

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

VIRGINIA: AT THE REGULAR MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 4<sup>TH</sup> DAY OF JANUARY, 2005, AT 6:00 P.M.

PRESENT: HARRISON A. MOODY – CHAIRMAN ELECTION DISTRICT #1  
(Arrived 6:43 P.M.)  
MICHAEL W. STONE - VICE CHAIR ELECTION DISTRICT #5  
DONALD L. HARAWAY ELECTION DISTRICT #2  
ROBERT L. BOWMAN IV ELECTION DISTRICT #3  
DORETHA E. MOODY ELECTION DISTRICT #4

OTHER: ANN NEIL COSBY COUNTY ATTORNEY

=====

Mr. Donald L. Haraway, Chairman, called the continuation meeting to order at 5:55 P.M.

**IN RE: CLOSED SESSION**

Mr. Bowman moved to close the meeting in order to discuss matters exempt under section: §2.2-3711 (A)(1) – Personnel - County Administrator;

Mr. Bowman seconded the motion. Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Haraway, voting “Aye”, the Board moved into the Closed Meeting at 5:56 P.M.

The meeting reconvened into Open Session in the Board Meeting Room at 6:17 P.M.

**IN RE: CERTIFICATION**

**Whereas**, this Board convened in a closed meeting under: §2.2-3711 (A) (1) – Personnel County Administrator

**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 Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Haraway, voting “Aye”, this Certification Resolution was adopted.

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**IN RE: APPOINTMENT OF MR. GREGORY S. HORWEDEL  
COUNTY ADMINISTRATOR**

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

**BE IT RESOLVED** by the Board of Supervisors of Dinwiddie County, Virginia, that Gregory S. Horwedel is hereby appointed as County Administrator and shall assume all the responsibilities of that office on February, 22, 2005.

**IN RE: APPOINTMENT OF MR. W. KEVIN MASSENGILL  
INTERIM COUNTY ADMINISTRATOR**

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

**BE IT RESOLVED** by the Board of Supervisors of Dinwiddie County, Virginia, that W. Kevin Massengill is hereby appointed as Interim County Administrator and shall assume all the responsibilities of that office on January 8, 2005 until February, 21, 2005.

**IN RE: CLOSED SESSION**

Mr. Stone moved to close the meeting in order to discuss matters exempt under section: §2.2-3711 (A)(1) – Personnel – Planning and Community Development; and Appointments; §2.2-3711 (A)(3) Acquisition of Property; §2.2-3711 (A) (7) - Consultation with Legal Counsel –Potential Litigation; and §2.2-3711 (A)(5) - Industry;

Mr. Bowman seconded the motion. Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 6:20 P.M.

**Mr. Moody arrived at 6:43 P.M.**

The meeting reconvened into Open Session in the Board Meeting Room at 7:31 P.M.

**IN RE: CERTIFICATION**

**Whereas**, this Board convened in a closed meeting under: §2.2-3711 (A)(1) – Personnel – Planning and Community Development; and Appointments; §2.2-3711 (A)(3) Acquisition of Property; §2.2-3711 (A) (7) - Consultation with Legal Counsel –Potential Litigation; and §2.2-3711 (A)(5) - Industry;

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

**COUNTY ADMINISTRATOR PRESIDING**

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

Mrs. Wendy Ralph, County Administrator, called the regular meeting to order at 7:32 P.M. She stated after the Lord's Prayer a moment of silence would be held for the victims of the tsunami before the Pledge of Allegiance.

**IN RE: TERM OF CHAIRMAN AND VICE-CHAIRMAN**

Upon Motion of Mr. Haraway, Seconded by Mr. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the Chairman and Vice-Chairman for the Board of Supervisors will serve a one (1) year term of office.

**IN RE: ELECTION OF CHAIRMAN - MR. HARRISON A. MOODY - 2005**

Upon Motion of Mr. Haraway, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Haraway, voting "Aye", Mr. Moody, "Abstaining", Mr. Moody was elected Chair for the Board of Supervisors for the year of 2005 or until his duly elected successor assumes office.

