

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 15<sup>th</sup> DAY OF AUGUST 2006 AT 3:30 P.M.

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

ADMINISTRATION

PRESENT: KEVIN MASSENGILL, COUNTY ADMINISTRATOR  
MICHAEL DREWRY, COUNTY ATTORNEY  
ANNE HOWERTON, FINANCE DIRECTOR

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

The Chair called the meeting to order at 3:30 p.m. followed by the roll call, invocation and pledge of allegiance.

**ROLL CALL**

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

**4. AMENDMENTS TO AGENDA**

Mr. Massengill stated that there was a need to adjust the agenda under Item No. 13 Public Hearings. He asked that Item D. - Case A-06-10, Administrative Fee Ordinance be placed before Item C. - Case A-06-9 through A-06-18, Zoning Ordinance Amendments.

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

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

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

**5.A. CONSENT AGENDA: APPROVAL OF MINUTES FOR JULY 6, 2006 SPECIAL MEETING**

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the July 6, 2006 Special Meeting Minutes are approved.

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

**CONSENT AGENDA : APPROVAL OF MINUTES FOR JULY 18, 2006 REGULAR MEETING**

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the July 18, 2006 Regular Meeting Minutes are approved.

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

**CONSENT AGENDA : APPROVAL OF MINUTES FOR JULY 25, 2006 SPECIAL MEETING**

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the July 25, 2006 Special Meeting Minutes are approved.

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

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

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

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 1054762 through 1054788 (voided check number 1054761).

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

**FY 2005/2006**

**ACCOUNTS PAYABLE**

(101) General Fund	\$ 37,025.90
(103) Jail Commission	
(209) Litter Grant Fund	\$ 17.09
(222) E911 Fund	\$ 63.00
(226) Law Library	
(228) Fire Programs & Ems	
(304) CDBG Grant Fund	\$ 178.00
(305) Capital Projects Fund	
<b><u>Total</u></b>	<b>\$ 37,283.99</b>

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

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 1054789 through 1054875.

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

**FY 2006/2007**

**August 1, 2006**

**ACCOUNTS PAYABLE**

(101) General Fund	\$ 62,846.35
(103) Jail Commission	\$ 23.08
(209) Litter Grant Fund	\$ 1,246.69
(222) E911 Fund	\$ 267.58
(225) Courthouse Maint. Fees	\$ 1,401.53
(226) Law Library	\$ 506.80
(228) Fire Programs & Ems	
(304) CDBG Grant Fund	\$ 11,064.97
(305) Capital Projects Fund	\$ 8,750.00
(401) County Debt Service	\$ 2,690.00
<b><u>TOTAL</u></b>	<b>\$ 88,797.00</b>

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

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 1054877 through 1054918 (voided check number 1054876).

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

**FY 2006/2007**

**August 4, 2006**

**ACCOUNTS PAYABLE**

(101) General Fund	\$ 18,886.59
(209) Litter Grant Fund	\$ 1,246.69
(222) E911 Fund	\$ 1,620.84
(225) Courthouse Maint. Fees	\$ 3,815.00
(228) Fire Programs & Ems	\$ 1,260.00
(304) CDBG Grant Fund	\$ 906.17
(305) Captial Projects Fund	\$ 7,000.00
<b><u>TOTAL</u></b>	<b>\$ 34,735.29</b>

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

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 1054921 through 1054976 (voided check number 1054920).

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

**FY 2006/2007**

**August 11, 2006**

**ACCOUNTS PAYABLE**

(101) General Fund	\$ 29,750.72
(222) E911 Fund	\$ 936.61
(226) Law Library	\$ 29.90
(228) Fire Programs & Ems	\$ 2,250.00
(304) CDBG Grant Fund	\$ 936.15
<b><u>TOTAL</u></b>	<b>\$ 33,903.38</b>

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

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 1054670 through 1054760 (voided check number 1054669).

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

**PAYROLL**

**July 31, 2006**

(101) General Fund	\$ 622,471.22
(222) E911 Fund	\$ 53,095.88
(304) CDBG Grant Fund	\$ 11,447.75
<b><u>TOTAL</u></b>	<b>\$ 687,014.85</b>

**5.C. CONSENT AGENDA: ACCEPTANCE OF SUBDIVISION ROADS INTO THE STATE SECONDARY ROAD SYSTEM**

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following resolution is approved as presented.

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

**RESOLUTION**

**DEDICATION OF STATE ROUTE 1423 – RIVER VIEW DRIVE, STATE ROUTE 1423 – PLANTATION DRIVE; STATE ROUTE 1426– RIVER MILL COURT**

WHEREAS, the streets described on the attached Form AM-4.3, fully incorporated herein by reference, are shown on the plat recorded in Plat Book 17 Page 37 in the Clerks Office of the Circuit Court of Dinwiddie and being a part of the River Run, sections 3 and 4, subdivision; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County, Virginia hereby requests that the Virginia Department of Transportation add the streets described on the attached Form AM-4.3 to the Secondary System of State Highways.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Recorded Vote Moved By:

Seconded By:

Yeas:

Nays:

\_\_\_\_\_  
Doretha E. Moody, Chairman

Attest:

\_\_\_\_\_  
W. Kevin Massengill  
Clerk to the Board

**In the County of Dinwiddie**

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By resolution of the governing body adopted August 15, 2006

*The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes on the secondary system of state highways.*

*A Copy Testee Signed (County Official):* \_\_\_\_\_

Form AM-4.3 (11/28/2005)  
Asset Management Division

**Report of Changes in the Secondary System of State Highways**

Project/Subdivision

**River Run Section 3 And 4**

Type of Change:

**Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, Secondary System, New subdivision street  
Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

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▪ **River View Drive, State Route Number 1423**

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▪ *Description: From:* 0.02 Mi North Int Rte 1425 and 1423  
*To:* Rte 1426 River Mill Court  
A distance of: 0.07 miles.  
*Right of Way Record:* Filed with the Land Records Office o 11/3/2000, Pb 17 Pg 37, with a width of 50.

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▪ **River View Drive, State Route Number 1423**

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▪ *Description: From:* Rte 1426 River Mill Court  
*To:* Rte 1423 Plantation Drive  
A distance of: 0.22 miles.  
*Right of Way Record:* Filed with the Land Records Office o 11/3/2000, Pb 17 Pg 37, with a width of 50.

▪ **Plantation Drive, State Route Number 1423**

- *Description: From:* 0.06 Mi North Int Rte 1420 and 1423  
*To:* Rte 1423 River View Drive  
A distance of: 0.19 miles.  
*Right of Way Record:* Filed with the Land Records Office o 11/3/2000, Pb 17 Pg 37, with a width of 50.

▪ **Plantation Drive, State Route Number 1423**

- *Description: From:* Int Route 1423 River View Drive  
*To:* A cul-de-sac  
A distance of: 0.02 miles.  
*Right of Way Record:* Filed with the Land Records Office o 11/3/2000, Pb 17 Pg 37, with a width of 50.

▪ **River Mill Court, State Route Number 1426**

- *Description: From:* Int Rte 1423 River View Drive  
*To:* A cul-de-sac  
A distance of: 0.11 miles.  
*Right of Way Record:* Filed with the Land Records Office o 11/3/2000, Pb 17 Pg 37, with a width of 50.

**5.D. CONSENT AGENDA: APPROPRIATION AMENDMENT – DVRS CONTRIBUTION**

The Board received the memo below from Anne Howerton, Finance Director.

**BACKGROUND**

Dinwiddie Volunteer Rescue Squad (DVRS) has traditionally received a \$20,000 contribution from Dinwiddie County in past budgets. Due to reduced call load and the implementation of revenue recovery payments to DVRS, the donation was eliminated in the proposed FY 06-07 budget. Several discussions took place between Board members, DVRS members, County Administration, and the Fire & Rescue Association in response to the proposed contribution elimination. DVRS ran 114 calls in 2005 and 57 calls to date in 2006.

**LAST BOARD ACTION**

During the last FY 06-07 budget workshop, the Board of Supervisors agreed to reinstate ½ of the \$20,000 contribution, provided that DVRS submit their most recent financial statements to County Administration for review. Since DVRS's calendar year 2005 financial statements were not available at the time the FY 06-07 Budget was approved, the \$10,000 was not included in the budget.

**REQUESTED ACTION**

County Administration has received and reviewed the 2005 DVRS financial statements, and is now asking for an appropriation amendment to the FY 06-07 budget for \$10,000. In accordance with contributions to the other volunteer fire and rescue departments, the \$10,000 would be paid to DVRS as reimbursement for approved expenditures.

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

THEREFORE, BE IT RESOLVED that the Dinwiddie County Board of Supervisors appropriates and amends the FY 06-07 budget in the amount of a \$10,000 contribution to DVRS from the undesignated general fund balance.

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

**5.E. CONSENT AGENDA: SCHOOL BOND REQUISITION FROM PROJECT FUND: NO ES-18**

The Board received requisitions No. ES-18 from Dr. Maranzano.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$13,000.00 from the Lease Revenue and Refunding Bonds, Series 2004B is approved.

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

No. ES-18

### REQUISITION FROM THE PROJECT FUND

[Indicate whether from Note Account or Bond Account of Project Fund by marking a line through incorrect account]

Note/Bond Account

Industrial Development Authority of Dinwiddie County, Virginia  
~~\$15,000,000 Lease Revenue Notes, Series 2004A and~~  
\$41,040,000 Lease Revenue and Refunding Bonds, Series 2004B

TO: SunTrust Bank

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

DATE: August 2, 2006

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

<u>AMOUNT</u>	<u>TO</u>	<u>PURPOSE</u>
\$13,000.00	Halifax Farm Environ. Landbank, LLC	Wetlands Credit
<b>\$13,000.00</b>	<b>TOTAL OF THIS REQUISITION</b>	

An invoice or other evidence of indebtedness for each item listed above is attached hereto.

\_\_\_\_\_  
Authorized County Representative

#### **5.F. CONSENT AGENDA: DESIGNATION & SALE OF SURPLUS FIRE APPARATUS**

The Board received the memo below from Dennis Hale, Division Chief of Fire & EMS.

##### **Background**

Dinwiddie County recently took delivery of a new Pumper /Tanker to replace an existing unit at Namozine Station 4. This replacement was necessary due to the deteriorating condition and mechanical issues with the existing unit. The existing unit was a 1981 FMC, which is no longer in business. This makes repairing the unit or finding replacement parts difficult at best. At this time, with the age, condition of the unit, and lack of replacement parts, the service life of this unit as a fire apparatus is ended. Namozine Fire & EMS had done a tremendous job of preserving the life of this unit for as long as possible. At this time even though the tank, motor, plumbing and pump all have significant problems the body and cab of the truck are in fairly good shape. There has been some interest shown in the truck, particularly by collectors who would like to preserve the truck as a show piece. If the truck is allowed to be stored outside awaiting sale at auction the condition of the cab and body would deteriorate and we would lose some of the interest in the unit. Therefore, it would be in the best interest of the county to sell the truck now through the sealed bid process before the truck is allowed to deteriorate in the elements.

The last unit auctioned by the county (a 1981 FMC as well) had been stored outside for a lengthy period of time and brought a very small amount at auction. At this time, the proposal for this unit would be to surplus the truck now, advertise a sealed bid sale and solicit bids, and sell the apparatus to the highest bidder before the truck is allowed to sit.

##### **Last Board Action**

N/A

**Fiscal Impact**

The county should receive more for the truck in the current condition than by allowing the truck to sit and deteriorate further before sale.

**Requested Action**

Approval of the following resolution:

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

WHEREAS, the existing 1981 FMC Tanker ID #6598 has been removed from service and no longer is in a serviceable condition, and

WHEREAS, the County has no further uses for this apparatus,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia does deem this apparatus as surplus property, and does hereby authorize and direct Dennis Hale, Division Chief of Fire & EMS, to publicly advertise for sealed bids, receive such bids and sale the apparatus to the highest bidder. Furthermore, all proceeds from such sale shall be returned to the CIP fund balance of Dinwiddie County.

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

Nays: None

**6. RESOLUTION: McKENNEY BANK – 100<sup>TH</sup> ANNIVERSARY**

Michael Stone presented the resolution below to Edward Titmus, Director, and Channing Baskerville, Director Emeritus, of the Bank of McKenney. Also, in attendance from the bank were: William D. Allen, Chairman of the Board of Directors, Richard Liles, President and CEO, Bryant Neville, Senior VP, CFO, Lynda Cunningham, First VP, Ruth Wray, First VP, HR and Compliance, Michelle Fitch, VP Data Processing, Edward Pearson, VP Commercial Loan Officer, and April Green, Marketing Coordinator.

Mr. Liles, President and CEO, thanked the Board on behalf of the Bank and acknowledged the founding shareholders, the directors, and the employees, He said the employees were the Bank of McKenney’s greatest asset.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the resolution to the Bank of McKenney is approved as stated.

