. "Transporting" shall mean any moving of earth materials from one place to another, other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover, either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.
10. "Land-Disturbing Activity" shall mean any land change which may result in soil erosion from water or wind and the movement of sediment into State waters or onto lands in the State, including but not limited to, clearing, grading, excavating, transporting and filling of land, other than federal lands, but shall not include the non-controlled activities set forth in Section 20-4.

11. "Land Disturbing Permit" Shall mean a permit issued by the County of Dinwiddie for land-disturbing activity.
12. "Erosion and Sedimentation Control Plan" or "Plan" shall mean a document containing material for the conservation of soil and water resources of a unit or a group of units of land. It may include appropriate maps, and appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The "Plan" shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.
13. "Person" shall mean any individual, partnership, firm, association, joint venture, public or private corporation, trust estate, commission, board, public or private institution, utility, cooperative, or any other legal entity.

Section 20-4: Non-Controlled Activities

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

1. Such minor land disturbing activities as home gardens and individual home landscaping, repairs, and maintenance work;
2. Individual service connections and construction or installation of public utility lines;
3. Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;
4. Surface or deep mining; tilling, planting, or harvesting of agricultural, horticultural, or forest crops; or clearing and transporting on privately owned, occupied or operated agricultural, horticultural, or forest land, provided, however, that this ordinance shall apply when grading, excavating or filling of such land.
5. Construction, repair or rebuilding of the tracks, right-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;
6. Preparation for single-family residences separately built, unless in conjunction with multiple construction in subdivision development;
7. Disturbed land areas for commercial or noncommercial uses of less than ten thousand square feet in size;
8. Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
9. Emergency work to protect life, limb or property, and emergency repairs; provided that if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirement of the local plan approving authority;
10. Engineering operations under Section 21-2(c) of the Code of Virginia, provided, however, that this shall apply when grading, excavating, and filling.

Section 20-5: Plan Submission

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

Section 20-6: Inspection and Enforcement

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

Section 20-7: Erosion and Sedimentation Control Plan

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

Section 20-8: Approval

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

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

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

Section 20-10: Monitoring, reports and inspections.

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

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

Section 20-11: Fees

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

Section 20-12: Amendment

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

Section 20-13: Administrative Appeal: Judicial Review

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

Section 20-14: Penalties, Injunctions, and Other Legal Actions

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

Section 20-15: Liability

Compliance with the provisions of this article shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met and the complaining party must show negligence in order to recover any damages.

Section 20-16: Severability

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

Section 20-17: Effective Date

This ordinance shall be effective upon passage, having been adopted June 18, 1975 as an emergency ordinance.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County that the Dinwiddie County Erosion and Sediment Control Program shall consist of the Dinwiddie County Erosion and Sediment Control Ordinance (Chapter 20 of the Dinwiddie County Code) and the matters contained in the Dinwiddie County Erosion and Sediment Control Handbook, dated June 18, 1975, which is adopted and directed to be included with the minutes of this Board.

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

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

IN RE: U. S. ARMY CORPS OF ENGINEERS RESOLUTION

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

WHEREAS, a recent federal court decision gives the U. S. Army Corps of Engineers jurisdiction over the dumping or dredging on "waters of the United States", a phrase which has never been legally defined; and

WHEREAS, in an attempt to define the aforementioned phrase, the U. S. Army Corps of Engineers has developed four proposals that could ultimately give said Corps authority over every lake, stream, stock pond, irrigation ditch, and marsh within the nation; and

WHEREAS, the proposed regulation could require farmers to obtain a permit before plowing fields adjacent to levees, dredging irrigation ditches, or enlarging artificial stock ponds; and

WHEREAS, said regulation also could force a person residing in mountainous terrain to obtain federal approval to protect land against stream erosion; and

WHEREAS, the adoption of such regulation would be a further unwarranted encroachment by the federal government into not only the personal life of the citizens of the United States, but into the affairs of local and state government; and

WHEREAS, all comments concerning the proposed regulations by the U. S. Army Corps of Engineers should be submitted to said Corps by June 6, 1975; and

WHEREAS, the term "navigable waters" also has never been uniformly defined for use by the U. S. Army Corps of Engineers, the U. S. Coast Guard, the Environmental Protection Agency, and other federal agencies.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Dinwiddie County, that said County vigorously opposes any further regulations by the U. S. Army Corps of Engineers than that which the Corps

has exercised in the past; and

BE IT FURTHER RESOLVED that the United States Congress should develop a definition of "waters of the United States" as it refers to the operation of the U. S. Army Corps of Engineers, rather than the federal court or the said Corps itself, but in no case should such definition expand the present authority of said Corps; and

BE IT FURTHER RESOLVED that the United States Congress also should develop a standard definition for "navigable waters" for use by all federal agencies, rather than each federal agency defining said term itself, but in no case should such definition expand the present authority of each federal agency; and

BE IT FURTHER RESOLVED that the County Administrator of said County is hereby duly directed to transmit copies of this resolution to the U. S. Senators and Congressmen representing Dinwiddie County; the U. S. Army Corps of Engineers; and the Governor of the Commonwealth of Virginia and the members of the Virginia General Assembly representing Dinwiddie County.