**IN RE: ELECTION OF VICE-CHAIRMAN – MR. MICHAEL W. STONE - 2005**

Upon Motion of Mr. Bowman, Seconded by Mr. Haraway, Mr. Moody, Ms. Moody, Mr. Bowman, Mr. Haraway, voting "Aye", Mr. Stone, "Abstaining", Mr. Stone was elected Vice-Chair for the Board of Supervisors for the year of 2005 or until his duly elected successor assumes office.

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**IN RE: SCHEDULE OF MEETINGS AND DATES FOR 2005**

Mrs. Ralph stated a proposed meeting schedule for 2005 on Tuesdays had been included in the Board’s packet for their review and consideration.

Ms. Moody made the motion to continue to hold the Board meetings on the 1<sup>st</sup> Tuesday at 7:30 P.M. and the 3<sup>rd</sup> Tuesday at 2:00 P.M. and to hold the Closed Session at 6:00 P.M. on the 1<sup>st</sup> Tuesday before the 7:30 P.M. meeting and at 12:30 P.M. before the 2:00 P.M. meeting for the 3<sup>rd</sup> Tuesday. Mr. Haraway seconded the motion.

Mr. Stone, Ms. Moody, Mr. Haraway, Mr. Bowman, Mr. Moody, voting “Aye”,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the following meeting schedule is established for the regular meetings of the Board of Supervisors for the calendar year of 2005 with the 8<sup>th</sup> day following the regular scheduled meetings to be used as a makeup date if the regular meeting is to be continued because the Chair or Vice-Chair find that weather or other conditions are hazardous for the Board members to attend:

<u>MONTH</u>	<u>FIRST TUESDAY</u>		<u>THIRD TUESDAY</u>	
	<u>7:30 P.M.</u>		<u>2:00 P.M.</u>	
JANUARY	4TH		18TH	
FEBRUARY	1ST		15TH	
MARCH	1ST		15TH	
APRIL	5TH		19TH	
MAY	3RD		17TH	
JUNE	7TH		21ST	
JULY	5TH		19TH	
AUGUST	2ND		16TH	
SEPTEMBER	6TH		20TH	
OCTOBER	4TH		18TH	
NOVEMBER	1ST		15TH	

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DECEMBER 6TH 20TH

THE FIRST MEETING OF EACH MONTH, HELD ON THE FIRST TUESDAY, WILL BE AT 7:30 P.M. IF A CLOSED SESSION IS NEEDED IT WILL BE HELD AT 6:00 P.M.

THE SECOND MEETING OF EACH MONTH, HELD ON THE THIRD TUESDAY, WILL BE AT 2:00 P.M. IF A CLOSED SESSION IS NEEDED IT WILL BE HELD AT 12:30 P.M.

ALL REGULAR AND MAKEUP MEETINGS WILL BE HELD IN THE PAMPLIN ADMINISTRATION BUILDING, BOARD MEETING ROOM, 14016 BOYDTON PLANK ROAD, DINWIDDIE, VIRGINIA 23841.

**IN RE: AURHORIZATION TO ADVERTISE FOR PUBLIC HEARING TO DESIGNATE DIRECTOR OF EMERGENCY MANAGEMENT AND COORDINATOR OF EMERGENCY MANAGEMENT**

The County Administrator stated in the board packets was a memo from Dennis Hale requesting authorization to advertise for a public hearing to designate the County Administrator as the Director of Emergency Management and him as the Coordinator of Emergency Management.

"Date: December 29, 2004  
To: Dinwiddie County Board of Supervisors  
Wendy Ralph, County Administrator  
From: Dennis Hale, Division Chief of Public Safety  
Subject: Designation of Director of Emergency Management  
and Coordinator of Emergency Management

Under the Virginia Emergency Services and Disaster Laws each political subdivision must appoint a Director of Emergency Management who shall then have the authority to appoint a Coordinator of Emergency Management with consent of the governing body. At this time, Dinwiddie County Code designates the Chairman of the Board of Supervisors as the Director of Emergency Services (Section 2-18) and the County Administrator is designated as the Coordinator (Section 2-20). With the reorganization of the County, the Division of Public

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Safety has received the responsibility to oversee emergency services. Currently, David Jolly is designated as the Deputy Coordinator and has the bulk of the day to day emergency services responsibilities. However, most correspondence and requests related to emergency services currently is routed to the Coordinator (County Administrator) who then has to pass on the information to the Division of Public Safety to be handled.