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

Nays: None

***BANK OF McKENNEY  
100<sup>th</sup> Anniversary***

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**WHEREAS**, in the late 1890s, William R. McKenney, an attorney for the Richmond, Petersburg and Carolina railroad, set his sights on a parcel of land 11 miles southwest of Dinwiddie next to the San Marino post office, and succeeded in having the railroad establish a water stop in this community and the town named after him; and

**WHEREAS**, the emerging settlement revolved around its freight and passenger trains and a prosperous lumber industry, and McKenney bustled with commercial activity, including the Bank of McKenney, first chartered as the Bank of Dinwiddie, which was established on June 5, 1906; and

**WHEREAS**, the bank surpassed the odds and continued to grow even during the depression when many banks shut down; and

**WHEREAS**, in 1957, not long after moving into a new \$50,000 building at the corner of First Street and Route 40, that adjoined the McKenney Hardware and Supply Company building, the bank changed its name to Bank of McKenney; and

**WHEREAS**, in 1989, Richard M. Liles became bank president; and

**WHEREAS**, for 86 years, the bank remained a one-branch operation and proudly served the residents and businesses of McKenney; and

**WHEREAS**, in 1992, the bank initiated its biggest change since 1906 – the opening of a second branch, the Airport Branch, and in 1995 the Dinwiddie Branch was opened; and

**WHEREAS**, on May 30, 1995, Bank of McKenney was honored as Dinwiddie County's Corporate Citizen of the Year and recognized for outstanding contributions to the County, and

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Supervisors on this 18th day of July, 2006 wishes to recognize the Bank of McKenney for 100 years of dedicated service as a community bank to Dinwiddie County that has grown from its original location in McKenney, to a bank servicing the communities of Dinwiddie County, Chesterfield County, the City of Colonial Heights and Prince George County; and

**BE IT FURTHER RESOLVED**, by the Board of Supervisors of Dinwiddie County, Virginia, that this resolution be presented to the Bank of McKenney for reaching this impressive and inspiring milestone, and a copy spread upon the minutes of this meeting for eternity.

#### **7. A. REPORT: VIRGINIA DEPARTMENT OF TRANSPORTATION**

Ray Varney, Resident Engineer, stated that as the work session had taken place prior to the regular meeting, he really didn't have much to add. He said that regarding maintenance the mowing on the primaries and interstates was underway. He stated that patchwork was being done on I85.

Mr. Haraway stated that the Sutherland Ruritan Club had called him requesting that the Board support their efforts in reducing the speed limit on Rt. 460, starting where Old Cox Road comes into Rt. 460 just East of Midway School to the intersection of Rt. 460 and Rt. 1. They would like to see it reduced to 45 mph.

Mr. Varney said that Mr. Olgers had sent that request to VDOT, and it has been sent to the regional operations traffic engineer for review.

Mr. Varney said they had also received a request for an interstate study at Namozine Road and Rt. 460. The response was that there is the need for additional signage, but no traffic signal.

Mr. Stone said that there had been information in the Richmond Times Dispatch regarding a study on I85 to increase the speed limit to 70 mph, and he asked Mr. Varney the status of that study.

Mr. Varney stated that they are in the process of evaluating the accidents that have occurred along I85 from Dinwiddie County to the North Carolina border. They will review that accident data and make recommendations.

#### **7.B. REPORT: DEPARTMENT OF SOCIAL SERVICES**

Shel Bolyard-Douglas, Director of Social Services, thanked the Board for giving her the opportunity to talk with them about the Social Services agency. She said she was proud to represent 30 individuals who are committed to providing quality services to Dinwiddie County residents. She said that they provide services to more than 2,000 individuals per month. They provide temporary relief for families; food stamp assistance; Medicaid eligibility and recertification; and Virginia Initiative for Employment not Welfare (VIEW). She stated that the service staff provides direct services to clients through Child Protective Services; foster care; adoption services; child care; and through adult services.

Ms. Bolyard-Douglas stated that she had been a social worker for over 17 years; and that most recently in the last 10 years she had worked with Comprehensive Services. She said that she comes to Dinwiddie County from Prince George County, and before that she was in Petersburg.

#### **7.C. REPORT: TOWN OF MCKENNEY SHARED SERVICES AGREEMENT**

Matthew Kurz, Legal Intern, presented the following memo to the Board regarding a shared services agreement with the Town of McKenney. He stated that this was one of the projects he had been working on with Michael Drewry, County Attorney,

##### Purpose:

An agreement between the County, Town of McKenney, and the Sheriff's Office regarding the following services:

- 1) Animal Control
- 2) Building Inspection
- 3) Fire and EMS
- 4) Sheriff's Office – Law Enforcement
- 5) Zoning Administration

##### Reasons for the Agreement:

- The Va. Code confers no power to the Board of Supervisors and the County within the corporate limits of a Town without an agreement.
- To clarify the role of the County and Sheriff's Office within the Town of McKenney.

##### Status of Agreement:

- Sheriff's Office has reviewed and verbally approved the agreement.
- The agreement was presented to the Town of McKenney at their Council meeting held on August 10, 2006. The Council will consider the approval of the agreement on September 14, 2006.
- Presentation to the Board of Supervisors on August 15, 2006 for comments. Final draft presentation to the Board on September 19, 2006 for discussion and approval.

Mr. Massengill, County Administrator, stated that this was Matthew Kurz last day of his internship. He said that he had done a fantastic job for Dinwiddie County.

#### **7.D. REPORT: SCHOOL CONSTRUCTION UPDATE**

Dr. Charles Maranzano, School Superintendent, stated that they are very excited about where they stand about two weeks into the project. He said that on July 25<sup>th</sup> the Schools had a joint meeting with the Board of Supervisors and Industrial Development Authority in which the vote was to complete the last piece of financing for the projects. Shortly thereafter he signed the contract documents. On July 18<sup>th</sup> the first preconstruction meeting was held and involved all the key players; and they set up a three tiered structure for oversight. He said the proposal is to conduct bi-monthly construction meetings, held on the second and last Thursday of the month at 9:00 a.m. in the Pamplin Building. A stakeholders meeting of the larger oversight committee will take place on the last Thursday of the month at 4:00 p.m. That committee will consist of a variety of interested personnel including representation from the County, the IDA, the School Board, a student from the high school, and an elementary school student. Dr. Maranzano presented slides of the design concept and the site.

#### **8.A. ACTION ITEM: WASTE MANAGEMENT CONTRACT**

The Board received the memo below from Anne Howerton, Finance Director.

##### **BACKGROUND**

Currently we use County staff and equipment and two outside vendors to help with waste collection and disposal. Our waste system includes public dumpsters and roll off containers, commercial rental dumpsters, and two manned convenience centers (Rohoic and the Landfill). Virginia Waste Services provides the roll off containers and the afternoon and

weekend public dumpster collection and disposal service. Waste Management provides the disposal service from our landfill to their landfill, once our trucks have collected waste from public and commercial dumpsters. Our front load trucks which are used for the public and commercial dumpsters are requiring a great deal of maintenance and need to be replaced. One truck needs immediate replacement and another will need to be replaced within the next several years. In light of these large impending capital outlay requirements (\$207,000 per truck), we felt that this was the right time to explore more economical and efficient methods of waste collection and disposal.

In addition, Denny King, the Director of Sanitation, has resigned as of August 10, 2006. Mr. King was the primary mechanic for the Sanitation department vehicles and equipment, as well as the Licensed Landfill Operator. Outsourcing the waste collection and disposal greatly reduces the need for a mechanic and also may change the status of the Landfill with respect to the Department of Environmental Quality's permitting requirements.

### **CONTRACT NEGOTIATIONS**

We issued a Request for Proposal for Waste Management Services and held a pre-bid meeting in April, which was attended by four vendors. The three initial proposals received in May did not adequately follow the RFP pricing guidelines, so we issued a second RFP which more clearly asked for price breakdowns by service. In June we received two final proposals, and the analysis of those is attached. After talking with both vendors, we feel that the best value for the County is to contract with Virginia Waste Services for all waste management services.

Under the VWS proposal, they would handle all of the collection and disposal services for the County, including replacement of dumpsters as needed. VWS would follow our current collection schedule from our current public and commercial sites, taking all the waste to their landfill. VWS has indicated that they are willing to purchase our 2001 Volvo front load trash truck for \$75,000 – 80,000, and they would rent another truck from us for \$3,000/month for several months until they purchase a truck for our routes. VWS is also willing to hire several of our employees at a higher salary than they currently make with the County. Although we are outsourcing this service, we will still have a trash truck and the clean up crews available for emergency situations at the sites.

An analysis of current costs and proposed costs with the outsourcing is attached. Savings to the County is seen in salaries and benefits, cell phone service, vehicle maintenance and fuel, and dumpster replacement costs. By factoring in the amortized cost of a new trash truck and VWS's purchase and rental of our existing equipment, we can realize a potential savings of \$425,885 in the first year. The contract with VWS would be an annual renewal for up to five renewals with a price increase tied to the Consumer Price Index. (VWS's contracts increased 2.3% in 2006 per the CPI.) Since we'll have an annually renewed contract, the County always has the option of purchasing our own trucks and going back to our current operations, if we are not satisfied with the service or price increases.

### **LAST BOARD ACTION**

A Board Workshop was held on July 6, 2006 to discuss our current waste management operation and the results of the RFP. Anne Howerton, Director of Finance and Denny King, Director of Sanitation, provided information on his department as it is now and how it would change under the new contract. Staff was instructed to research the potential savings further and bring the issue back to the Board at its' July 18, 2006 meeting.

At the July 18, 2006, staff updated the Board on potential savings and presented a contract for VWS. There were additional questions/concerns from the Board on what would happen with the employees affected by the contract. Staff was instructed to revise the contract to include additional provisions for the employees being hired by VWS. The Board did authorize the extension of the Waste Management contract to July 31, 2006 to continue waste disposal services until the contract with VWS can be finalized.

Michael Drewry, County Attorney, renegotiated the employment terms of the contract with VWS and presented the revised contract to the Board at a special meeting on July 25, 2006. The employees affected by the contract were allowed to voice their concerns, and the Board instructed staff to work with each employee to educate them on their benefits and options. The Board authorized the extension of the Waste Management contract to August 31, 2006.

### **REQUESTED ACTION**

Staff and VWS has met with the affected County employees and explained how the contract will affect them. The Waste Management agreed to extend their contract through August 31, 2006 with a price increase of 4%. At this time, we would like authorization to sign a contract with Virginia Waste Services to provide manned site, public, and commercial dumpster and roll off container waste collection and disposal services at prices not to exceed those outlined in the attached contract. We feel that the advantages to this change in operations are cost savings in capital, personnel, maintenance and fuel; transference of any potential liability surrounding drivers, trucks, and property damage to VWS; and greater opportunity for the Sanitation department staff to spend more time on site beautification and other projects. This change in operations also may change the DEQ permitting requirements for the County.

Mr. Massengill stated that there were several concerns brought up when this item came before the Board at the July 25<sup>th</sup> meeting. Those concerns have been addressed, the employees concerned were given information regarding their retirement questions, and they had a site visit. Mr. Massengill stated that Denny King, who was the director of the Sanitation Department, resigned. Mr. Massengill stated that he had talked to an individual by the name of John Godfrey, the Sr. Environmental Engineer with DEQ, and talked about whether the position that Mr. King had held would need to be maintained if this contract was approved. He said as the landfill had been downgraded to a transfer station some time ago, with Mr. King's departure and with this contract, a licensed landfill operator would no longer be needed. It would no longer be considered a transfer station, but would become a convenience center; and, as such, DEQ wouldn't require a licensed landfill operator.

Michael Drewry, County Attorney, interjected that in the contract under 4. New Employee Retention it currently says that Virginia Waste Services **will** hire all county employees. He said that it should be changed to **offer** to County employees listed on attachment. He said it doesn't change the meaning of the contract.

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

NOW, BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, does hereby authorize and direct the County Administrator to execute the necessary documents to contract with Virginia Waste Services, Inc. for waste collection and disposal services as outlined in the attached agreement.

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

### **CONTRACT** **SOLID WASTE COLLECTION SERVICES**

This Contract is made this 15th day of August, 2006, by and between **Virginia Waste Services, Inc.**, of Chester, Virginia (party of the first part, and hereinafter known as "Contractor"), and the County of Dinwiddie, Virginia (party of the second part, and hereinafter known as "County").

**WHEREAS**, pursuant to the Virginia Public Procurement Act, County solicited proposals for Solid Waste Collection Services; and

**WHEREAS**, Contractor submitted a proposal to provide solid waste collection and disposal for the County's waste stream, consistent with the specifications in the Request for Proposal; and

**WHEREAS**, Contractor was selected as having made the best proposal; and

**WHEREAS**, County has selected Contractor to provide said services;

**NOW THEREFORE**, in consideration of the mutual benefits, promises, and undertakings, the sufficiency and receipt of which are acknowledged, the following terms and conditions are agreed to by the parties to this Contract:

1. **Incorporation by Reference.** County's Request For Proposal (RFP-06-060906-01, dated May 19, 2006), including all related appendices and addenda; and Contractor's bid proposal in its entirety dated June 9, 2006, including all related appendices and addenda are made a part hereof as if the same were fully set forth. If any discrepancies arise between County's Request for Proposal, Contract and Contractor's proposal, Contractor agrees to abide by County's Request for Proposal and Contract.
  
