

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 THIRD DAY OF JANUARY 2006 AT 6:00 P.M.

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

ADMINISTRATION

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

=====

CLOSED MEETING

The Chairman convened the Board Meeting in open session at 6:00 P.M.

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

The Board of Supervisors of Dinwiddie County, Virginia convened in a closed meeting under: §2.2-3711 (A)(1) of the Code of Virginia, Personnel, Appointments; Industrial Development Authority; Planning Commission; Board of Zoning Appeals; Airport Authority; and County Administrator.

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

The Chairman reconvened the meeting into open session.

CERTIFICATION

WHEREAS, this Board convened in a closed meeting under: §2.2-3711 (A)(1) of the Code of Virginia, Personnel, Appointments; Industrial Development Authority; Planning Commission; Board of Zoning Appeals; Airport Authority; and County Administrator,

AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed,

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

Upon motion of Mr. Stone, seconded by Mr. Haraway, this Certification Resolution was adopted.

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

Mr. Moody turned the meeting over to Interim County Administrator Kevin Massengill. Mr. Massengill called the meeting to order at 7:30 p.m., followed by the Lord's Prayer and the Pledge of Allegiance.

1. **CALL TO ORDER – INVOCATION**
2. **PLEDGE OF ALLEGIANCE**

ORGANIZATIONAL MEETING

Mr. Michael Drewry, County Attorney, provided the following to the Board.

The Code of Virginia, 1950, as amended, §15.2-1416 requires the Board of Supervisors to organize at its first meeting in January. The meeting should proceed generally as follows:

1. Nominations and elections of chairman and vice-chairman.
2. Establishment of meeting dates, place and times.

3.A. CHAIRMAN NOMINATIONS AND APPOINTMENT

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mrs. Doretha E. Moody shall be appointed as the Chairperson of the Dinwiddie Board of Supervisors for the year 2006, or until a successor assumes office.

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

3.B. VICE CHAIRMAN NOMINATIONS AND APPOINTMENT

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Michael W. Stone shall be appointed as the Vice Chairman of the Dinwiddie Board of Supervisors for the year 2006, or until a successor assumes office.

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

3.C. ADOPTION OF BOARD MEETING SCHEDULE

Mr. Massengill discussed the decision that was made by consensus at the December 16th workshop to change the Board meetings to one meeting per month. The frequency would be every third Tuesday of the month, beginning at 3:30 p.m. with public hearings beginning at 7:00 p.m. He asked if there was any discussion regarding the draft dates that had been prepared for the Board. He said that, if not, he would be glad to take a motion to adopt the schedule that was before the Board.

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

BE IT RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia that the Meeting Schedule Resolution be approved as presented, except the 2006 schedule of public hearings beginning at 7:00 p.m. is contingent upon adoption of proposed amendments to the Board Bylaws to allow such time, prior to the regular scheduled Board meeting in February, 2006.

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

The resolution was adopted as presented.



Resolution

of the BOARD OF SUPERVISORS of DINWIDDIE COUNTY, VIRGINIA

R-06-1

**ORGANIZATIONAL MEETING OF THE BOARD OF SUPERVISORS
SCHEDULE OF MEETINGS AND DATES FOR 2006**

WHEREAS, the Board of Supervisors of Dinwiddie County, Virginia is required by State Law to organize at the first meeting in January.

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the following rules shall apply for the year 2006:

1. Regular Meetings of the Board shall be held as shown on the attached 2006 calendar, in the Board Meeting Room in the Pamplin Administration Building, 14016 Boydton Plank Road, Dinwiddie, Virginia. The Regular Meeting time shall be 3:30 p.m. unless otherwise noted.
2. Should it be necessary to cancel a regular and/or an advertised Board of Supervisors meeting due to weather or other conditions, the meeting shall be continued for 48 hours to the same time and place.

BOARD OF SUPERVISORS
2006 SCHEDULE OF REGULAR MEETINGS

January 3	July 18
January 17	August 15
February 21	September 19
March 21	October 17
April 18	November 21
May 16	December 19
June 20	

With the exception of January, meetings are held every third Tuesday of the month, beginning at 3:30 p.m., with public hearings beginning at 7:00 p.m.

January – A regular and organizational meeting will be held Tuesday, January 3rd at 7:30 p.m. AND a regular meeting will be held Tuesday, January 17th at 2:00 p.m.

Location: Board Meeting Room, Pamplin Administration Building, 14016 Boydton Plank Road, Dinwiddie, Virginia 23841

Mailing Address: P.O. Drawer 70, Dinwiddie, VA 23841
Telephone: (804) 469-4500

NOTE: The Organizational Meeting for January 2007 will be held on January 2, 2007 at 3:30 p.m.

Mr. Massengill clarified for the audience that the Board will have their regular day time meeting in January. The bylaws of the Board of Supervisors will have to be changed to reflect the new schedule. Therefore, the first cycle of one meeting a month will begin on February 21st.

3.D. NOTICE OF AMENDMENTS TO BOARD BYLAWS

Mr. Massengill discussed the following amendment changes in the bylaws.

BYLAWS

BOARD OF SUPERVISORS

DINWIDDIE COUNTY

Adopted March 16, 2004
Revised _____, 2006

ARTICLE I
OFFICERS AND THEIR SELECTION

- A. The Officers of the Board of Supervisors shall consist of a Chairman and Vice Chairman, each of whom shall serve for a term of one (1) year.
- B. Nomination of Officers shall be made from the Board at the first meeting of each

calendar year. Election of Officers shall follow immediately.