In the interest of efficiency and effectiveness I would like to propose the Board consider amending the Dinwiddie County Code to reorganize the roles in Emergency Services. The reorganization should designate the County Administrator as the Director of Emergency Management and the Division Chief of Public Safety as the Coordinator of Emergency Management. This would allow for the bulk of the needed information and requests to be streamlined into the Division of Public Safety. This also allows for day to day contact between the Director, Coordinator and Deputy Coordinator to insure all issues are being addressed in an effective manner.

I have enclosed Virginia Title 44 Section 44-146.19 which addresses these appointments and a sample of the amended Code sections. If you have any questions or would like to discuss this matter please do not hesitate to contact me. Thank you.”

Mr. Bowman commented the Interim County Administrator should be included in the designation also.

Upon Motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Haraway, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody voting “Aye”, Staff was authorized to advertise for a public hearing to designate the County Administrator or Interim County Administrator as the Director of Emergency Management and the Division Chief of Public Safety as the Coordinator of Emergency Management.

**IN RE: AUTHORIZATION TO ORDER NEW SIGNATURE PLATES**

The County Administrator asked the Board if they would authorize staff to order new signature plates for the new Chairman. In the meantime allow Mr. Haraway to continue to sign checks until the new signature plates arrive.

Upon Motion of Mr. Haraway, Seconded by Mr. Bowman, Mr. Haraway Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody voting “Aye”,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to Administration to move forward on obtaining a new signature plate for the Board of Supervisors and further Mr. Haraway is authorized to continue to sign the checks until the new plates arrive.

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**MR. HARRISON A. MOODY, CHAIRMAN, PRESIDING**

**IN RE: RESOLUTION OF APPRECIATION – MRS. GLENICE N. TOWNSEND**

Mr. Moody read and presented the following resolution of appreciation to Mrs. Glenice N. Townsend:

**MRS. GLENICE N. TOWNSEND**

*Division Chief of Administrative and Community Services*

WHEREAS, Glenice Townsend, a native and life long resident of Dinwiddie County, has served the citizens of Dinwiddie County with steadfast devotion and unwavering commitment for over thirty four years (34); and

WHEREAS, Glenice Townsend, began her career with Dinwiddie County in the school system as Secretary to the Principal at what was then Dinwiddie High School; when all the schools were consolidated in 1965, she transferred to the newly created high school and later worked in the School Board Office on federal projects; and

WHEREAS, Glenice Townsend, on January 12, 1976, accepted the position of Secretary to the County Administrator in the Dinwiddie County Administration Office and served her last day on December 30, 2004 as the Division Chief of Administrative and Community Services; and

WHEREAS, Glenice Townsend, as Division Chief, was responsible for the daily operations and supervision of the Department of Comprehensive Services, Payroll, Accounts Payable, Human Resources and the General Ledger; was instrumental in building the undesignated general fund balance to over \$17 million after starting with a deficit and through her sound knowledge of local government budgeting and strong management the County was able to earn a Strong A bond rating in 2004; and

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WHEREAS, Glenice Townsend, was responsible for the management and operation of the Department of Waste Management, which grew during her tenure to consist of more than 35 transfer stations and 1 manned convenience center; The Department of Buildings and Grounds which oversaw the construction of a New County Courthouse, the restoration of the Dinwiddie County Public Safety Building, the restoration of Eastside Community Enhancement Center, the restoration of the Historic County Courthouse, the construction of Dinwiddie and McKenney Volunteer Fire Departments and the restoration and addition of Namozine Volunteer Fire Department; was instrumental in spearheading the development of a Department of Information Technology thus creating a more effective and efficient government; and

WHEREAS, Glenice Townsend, served with the utmost of professionalism and dedication to the principals of sound and ethical government as the Interim Assistant County Administrator on five (5) separate occasions; and

WHEREAS, Glenice Townsend, is truly admired by her co-workers and colleagues for her pleasant and personable behavior and participant manager form of leadership;

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, formally acknowledge GLENICE N. TOWNSEND for her life long work and loyal dedication to the Board, staff and all of the citizens of our great County and we wish her the very best of health for all the days to come and hope they are prosperous, fulfilling and gratifying.