2. **Time of Performance and Term of Contract.** Contractor agrees to begin services no later than September 1, 2006. The initial term of this Contract is September 1, 2006 to August 31, 2007, with an option to renew annually by the County for five additional annual terms.
  
3. **Costs.** Contractor agrees to perform all work pursuant to this Contract according to the following rates:  
*Front load commercial containers:* \$3.00 per cubic yard of containers serviced; *Front load government and school containers:* \$473,336.00 annually; *Roll off convenience center containers:* \$50.00 rent per month per container, \$33.50 per ton of waste collected and \$105.00 per container haul; *Transfer of waste from main transfer station:* \$21.00 per ton of waste collected and \$110.00 per trailer haul. Contractor agrees to replace front load containers as needed, at the request of County. County and Contractor may agree in writing or in practice as to changes in equipment or frequency of service and such changes will not alter the other portions of this contract. County agrees that Contractor may increase rates, with a cap at four percent (4%), for any additional annual terms, proportionally to adjust for an increase in the Consumer Price Index for the preceding twelve (12) months, based on Table 1 of the Consumer Price Index for All Urban Customers (CPI-U), line item "All Items". County agrees that Contractor may charge a 5% fuel surcharge when the CPI-U index for expenditure category "Transportation", sub-category "Motor Fuel" increases more than 15% of the baseline index. The baseline index will be the index for the month prior to the beginning of the contract, and shall be re-calculated annually. The fuel surcharge will be invoiced as follows: *All front load containers:* 5% of 50% of the amount billed for the month; *Roll off containers:* 5% of the amount billed for hauling; *Transfer of waste from the main transfer center:* 5% of the amount billed for hauling. If during the term of the agreement additional fees or taxes are enacted by any governmental agency whereby there is assessed a fee or a tax based on waste entering the Landfill, this additional cost will be passed on to the County. Contractor shall bill County at the beginning of the month for the waste disposed of during the previous month. Payment shall be made to Contractor at its Chester, Virginia office within thirty (30) days after receipt of invoice.
  
4. **New Employee Retention.** As of the starting contract date, Virginia Waste Services will hire all County employees listed on Schedule A, hereinafter referred to as "New Employees", subject to drug screening and DMV record review by VWS. All New Employees hired by VWS will be paid no less than such employees' salaries and wages currently paid by the County. VWS will institute no layoffs or reductions in force for a period of twelve (12) months from August 1, 2006 which will affect New Employees. VWS shall provide New Employees with employee benefits that are equivalent to the employee benefits generally provided to the company's other employees.
  
5. **Notices.** Any notices required shall be in writing, unless otherwise permitted hereunder, and shall be deemed received five (5) days after mailing of same in the U. S. Mail with postage prepaid at the addresses set forth below or upon actual receipt:

Notice to County shall be made to:  
W. Kevin Massengill  
Interim County Administrator  
P. O. Drawer 70  
Dinwiddie, Virginia 23841  
(804) 469-4500

Notice to Contractor shall be made to:  
Virginia Waste Services, Inc.  
Attn: Michael Cole  
11800 Lewis Road  
Chester, Virginia 23831  
(804) 748-3311

6. **General Terms and Conditions.** During the term of this Contract, Contractor agrees to procure and maintain insurance which meets all County's requirements in the Request for Proposal documents.
7. **Miscellaneous.** This Contract shall be governed by the laws of the Commonwealth of Virginia. Venue for any action arising out of the performance of this Contract shall be with a state or federal court with jurisdiction in Dinwiddie County, Virginia. All pronouns used herein shall refer to every gender. Headings or titles in this Contract are only for convenience and shall have no meaning or effect upon the interpretation of the provisions of this Contract. This Contract is the entire agreement between the parties and may not be amended or modified, except by writing, signed by each party. If any provision of this Contract is determined to be unenforceable, then the remaining provisions of this Contract shall be interpreted as in effect as if such unenforceable provision were not included therein.

**IN WITNESS WHEREOF**, the parties hereto have executed this Contract as of the day first written above.

**Dinwiddie County, Virginia**

**Virginia Waste Services, Inc.**

By: \_\_\_\_\_  
W. Kevin Massengill  
Interim County Administrator

By: \_\_\_\_\_  
Title: \_\_\_\_\_

Attest: \_\_\_\_\_

Attest: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Michael H. Drewry  
County Attorney

**8.B. ACTION ITEM: HUMAN RESOURCES LEAVE SCHEDULE**

The Board received the memo below from Anne Howerton, Finance Director.

**BACKGROUND**

The County Attorney and Administrative staff reviewed and amended the County's personnel manual and presented it at the February 21, 2006 Board of Supervisors meeting. The existing annual vacation and sick leave accrual schedule was not revised at that time:

	Annual Vacation Leave	Annual Sick Leave
0-5 years of service	80 hours	120 hours
6-15 years of service	120 hours	120 hours
16 or more years of service	160 hours	120 hours

**LAST BOARD ACTION**

On February 21, 2006 the Board of Supervisors of Dinwiddie County, Virginia approved the revised personnel manual as presented, without changing the annual vacation and sick leave accrual policy. At the Board Workshop on July 6, 2006, there was a discussion of the existing and proposed leave rate accruals in comparison to the Dinwiddie County School Board and other jurisdictions. Staff was instructed to discuss the proposed change with the employees.

**REQUESTED ACTION**

After receiving employee feedback, Staff's recommendation is to increase the 1<sup>st</sup> tier of vacation accrual to 8 hours/month, add an additional layer of annual leave for 11-15 years of service and to decrease the sick leave accrual from 10 to 8 hours per month as shown in the table below.

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

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County does hereby authorize the amendment of the County personnel manual to reflect the following annual vacation and sick leave accrual schedule to become effective September 1, 2006:

	Annual Vacation Leave	Annual Sick Leave
0-5 years of service	96 hours (8/month)	96 hours (8/month)
6-10 years of service	120 hours (10/month)	96 hours (8/month)
11-15 years of service	144 hours (12/month)	96 hours (8/month)
16 or more years of service	168 hours (14/month)	96 hours (8/month)

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

**8.C. ACTION ITEM: TRAVEL POLICY**

The Board received the memo below from Anne Howerton, Finance Director.

**BACKGROUND**

Previously the County’s travel regulation policy was part of the Dinwiddie County Personnel Policies Manual. (See attached) The policy has not been changed since 2000, and we now feel that travel regulations should be part of the County’s Financial Policies Manual.

**REQUESTED ACTION**

We are requesting that the Board approve the attached travel regulation policy to replace the February 2000 policy. A revised Dinwiddie County Travel Authorization Request & Reimbursement Form is also attached for Board approval. The primary differences in the new travel policy and the old one are as follows:

1. The mileage reimbursement rate has been amended to reflect the current IRS reimbursement rate. This change is in conjunction with the State’s change to this same mileage rate as of July 1, 2006. We have used the \$.325/mile rate for a number of years, as has the State.
2. Meal and lodging expenses should not exceed the State’s per diem guideline tables for meals and lodging. We have not previously capped meal and lodging expenses.

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

THEREFORE, BE IT RESOLVED that the Dinwiddie County Board of Supervisors approves the attached Dinwiddie County Travel Regulations Policy and the Travel Authorization Request & Reimbursement Form effective immediately.

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

**DINWIDDIE COUNTY TRAVEL REGULATIONS  
Effective July 1, 2006**

All travel expenses incurred by an employee while performing required or authorized services shall be borne by the County subject to operating policies as may be established from time to time by the Board of Supervisors or the County Administrator. Employees shall be reimbursed for actual expenses incurred only if such expenses have been specifically authorized or if the position requires incurring such an expense in the normal accomplishment of duties.

The following rules govern travel allowances for employees while traveling on official business for the County.

1. **Trip Authorization** – All trips, other than those of a routine nature, must be authorized prior to the trip by the Department Manager and the County Administrator on a Dinwiddie County Travel Authorization Request & Reimbursement form. This completed form should provide the estimated cost of travel and be returned to the employee after approval.
2. **Expense Reimbursement** – An itemization and verification of all expenses incurred while traveling on official business shall be prepared by the employee and submitted for approval prior to reimbursement. The employee shall complete the pre-authorized Dinwiddie County Travel Authorization Request & Reimbursement form discussed above within 5 business days of the completed travel, attaching all receipts to the form. The

following expenses are not reimbursable: lost or stolen articles; alcoholic beverages; damage to personal vehicles, clothing or other items; services to gain entry to a locked vehicle; movies charged to hotel bills; all expenses related to the personal negligence of the traveler (fines); entertainment expenses; towing charges; or expenses for children, spouses and companions while on travel status.

**3. Mode of Transportation** – Employees shall select the mode of transportation which is least expensive in accordance with both the time and distance involved. If there is doubt as to which choice of transportation to make, prior authorization of the desired mode should be obtained. Failure to obtain this authorization may result in the employee bearing the financial responsibility for the transportation.

- a. Common Carrier: A receipted statement or bill for travel on a common carrier shall be required to verify reimbursement request. Only actual costs will be eligible for reimbursement.
- b. County Vehicles: When available and practical, County vehicles are to be used for official business as specified and authorized by the County Administrator.
- c. Privately Owned Vehicles: When County vehicles are not available or practical, privately owned vehicles will be reimbursed at a mileage rate as established by the Internal Revenue Service and found on their website at <http://www.irs.gov>. (The rate as of July 1, 2006 is 44.5 cents per mile.)
- d. Parking and Tolls expenses: These expenses are reimbursable and receipts are needed for claims over \$10. The name of the toll route should be included on the reimbursement form.

**4. Meals and Lodging** – All employees traveling overnight on County business will be reimbursed for lodging and meals in an amount equal to the actual hotel bills and meal receipts, including taxes and tips. Government rates must be requested for all lodging. Daily expenses for meals and lodging should not exceed the applicable daily meal and lodging rates as set forth in State Travel Regulations found in section 20335 of the Commonwealth Accounting Policies and Procedures Manual. The web address for the CAPP manual is as follows:

<http://www.doa.virginia.gov/procedures/AdminServices/capp/pdfdocs/20335.pdf>

**5. Travel Advances** – Advances may be given for anticipated expenses only with the approval of the County Administrator and when it is determined the required expenses would cause undue burden on the employee. An employee seeking a travel advance is required to sign a consent form allowing the County to recover the excess of the advance over actual expenses from the employee's paycheck.

**DINWIDDIE COUNTY  
TRAVEL AUTHORIZATION REQUEST & REIMBURSEMENT**

<b>NAME:</b>		<b>DEPT/EXPEND CODE:</b>	
<b>DEPART DATE:</b>		<b>RETURN DATE:</b>	
<b>DESTINATION:</b>			
<b>REASON FOR TRAVEL:</b>			

**TRAVEL COST ESTIMATE:**

	MEALS	HOTEL	PARKING	OTHER	TOTAL
<b>AMT/DAY</b>	\$	\$	\$	\$	\$
<b># OF DAYS</b>					
<b>SUBTOTALS</b>	\$	\$	\$	\$	\$
<b>REGISTRATION</b>					\$
<b>TRANSPORTATION</b>	Miles x .445/mile	= \$	\$	\$	\$
<b>TOTAL COST</b>					\$

<b>DEPARTMENT MANAGER</b>	<b>DATE</b>
<b>COUNTY ADMINISTRATOR</b>	<b>DATE</b>

\*\*\*\*\*

**TRAVEL COST ACTUAL:**

	MEALS	HOTEL	PARKING	OTHER	TOTAL
<b>AMT/DAY</b>	\$	\$	\$	\$	\$
<b># OF DAYS</b>					
<b>SUBTOTALS</b>	\$	\$	\$	\$	\$
<b>REGISTRATION</b>					\$

TRANSPORTATION	<u>      </u> Miles x .445/mile	= \$	\$	\$	\$
TOTAL COST					\$

EMPLOYEE	DATE	DEPARTMENT MANAGER	DATE

RETURN THIS FORM TO EMPLOYEE AFTER PRE-APPROVAL OF TRAVEL.

EMPLOYEE IS TO PROVIDE ACTUAL COSTS WITHIN 5 BUSINESS DAYS OF RETURN.

ATTACH ORIGINAL RECEIPTS TO THIS FORM. REIMBURSEMENT WILL NOT BE MADE WITHOUT RECEIPTS.

FORWARD TO ACCOUNTS PAYABLE FOR PAYMENT.

**8.D. ACTION ITEM: COMMERCE PARK – PROFESSIONAL PLANNING SERVICES ESTIMATES**

The Board received the memo below from W. Kevin Massengill, County Administrator.