ARTICLE II DUTIES OF OFFICERS

- A. The Chairman shall:
- (1) Preside at all meetings;
 - (2) Make committee appointments;
 - (3) Work closely with the County Administrator on day to day matters, approve appropriate financial documents, and approve the agenda for all meetings;
 - (4) Serve on all standing committees of the Board;
 - (5) Carry out such other duties as assigned by the Board.
- B. The Vice-Chairman shall act in the absence or inability of the Chairman to act.

ARTICLE III AGENDA PREPARATION POLICY

- A. The County Administrator shall prepare an agenda for each regular meeting of the Board of Supervisors. Supervisors, staff, and others may submit to the County Administrator items for the agenda at any time prior to Noon Wednesday preceding the regular meeting to which such item relates. Emergency Items will be added as an amendment to the agenda
- B. Copies of the agenda shall be made available at the office of the County Administrator for each Supervisor and for members of the News Media serving the County and the public not later than close of business on Friday preceding the meeting to which it relates.

ARTICLE IV MEETINGS

- A. The time and place of Board Meetings shall be set from time to time by resolution of the Board in conformance with State Law. The regular meeting schedule shall be set at the organizational meeting held in January each year.
- B. Minutes from the previous meeting shall be delivered to the Board members with the agenda prior to the next meeting. Unless requested by a Board member, the minutes will not be read and will be approved upon motion and vote of the Board.

C. ORDER OF BUSINESS -

- ~~(1) Call to order~~
- ~~(2) Lord's Prayer and Pledge of Allegiance to the flag~~
- ~~(3) Roll Call~~
- ~~(4) Approval of minutes and consent agenda~~
- ~~(5) Citizens comment period (Third Tuesday meeting)~~
- ~~(6) Elected official's reports~~
- ~~(7) Staff reports~~
- ~~(8) Unfinished business~~
- ~~(9) New business~~
- ~~(10) Citizens comment period (First Tuesday meeting)~~
- ~~(11) Adjourn~~

~~Any member has the authority to alter this order of business if he deems it necessary. The Board will go into closed session one and half (1 ½) hours prior to the meeting. Public Hearings will take place at 7:30 p.m. or as immediately thereafter as practicable.~~

COMMENCEMENT OF MEETINGS:

At the time established in accordance with Section IV(A) of these By-Laws for The commencement of regular meetings or at the hour specified for continued or special meetings, the chairman shall call the meeting to order and shall direct the clerk to note the absence of any Board members by roll call. A quorum shall be required for commencement of any meeting.

AGENDA:

An agenda shall be prepared by the County Administrator in accordance with

Article III under these By-laws. The proposed agenda shall be adopted by the Board at each meeting. Should the chairman or any member of the Board have a matter which he or she feels needs to be brought to the attention of the Board but which is not on the agenda, or if there is an amendment to the order of the agenda, he or she may make a motion that an addition or amendment be made to the agenda. Such amended agenda must be approved by a majority of the Board members present.

D. QUORUM AND METHOD OF VOTING

A majority of the members of the Board of Supervisors shall constitute a quorum of the Board. All questions submitted to the Board for decision shall be determined by a *viva voce* vote of a majority of the supervisors voting on any such questions, unless otherwise provided by law. The name of each member voting and how he or she voted must be recorded.

E. PROCEDURE FOR ROLL CALL OF BOARD MEMBERS

- (1) The Chairman of the Board of Supervisors shall cast the last vote.
- (2) The Members of the Board of Supervisors shall cast votes in district order on a rotating basis per meeting.

The Chairman/Clerk shall restate all motions before a vote is taken and the result of the vote shall be announced following each vote.

F. GENERAL RULES OF PROCEDURE

- (1) The proceedings of the Board, except as otherwise specifically provided in these bylaws and by applicable State law, shall be governed by Chairman Rules except that no second shall be required on any motion.
- (2) An appeal may be taken by any member from a ruling of the chair. A majority vote of those members present shall determine any appeal.
- (3) The Chairman shall be permitted to vote on all questions.
- (4) When any Board member determines, prior to the calling of any issue before the Board, that he, because of conflict or otherwise, will abstain from voting on such issue, he shall announce such intention at the time the issue comes before the Board and shall not participate in the discussion on such issue or question.
- (5) In the incidence of a tie vote the issue voted upon by the Board is dead and therefore voted down.

G. MEMBER ABSENTING HIMSELF FROM MEETING PRIOR TO ADJOURNMENT

After the name of any member of the Board has been recorded as present at any meeting of the Board, he shall not absent himself previous to adjournment unless by consent of the Board.

H. BOARD TO SIT WITH OPEN DOORS

The Board of Supervisors shall sit with open doors and all persons conducting themselves in an orderly manner may attend the meetings; however, the Board may hold closed sessions as permitted by law and when deemed necessary by a majority vote of the Board.

The consent agenda shall be introduced by a motion "to approve", and shall be considered by the Board as a single item. There shall be no debate or discussion by any member of the Board regarding any item on the consent agenda. The Clerk or his/her designee shall provide a brief written summary of each item included in the consent agenda. Upon request of any Board member who wishes to question or discuss an item, that item shall be removed from the Consent Agenda. This item shall be transferred onto the agenda for consideration under new business.