Mrs. Townsend expressed her gratitude to her staff for supporting her and being present. Continuing she told Mr. Moody it meant a lot to her to have him present the resolution to her because they had worked together for 17 years. She thanked the citizens for allowing her to serve them and the County for 29 years.

Upon Motion of Mr. Stone, Seconded by Mr. Haraway, Mr. Haraway Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody voting "Aye", the above resolution was adopted.

**IN RE: RESOLUTION OF APPRECIATION – MRS. WENDY WEBER RALPH**

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Mr. Moody presented the following resolution of appreciation to Mrs. Wendy Weber Ralph:

## **MRS. WENDY WEBER RALPH**

*County Administrator*

WHEREAS, Wendy Ralph, a native and life long resident of Dinwiddie County, has served the citizens of Dinwiddie County with steadfast devotion and unwavering commitment for over thirty years (30); and

WHEREAS, Wendy Ralph, began her career with Dinwiddie County on January 20, 1975 as a Public Research Technician, became the Assistant to the County Administrator in July of 1979 where she served until July 1983 until her title was formally changed to Executive Assistant to the County Administrator and later in 1988 was named Assistant County Administrator and served her last day on April 1, 2005 as the County Administrator; and

WHEREAS, Wendy Ralph, served with the utmost of professionalism and dedication to the principals of sound and ethical government as the Interim County Administrator on five (5) separate occasions between 1988 and 2002; and

WHEREAS, Wendy Ralph, in 1988 was placed in a leadership role as Interim County Administrator with a budget deficit, the responsibility of preparing a budget, instituting a new uniform chart of accounts and implementing a comprehensive data processing system; which, with staff, was able to effortlessly carry out each of these projects with vast achievement; and

WHEREAS, Wendy Ralph, through her keen understanding of local government operations and strong executive management skills, was instrumental in building the County's undesignated general fund balance to over \$17 million which later served as the foundation for the County to earn a strong A bond rating in 2004; and

WHEREAS, Wendy Ralph, throughout her career, embarked on numerous imperative projects that resulted in the betterment of Dinwiddie County; worked with the Commissioner of the Revenue and Treasurer to implement twice a year tax collection; established an

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enhanced 911 system; worked with the Dinwiddie School system to renovate Midway and Dinwiddie Elementary Schools, the Middle School and the High School, while at the same time constructing a new Courthouse and securing funding to renovate the Historic Courthouse; oversaw the renovations of Eastside Community Enhancement Center to include a branch library, the Health Department, Social Services building, Namozine Volunteer Fire Department and completed an addition to the Administration Building; oversaw the construction of two new fire stations and converted the Dinwiddie Volunteer Fire Department into a public safety building to include an Emergency Operations Center and Communications Center; Stood with the Board of Supervisors as they funded, for three straight years, an increase for teachers salaries; and

WHEREAS, Wendy Ralph, worked diligently to locate Wal-Mart Distribution Center which employs over 1,400 people; In 1999 located the largest industrial investment in the Commonwealth of Virginia, totaling \$400 million and 400 additional jobs with TXI/Chaparral Steel; worked to secure over \$2.5 million in tobacco funds to construct a County owned industrial/commerce park; and

WHEREAS, Wendy Ralph, is truly admired by her co-workers and colleagues and is respected by all for her steadfast leadership, her compassionate disposition and her unwavering commitment to make Dinwiddie County a better place to live, work and raise a family

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, formally acknowledge WENDY WEBER RALPH for her life long work and loyal dedication to the Board, staff and all of the citizens of our great County and we wish her the very best of health for all the days to come and hope they are prosperous, fulfilling and gratifying.

Mrs. Ralph expressed her appreciation to her, all the staff, and Board members that she had the pleasure to work with; most of all the citizens she had served and been given the opportunity to work with and to enjoy being able to work in the County which she was born and raised in.

Upon Motion of Mr. Bowman, Seconded by Mr. Stone, Mr. Haraway Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody voting "Aye", the above resolution was adopted.