**Background**

Through funds made available by the Virginia Tobacco and Indemnification Committee, Dinwiddie County purchased property for the Development of the first major commerce and light industry park. The subject site is approximately 180 +/- acres and located on the northwest quadrant of the intersection of Interstate 85 and US Route 460.

**Last Board Action**

The site was rezoned during the summer of 2005 to a newly created zoning classification created specifically for this development. As you will recall this classification is Planned Unit Development – Commercial (PUD-C).

After the rezoning of the property, the County Administrator was directed by the Board of Supervisors to create a RFP/Q (Request for Proposal/Qualifications). In October 2005 the RFP/Q was disseminated to hundreds of developers and land development companies nationwide with the assistance of the Virginia Gateway Region. The purpose of the RFP/Q was to allow interested individuals/companies the opportunity to submit written proposals to the County that would include proposed master plans and layout of design, location and makeup of the park.

The County immediately began to receive interest in the RFP/Q by developers. However, concerns were expressed that the timing to submit proposals was too aggressive. Consequently, the RFP was updated with an increased submittal period and reissued in late spring of 2006. Since such time the County has and continues to receive a moderate to high interest in the site from individual companies and prospects. Unfortunately, the interest by the development community to purchase the entire site and to develop proposed master plans has been limited.

**Staff Recommendation**

Land planning or master planning is still needed on the property. The County Board and Staff need to have a shared understanding and vision on how this property should be developed and marketed. Staff recommends that the County hire a professional specialized in land development to develop a variety of master plans for the County review. As you are aware, the County has allocated \$250,000 of matching funds for the past tobacco grants received. This funding remains in the Capital Improvement Plan and will be the funding source for this project.

In order to expedite this process and to comply with sound procurement practices, staff and I met with three companies in the Richmond Metro Area skilled in master planning and site design. Specifically, the County has met with the Timmons Group, Resource International, and VHB, Inc. and encouraged written estimates.

We have received the following estimates:

- Resource International                      \$25,500

• VHB, Inc.

\$24,350

**Requested Action**

Staff and I have reviewed both written proposals and recommend that we hire VHB, Inc. for professional master planning services.

Therefore, staff is seeking the Board's approval to allow the County Administrator to execute the necessary documents to award the contract for master planning services to VHB, Inc.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the County Administrator is allowed to execute the necessary documents to award the contract for professional master planning services for the Dinwiddie County Commerce Park Project to VHB, Inc. for the not to exceed amount of \$24,350.

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

Nays: None

**8.E. ACTION ITEM: APPOINTMENT: COMMUNITY POLICY & MANAGEMENT TEAM**

Marie Grant, Director of Comprehensive Services, provided a memo to the Board recommending the Board appoint Yvonne Stewart to serve as the Parent Representative to the Dinwiddie County Community Policy & Management Team.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Yvonne Stewart is appointed to serve as the Parent Representative to the Dinwiddie County Community Policy and Management Team.

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

Nays: None

**9. CITIZEN COMMENTS**

1. Philip Hanley – 835 Even Keel Lane – Church Road – said he wanted to discuss cash proffers. He said he addressed the Board before the approval of the Whipponock, LLC request to rezone 481 acres from 5 to 2.5 acre lots with a cash proffer of \$5,629 which is approximately 50% less than five other counties in the Richmond area. He said the average of the five was \$10,958. He said that he felt that by accepting the three to two vote, the proffers offered by Whipponock of \$5,629 resulted in a \$950,000 give-away of taxpayers money to the developer. He said that since that episode, two members of the Board who had voted for the rezoning stated in the *Monitor* that they knew the proffers were too low yet they did nothing to protect the County's interest. He asked what the Board was going to do regarding proffers in the second rezoning request that was coming from Whipponock, LLC.
2. David Dudley – 25907 Smith Grove Road – Petersburg – said that when Mr. Bowman resigned he should not have recommended Ms. Baird for the Board as this might sway the Board's decision. He said the candidate for the 3<sup>rd</sup> District did not have to have a business background. He said if the person was a laborer or farmer he had the capability to be on the Board.
3. Paul Coleman – 8018 Boydton Plank Road – Petersburg – said he had been asked by the Dinwiddie County Chamber of Commerce to give a brief report on an economic development meeting that took place the previous week in Blackstone. The meeting was sponsored by a consortium of Virginia Tech, University of Virginia, and Longwood University. The purpose of the meeting was to determine the educational assistance that could be provided via the aforementioned universities in grades K-12 in the regions in Virginia that are covered by the Tobacco Commission. The meeting was directed to the special needs of three counties: Nottoway, Dinwiddie, and Sussex. He said there were a lot of questions generated, but few answers provided. He discussed the problems in rural counties regarding pay scales, employment, and opportunities.

4. Anne Scarborough – Dinwiddie – said that comparisons should be made with other localities that are comparable with Dinwiddie County rather than using cities. She said she didn't feel the travel per diem amount needed to be set by the State, but could be set by the Board. She asked when the Board was going to increase proffer amounts. She said the roads needed to be improved.
5. Donald Andrews – 19019 Carter Road – Dinwiddie – said the Board was spending money, but did not have any control regarding the Schools. He said the Board had been presented information that was not correct. He stated that he had talked with VDOT. He stated that the Board had been told that his right-away should be closed. He said that the Schools were also told that two of the right-aways at the high school should be closed. He said there was a safety problem there.
6. Virginia Brooks – 4514 Olgers Road – Sutherland – was signed up to speak but was not present.

#### **10. COUNTY ADMINISTRATOR COMMENTS**

W. Kevin Massengill, County Administrator, stated that the Recreation Town Hall Meeting would be held the next day at Eastside Enhancement Center at 7:00 p.m. He said that so far one application had been received for the District 3 position. He stated that the mileage information for all the County vehicles that Mr. Haraway had requested was in the informational section of the Board packages.

Mr. Haraway interjected that he would like to receive the mileage at the end of the calendar year or the end of the fiscal year; not random dates in the middle of the month. He said he would like it to be compared each year at the same time.

Mr. Massengill stated that a suggestion box had been installed outside of the Board Room. He said there will be four Town Hall meetings before September 21<sup>st</sup>. He said he had indicated at a previous Board meeting that there would be one for all the County Department Heads to be available to answer any questions citizens may have. That meeting will take place before the end of the calendar year.

Mr. Massengill added that he had received correspondence that Adelphia Cable had been sold to Comcast.

#### **11. BOARD MEMBER COMMENTS**

No Board members had any comments.

#### **12. CLOSED SESSION**

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

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

a.) §2.2-3711 (A) (1) Personnel: County Administrator; Planning & Zoning Staff; and Building Inspections Staff; and

§2.2-3711 (A) (1) Appointments: Industrial Development Authority; Crater Planning District Commission, Crater Planning District Committee & Metropolitan Planning Organization; Virginia's Gateway Region; and Department of Social Services Board;

b.) §2.2-3711 (A) (5) Business and Industry Development: Prospective Business and Industry;

c.) §2.2-3711 (A) (3) Land Acquisition

d.) §2.2-3711 (A) (7) Legal Matters: Voluntary Cash Proffers

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

Nays: None

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

The Board reconvened into open session.

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

### **CERTIFICATION**

WHEREAS, this Board convened in a closed meeting under:

a.) §2.2-3711 (A) (1) Personnel: County Administrator; Planning & Zoning Staff; and Building Inspections Staff; and

§2.2-3711 (A) (1) Appointments: Industrial Development Authority; Crater Planning District Commission, Crater Planning District Committee & Metropolitan Planning Organization; Virginia's Gateway Region; and Department of Social Services Board;

b.) §2.2-3711 (A) (5) Business and Industry Development: Prospective Business and Industry;

c.) §2.2-3711 (A) (3) Land Acquisition

d.) §2.2-3711 (A) (7) Legal Matters: Voluntary Cash Proffers

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. Moody, this Certification Resolution was adopted.

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

### **7:00 P.M. – PUBLIC HEARINGS**

#### **13.A. PUBLIC HEARING: AP-06-1, LSH DEVELOPMENT OF RICHMOND, LLC, PROFFER AMENDMENT**

The Board received the report below from Scott Wrenn, Planning/Zoning Administrator.

Mr. Haraway asked Mr. Wrenn whether these would be custom or spec homes, and the difference in cost between a concrete and a blacktop driveway.

The answer was that these would be mostly custom homes, and the cost between concrete and blacktop would be about half. The home owners will have the option among concrete, blacktop, or brick pavers.

Mr. Moody asked of the choices of driveways, which would last the longest.

Mr. Wrenn answered that in his research asphalt driveways last longer because they have less chance of cracking.

The developer approached the Board to answer the Board's questions. He agreed that asphalt is much more flexible, especially in this type of climate. He said the biggest problem with concrete is the cracking and discoloration. He said that brick pavers are more expensive than concrete, but they have all three options. He said the driveways will definitely be hard surface; and that gravel, grass or dirt will not be permitted. He said that asphalt upkeep is much easier than concrete.

Mr. Wrenn stated that there was an amendment to page 2, proffer statement #12. The first part says, "if feasible", and that language needs to be struck.

Michael Drewry, County Attorney, said it was advertised that the applicant was seeking an amendment to #10. He said that he had suggested that #12 needed to be addressed as well.

The Chair opened the public hearing in this case.

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

### **OVERVIEW**

The applicant, LSH Development of Richmond, LLC, is seeking an amendment to proffer #10 from a previous rezoning case (P-03-2) regarding the construction of driveways in the development. The original proffer statement requires all driveways to be constructed with concrete. The proposed amendment of the proffer would require all driveways to be constructed with brick pavers, asphalt, or concrete. The properties are located at northwest corner of Boydton Plank Road (Route 1) and White Oak Road (Route 613) intersection. The properties are designated as Tax Map 3, Parcel 3A and Tax Map 3, Parcel 3B and have a total of 217.9 acres. The County Comprehensive Land Use Plan places these properties within the Community Planning Area.

### **INFORMATION INCLUDED**

The following information is included for your review:

- Application for Amendment to Proffer Statement
- Attachment A – Tax Map
- Attachment B – Amended Proffer Statement
- Attachment C – Existing Proffer Statement
- Attachment D – Plat of property
- Attachment E – Board of Supervisors minutes (P-03-2)
- Attachment F – Board of Supervisors minutes (P-03-3)

### **BACKGROUND**

Over the years there has been a considerable amount of zoning activity occurred on this land parcel from 1970's to the present. The Board of Supervisors rezoned a 101 acre portion of the property from Planned Residential Development, PRD to Residential, Limited R-1 with proffers in 2003. Proffer #10 required that "all driveways to be constructed with concrete". Since the proffers offered to the Board required all driveways to be constructed with concrete, an amendment to the proffer #10 must be made to change the proffer statement to state that "all driveways to be constructed with brickpavers, asphalt, or concrete."

### **ANALYSIS**

When this case was initially reviewed, it was thought that the best construction for the driveways within the development would be concrete. Staff feels that the amendment request would provide for a more flexible option in constructing driveways by allowing several options (i.e. brickpavers, asphalt, or concrete) for the homeowner to explore rather than the one option (i.e. concrete). Staff's main concern is that all of the driveways in the development be that of a hard surface, whether the hard surface is concrete, asphalt, or brickpavers. The several driveway options may allow the homeowner to construct a large home or plant more landscaping on the property with the extra money that could be saved in the driveway construction. This would also enhance the character of the development.

The remainder of proffers will remain the same as stated in the P-03-2 case and will now be recorded in the legal form, which the County has been using with the most recent proffer statements.

### **STAFF RECOMMENDATION**

In developing this recommendation, staff has evaluated the advantages and disadvantages of the proffer amendment and believes that the proposed proffer amendment will have a positive impact for the County. Specifically, staff wishes to share the following comments:

1. Staff feels that the proffer amendment will allow the homeowners to have a more flexible option when constructing their driveways.
2. The remainder of proffers will remain the same and will now be recorded in the legal form, which the County has been using with the most recent proffer statements.
3. Staff feels that the change in the proffer statement will not affect the character of the development by allowing several driveway construction types.

Therefore, Staff's recommendation of the request for a proffer amendment is based on the following reasons:

1. Staff feels that the proffer amendment will allow the homeowners a more flexible option when constructing their driveways.
2. Staff feels that the change will not affect the character of the development. Since this is a zoning matter, the standard statement regarding your action on this zoning matter must be read. In order to assist you in this matter, the statement is attached and reads as follows:

---

**10. A provision shall be made in the Deed Covenants and Restrictions requiring all driveways to be constructed with brickpavers, asphalt or concrete.**

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

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A)(7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, that the proffer amendment application AP-06-1 is approved with proffer #10 changed as noted by the Board of Supervisors. A provision shall be made in the Deed of Covenants and Restrictions requiring all driveways to be constructed with brickpavers, asphalt or concrete.

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

Nays: None

**13.B. PUBLIC HEARING: A-06-5, A-06-6, A-06-7, & A-06-8 FEE AMENDMENTS**

The Board received the memo below from Scott Wrenn, Planning/Zoning Administrator.