I. CITIZENS COMMENT PERIOD

RULES FOR CITIZEN COMMENT PERIOD

To ensure that the affairs of the Board and its committees may be conducted in an orderly manner, to ensure that all persons desiring to address the Board on matters pertinent to it are afforded an opportunity to do so, to permit persons in attendance to observe and hear the proceedings of the Board without distraction, and to permit to the fullest extent the Board to conduct County business with minimal disruption, the following rules are established.

- (1) Each person desiring to speak must sign up in advance of the opening of the Citizens' Comment period on the agenda.
- (2) Each speaker shall be limited to a period of three minutes per meeting; when two minutes have passed the speaker will be reminded that there is one minute remaining.
- (3) Speakers who have signed up may use their allotted time only for themselves and may not donate their time to other speakers.
- (4) Speakers will not be permitted to use audiovisual materials or other visual displays, but may present written and photographic materials to the Board members.
- (5) Comments must be confined to matters germane to the business of the Board of Supervisors and shall not be cumulative or repetitive.
- (6) Speakers should address the Board with decorum – loud, boisterous, and disruptive behavior, obscenity, and vulgarity should be avoided as well as other words or acts tending to evoke violence or deemed to be a breach of the peace.
- (7) The Citizens' Comment period is not intended to be a question and answer period or time for dialogue with County officials. Questions which are raised during a comment period may at the discretion of the Board be responded to by County officials after sufficient time for appropriate investigation.
- (8) Speakers shall remain at the podium while addressing the Board.
- (9) Speakers shall not be interrupted by audience comments, calls/whistles, laughter, or other gestures. Individuals in the audience who do not abide by this policy after a warning will be asked to leave the meeting.
- (10) Expressive activities including, but not limited to, petitioning, picketing, displaying signs and posters, solicitation, demonstrating, pamphlet distribution, and conducting polls shall not be permitted within the Administration Building or at any other building that the Board is meeting.

The time allotted for Citizens' Comment period will be thirty minutes per comment period, unless the agenda allots a different amount of time. Each speaker will be limited to three (3) minutes at the podium per meeting.
~~At the Board's first meeting of each month, the Citizens' Comment period will be placed before County Administrator comments; at the second meeting of the Board the citizens' Comment period will be placed on the agenda after consent agenda.~~

These rules do not preclude persons from delivering to the Board or its Clerk written materials including reports, statements, exhibits, letters, or signed petitions or to prohibit persons from presenting oral or written comments on any subject germane to the business of the Board to individual Board members or to the Board through its Clerk outside the context of the public meeting.

J. AGENDA ITEM PROCEDURE

The following guidelines shall be followed for comment addressed to specific agenda items:

(1) In order to prevent obvious questions from consuming Board Meeting time, the Chairman and/or designated person(s) will give a brief explanation of each agenda item prior to opening the floor for citizens' comments.

ARTICLE V
PROCEDURE FOR DEALING WITH ITEMS NOT ON THE AGENDA

A. All matters not on the agenda must be raised during citizens comment period. Any matter not on the agenda shall not be considered unless approved for consideration by the majority of the Board. Any matter not listed on the agenda shall not be acted upon over the objection of any three members present.

B. For any special meeting, the business to be discussed shall be stated in the call for such meeting. The Chairman or Administrator shall prepare a written agenda listing all items to be considered for every special meeting. No other business shall be discussed or acted upon over the objection of any three members present.

ARTICLE VI
PUBLIC HEARINGS

A. All public hearings will be advertised in accordance with the Virginia Code ~~to begin at 7:30 p.m. during the regular Board Meeting and will be conducted as soon thereafter as the Board's agenda may allow.~~ Public hearings may be postponed, continued or canceled at the discretion of the Board.

B. In addition to those required by law, the Board at its discretion may hold public hearings when it decides that a hearing will be in the public interest.

~~C. All public hearings, whether required or not, will be advertised according to State law.~~

D. The case before the Board shall be summarized by the Chairman or designated person(s). Interested parties wishing to speak must sign the register at the rear of the room prior to the start of the hearing. Each person wishing to speak will be called to the podium by the Chairman/Secretary in the order such person signed the register and must state his or her name and address for the record. Each speaker shall be limited to five (5) or three (3) minutes, unless waived by the Board.

E. Board Members shall limit their comments in public hearings to insure participation by the public without Board interference.

ARTICLE VII
APPOINTMENT OF COMMITTEES

~~A. The Chairman of the Board of Supervisors shall appoint committee members to any permanent or temporary committee established by the Board. The Chairman shall make his committee appointments within thirty (30) days of passage by the Board of Supervisors of a resolution creating a committee.~~

~~B. Appointments to other commissions and boards shall be approved by vote of the entire Board. Whenever possible, membership on such bodies shall be proportional by election districts. Vacancies will be filled by persons from the same districts. An individual who moves from a district to another district during his term of office shall remain in office until the expiration of his term. If any board or commission contains an odd number of members, then district under representation shall be on a rotating basis.~~

C. In accordance with Virginia Code section 44-146.19 (B) (2), the Board will annually appoint a member of the Board of Supervisors or the County Administrator as the Director of Emergency Management. The Director of Emergency Management will appoint a coordinator of emergency management with consent of the governing body. Appointments to committees of the Board and to authorities, boards, and commissions, shall be made only by Resolution adopted by a majority of the full Board. Prior to consideration of the nomination, the nominee shall be notified to determine his or her willingness to serve and to determine if he or she meets the qualifications for such appointment.