**IN RE: PRESENTATION FROM SOCIAL SERVICES - MRS. WENDY RALPH & MRS. GLENCIE TOWNSEND**

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Ms. Kimberley Willis, Director of Social Services, presented an engraved Jefferson Cup to Mrs. Glenice Townsend and Mrs. Wendy Weber Ralph from the employees and Staff of Social Services.

Mrs. Townsend and Mrs. Ralph thanked Ms. Willis for the cups.

**IN RE: AMENDMENTS TO THE AGENDA**

The County Administrator stated there is a need to continue the Closed Session to the end of the meeting for §2.2-3711 (A) (1) – Personnel – Planning and Community Development; and add under Action Items: Authorization to sign option agreement and issue a check for the industrial property; Equalization Board salary; and Postage for the Commissioner of the Revenue.

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

**IN RE: MINUTES**

Upon Motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Haraway Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody voting “Aye”,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that approval of the December 7, 2004 Regular Meeting, and the December 15, 2004 Continuation Meeting Minutes are approved in their entirety.

**IN RE: CLAIMS**

Upon Motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Haraway Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody 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 1047503 through 1047699, (voided check number(s) 1047258, 1045755, 1047411, 1047502, 1047338, and 1047572).

**FY – 04/05**

**Accounts Payable:**

(101) General Fund	\$ 325,094.01
(103) Jail Commission	\$ 58.87
(209) Litter Control	\$
(222) E911 Fund	\$ 1,385.65

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(225) Courthouse Maintenance	\$ 4,087.43
(226) Law Library	\$
(228) Fire Programs & EMS	\$
(229) Forfeited Asset Sharing	\$
(304) CDBG Grant Fund	\$ 83.58
(304) Capital Projects Fund	\$ 130.20
(401) County Debt Service	\$ <u>                    </u>

**TOTAL \$ 330,839.74**

**PAYROLL 12/31/04**

(101) General Fund	\$ 505,680.82
(222) E911 Fund	\$ 10,778.28
(229) Forfeited Asset	\$ 1,199.80
(304) CDBG Fund	\$ <u>7,714.51</u>

**TOTAL \$ 524,173.61**

**IN RE: APPROVAL OF TENTATIVE BUDGET CALENDAR FY 2005-2006**

Upon Motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Haraway Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody voting "Aye", the following Tentative Budget Calendar for FY 2005-2006 was adopted.

TENTATIVE

2005-06 Budget Calendar

December 20 <sup>th</sup>	Budget materials distributed to Agencies/Depts
January 13 <sup>th</sup>	Agencies/Depts submit budget requests
January 31 <sup>st</sup>	2003 value estimates submitted by the Commissioner Of Revenue
February 15 <sup>th</sup>	Proposed budget submitted to Board of Supervisors
Month of March	Board of Supervisors Budget Work Sessions
April 5 <sup>th</sup>	Budget Public Hearing
April 19 <sup>th</sup>	Adoption of Budget

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**IN RE: SCHOOL BOARD REQUISITION #26 – 1999 A & B PROJECT**

Requisition #26 represents the rebate calculation due to the Internal Revenue Service in the amount of \$46,290.36 for the Series 1999 A & B bond issue. The School Board requested that the Board approve the request and forward it to Jackie Shornak at SunTrust Bank as soon as possible, as this must be paid by January 10, 2005 to avoid any penalties.

Internal Revenue Service	Rebate Calculation	\$46,290.36
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Upon Motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Haraway Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition #26 -1999B in the amount of \$46,290.36 for the rebate calculation be approved and funds transferred accordingly.

**IN RE: REQUISITION #2 – ELEMENTARY SCHOOL – IDA SERIES 2004-B**

The following invoice was submitted for payment for requisition #2 for the Elementary School:

<u>AMOUNT</u>	<u>TO</u>	<u>PURPOSE</u>
\$1,002,547.47	Dinwiddie County Public Schools	Land Purchase New Elementary School
\$15.00	Dinwiddie County Public Schools	Wire Fee
<b>\$1,002,562.47</b>	<b>TOTAL OF THIS REQUISITION</b>	

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

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BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number #2 for the Elementary School in the amount of \$1,002,562.47 be approved and funds appropriated for expenses from the Dinwiddie County IDA Lease Revenue and Refunding Bonds, Series 2004-B.