Mr. Drewry, County Attorney, stated that citizens could request separate public hearings on each of these items, or comment on separate items if they chose.

The Chair opened the public hearing in this case.

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

**OVERVIEW**

Staff has reviewed the Planning & Zoning fee schedule for services provided by the Planning & Zoning Department. As a result of this review, several changes are being suggested to the Zoning and Subdivision Ordinances as well as the County Code. Staff has reviewed the suggested changes with the Board of Supervisors and the Planning Commission, during numerous workshop sessions. The last amendment to the current fee schedule was conducted in 2004. There have been significant cost increases in all areas involved in processing an application for a rezoning/conditional use permit/variance cases and also reviewing subdivision and land development proposals, since the last amendment.

During the last amendment, the Commissioners agreed that the fee schedule should be reviewed every two or three years. Staff has reviewed the process for an application or review and has discovered that the increase is necessary in order to recoup the cost of services. Staff normally has to go back to the applicant and collect additional funds to cover the services involved in processing the requests. The proposed fee schedule increase will hopefully eliminate staff having to collect additional funds from applicants in the future.

**ANALYSIS**

**A-06-5**

Staff has reviewed the Erosion and Sediment Control fees and determined that an increase is necessary. The cost of fuel has been fluctuating for the past several months as well as vehicle maintenance cost, which accounts for the impact on the increasing cost for

these reviews. With the increasing number of developments, the amount of man-hours has begun to rise due to more site visits and revisits. The numerous reviews are impacting the County's vehicles and their maintenance due to the numerous visits.

Staff also determined that the County does not charge an applicant for an Agreement in lieu of (E&S) review. After receiving the Agreement with a building permit, staff visits the development site and review the Erosion and Sediment control measures throughout the entire development process. Staff feels a fee needs to be acquired for this review. Staff is averaging around two hundred (200) Agreements per year. The impacting factors above also are associated with this review as well.

#### **A-06-6**

Staff has also reviewed the Street Naming Process in the County Code. After reviewing the street naming section of the County Code, Staff currently does not charge an applicant for a street name change application. The current process requires that a petition be signed by no less than seventy-five (75) percent of all those persons representing households or businesses directly affected by the proposed street name change. The application also must be submitted to the Planning Commission for review and the Board of Supervisors for final approval. A public hearing is also held at the Planning Commission and Board of Supervisors level, which requires a public notice to be advertised. The increase is based mainly on the cost for public notices which are advertised in the newspaper. A new sign shall also be incorporated in the application fee.

#### **A-06-7**

Staff has also reviewed the Special Exception and Appeal fees. The application must be submitted to the Board of Supervisors or Planning Commission for review and for final approval. A public hearing is also held at the Planning Commission or Board of Supervisors level, which requires a public notice to be advertised. The increase is based mainly on the cost for public notices which are advertised in the newspaper.

#### **A-06-8**

Staff has also reviewed the Subdivision and Land Development fees. The County is on the verge of a large amount of new development. With the additional new development brings the increase in paperwork/workload as well as the review process and associated man-hours. The cost of fuel has been fluctuating for the past several months as well as vehicle maintenance cost, which accounts for the impact on the increasing cost for these reviews. With the increasing number of developments, the amount of man-hours has begun to rise due to more site visits and revisits. The numerous reviews are impacting the County's vehicles and their maintenance due to the numerous visits.

### **BACKGROUND**

#### **Planning Commission Vote:**

The Planning Commission heard the amendment request(s), A-06-5, A-06-6, A-06-7, & A-06-8 at their July 12, 2006 meeting. The Planning Commission voted unanimous to recommend approval of A-06-5, A-06-6, A-06-7, & A-06-8 to the Board.

#### **Past Meeting Minutes:**

Attached in your packets is a copy of the Planning Commission minutes for the amendment cases.

#### **Staff Recommendation:**

In developing this recommendation, staff has evaluated the advantages and disadvantages of the amendment(s) and believes that the proposed amendment(s) will have a positive impact for the County. Specifically, staff wishes to share the following comments:

1. Staff feels that the fee schedule needs to be reviewed by the Board of Supervisors, Planning Commission, and staff every two or three years to determine whether an increase is necessary to recoup the cost of services being provided.
2. Staff feels that the proposed fees shall be increased to offset the cost of making inspections, issuing permits, advertising notices and other expenses incident to the processing of any application or permit.

3. Staff feels that the proposed fee schedule increases will help alleviate the staff having to requested additional monies from the applicants to cover the cost of services.

Therefore, Staff's recommendation of approval of the request for the amendment(s) is based on the following reasons:

1. The Staff knows that the new developments are on the horizon and want to be prepared for the increase.
2. The increase will help alleviate the cost of services being provided to the County.
3. The proposed fee schedule increases will help alleviate the staff having to requested additional monies from the applicants

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.

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

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A)(7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, that amendment(s) A-06-5, A-06-6, A-06-7, A-06-8 are approved by the Board of Supervisors.

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

**A-06-5**  
**AN ORDINANCE TO AMEND THE**  
**CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,**  
**BY AMENDING SECTION 9-6**  
**LAND-DISTURBING PERMITS; FEES; BONDING; ETC.**  
**ARTICLE I, CHAPTER 9, EROSION AND SEDIMENT CONTROL**

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

(1) *That Section 9-6 of the Code of the County of Dinwiddie, 1985, as amended, is amended and re-ordained by deleting the following language shown with strikethroughs and inserting the following language shown underlined:*

**Sec. 9-6 Land-disturbing permits; fees; bonding; etc.**

(b) Fees:

(2) A plan inspection fee of ~~\$150.00~~ \$200.00 plus ~~\$10.00~~ \$15.00 per acre shall be paid by check or money order made payable to the Treasurer, Dinwiddie County at the time of filing an erosion and sediment control plan. This fee will cover the costs associated with up to ten visits to the site. If additional visits are required, then a charge of \$20.00 per site visit will be charged to the developer and /or property owner. All fees are nonrefundable.

(3) A \$25.00 fee for an agreement in lieu of a plan shall be paid by check or money order made payable to the Treasurer, Dinwiddie County at the time of submission of the building contract.

(2) *That this ordinance shall become effective immediately upon adoption.*

**A-06-6**  
**AN ORDINANCE TO AMEND THE**  
**CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,**

**BY AMENDING SECTION 17.5-27  
STREET NAME CHANGES  
ARTICLE II, CHAPTER 17.5, STREETS, SIDEWALKS, AND PUBLIC PLACES**

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

(1) That Section 17.5-27 of the Code of the County of Dinwiddie, 1985, as amended, is amended and re-ordained by deleting the following language shown with strikethroughs and inserting the following language shown underlined:

**Sec. 17.5-27 Street name changes.**

After the date of the enactment of this article (February 7, 1990), any person who wishes to change the existing street name shall be required to submit an application to the planning director for review.

(2) ~~Each application shall be processed at no charge.~~ A street naming fee of \$450.00 shall be paid by check or money order made payable to Treasurer, Dinwiddie County by the applicant at the time of filing for a street name change.

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

**A-06-7  
AN ORDINANCE TO AMEND THE  
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,  
BY AMENDING SECTION 18-10  
EXCEPTIONS FROM CHAPTER  
ARTICLE I, CHAPTER 18, SUBDIVISIONS**

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

(1) That Section 18-10 of the Code of the County of Dinwiddie, 1985, as amended, is amended and re-ordained by deleting the following language shown with strikethroughs and inserting the following language shown underlined:

**Sec. 18-10 Exceptions from chapter.**

(c) Applications for exception under this section shall be filed with the zoning administrator and shall be accompanied by a cashier's check or money order in the sum of ~~\$100.00~~ \$500.00 payable to the Treasurer, Dinwiddie County ~~county treasurer~~. If actual expenses associated with the application exceeds ~~\$100.00~~ \$500.00, the subdivider shall be billed the difference. In the application, the subdivider shall state the reason for seeking an exception under this section and provide any other information necessary for consideration of the factors set forth in subsection (b).

(e) Any person aggrieved by the decision of the planning commission under this section shall have 15 calendar days after the decision of the planning commission to file an appeal in writing to the board of supervisors. The notice of appeal shall be filed with the zoning administrator, shall state briefly the reasons for appealing the decision of the planning commission, and shall be accompanied by a cashier's check or money order for ~~\$200.00~~ \$500.00 payable to the Treasurer, Dinwiddie County ~~county treasurer~~. Failure to file a written appeal within such fifteen-day period shall be deemed a waiver of all rights of appeal, and the decision of the planning commission shall be deemed final.

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

**A-06-8  
AN ORDINANCE TO AMEND THE  
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,  
BY AMENDING SECTION 18-13  
PROCESSING FEES  
ARTICLE I, CHAPTER 18, SUBDIVISIONS**

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

(1) That Section 18-13 of the Code of the County of Dinwiddie, 1985, as amended, is amended and re-ordained by deleting the following language shown with strikethroughs and inserting the following language shown underlined:

**Sec. 18-13 Processing Fees.**

(1) *Preliminary review and final review:*

- a. A plat containing one or more lots-- ~~\$10.00~~ \$25.00 per lot.
- b. Subdivision plat containing one or more lots and served by proposed private street-- ~~\$125.00~~ \$300.00 plus ~~\$10.00~~ \$15.00 per lot.
- c. Subdivision plat containing one or more lots and served by a proposed public street-- ~~\$250.00~~ \$300.00 plus ~~\$10.00~~ \$15.00 per lot.
- d. Land development-- ~~\$250.00~~ \$300.00 plus ~~\$10.00~~ \$15.00 per acre.

(2) *Final review:*

- a. A plat containing one or more lots-- ~~\$10.00~~ \$25.00 per lot.
- b. Subdivision plat containing one or more lots and served by proposed private street-- ~~\$125.00~~ \$300.00 plus ~~\$10.00~~ \$15.00 per lot.
- c. Subdivision plat containing one or more lots and served by a proposed public street-- ~~\$250.00~~ \$300.00 plus ~~\$10.00~~ \$15.00 per lot.
- d. Land development-- ~~\$250.00~~ \$300.00 plus ~~\$10.00~~ \$15.00 per acre.

(2) *That this ordinance shall become effective immediately upon adoption.*

**13.C PUBLIC HEARING: A-06-10, ADMINISTRATIVE FEE ORDINANCE**

The Board received the summary below from Scott Wrenn, Planning/Zoning Administrator.

The Chair opened the public hearing in this case.

- 1. Michael Bratschi – 23500 Cut Bank Road – McKenney – asked if the fees would apply to everyone with no preferences.

Mr. Wrenn answered that was correct.

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

**OVERVIEW**

Staff has reviewed the Planning & Zoning fee schedule for services provided by the Planning & Zoning Department. As a result of this review, several changes are being suggested to the Zoning and Subdivision Ordinances as well as the County Code. Staff has reviewed the suggested changes with the Board of Supervisors and the Planning Commission, during numerous workshop sessions. The last amendment to the current fee schedule was conducted in 2004. There have been significant cost increases in all areas involved in processing an application for a rezoning/conditional use permit/variance cases and also reviewing subdivision and land development proposals, since the last amendment.

During the last amendment, the Commissioners agreed that the fee schedule should be reviewed every two or three years. Staff has reviewed the process for an application or review and has discovered that the increase is necessary in order to recoup the cost of services. Staff normally has to go back to the applicant and collect additional funds to cover the services involved in processing the requests. For example, Sec 22-23 (b) states “Each application for rezoning shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the sum of \$600.00, \$500.00 of which shall be used to pay the expenses of advertising and mailing notices, and other administrative costs. If actual expenses associated with the rezoning exceed \$500.00, the applicant shall be billed for the difference. One hundred dollars shall be retained by the county as a fee

for processing the application for rezoning.” The proposed fee schedule increase will hopefully eliminate staff having to collect additional funds from applicants in the future.

**ANALYSIS**

Once Staff began reviewing the propose fee schedule and determining which Code sections that would need to be amended because of the proposed increases, staff decided to compile the information together and determine a simpler policy.

The proposed fees have been compiled together with under a new Code section (22-8) of the Zoning Ordinance. The new Code section will allow staff to amend this section of the Ordinance for associated fee increases in the future without having to refer to numerous Code sections to amend.

Staff has provided a statement below outlining the reasons for the proposed increases to the different applications or reviews.

Amendments, Conditional Use Permits, Conditional Zoning, & Rezoning

Staff has reviewed these fees and determined that an increase is necessary. The application must be submitted to the Board of Supervisors and Planning Commission for review and for the Board of Supervisors final approval. A public hearing is also held at the Planning Commission and Board of Supervisors level, which requires a public notice to be advertised. The increase is based largely on the cost for public notices which are advertised in the newspaper. The increase will also help with making inspections and other expenses associated with the application.

Appeals & Variance

Staff has reviewed these fees and determined that an increase is necessary. The application must be submitted to the Board of Zoning Appeals for review and final approval. A public hearing is also held at the Board of Zoning Appeals level, which requires a public notice to be advertised. The increase is based largely on the cost for public notices which are advertised in the newspaper. The increase will also help with making inspections and other expenses associated with the application.