ARTICLE VIII
PROCEDURES FOR FINANCIAL CONTROL

- A. Annual appropriations shall be subject to the following method of internal control:
- (1) The Board of Supervisors may make annual appropriations for the purpose of limiting the normal operating expenditures of the County.
 - (2) The County Administrator shall have the authority to transfer appropriations by line item within major categories, except for salary line items. All transfers are to be reported to the Board on a monthly basis.
 - (3) The County Administrator will not have the authority to transfer appropriations between major categories.
 - (4) The County Administrator will report to the Board in summary form all revenues and expenditures on a monthly basis.
 - (5) The County Administrator will report to all County Officers, by line items, expenditures every two months.
- B. All normal operating expenditures of the County shall be processed in the following manner:
- (1) All bills or invoices will be approved by the appropriate department head or constitutional officer, and received by the County Administrator.
 - (2) Checks and a check register will be prepared by the County Administrator's office.
 - (3) All bills, invoices, checks and check register will be reviewed by the County Administrator for approval.
 - (4) The County Administrator will review all invoices and submitted expenditures and initial the check register.
 - (5) All check registers will be presented to the Board of Supervisors for review and approval.
 - (6) The checks and check register will be presented to the Treasurer for review and approval.
 - (7) Upon approval, the Treasurer will sign all checks and keep one copy of the check register for the record.
 - (9) The checks will be distributed, as appropriate, by the County Administrator's office.
- C. The Treasurer will submit a monthly report of financial condition on forms provided by the Board of Supervisors. The Board will consider approval of the report monthly.

ARTICLE IX
DUTIES OF THE COUNTY ADMINISTRATOR

The County Administrator shall:

- A. Prepare the agenda for each meeting for approval in conformance with the agenda preparation procedure outlined in these bylaws.
- B. Keep a written record of all business transacted by the Board.
- C. Administer the financial control procedures of the County as set forth in these bylaws.
- D. Advise and inform the Board on all matters affecting County government.
- E. Execute all formal documents authorized by the Board of Supervisors.
- F. Provide and supervise all staff services directly under the control of the Board of Supervisors.

G. The County Administrator shall be responsible for all personnel management of the County. Department Directors will be hired and dismissed with the consent of the Board of Supervisors.

H. Prepare an annual operating budget for the County government in accordance with guidelines established by the State auditor's office for approval by the Board of Supervisors. He shall be responsible for maintaining adequate financial and accounting records on all County business under his control.

I. Serve as the Board's representative in all circumstances where the Chairman, Vice Chairman, or a majority of the Board Members are not available.

J. Perform all other duties delegated by the Board as required by law.

ARTICLE X AMENDMENTS

The Bylaws may be amended by a recorded majority vote of the entire membership of the Board after thirty (30) days prior written notice.

CODE OF ETHICS AND STANDARDS OF CONDUCT FOR MEMBERS OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS

CODE OF ETHICS

Recognizing that persons who hold public office have been given a public trust and that the stewardship of such office demands the highest levels of ethical and moral conduct, any person serving on the Dinwiddie County Board of Supervisors should adhere to the following Code of Ethics:

1. Uphold the Constitution, laws and regulations of the United States and of all governments therein and never knowingly be a part to their evasion.
2. Put loyalty to the highest moral principles and to the County as a whole above loyalty to individuals, districts, or particular groups.
3. Give a full measure of effort and service to the position of trust for which stewardship has been granted; giving earnest effort and best thought to the performance of duties.
4. Seek to find and use the most equitable, efficient, effective, and economical means for getting tasks accomplished.
5. Adopt policies and programs that support the rights and recognize the needs of all citizens regardless of race, sex, age, religion, creed, country of origin or handicapping condition. Avoid adopting policies, supporting programs or engaging in activities that discriminate against or offend individuals because of race, sex, age, religion, creed, and country of origin or handicapping condition.
6. Ensure the integrity of the actions of the Board of Supervisors by avoiding discrimination through the dispensing of special favors or unfair privileges to anyone, whether for remuneration or not. A member should never accept for himself or herself or for family members, favors or benefits under circumstances, which might be construed by reasonable persons as influencing the performance of Board of Supervisors duties.
7. Make no private promises of any kind binding upon the duties of any office, since a public servant has no private word, which can be binding on public duty.
8. Engage in no business with the county government, or the school system, either directly or indirectly, which is inconsistent with the conscientious

performance of Board of Supervisors duties except as may be consistent with the conflict of interest statutes in the Code of Virginia.

9. Never use any information gained confidentially in the performance of Board of Supervisors duties as a means of making private profit.
10. Expose, through appropriate means and channels, corruption, misconduct, or neglect of duty whenever discovered.
11. Adhere to the principle that the public's business should be conducted in the public view by observing and following the letter and spirit of the Freedom of Information Act using closed sessions only to deal with sensitive personnel, legal or contractual matters as provided by the Code of Virginia.
12. Avoid using the position of public trust to gain access to the media for the purposes of criticizing colleagues or citizens, impugning their integrity or vilifying their personal beliefs.
13. Make sure, when responding to the media, that a clear distinction is made between personal opinion or belief and a decision made by the Board.
14. Review orally and in public session, at the annual organizational meeting, each of these principles.
15. Pledge to honor and uphold these principles, ever conscious that public office is a public trust.