**IN RE: PUBLIC HEARING A-04-12 & 13 – AMENDMENT TO COUNTY ZONING CODE TO ADD THE DEFINITION OF CONCESSION STAND, LAKE BOAT**

This being the time and place as advertised in the Monitor on December 22, 2004 and December 29, 2004, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comment on the following matter:

An Ordinance to amend the Zoning Ordinance of Dinwiddie County, Virginia, by adding the definition of Concession Stand Lake Boat, to Section 22-1, Definitions and such use be permitted in an R-R (Rural Conservation) district.

Mr. Scheid stated at the November 2, 2004 Board meeting there had been some doubt expressed as to whether the Planning Commissioners took a vote on conditional use case A-04-13. It was suggested that the Board proceed with the public hearing that night for A-04-12, which they did, and take action at a later date. Mr. Scheid continued with the following amendment.

**Staff Summary**

**File:** A-04-12 & 13

**Applicant:** John Bottoms

The applicant, John Bottoms, is seeking an amendment to the County zoning code such that a definition for concession stand, lake boat is adopted and such use be permitted in an R-R (Rural Conservation) district.

The Planning Commission and Board of Supervisors were advised of Mr. Bottom's situation. Both bodies indicated to staff a willingness to consider the proposed amendments. Staff checked with other counties in which such a use was established. Lake Gaston allows this use but it must be noted that Mecklenburg does not have a provision addressing this use in their ordinance. The Army Corps of Engineers does not allow the use on Lake Gaston within the portion of the lake under their control. Smith Mountain Lake has such a use. Franklin County does not address the issue in their zoning code whereas Bedford County permits the use as a 'home occupation'. In regard to Lake Chesdin, Chesterfield County and Dinwiddie County do not address this use in the zoning code. Since Mr. Bottoms resides in Dinwiddie County, it was determined most appropriate for Dinwiddie County to address the issue.

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The Planning Commission heard this case at their October 13, 2004 meeting. There were no public comments received on either the definition of the lake boat concession stand or permitting the use in an R-R district. As noted during the planning commission meeting, it appears other jurisdictions have not experienced a problem with such a use. It does appear that such a use may actually provide a service for the citizens using Lake Chesdin. The commission believes our ordinance should address this use through the conditional use permit procedure. Considerations involving music, lighting, boat location, and hours of operation were discussed. In view of the above, the Planning Commission unanimously voted to recommend to the Board of Supervisors approval of A-04-12 (definition) and approval of A-04-13 (lake boat concession stand with conditional use permit in R-R district).

Since the Planning Commission meeting, staff has received a letter dated October 18, 2004 signed by Richard D. Hartman of the Appomattox River Water Authority. The letter is attached for your review. Essentially, the Authority does not object to the use on Lake Chesdin.

The Board heard these amendment applications at our November 2, 2004 meeting. During the hearings it was questioned if the Planning Commission properly voted on sending both applications to the Board for approval. With this concern raised, the Board decided not to act on the amendments until it was determined if the Commission acted properly. Staff reviewed the meeting tapes of the November 10, 2004 meeting of the Planning Commission with the Assistant County Administrator and concluded that the Planning Commission acted properly on sending both amendments forward to the Board. Due to the length of the December 2004 meeting agenda of the Board (continuation meeting and regular meeting), it was determined that the amendments would be presented to the Board at their January 4, 2005 meeting.

Since this is a zoning matter, the standard statement for zoning matters must be read and is attached for your reference. Mr. Scheid reminded the Board that the public hearing for A-04-12 was held at the November 2, 2004 meeting and the Board only needed to take action on that amendment. While the two (2) amendments have been discussed as a single matter, separate motions on the amendments must be made. However, the public hearing tonight was for A-04-13.

Mr. Moody asked the Board if they had any comments or questions for Mr. Scheid.

Mr. Haraway stated he had spoken with Mr. Bottoms and was satisfied with his answers. Mr. Bottoms assured him that the pontoon boat would be

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removed from the lake each day and he would have no problem voting for the request.