Co-Location, New Tower Builds, & Zoning Permits

Staff has reviewed these fees and determined that an increase is necessary. The County is on the verge of a large amount of new development. With the additional new development brings the increase in paperwork/workload as well as the review process and associated man-hours. The Staff knows that the new developments are on the horizon and want to be prepared for the increase. The increase will also help with making inspections and other expenses associated with the permit.

Staff has provided the Commission with a table outlining the current and proposed fee schedule to show the proposed changes. Listed below are the current and proposed fee schedule changes.

<b><u>PROPOSED FEE SCHEDULE</u></b>		
<b><u>Type of Change</u></b>	<b><u>Current</u></b>	<b><u>Proposed</u></b>
Plat Review	\$10 (1 or more lots \$10 per lot)	\$25 (1 or more lots \$10 per lot)
Zoning Permit	\$30	\$50
Special Exception to PC	\$100	\$500
Special Exception to BOS	\$100	\$500
Variance	\$200	\$500
Amendment	\$600	\$1,500
Conditional Use Permit	\$600	\$1,500
Rezoning	\$600	\$1,500
E & S Control Plan	\$150 (Plus \$15 per acre)	\$200 (Plus \$15 per acre)
Site Plan/Land Development Plan	\$250 (Plus \$15 per acre)	\$300 (Plus \$15 per acre)
Subdivision Plat Review	\$250 (Plus \$15 per lot)	\$300 (Plus \$15 per lot)
Appeal to BZA	\$200	\$500

Appeal to PC	\$200	\$500
Co-Location Tower Fee	\$850	\$1,000
New Tower Fee	\$2,950	\$3,500
Street Naming Change	N/A	\$450
DMV Compliance Letter	N/A	\$25
Agreement in Lieu of	N/A	\$25

**BACKGROUND**

**Planning Commission Vote:**

The Planning Commission heard the amendment request(s), A-06-10 at their July 12, 2006 meeting. The Planning Commission voted unanimous to recommend approval of A-06-10 to the Board.

**Past Meeting Minutes:**

Attached in your packets is a copy of the Planning Commission minutes for the amendment case.

**Staff Recommendation:**

In developing this recommendation, staff has evaluated the advantages and disadvantages of the amendment and believes that the proposed amendment will have a positive impact for the County. Specifically, staff wishes to share the following comments:

1. Staff feels that the fee schedule needs to be reviewed by the Board of Supervisors, Planning Commission, and staff every two or three years to determine whether an increase is necessary to recoup the cost of services being provided.
2. Staff feels that the proposed fees shall be increased to offset the cost of making inspections, issuing permits, advertising notices and other expenses incident to the processing of any application or permit.
3. Staff feels that the proposed fee schedule increases will help alleviate the staff having to requested additional monies from the applicants to cover the cost of services.

Therefore, Staff's recommendation of approval of the request for an amendment is based on the following reasons:

1. The Staff knows that the new developments are on the horizon and want to be prepared for the increase.
2. The increase will help alleviate the cost of services being provided to the County.
3. The proposed fee schedule increases will help alleviate the staff having to requested additional monies from the applicants

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.

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

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A)(7) that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, that amendment A-06-10 is approved by the Board of Supervisors.

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

Nays: None

**A-06-10  
AN ORDINANCE TO AMEND THE  
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,  
BY ADDING SECTION 22-8**

**ADMINISTRATIVE FEES  
ARTICLE I, CHAPTER 22, ZONING**

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

(1) That Chapter 22 of the Code of the County of Dinwiddie, 1985, as amended, is amended and re-enacted by adding Section 22-8, as follows:

**Sec. 22-8 Administrative Fees.**

Fees shall be charged at the time of application to offset the cost of making inspections, issuing permits, advertising notices and other expenses incident to the administration of this chapter or to the filing or processing of any appeal or amendment thereto. If the actual expenses associated with the application exceed the specified amount the applicant shall be billed the difference. The following fees shall be charged and collected at the time of application:

<u>Procedure</u>	<u>Fee</u>
(a) <u>Rezoning and Amendments</u>	<u>\$1,500.00</u>
(b) <u>Conditional Use Permits and Amendments</u>	<u>\$1,500.00</u>
(c) <u>Conditional Zoning Amendment</u>	<u>\$1,500.00</u>
(d) <u>Zoning Permit</u>	<u>\$50.00</u>
(e) <u>Appeal to Board of Zoning Appeals</u>	<u>\$500.00</u>
(f) <u>Variances</u>	<u>\$500.00</u>
(g) <u>Wireless Communications Facilities</u>	
1. <u>Co-location of Tower</u>	<u>\$1,000.00</u>
2. <u>Construction of New Tower</u>	<u>\$3,500.00</u>
(h) <u>Sign Permit</u>	<u>\$25.00</u>
(i) <u>DMV Compliance Letter</u>	<u>\$25.00</u>

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

**13.D. PUBLIC HEARING: A-06-9, A-06-11, A-06-12, A-06-13, A-06-14, A-06-15, A-06-16, A-06-17, & A-06-18 ZONING ORDINANCE AMENDMENTS**

The Board received the summary below from Scott Wrenn, Planning/Zoning Administrator.

The Chair opened the public hearing in this case.

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

**OVERVIEW**

Staff has reviewed the Planning & Zoning fee schedule for services provided by the Planning & Zoning Department. As a result of this review, several changes are being suggested to the Zoning and Subdivision Ordinances as well as the County Code. Staff has reviewed the suggested changes with the Board of Supervisors and the Planning Commission, during numerous workshop sessions. The last amendment to the current fee schedule was conducted in 2004. There have been significant cost increases in all areas involved in processing an application for a rezoning/conditional use permit/variance cases and also reviewing subdivision and land development proposals, since the last amendment.

During the last amendment, the Commissioners agreed that the fee schedule should be reviewed every two or three years. Staff has reviewed the process for an application or review and has discovered that the increase is necessary in order to recoup the cost of

services. Staff normally has to go back to the applicant and collect additional funds to cover the services involved in processing the requests. The proposed fee schedule increase will hopefully eliminate staff having to collect additional funds from applicants in the future.

### **ANALYSIS**

In the previous staff report, staff discussed the reasons for the proposed fee schedule increase and explained the new Code section which outlined all of the zoning fees. These remaining amendments are associated with the new Code Section 22-8 of the Zoning Ordinance. Staff has attached the current code sections along with the proposed amendment sections. In the current Code sections, each individual fee is stated in each code section. The proposed Code sections do not state the individual fees but refers back to Section 22-8 of the Zoning Ordinance which shows the list of fees.

Staff's reason behind creating the new Code section (22-8) will allow for simpler Code section amendments for future fee schedule increases rather than the numerous amendments, which the Board has before them today.

### **BACKGROUND**

#### **Planning Commission Vote:**

The Planning Commission heard the amendment request(s), A-06-9, A-06-11, A-06-12, A-06-13, A-06-14, A-06-15, A-06-16, A-06-17, & A-06-18, at their July 12, 2006 meeting. The Planning Commission voted unanimous to recommend approval of A-06-9, A-06-11, A-06-12, A-06-13, A-06-14, A-06-15, A-06-16, A-06-17, & A-06-18 to the Board.

#### **Past Meeting Minutes:**

Attached in your packets is a copy of the Planning Commission minutes for the amendment cases.

#### **Staff Recommendation:**

In developing this recommendation, staff has evaluated the advantages and disadvantages of the amendment(s) and believes that the proposed amendment(s) will have a positive impact for the County. Specifically, staff wishes to share the following comments:

1. Staff feels that the fee schedule needs to be reviewed by the Board of Supervisors, Planning Commission, and staff every two or three years to determine whether an increase is necessary to recoup the cost of services being provided.
2. Staff feels that allowing the Code sections to refer to Zoning Ordinance Section 22-8 will allow for simpler amendments in the future as well as having all Planning & Zoning fees listed in the same Code section.
3. Staff feels that the proposed fees shall be increased to offset the cost of making inspections, issuing permits, advertising notices and other expenses incident to the processing of any application or permit.

Therefore, Staff's recommendation of approval of the request for an amendment(s) is based on the following reasons:

1. The Staff knows that the new developments are on the horizon and want to be prepared for the increase.
2. Staff feels that allowing the Code sections to refer to Zoning Code Section 22-8 will allow for simpler amendments in the future.
3. The increase will help alleviate the cost of services being provided to the County.

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.

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

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A)(7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, that amendment(s) A-06-9, A-06-11, A-06-12, A-06-13, A-06-14, A-06-15, A-06-16, A-06-17, A-06-18 are approved by the Board of Supervisors.

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

Nays: None

**A-06-9**  
**AN ORDINANCE TO AMEND THE**  
**CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,**  
**BY AMENDING SECTION 22-5**  
**AMENDMENTS TO CHAPTER**  
**ARTICLE I, CHAPTER 22, ZONING**

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

(1) *That Section 22-5 of the Code of the County of Dinwiddie, 1985, as amended, is amended and re-ordained by deleting the following language shown with strikethroughs and inserting the following language shown underlined:*

**Sec. 22-5 Amendments to chapter.**

The regulations, restrictions and boundaries established in this chapter may, from time to time, be amended, supplemented, changed, modified or repealed by a favorable majority vote of the board of supervisors; provided, that:

(5) Each application for amendment shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the amount specified in Section 22-8, ~~sum of \$400.00, \$300.00 of which shall be used to pay the expenses of advertising and mailing notices, and other administrative costs. If actual expenses associated with the amendment exceed \$300.00 the amount specified in Section 22-8, the applicant shall be billed for the difference. One hundred dollars shall be retained by the county as a fee for processing the application for amendment.~~

(2) *That this ordinance shall become effective immediately upon adoption.*

**A-06-11**  
**AN ORDINANCE TO AMEND THE**  
**CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,**  
**BY AMENDING SECTION 22-20**  
**ZONING PERMITS**  
**ARTICLE II, CHAPTER 22, ZONING**

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

(1) *That Section 22-20 of the Code of the County of Dinwiddie, 1985, as amended, is amended and re-ordained by deleting the following language shown with strikethroughs and inserting the following language shown underlined:*

**Sec. 22-20 Zoning Permits.**

(d) Each application for a zoning permit shall be accompanied by an application fee of ~~\$30.00~~ in accordance with Section 22-8 made payable to the Treasurer, Dinwiddie County ~~County of Dinwiddie~~ for consideration of the issuance of the zoning permit.

(2) *That this ordinance shall become effective immediately upon adoption.*

**A-06-12**  
**AN ORDINANCE TO AMEND THE**  
**CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,**  
**BY AMENDING SECTION 22-23**  
**APPLICATIONS FOR REZONING AND CONDITIONAL USE PERMITS**

**ARTICLE II, CHAPTER 22, ZONING**

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

(1) That Section 22-23 of the Code of the County of Dinwiddie, 1985, as amended, is amended and re-ordained by deleting the following language shown with strikethroughs and inserting the following language shown underlined:

**Sec. 22-23 Applications for rezoning and conditional use permits.**

(b) *Fees; use described.* Each application for rezoning shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the amount specified in Section 22-8. ~~sum of \$600.00, \$500.00 of which shall be used to pay the expenses of advertising and mailing notices, and other administrative costs. If actual expenses associated with the rezoning exceed \$500.00, the applicant shall be billed for the difference. One hundred dollars shall be retained by the county as a fee for processing the application for rezoning;~~

(c) *Fees for conditional use permit and any amendments proposed for an existing conditional use permit.* Each application for a conditional use permit or amendment thereto shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the amount specified in Section 22-8. ~~sum of \$600.00, \$500.00 of which shall be used to pay the expenses of advertising and mailing notices, and other administrative costs. If actual expenses associated with the conditional use permit or amendment thereto exceed \$500.00, the applicant shall be billed for the difference. One hundred dollars shall be retained by the county as a fee for processing the application for conditional use permit or its amendment.~~

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

**A-06-13  
AN ORDINANCE TO AMEND THE  
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,  
BY AMENDING SECTION 22-24  
CONDITIONAL ZONING  
ARTICLE II, CHAPTER 22, ZONING**

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

(1) That Section 22-24 of the Code of the County of Dinwiddie, 1985, as amended, is amended and re-ordained by deleting the following language shown with strikethroughs and inserting the following language shown underlined:

**Sec. 22-24 Conditional Zoning.**

(f) *Amendment/variations after public hearing only.* There shall be no amendment or variation of conditions created pursuant to this section until after a public hearing before the board of supervisors advertised pursuant to the provisions of § 15.2-2204 of the Code of Virginia, 1950, as amended. Each application for amendment shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the amount specified in Section 22-8. ~~sum of \$600.00, \$500.00 of which shall be used to pay the expenses of advertising and mailing notices, and other administrative costs. If actual expenses associated with the amendment exceed \$500.00, the applicant shall be billed for the difference. One hundred dollars shall be retained by the county as a fee for processing the application for amendment.~~