Mr. Massengill stated that there will need to be a special meeting to adopt the by-laws, as well as to make any changes that may need to be made to the composition of any boards. Friday, February 6, 2006 at 7:00 p.m. was scheduled by consensus of the Board as the date for the special meeting.

4. AMENDMENTS TO AGENDA

There were no amendments to the agenda.

Upon motion of Mr. Haraway to adopt the agenda as presented, seconded by Mr. Bowman,

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

Nays: None

The agenda was adopted as presented.

At this time the County Attorney, Michael Drewry, requested a roll call as one had not been taken.

Present at Roll Call:

Mr. Moody
Mr. Haraway
Mr. Bowman
Mr. Stone
Ms. Moody

5. CONSENT AGENDA

Mr. Stone requested that Item 5.C. be pulled for discussion. He also stated that he would abstain from voting on the December 6th minutes as he was not present at that meeting.

5.A.i. APPROVAL OF MINUTES OF DECEMBER 6, 2005 REGULAR MEETING

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Minutes of the December 6, 2005 Regular Meeting are approved.

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

5.A.ii. APPROVAL OF MINUTES OF DECEMBER 16, 2005 SPECIAL MEETING

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Minutes of the December 16, 2005 Special Meeting are approved.

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

5.A.iii. APPROVAL OF MINUTES OF DECEMBER 20, 2005 REGULAR MEETING

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Minutes of the December 20, 2005 Regular Meeting are approved.

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

5.B. CLAIMS

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following claims are approved and funds appropriated for same using checks numbered 1052134 through 1052244 (voided check number 1052133).

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

FY – 05/06

Accounts Payable:	
(101) General Fund	\$ 228,943.59
(103) Jail Commission	\$ 62.92
(209) Litter Grant Fund	
(222) E911 Fund	\$ 3,636.73
(225) Courthouse Main Fund	\$ 2,219.77
(226) Law Library	
(228) Fire Programs & EMS	\$ 1,520.69
(229) Forfeited Assets	
(304) CDBG Grant Fund	\$ 16.00
(305) Capital Projects Fund	\$ 1,579.25
(401) County Debt Service	
TOTAL	\$ 237,978.95

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following claims are approved and funds appropriated for same using checks numbered 1052053 through 1052131, and 1052245 through 1052247 (voided check numbers 1052052 and 1052128).

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

December 30, 2006

Payroll:

(101) General Fund	\$ 551,212.56
(222) E911 Fund	\$ 50,488.84
(229) Forfeited Asset Sharing	

(304) CDBG Grant Fund

\$ 8,782.12

\$ 610,483.52

5.C. APPROPRIATION FOR SALARY EXPENDITURES: SELECTIVE ENFORCEMENT PROGRAM

Upon request of Mr. Stone this item was pulled from the consent agenda.

Mr. Stone stated that since Mr. Horwedel's resignation he felt that something had fallen through the cracks on the first selective enforcement funding. He stated that he had met with Mr. Horwedel on two occasions before the \$5,000 was approved for the first selective enforcement program. Mr. Stone said that Mr. Horwedel had stated at that time that he was going to meet with the Sheriff's Department to ask for a detailed overview of the selective enforcement program. Mr. Stone said it he did not think that Mr. Horwedel had met with them. He said the program was not to be seen as a revenue source. Mr. Stone stated that he was in favor of the selective enforcement program and did not want to delay the vote. However, as he and Mr. Horwedel had discussed, he wanted the following: detailed reports on the staff members who were performing the enforcement; what areas they were performing selective enforcement in and why; and a list of the detailed summons or citations they made.

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

At the December 20, 2005 Board meeting, the Sheriff's office presented a report on the results of several weeks of selective enforcement on Interstate 85 last summer. In order to continue this program, they are requesting an additional appropriation of \$50,000 for selective enforcement expenditures. Funding for this program is available from the fines collected from summons written during the trial period last summer.

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

THEREFORE, BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia does hereby appropriate \$50,000 from the undesignated general fund balance to Law Enforcement and Traffic Control Selective Enforcement expenditures.

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

Nays: None

6. RECOGNITION: 2005 DINWIDDIE COUNTY EMPLOYEE OF THE YEAR

Ms. Moody made the following announcement:

"It is my pleasure to announce tonight the selection of Mrs. Barbara H. McKitrick as the 2005 Employee of the Year. I would now like to share with everyone why staff has recommended Mrs. McKitrick for this special recognition..."

Mrs. McKitrick has been employed by the County since 2001, initially as a secretary/receptionist and currently as the Human Resources/Payroll Coordinator. Previously, Mrs. McKitrick was employed by a private company in Roanoke, Virginia as an accounting clerk where she was responsible for keeping the company's financial records to include six branch locations. Prior to that, Mrs. McKitrick was an Administrator in charge of a Student Athletic Program for Marshall University in Huntington, West Virginia, and she has held numerous administrative and office manager positions throughout her career. Additionally, Mrs. McKitrick holds a Bachelor of Arts Degree in Business Administration from Georgia State University.

As the sole HR/payroll employee with Dinwiddie County, Mrs. McKitrick performs a wide variety of human resources and payroll tasks. She resolves employee questions regarding job classification, compensation, performance, and organization assessments and assists in the investigation into allegations of discrimination, worker compensation, and harassment. Moreover, she assists with facilitating recommendations of internal and external human relations issues and employee grievances. In addition to her primary duties, Mrs. McKitrick assists with Risk Management and Information Technology issues as well.