Mr. Moody opened the public hearing for A-04-13.

Mr. Michael Bratschi 23500 Cutbank Road, McKenney, VA - spoke in opposition to the amendment.

Mr. Moody closed the public hearing.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF DINWIDDIE COUNTY, VIRGINIA, BY ADDING THE DEFINITION OF CONCESSION STAND, LAKE BOAT, TO SECTION 22-1, DEFINITIONS.

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**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA,** that the zoning ordinance be amended as follows:

Section 22-1, Definitions, be amended by adding the following definition:

Concession stand, lake boat. Any boat from which, for compensation, food and/or beverages are dispensed for consumption off-premises.

This Ordinance shall become effective immediately upon adoption by the Board of Supervisors. If any portion of this Ordinance shall be declared null and void, the remaining portions shall remain in full force and effect.

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 zoning amendment A-04-12 be approved by the Board of Supervisors with the definition noted above. Mr. Haraway seconded the motion. Mr. Haraway Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody voting "Aye", motion carried.

Mr. Haraway 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 zoning amendment A-04-13 be approved by the Board of Supervisors to add as a permitted use with conditional use permit a concession stand, lake boat to the R-R, Residential Conservative, district (section 22-84). Ms. Moody seconded the motion. Mr. Haraway Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody voting "Aye", motion carried.

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**IN RE: AUTHORIZATION FOR COUNTY ADMINISTRATOR TO SIGN OPTION AGREEMENT FOR AN INDUSTRIAL SITE**

The County Administrator requested authorization to sign the option agreement for an industrial site to add to the industrial park and also to issue a check in the amount of \$500 when the agreement is executed.

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

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia authorized the County Administrator to sign the option agreement for the industrial site being considered for the Industrial Park and to issue a check in the amount of \$500.

**IN RE: INCREASE IN EQUALIZATION BOARD COMPENSATION**

The County Administrator informed the Board that the Board of Equalization is presently set at the rate of \$75 dollars per meeting and it was up to them if they wished to change it. Mr. Moody commented that most of the other Boards are paid \$100 per meeting. Mr. Bowman stated he was in favor of increasing it to \$100 per meeting.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to increase the compensation of the members of the Dinwiddie Board of Equalization to \$100.00 per meeting.

**IN RE: AUTHORIZATION TO ISSUE MANUAL CHECK FOR POSTAGE – COMMISSIONER OF THE REVENUE'S DEPARTMENT**

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to issue a manual check for postage in the amount of \$6,000 from the Commissioner's budget.

**IN RE: CITIZENS COMMENTS**

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Mr. Moody stated the by-laws adopted by the Board for citizens comments time limit of 3 minutes would be complied with this year.

1) David Dudley – 25907 Smith Grove Road, Petersburg, VA – thanked Mr. Stone for his proposal to hire a county attorney and the Board for adopting it. He said there was no need to issue an RFP to bring in a firm to represent the citizens because we need our own county attorney that lives and works here. He also commented VACo supports requesting that the General Assembly take legislation to study State guidelines for the proper applications of biosolids to fully protect the citizens of the Commonwealth.

2) Michael Bratschi - 23500 Cutbank Road, McKenney, VA – commented on the following issues: a) the Emergency Loitering and Peace Ordinance the Board adopted b) the spreading of biosolids on Rt. 40 on December 28 and he knew the employee responsible for monitoring the application was hunting c) since Dennis Hale was downgraded from Director to Division Chief of Public Safety shouldn't his salary be decreased also.

3) Geri Barefoot – 7411 Frontage Road, Petersburg, VA – stated the Board was not concerned about the public safety, health and welfare when they adopted the emergency Loitering and Peace Ordinance; because if they were, they would support the biosolids ordinance the citizens had requested that they adopt to send to the General Assembly to protect them. She commented one year ago the Board authorized hiring a biosolids monitor and the County still has not filled the position.

Mr. Moody thanked the citizens for complying with the 3 minute per person comment period.