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

**A-06-14  
AN ORDINANCE TO AMEND THE  
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,  
BY AMENDING SECTION 22-40  
APPEALS TO BOARD GENERALLY  
ARTICLE III, CHAPTER 22, ZONING**

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

(1) That Section 22-40 of the Code of the County of Dinwiddie, 1985, as amended, is amended and re-ordained by deleting the following language shown with strikethroughs and inserting the following language shown underlined:

**Sec. 22-40 Appeals to board generally.**

(c) Appeals shall be mailed to the board of zoning appeals in care of the zoning administrator and a copy of the appeal shall be mailed to the secretary of the planning commission. A third copy shall be mailed to the individual, official, department or agency concerned, if any. Appeals shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the amount specified in Section 22-8, ~~sum of \$200.00. One hundred dollars shall be used to pay for expenses associated with the appeal (i.e. notices, advertising, and other administrative costs) and \$100.00 shall be retained by the county as a fee for processing the appeals application. If actual expenses associated with the application exceed \$100.00, the applicant shall be billed the difference.~~

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

**A-06-15**  
**AN ORDINANCE TO AMEND THE**  
**CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,**  
**BY AMENDING SECTION 22-41**  
**GRANT OF VARIANCES**  
**ARTICLE III, CHAPTER 22, ZONING**

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

(1) That Section 22-41 of the Code of the County of Dinwiddie, 1985, as amended, is amended and re-ordained by deleting the following language shown with strikethroughs and inserting the following language shown underlined:

**Sec. 22-41 Grant of variances.**

(f) An application for a variance shall be obtained from the zoning administrator. Each application for variance shall be accompanied by a check or money order made payable to the Treasurer, Dinwiddie County, in the amount specified in Section 22-8, ~~sum of \$200.00, \$100.00 of which shall be used to pay the expenses of advertising and mailing notices, and other administrative costs. If actual expenses associated with the variance exceed \$100.00, the applicant shall be billed for the difference. One hundred dollars shall be retained by the county as a fee for processing the application for variance.~~

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

**A-06-16**  
**AN ORDINANCE TO AMEND THE**  
**CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,**  
**BY AMENDING SECTION 22-254**  
**PERMIT--REQUIRED**  
**ARTICLE VII, CHAPTER 22, ZONING**

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

(1) That Section 22-254 of the Code of the County of Dinwiddie, 1985, as amended, is amended and re-ordained by deleting the following language shown with strikethroughs and inserting the following language shown underlined:

**Sec. 22-254 Permit—Required.**

A sign permit shall be required to erect, structurally alter, relocate, rearrange or replace any sign or advertising structure within the county, except otherwise provided herein. A permit fee shall not be required for maintenance or replacement due to normal wear. A permit shall be required for each sign with a fee of ~~\$25.00 for each permit.~~ in accordance with Section 22-8.

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

**A-06-17**  
**AN ORDINANCE TO AMEND THE**  
**CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,**  
**BY AMENDING SECTION 22-271**  
**ADMINISTRATIVE REVIEW PROCESS**  
**ARTICLE IX, CHAPTER 22, ZONING**

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

(1) *That Section 22-271 of the Code of the County of Dinwiddie, 1985, as amended, is amended and re-ordained by inserting the following language shown underlined:*

**Sec. 22-271 Administrative review process.**

The applicant shall submit a preliminary site plan to the department of planning for administrative review. Scaled drawings showing plan and elevation view, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning the structure, equipment, utilities, grounding, topography, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed necessary to assess the siting and design shall be included.

(3) Co-location of antenna by a telecommunications service provider on an existing antenna support structure shall be approved provided that:

d. A co-location technical services fee shall be paid in the amount specified in Section 22-8.

(2) *That this ordinance shall become effective immediately upon adoption.*

**A-06-18**  
**AN ORDINANCE TO AMEND THE**  
**CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,**  
**BY AMENDING SECTION 22-274**  
**GENERAL STANDARDS**  
**ARTICLE IX, CHAPTER 22, ZONING**

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

(1) *That Section 22-274 of the Code of the County of Dinwiddie, 1985, as amended, is amended and re-ordained by inserting the following language shown underlined:*

**Sec. 22-274 General standards.**

The following are general standards for telecommunications antennas and towers:

(18) Application review fees shall be paid at the time that the application is submitted. Any additional costs relating to additional reviews, errors, omissions, discrepancies, delays, extensions, as the result of actions or requests by the applicant, shall be reimbursed by the applicant in order to recover all use of an outside consultant to provide:

a. Technical review services, a review fee will be charged in the amount specified in Section 22-8 at the time an application is filed;

b. Construction inspection services, a construction inspection fee shall be charged at the time the building permit is requested. The fee amount shall be established by resolution of the board of supervisors.

(2) *That this ordinance shall become effective immediately upon adoption.*

**13.E. PUBLIC HEARING: HISTORIC OVERLAY ORDINANCE AMENDMENT**

Matthew Kurz, Legal Intern, presented the information below to the Board.

The Chair opened the public hearing in this case.

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

The following is a brief summary of the Historic Overlay District Amendment to the Dinwiddie County Zoning Ordinance.

1. Purpose- The purpose of having a system in place to designate historic overlay districts is for the purpose of promoting, recognizing, protecting, and preserving the County's historic areas, buildings, and other sites of historical significance.
2. Procedure- The procedure for creating a historic overlay district is the same procedure used for a normal rezoning. Applications for a new historic overlay district may be proposed by the Board of Supervisors, Planning Commission, or by application of all property owners within the proposed district.
3. Architectural Review Board- An architectural review board consisting of five (5) members will be established to enforce the regulations of the historic overlay district and to help promote compatible development within a historic overlay district. The architectural review will also be responsible for adopting architectural guidelines within a historic overlay district.
4. Certificate of Appropriateness- The architectural review board will issue certificates of appropriateness to citizens, businesses, or residents of a historic overlay district when they wish to build a new structure, demolish a new structure, or alter their property in any other manner to ensure compatible development within the historic district.
5. Right to Demolish- The Virginia Code specifies that the owner of a property within a historic overlay has an automatic right to demolish any building thereon so long as he or she has offered the land for sale for a specified time determined by a sliding scale of assessed property values.
6. Appeals- Any person aggrieved by a decision of the architectural review board will be entitled to an appeal to the Board of Supervisors. Any person aggrieved by the subsequent Board of Supervisors decision has the right to appeal to the Dinwiddie County Circuit Court.

Staff Recommendation: Staff recommends approval of the Historic Overlay Amendment as presented.

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

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia does hereby approve of ordinance A-06-19 as presented.

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

Nays: None

**A-06-19**  
**AN ORDINANCE TO AMEND THE**  
**CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,**  
**BY ADDING SECTIONS 22-298 THROUGH 22-307**  
**DIVISION 2. HISTORIC OVERLAY**  
**ARTICLE XI, CHAPTER 22, ZONING**

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

(1) *That Chapter 22 of the Code of the County of Dinwiddie, 1985, as amended, is amended and re-enacted by adding Sections 22-298 through 22-307, Division 2. Historic Overlay, as follows:*

**ARTICLE XI- OVERLAY DISTRICTS**  
**DIVISION 2. HISTORIC OVERLAY**

**Sec. 22-298. Purpose and intent.**

- (a) Historic overlay districts are established for the purpose of promoting the general welfare, education, and recreational pleasure of the public, through the perpetuation of the character of those general areas or individual structures and premises which have been officially designated by the Board of Supervisors as having historic, architectural or cultural significance.
- (b) Historic overlay districts are also created to recognize, protect and preserve against destruction and/or encroachment upon the County's historic areas, buildings, monuments, or other sites of recognized architectural significance within Dinwiddie County.
- (c) Historic overlay districts are also intended to encourage compatible development in area of the County having historic or unique architectural value.

**Sec. 22-299. Definitions.**

The following words, terms, and phrases, when used in this division, shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates otherwise:

Alteration means any change, modification or addition to the structure, materials, color, texture, or details of all or a part of the exterior of any building, structure, or site other than normal repair, maintenance, and landscaping.

Certificate of appropriateness means the approval statement issued by the Architectural Review Board and signed by its secretary which certifies the appropriateness of a particular request for the construction, alteration, reconstruction, repair, restoration, or demolition of all or part of any building, structure

Demolition means the dismantling or tearing down of all or part of any building or structure and all operations, including grading, incidental thereto.

Historic means that which pertains to periods of development, events, persons, and activities of importance in the history of the county, the commonwealth, and the United States of America.

New construction means any construction within an historic overlay district which is independent of an existing structure or an expansion of an existing structure.

Site means any parcel of unimproved property, a parking lot or a park within an historic overlay district.

**Sec. 22-300. Procedure for designating a historic overlay district.**

- (a) Historic overlay districts shall be established in the same manner and by the same procedures set forth in Section 22-5 of this Chapter, unless such procedures are qualified by requirements of this section.
- (b) The boundaries of an historic overlay district shall in general be drawn to include all lands closely related to and bearing upon the character of the historic site, thus providing a landscape unit and affording transitional regulations needed to control potentially adverse environmental influences. Boundaries of each historic overlay district shall be shown on the Zoning District Map.
- (c) Applications for the creation of a historic overlay district may be made by resolution of the Dinwiddie County Board of Supervisors, the Dinwiddie County Planning Commission, or by application of all property owners within the proposed district. A property owner may request the Board of Supervisors to initiate an application for an historic overlay district, to include property not owned by the petitioner.
- (d) Application fees shall be paid in accordance with Section 22-8 in order to defray the cost of application review.

**Sec. 22-301. Standards for designation.**

Any area in which a structure or group of structures having an important historical, architectural or cultural interest is located, or an area adjacent to the sites of such structures may be designated an historic district in accordance with the procedures set out above if it meets one or more of the following criteria:

- (a) Is the site of an historic event which had a significant impact on county, state, or national history.
- (b) Contains qualities and/or artifacts which significantly contribute to present-day knowledge and understanding of lifestyles, activities, events or experiences of a previous era.
- (c) Contains buildings whose exterior design or features embody or exemplify the distinctive design characteristics of one or more historic eras, styles, materials, or construction method, or exemplify the work of an acknowledged master.
- (d) Associated with the lives of persons significant in the past.
- (e) The presence of special character or aesthetic interest or value caused by the development pattern of the area or by natural, landscaping, or topographical features of the area.
- (f) Contains one or more distinguished buildings with high architectural quality and historic interest.

#### **Sec. 22-302. Architectural Review Board.**

- (a) Established. The Dinwiddie County Architectural Review Board (ARB) is hereby established.
- (b) Membership. The ARB shall consist of five (5) voting members who shall be residents of Dinwiddie County and who shall have demonstrated a knowledge of and interest in the preservation of historical landmarks. Members shall be appointed by the Board of Supervisors for terms of four (4) years. An appointment to fill a vacancy shall be only for the unexpired term. At least two (2) members of the ARB shall have professional training or equivalent experience in architecture, history, architectural history, archaeology or planning.
- (c) Officers. The architectural review board shall elect annually from its own membership a chairman, vice-chairman, and secretary, who shall serve annual terms.
- (d) Responsibilities and Duties. The architectural review board is authorized and directed to carry out the following powers and duties:
  - (1) Shall hear and decide all applications for certificates of appropriateness of any new construction, alteration, reconstruction, repair, restoration, relocation, razing, or demolition of any building or structure within a historic overlay district.
  - (2) May propose the establishment of additional historic overlay districts, and revisions to existing historic overlay districts.
  - (3) May adopt architectural guidelines for any historic overlay district to assist the public and the ARB in planning for and reviewing applications for certificates of appropriateness. Such guidelines shall be advisory only and shall not replace the review required by this division.
- (e) Regular Meetings; special meetings; quorum; rules of procedure.
  - (1) The ARB shall establish a regular meeting schedule at the first regular meeting of each calendar year, except that at the discretion of the chair a regular meeting may be cancelled if there is no business pending before the board.
  - (2) Special meetings may be called by the chairman. The secretary shall notify all members of the ARB, at least five days in advance of the

special meeting, of the time and place of the meeting and the purpose thereof.

(3) For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the board.

(4) The ARB shall be authorized to adopt rules of procedure for the transaction of its business and the implementation of the purposes of this division. The rules of procedure shall not conflict with division.

#### **Sec. 22-303. Certificate of appropriateness required.**

No building or structure or exterior portion thereof, sign, or paving shall be constructed, altered, reconstructed, repaired, restored or demolished within any historic overlay district unless first approved by the ARB or, on appeal, the Board of Supervisors, as being architecturally compatible with the buildings, structures, sites, and general character of the historic overlay district.