As Dinwiddie County continues to grow and prosper, it is important that we have employees skilled and trained in the area of Human Resource Management. Mrs. McKitrick is an excellent employee in the County's Administration Office and brings

much enthusiasm, knowledge and expertise to this position. This past year Mrs. McKitrick successfully received her certification in Human Resource Management and as a result has increased her knowledge and ability to perform her job with a great deal of excellence and professionalism.

This is simply one example of her value to Dinwiddie County and why she has been chosen 2005 employee of the year.”

Mrs. McKitrick was asked to step forward to the podium. At that time Mrs. Moody presented to her on behalf of the Dinwiddie County Board of Supervisors as token of appreciation a \$100 check, and a plaque that reads “County of Dinwiddie 2005 Employee of the Year. Barbara McKitrick.”

7. PUBLIC HEARING: P-05-8 WHIPPONOCK, LLC.

Michael Drewry, County Attorney, informed the Board that Brian Cobb, Planning Commission member, has a personal interest in case number P-05-8. As such, Mr. Cobb is prohibited from discussing this matter with County officials and employees.

Mr. Scott Wrenn, Planning/Zoning Administrator, presented the summary report below to the Board.

Mr. Stone interjected a question regarding the proffers that had been brought forward by the applicant to the Board the day of the meeting. He said that as they had just been presented the Board had not had time to review them. He asked Mr. Wrenn to highlight the difference between the new proffers and the proffers that were in the Board packet.

Mr. Wrenn answered that Proffer Statement # 11 was added.

Mr. Stone asked whether # 11 was initiated by the applicant or by staff.

Mr. Wrenn answered that it was initiated by the applicant.

County Attorney Drewry interjected and pointed out an item on which he wanted more information. He said that he had also just received the proffers that day and had read through them. He said that there was an inconsistency. In the proffers it is stated that there are 387.5 acres, and the application stated 353.62 acres. He said that is the reason for the discrepancy in the staff report and the public ad versus what is in the proffer. He said he would have some questions about accepting this proffer at this time because of this discrepancy.

Mr. Haraway asked a question of Ray Varney, Resident Engineer for Virginia Department of Transportation. He asked if the traffic study was conducted based on the current traffic, or was there a predicted traffic for completion of the subdivision.

Mr. Varney answered that: 1) the traffic study was done for 140 units and tonight he hears that there are 156. He said that is about a 10% increase over what was looked at in the site study. He said that in the traffic study the site trips were increased by 25% so the increase that was built into the study actually covered the extra lots that were not included in the study; 2) the traffic study increased the traffic on the road that was studied, Sutherland Road, by 300%. There was not a particular growth number for a number of years, but a 300% total growth which is pretty significant growth increase.

Mr. Haraway said that the existing subdivision, Waterford, which he sees a lot of parallel studies on, has a right hand turn lane. He asked if that was a result of a traffic study. He said Waterford is a smaller subdivision than the proposed subdivision, and if Waterford has a right hand turn lane, why wouldn't the new subdivision have a right hand turn lane?

Mr. Varney said he could not answer that. He said that based on the traffic study numbers, and the traffic that is currently at the specific areas where Sutherland was studied the numbers that are shown don't warrant a right turn lane. He said it is a very mathematical, defined process that VDOT uses to determine the need for a right hand turn. He said the same process would have been used for Waterford. Mr. Varney stated that perhaps the developer proffered the right hand turn for Waterford.

At this time Brian Mitchell from Towne Site Engineering, the applicant's representative, challenged the school numbers that had been presented, 75 students. He

said that 39 students was their projection as to the number that would be added to the school system from this proposed development.

Mr. Bowman asked Mr. Mitchell to address the concern that Mr. Haraway had voiced.

Mr. Mitchell stated that there are two things that determine right hand turn lanes: 1) the amount of vehicles that will take that right hand turn; 2) how many vehicles are on the existing roadway that the right hand turn is being made off of. He stated they had done a traffic count at peak hour; a local traffic consultant had put a 300% growth factor onto the existing traffic. They then used 300% of the existing traffic count and added what the proposed subdivision would add. He said they found that during that peak hour the number of vehicles that would be taking a right onto Lakeland Road would be in the 41 vehicle range; and the amount of vehicles on Sutherland Road would be 145 vehicles. He said that would be at 300% of the existing traffic, and he did not think that there would ever be a 300% increase on that road. He said that according to the study the proposed subdivision did not warrant a right hand turn lane.

Mr. Stone had a question of Mr. Friedl, School Board Supervisor, regarding the school report. He asked the number of trailer units at Midway School.

Mr. Friedl said there are two trailers but they are not student trailers.

Mr. Wrenn spoke again and stated that the Gentry Well Works conducted a test for uranium in the water for the proposed development and little signs of uranium were found. He said that the applicant had also just recently conducted a study on the water quantity at the proposed subdivision by Golder Associates. He also further discussed the proffers.

Mr. Bowman asked the time schedule to review the new information.

Mr. Wrenn answered the next Board meeting in February.

Mr. Haraway stated that would be six weeks away and he was concerned about the fact that the applicant had started this process over three months ago and now they would be asked to wait another six weeks for an answer. He felt this was a long time to ask them to wait.

Mr. Massengill said the Board could set a special meeting outside of their adopted schedule of meetings if they preferred.

Ms. Moody asked if the applicant would like to make a comment.