IN RE: RADIO SERVICE CONTRACT APPROVED

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

WHEREAS, the County Administrator told the Board that a service contract on the base, remote and 13 radios for the fire departments, rescue squad and dog warden would cost the County \$1,446.00 annually, and

WHEREAS, the County Administrator told the Board that a service contract on the base, remote console, portables, batteries for the portables, and the 10 radios for the Sheriff's Department would cost \$2,735.00 annually with the State assuming 2/3 and the County 1/3 of the cost.

WHEREAS, the cost of both contracts to the County was \$2,358.00, and

WHEREAS, without a contract all maintenance and repair cost would be borne entirely by the County on a time plus cost of material basis.

NOW THEREFORE BE IT RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia, that the County Administrator is authorized to execute a service contract with RCA Corporation on the fire departments, rescue squad, dog warden and sheriff's radio systems, and

BE IT FURTHER RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia, that the County Administrator is authorized to terminate the maintenance contract with the Motorola Corporation effective August 1, 1975.

IN RE: DOG POUND COMMITTEE REPORT

At the request of the Board at the June 18, 1975 meeting, the County Administrator, along with the Director of Sanitation and Dog Warden, reported their findings on the construction of an adequate dog pound facility. After their visits to similar facilities in Prince George and Chesterfield Counties, cement and cinderblock materials were considered to be most appropriate, and \$12,500.00 was the estimated cost. A sketch of plans was also submitted at this time.

The Board agreed that some type of a facility was needed, although the \$12,500.00 cost seemed far too much for a dog pound building.

Upon motion of Mr. Rundle, seconded by Mr. Bennett, Mr. Rundle, Mr. Bennett, Mr. Hodnett, Mr. Clay, Mr. Hargrave voting "aye", the Board authorized the County Administrator to secure bids on a dog pound facility, and report back at the August 20th Board meeting.

IN RE: ORDINANCE ON ABANDONMENT OF DOGS

Mr. G. T. Hughes, Dog Warden, spoke at this time to ask the Board's opinion on an ordinance to prevent the inhumane dumping of animals. Since he frequently runs across this event in his work, he felt that such an ordinance would be a great help. The Board instructed the Dog Warden to communicate with the Commonwealth's Attorney on the matter and report his findings at the August 20th meeting.

IN RE: RADIO'S MAGISTRATES

The County Administrator submitted a letter from Mr. Sol Landsman, Chief Magistrate, requesting the installation of radios for the magistrates cars. Mr. Knott stated that one magistrate has a radio in his car which would soon be needed for the car of the newly appointed deputy. He suggested that the County purchase plectrons for the magistrate's use.

Upon motion of Mr. Rundle, seconded by Mr. Clay, Mr. Rundle, Mr. Clay, Mr. Bennett, Mr. Hodnett, Mr. Hargrave voting "aye", the County Administrator was instructed to contact the necessary people about the purchase of the plectrons for the magistrates and to advise the Board of his findings.

IN RE: REDISTRICTING MAP

Miss Regenia Whittington, reporter for the Progress-Index, stated she would take the responsibility of placing a map of the redistricting of Dinwiddie County, along with a story on the redistricting in the Progress-Index.

IN RE: SCHEDULING OF CRATER PLANNING DISTRICT COMMISSION MEETINGS

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

WHEREAS, from time to time, committees from the Crater Planning District Commission and related Boards and Commissions, such as the Crater Criminal Justice Academy and the Richmond-Crater "208" Consortium schedule their meetings in the day time and to conflict with local government meetings, and

WHEREAS, because of this scheduling, members of these bodies cannot attend.

NOW THEREFORE BE IT RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia, that the Crater Planning District Commission and related committees and commissions, are requested to schedule their meetings so as not to conflict with local government meetings and to allow for the maximum number of committee or commission members to attend.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Hodnett, seconded by Mr. Bennett, Mr. Hodnett, Mr. Bennett, Mr. Clay, Mr. Rundle, Mr. Hargrave voting "aye", the Board moved into executive session at 11:30 P.M.

IN RE: ADJOURNMENT

Upon motion of Mr. Rundle, seconded by Mr. Bennett, Mr. Rundle, Mr. Bennett, Mr. Hodnett, Mr. Clay, Mr. Hargrave voting "aye", the meeting adjourned at 12:00 P.M.