#### **Sec. 22-304. Application for certificate of appropriateness**

- (a) Applications for certificates of appropriateness shall be submitted to the Director of Planning on forms supplied by the Director. The Director shall refer all applications to the ARB.
- (b) When the work to be performed in conformance with a certificate of appropriateness requires zoning approval or any other type of permit, no application for a certificate of appropriateness shall be acted on until such approval has been issued.
- (c) The ARB may request plans and specifications which show the proposed exterior architectural features of such building or structure, which shall include but shall not be limited to the design, arrangement, texture, materials and color proposed to be used in the construction, alteration, reconstruction, repair, restoration, or demolition of the building or structure and the type of windows, exterior doors, lights, signs, site improvements, and other exterior fixtures and appurtenances.
- (d) All approvals or disapprovals by the ARB shall include a statement of the reasons for such action. The ARB may approve the application, approve the application with conditions, or deny the application. In the case of denial, the ARB may make recommendations to the applicant.
- (e) A certificate of appropriateness shall be null and void twelve (12) months after the date which it was issued unless such period the work authorized by the ARB is commenced, or an extension of time, not exceeding one (1) year, is approved by the ARB for good cause shown.

#### **Sec. 22-305. Standards and guidelines for issuance of certificate of appropriateness.**

- (a) *General Standards.* The ARB shall issue a certificate of appropriateness for alterations that are compatible with a property and the historic overlay district of which it is a part. The ARB shall evaluate the significance of each property on a case-by-case basis. The historic character of each historic overlay district shall be the primary consideration of the ARB in reviewing proposed designs in the district. The ARB may adopt additional new construction standards for the review of certificates of appropriateness to supplement these standards.
- (b) *Standards for rehabilitation of existing structure.* The ARB shall issue a certificate of appropriateness for the rehabilitation of a property, if it determines that a proposed change is compatible with the property and with the historic overlay district of which it is a part. The historic design, features, materials, finishes and craftsmanship of a property shall be preserved whenever possible. Significant historic feature of a property shall be treated with care. The ARB may require that existing materials, decorative elements, and structural elements be repaired rather than replaced. The ARB may adopt additional new construction standards for the review of certificates of appropriateness to supplement these standards.

- (c) Standards for new construction. The ARB shall issue a certificate of appropriateness for new construction which it deems to be compatible with the design, landscaping, scale, materials, color, height, setback, and other pertinent features of the historic overlay district in which it is located. The ARB may adopt additional new construction standards for the review of certificates of appropriateness to supplement these standards.
- (d) Standards for demolition. The ARB shall issue a certificate of appropriateness for demolition of any building or structure within a historic overlay district only when the applicant can show there are no feasible alternatives. The demolition of any building deemed by the ARB to be not a part of the historic character of the district shall be permitted. The demolition of any building that has deteriorated beyond the point of being feasibly rehabilitated is permissible. The ARB may adopt additional new construction standards for the review of certificates of appropriateness to supplement these standards.
- (e) Standards for signage. The ARB shall issue a certificate of appropriateness for signage, the type, size, material, style, placement, lighting, and lettering of which is appropriate to the character of the property and the historic overlay district of which it is a part. The ARB may adopt additional new construction standards for the review of certificates of appropriateness to supplement these standards.

**Sec. 22-306. Appeals.**

- (a) Any person aggrieved by a decision of the ARB may appeal such decision to the Board of Supervisors, provided that such appeal is filed in writing within thirty (30) days of the date of notification of the ARB's decision. The Board of Supervisors may affirm, reverse, or modify the ARB's decision.
- (b) Any person aggrieved by a decision of the Board of Supervisors may appeal such decision to the circuit court of Dinwiddie County by filing a petition at law setting forth the alleged illegality of the action of the Board of Supervisors, provided the petition is filed within thirty (30) days after the final decision is rendered by the Board of Supervisors. The filing of the petition shall stay the decision of the Board of Supervisors pending the outcome of the appeal to the circuit court, except that the filing of the petition shall not stay the decision of the Board of Supervisors if the decision denies the right to raze or demolish a historic landmark, building or structure. The court may affirm, reverse, or modify the decision of the Board of Supervisors, in whole or in part, if it finds upon review that the decision of the Board of Supervisors is contrary to law or that its decision is arbitrary and constitutes abuse of discretion.

**Sec. 22-307. Additional rights of owners to demolish properties.**

- (a) In addition to the right of appeal set forth in Section 22-306, the owner of a historic landmark, building, structure or improvement, the razing or demolition of which is subject to the restrictions of a historic overlay district shall, as a matter of right, be entitled to raze or demolish such a landmark, building, or structure provided that:
  - (1) The owner has applied to the ARB and, if denied, to the Board of Supervisors;
  - (2) The owner has, for the period of time set forth in the time schedule established in subsection (c) of this section and at a price reasonably related to its fair market value, made a bona fide offer to sell such landmark, building, or structure, and the land pertaining thereto, to the County or to any person, firm, corporation, government or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the landmark, building, or structure and the land pertaining thereto; and
  - (3) No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained in subsection (c) of this section.
- (b) Any appeal which may be taken to the court from the decision of the Board of Supervisors, whether instituted by the owner or by any other proper party,

notwithstanding the sections of this division relating to a stay of the decision appealed from, shall not affect the right of the owner to make the bona fide offer to sell referred to in this section. No offer shall be made more than twelve (12) months after a final decision by the Board of Supervisors, but thereafter the owner may renew the request to approve the razing or demolition of the historic landmark, building, or structure.

(c) The time schedule for offers to sell shall be as follows:

(1) Three (3) months when the offering price is less than twenty-five thousand dollars (\$25,000.00);

(2) Four (4) months when the offering price is twenty-five thousand dollars (\$25,000.00) or more, but less than forty thousand dollars (\$40,000.00);

(3) Five (5) months when the offering price is forty thousand dollars (\$40,000.00) or more, but less than fifty-five thousand dollars (\$55,000.00);

(4) Six (6) months when the offering price is fifty-five thousand dollars (\$55,000.00) or more, but less than seventy-five thousand dollars (\$75,000.00);

(5) Seven (7) months when the offering price is seventy-five thousand dollars (\$75,000.00) or more, but less than ninety thousand dollars (\$90,000.00); and

(6) Twelve (12) months when the offering price is ninety thousand dollars (\$90,000.00) or more.

(2) *That this ordinance shall become effective immediately upon adoption.*

### **13.F. PUBLIC HEARING: OBSCENITY AND NUILITY ORDINANCE AMENDMENT**

The Board received the memo below from Matthew Kurz, Legal Intern.

The Chair opened the public hearing in this case.

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

Michael Drewry, County Attorney, commended Matthew Kurz for his work as legal intern over the summer months. He stated that Mr. Kurz had completed over 20 major projects over the twelve week period, and numerous smaller projects.

The following is a brief summary of Obscenity and Nudity Ordinance Amendment to the Dinwiddie County Code:

1. Definition of Obscenity- Provides definition of obscenity as having a dominant theme or purpose to appeal to the prurient interest and which goes substantially beyond the customary limits of candor in description or representation of such matter and that has no serious literary, artistic, political or scientific value.
2. Obscene Exhibitions- Any person who promotes, presents, or participates in any obscene exhibition or performance will be subject to prosecution under this Amendment. Also, the Amendment imposes penalties on those who knowingly own, lease or manage any place used for the purpose of presenting an obscene exhibition or performance.
3. Advertisements- Unlawful for any person to prepare, circulate, display, or knowingly permit etc. any advertisement for any obscene performance or exhibition proscribed under the Indecency Article of the County Code.
4. Public Indecency- Provides a definition of nudity for which a person may be prosecuted.
5. Penalty- Violations of the ordinances under the obscenity and nudity article shall be punishable by a class 1 misdemeanor.

Staff Recommendation: Staff recommends approval of the Obscenity and Nudity Amendment as presented.

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

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia does hereby approve of ordinance A-06-20 as presented.

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

**A-06-20**  
**AN ORDINANCE TO AMEND THE**  
**CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,**  
**BY ADDING SECTIONS 15-31 THROUGH 15-36**  
**OBSCENITY AND NUDITY**  
**ARTICLE III, CHAPTER 15, OFFENSES - MISCELLANEOUS**

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

(1) *That Chapter 15 of the Code of the County of Dinwiddie, 1985, as amended, is amended and re-enacted by adding Sections 15-31 through 15-36, as follows:*

**ARTICLE III- OBSCENITY AND NUDITY**

**Sec. 15-31. Obscene defined.**

The term obscene shall mean that which, considered as a whole, has as its dominant theme or purpose an appeal to the prurient interest in sex, that is, a shameful or morbid interest in nudity, sexual conduct, sexual excitement, excretory functions or products thereof or sadomasochistic abuse, and which goes substantially beyond customary limits of candor in description or representation of such matters, and which, taken as a whole, does not have serious literary, artistic, political or scientific value.

**Sec. 15-32. Obscene exhibitions and performances prohibited.**

It shall be unlawful for any person knowingly to:

- (1) Produce, promote, prepare, present, manage, direct, carry on or participate in any obscene exhibitions or performances, including the exhibition or performance of any obscene motion picture, play, drama, show, entertainment, exposition, tableau or scene; provided that no employee of any person or legal entity operating a theater, garden, building, structure, room or place which presents such obscene exhibition or performance shall be subject to prosecution under this section if the employee is not the manager of the theater or an officer of such entity, and has no financial interest in such theater other than receiving salary and wages; or
- (2) Own, lease or manage any theater, garden, structure, room or place and lease, let, lend or permit such theater, garden, building, structure, room or place to be used for the purpose of presenting such obscene exhibition or performance or to fail to post prominently therein the name and address of a person resident in the locality who is the manager of such theater, garden, building, structure room or place.

**Sec. 15-33. Distribution of advertisements for obscene items or performances.**

It shall be unlawful for any person knowingly to prepare, print, publish or circulate, or cause to be prepared, printed published or circulated, any notice or advertisement of any obscene performance or exhibition proscribed in section 15-32 stating or indicating where such obscene exhibition or performance may be seen or heard.

**Sec. 15-34. Posting of advertisements for obscene performances.**

It shall be unlawful for any person knowingly to expose, place, display, post up, exhibit, paint, print or mark, or cause to be exposed, placed, displayed, posted, exhibited, painted, printed or marked, in or on any building, structure, billboard, wall or fence, or on any street, or in or upon any public place, any placard, poster, banner, bill, writing or

picture which advertises or promotes any obscene exhibition or performance proscribed in section 15-32, or knowingly to permit such placard, writing or picture to be displayed on property belonging to or controlled by him.

**Sec. 15-35 Public Indecency Prohibited.**

- (a) For the purposes of this section, the term nudity shall mean:
- (1) Having the pubic region or genitals covered less than completely and opaquely;
  - (2) Having less than the majority of each buttock completely and opaquely covered; or
  - (3) Having any portion of the nipple or areola of the female breast or that portion of the female breast distal to and below any part of the areola covered less than completely or opaquely.
- (b) Every person who knowingly, voluntarily and intentionally appears in a state of nudity in public or in a public place or in a place open to the public or in public view, or in an establishment that offers memberships to the public, or who employs, encourages or procures another so to appear, shall be guilty of a misdemeanor punishable by confinement in jail for not more than six (6) months or a fine of not more than \$500.00, or both.
- (c) Every person who intentionally makes an obscene display or exposure of his person, or the private parts thereof, in any public place, or in any place where others are present, or procures another to so expose himself, shall be guilty of a Class 1 misdemeanor.
- (d) Nothing contained in this section shall be construed to apply to the presentation of any play, ballet, drama, tableau, production or motion picture in any theater, concert hall, school, college, museum of fine arts or other similar establishment which is primarily devoted to such presentations as a form of expression of opinion, communication, speech, ideas, information, art or drama.
- (e) No person shall be in violation of this section for breast feeding a child in any public place or any place where others are present.

**Sec. 15-36. Penalty**

Unless otherwise provided, any person violating the provisions of this Article shall be guilty of a Class 1 misdemeanor.

- (2) *That this ordinance shall become effective immediately upon adoption.*

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

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Doretha E. Moody is appointed to the Crater Planning District Committee.

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

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Michael W. Stone is appointed to the Virginia Gateway Region.

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

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Pauline Bonner is reappointed to the Dinwiddie County Social Services Board to represent District 3 for a term expiring on August 30, 2010.

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

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

The Chair opened the citizen comment period.

1. Michael W. Bratschi – 23500 Cutbank Road – McKenney – said he was bothered about a situation in the Sheriff's office concerning two deputies. He asked if there was a pursuit policy in the County. He stated that he had spoken to Ms. Willis, former director of Dinwiddie Social Services, and that she had expressed concern that some of the programs she had initiated had been cut. He asked why they were being cut.

Mr. Haraway asked Mr. Bratschi the names of the programs being cut.

Mr. Bratschi answered the after school program at Green Acres.

Mr. Haraway stated that the Social Service Board is applying for grants from Cameron Foundation to provide funds for the first year. He said the Cameron Foundation will fund for the second and third year, and those three years are all it will fund. The Social Service Board is going to ask for funding for the second and third year; if they receive the funding that program will not be cut. He said you have to apply each year.

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

#### **16. ADJOURNMENT**

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

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

The meeting was adjourned at 8:10 p.m.

\_\_\_\_\_  
Doretha E. Moody, Chairperson

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

/wjn