**IN RE: CELL PHONE TAX DISCUSSION**

Mr. Stone stated the information was included in their packets and he had some discussions with Mrs. Howerton on this. He pointed out when the Board adopted this tax in 2004 his dilemma was, how would they know how to budget the revenue; how would they have any idea if they have (10 % – 80%) of Dinwiddie residents that have cell phones, and how would they know whether they are being taxed or not. He commented he had Alltel and he had not seen any tax on his bill yet. However, several people on Verizon told him it was on their bill. He asked if they would have to wait a year before it could be considered in the budget or would they just consider what the County receives a plus. Then there was still the issue of the prepaid cellular that don't get reported.

Mr. Moody commented several companies according to the handout are not collecting the tax. He asked what staff recommended. The Financial Director commented a copy of the letter that would be sent out at the end of the

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week, to the companies renting space on the towers in the County, was included in their packets. At this point that was the County's best guess as to which companies should owe the County taxes. He stated he had no earthly idea how we could ever get an idea of what is owed to the County without adding 3 people fulltime to tract this. Landlines are easy to locate; but there is no way to find out how many cell phones are in each house. Mr. Bowman pointed out somewhere in the Commonwealth other localities are collecting this tax and maybe the State Corporation Commission could help the County out with collecting the tax. The County Administrator stated maybe Mrs. Howerton will be contacted by some of the counties she sent emails to by the next Board meeting. Mr. Moody asked staff to investigate it and report back to the Board.

#### **IN RE: BOARD MEMBER COMMENTS**

Mr. Stone stated the next District 5 community meeting would be held January 20, 2005 at 7:00 P.M. in the Board Room. The schedule has been sent to the Progress-Index, Dinwiddie Monitor, and the Clerk to the Board for the District 5 meetings for the entire year.

Mr. Haraway informed the citizens that earlier this evening the Board approved the appointment of Gregory S. Horwedel as the new County administrator this would be effective February 22, 2005. He is currently the Administrator at Deerfield Ohio which has a population of 26,000. He impressed the Board with his broad experience in economic development and planning. The Board received over 50 resumes, interviewed 5 applicants, and all 5 members voted to appoint Mr. Horwedel to this position. The Board also appointed Kevin Massengill, Interim County Administrator, to be effective January 8, 2005.

Mr. Moody commented to follow up on our two employees who are leaving us; the Board finally received the comparable lease revenue transactions report from Davenport which was included in the Board packets. The report reflects that Dinwiddie received yields ranging from .01% to .09% lower than the benchmark Insured MMD scale on over 90% of its long-term bond financing. Dinwiddie obtained these excellent results in its bond pricing as a result of the following factors: 1) The 2004 transaction was heavily pre-marketed to a wide universe of investors; 2) The County has substantial reserves and long history of conservative financial management; 3) The County obtained solid underlying ratings; and 4) Virginia credits as a whole generally sell better in the municipal marketplace. He noted number 2, substantial reserves and long history of conservative financial management, those two employees had a lot to do with that and the Board appreciates them getting the County in that position.

#### **IN RE: CLOSED SESSION**

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Ms. Moody moved to close the meeting in order to discuss matters exempt under section: §2.2-3711 (A)(1) – Personnel – Planning and Community Development;

Mr. Bowman seconded the motion. Mr. Haraway, Mr. Haraway Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody voting “Aye”, the Board moved into the Closed Meeting at 8:31 P.M.

The meeting reconvened into Open Session in the Board Meeting Room at 9:59 P.M.

**IN RE: CERTIFICATION**

**Whereas**, this Board convened in a closed meeting under: §2.2-3711 (A)(1) – Personnel – Planning and Community Development;

**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 Mr. Bowman, Mr. Haraway, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody voting “Aye”, this Certification Resolution was adopted.

**IN RE: ADJOURNMENT**

Upon Motion of Mr. Bowman, Seconded by Mr. Haraway, Mr. Haraway Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody voting “Aye”, the meeting adjourned at 10:03 P.M. to be continued until 12:00 P.M. on Tuesday, January 11, 2005 at the Dinwiddie County Airport for a press release from the School Board.

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Harrison A. Moody, Chairman

ATTEST: \_\_\_\_\_

Wendy Weber Ralph  
County Administrator

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