Mr. Brian Mitchell addressed the question of the acreage of the property. He said the tax map recorded acreage is 353 acres. The survey of the property was 391 which is the correct acreage.

County Attorney Drewry interrupted to say that the proffer stated 387.5.

Mr. Mitchell said they would need to go back and look at that.

Mr. Mitchell then continued to discuss the proffers; the traffic study; the hydrologic study which had just been completed the day before the meeting; and the school system impact which he said would be minimal. He stated that Dr. Maranzano had agreed with their school impact study.

The Chair opened the public hearing in the case.

- 1) Philip Hanley – 835 Even Keel Lane – Church Road – spoke in opposition to the case. He stated that to approve this case would be setting precedence. He said the Zoning Board had decided against the rezoning, and he hoped that the Board of Supervisors would take that into consideration when they make their decision.
- 2) Brett Harris – 18861 Waterford Drive – Sutherland – spoke in favor of this case. He said that building this subdivision would bring more revenue into the county.
- 3) Nancy Pinchefsky – 1028 Sutherland Road – spoke in opposition to this case. She said it doesn't matter whether the subdivision is upscale or not; the problem is five acres versus two, or 150 homes versus 75. She disagreed with the traffic study results, and said the schools would be impacted as the schools were

already overcrowded. She asked the Board to please honor the decision of the Planning Commission.

- 4) George Whitman, Jr. – 13010 Old Stage Road – said he had some questions. He congratulated the Planning Commission for their efforts. He asked if rezoning was going to be based on the dollar amount the County would receive in tax return. He said the ordinances needed to be revisited. He said that he would ask the Board to delay a decision in this case. He said that the delay in decision would not be the fault of the Board as the applicant had just come in with requests to make changes the night of the meeting.
- 5) Johnny Harris – 1204 Lake Forest Drive – Church Road – spoke in favor of the case. He said this would be a step ahead for the county and would bring money into the county. He stated that this subdivision would generate work for subcontractors in the county.
- 6) Charles Friedl – 20213 Charlotte Road – Sutherland – spoke in favor of the case. He said that growth in Dinwiddie County will happen but it can be controlled by encouraging upper level homes rather than starter homes. He said the proposed subdivision is well planned and will be of the quality or equal of Waterford Landing.
- 7) Joanne Beck – 839 Even Keel Lane – Church Road – spoke in opposition to this case. She said the highway study was done in March and did not address the concerns of the summer traffic of Whipponock and Cozy Cove Marina. She spoke to the fact that there is no striping on the highway. She disagreed with the school impact, and the late timing of the water quantity testing. She said that she felt keeping the zoning to five acres was a better way of controlling growth in Dinwiddie County.
- 8) Mark Krueger – 841 Even Keel Lane – Church Road – spoke in opposition to this case. He disagreed with the school study. He said Sutherland Road cannot handle the growth. He said that putting homes on smaller acreages where there was more potential for the lawns being clear cut was a threat to the ecological system of Lake Chesdin.
- 9) Richard Beck – 839 Even Keel Lane- Church Road – spoke in opposition to this case. He disagreed with the tax revenue because both Waterford and the proposed subdivision were included in the figure. He said that a new report on water quantity had been brought into the meeting that was not at the Planning Commission level. He presented pictures to the Board he had taken to show several different large vehicles on the 19 foot road and the lack of space. He said this land was properly zoned five acres and that he would ask that the Board leave it zoned five acres. He asked also that the case not be deferred and that the Board go ahead and make a decision on it.
- 10) David Hale – 1311 Sutherland Road – spoke in opposition to this case. He said he was a contractor in the community. He stated that the contractors who work in these subdivisions come from outside, not from Dinwiddie County. He said that VDOT had said the reason Sutherland Road is not striped is because it is 19 feet wide and it takes 11 feet for a line truck to go through. He said if that is true for a line truck it is true for any construction truck of heavy nature, etc. on that highway. Mr. Hale presented to the Board a petition of approximately 200 names of mostly neighborhood people who say they do not want the rezoning.
- 11) Michael W. Bratschi – 23500 Cutbank Road – McKenney – spoke in opposition to this case. He agreed with the people who had spoken earlier. He said that citizens who were rich had come forward and demeaned other hard working citizens in the county who were not well off. He said that the Planning Commission had denied the rezoning, and 200 people had signed a petition against it.
- 12) Patrick Hege – 1011 Sutherland Road – spoke in favor of this case. He said he was a licensed contractor in the county. He said that the development was needed in Dinwiddie County.

The Chair closed the public hearing in this case.

At this time Mr. Mitchell said that they had tried to address the citizens' concerns to the best of their ability.

Mr. Stone said that during Mr. Mitchell's presentation he had pointed out that he had met with Dr. Marazano and the number had decreased from the report of October 4th from .5 students per household to .39. He said he wanted to make sure that Dr. Marazano was just agreeing with the numbers from Waterford.

Mr. Mitchell said that was correct. He was agreeing with the method they had used.

Mr. Stone said that there are actually more than the 15 from Waterford who are actually in Dinwiddie Schools.

Mr. Mitchell said that there are 15 within the school system and there are some who are going to private schools.

Mr. Stone asked if anyone knew the number of children who were under school age who are currently in Waterford.

The answer was no more than five.

Mr. Stone stated that the Planning Commission and the Board have to plan for the total number not currently enrolled in Dinwiddie schools. He said that on a moment's notice a parent could decide that a child who is in private school will be coming to a Dinwiddie school instead; and that the school system has to be ready to provide the resources to do that. He said that .39 is accurate for the current number in Dinwiddie County schools, but not accurate for the number of children that the county would have to plan for.

Mr. Mitchell responded that the subdivision will be built out over a ten year period. He said those who start in the school system will finish as well. He said Mr. Cobb had informed him that three students of the 15 are seniors in high school who will be coming out of the system. He said that, therefore, it will balance itself out.

Mr. Stone said that is correct, but still the County, the Planning Commission, and the Board of Supervisors have to plan on total number of children, regardless of age range, etc. He said any parent could lose their job tomorrow and not be able to afford private school.

Mr. Stone said that he would be inclined to stay with the .5 student per household.

Mr. Bowman asked Mr. Varney, of VDOT, if it would be possible for VDOT to stripe the road.

Mr. Varney said that it would. He said the issue involves two things: 1) width of the road; and 2) travel volume. He said 19 feet is wide enough to stripe; but it takes 900 vehicles a day to warrant striping. He said that on the portion of the road that is not striped they do not have that volume. He said also the traffic study looked pacifically at the entrances only. It did not evaluate the total impact to the infrastructure of the roads.

Mr. Bowman asked for the current traffic count on Sutherland Road.

Mr. Varney answered that it varies. He said the traffic volume closest to Amelia and Sutherland is about 446; the piece between Oxford and Exeter Mill is approximately 756 vehicle trips per day. He said the portion from Oxford Road to River Road is approximately 1,630 vehicle trips a day.

Mr. Moody asked for clarification also. He said that other engineers had said that the road was not wide enough to stripe from about the church down.

Mr. Varney said there are two ways that a road is striped, center line and edge line. He said to put the white edge lines, additional width to the road is needed because they take a foot off the road. He said the center line stripe doesn't dramatically affect the lane width. He said that, however, to add the white outer edge road lines the road has to be wider to accommodate.

Mr. Haraway said that the Planning Commission had voted against this case 4 to 1. He said that since that vote was taken a lot of information has come forward. He said he would like to have a work session with the Planning Commission so that he could know the reasons for the case to be denied. He said that in his district the applicant has built two subdivisions, River Run and Waterford. He said he had not had the first complaint of

drainage problems in these two subdivisions. He said that he averages at least one complaint per week about drainage problems from the other subdivisions in his district. He said these people build a quality subdivision.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that P-05-8, Whipponock, LLC will be deferred to the February 21st meeting, and readvertised for public hearing; and that the Board of Supervisors will schedule a work session with the Planning Commission to discuss the Whipponock, LLC. prior to the February meeting.

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

Nays: None

Summary Report

File: P-05-8
Applicant: Whipponock, LLC
Property Address: Sutherland Road, Sutherland, VA 23885
Magisterial District: Namozine District
Acreage: 353.62 acres
Tax Map Parcels: 1-10 & 10A; 1-(4)-4A; 1-(9)-1B (part of); 2-1, 5-13
Zoning: Residential, Conservative RR to Residential, Rural RR-1

The applicant, Whipponock, LLC, is seeking a rezoning of fourteen (14) land parcels containing a total of 353.62 acres from Residential, Conservative RR to Residential, Rural RR-1 to create a development of approximately 150 single family homes at a proposed density of approximately one dwelling unit per 2.36 acres. The Residential, Rural RR-1 allows residential developments at a minimum lot size of two (2) acres. The properties are located on Sutherland Road (Route 623). The properties are further defined as Tax Map 1, Parcel (4)-4A; Tax Map 1, Parcels 10 and 10A; Tax Map 2, Parcel 1, 5-13; and Tax Map 1, Parcel (9)-1B (part of). The County Comprehensive Land Use Plan places this proposed development within the Rural Conservation Area which allows residential development at a density not to exceed one dwelling unit per five acres, with no individual lot less than two acres.

During the review process at the Planning Commission level, the Planning Commission held a sub-committee meeting to discuss issues with the proposed development with the citizens. The citizens expressed their concerns regarding the rezoning case in which the applicant's representatives had the opportunity to respond to their concerns. The Staff has also met with the applicants several times to discuss issues with the case. The Staff held meetings with the different agencies that the proposed development would effect (Public Safety, Schools, and VDOT). Attached in your packets are copies of the Planning Commission minutes and review letters from those different agencies. The above listed agencies will be present at the Board of Supervisors meeting to answer any questions the Board may have of them.

The Planning Commission heard the rezoning request, P-05-8, at their December 14, 2005 meeting. The Planning Commission voted 4-1 (Abstaining: Mr. Stone and Mr. Cobb) to recommend disapproval of P-05-8 to the Board.

Staff's recommendation of approval with proffers of the request for a rezoning based on the following reasons:

1. The applicant has provided signed proffers to the subject property. The updated proffer statement accurately diminishes the impact this development will have on the County.
2. The updated proffer statement accurately diminishes the impact this development will have on the County.

The day of the meeting the applicant provided the following proffers:

Tax Parcel Nos. 1-(4)-4A, 1-(9)-1B (part of), 1-10, 1-10A, 2-1, 2-5, 2-6, 2-7, 2-8, 2-9, 2-10, 2-11, 2-12, 2-13

Note: Proffers revised and offered by applicant on January 3, 2006.

PROFFERS

THESE PROFFERS are made this 2nd day of January, 2006 by WHIPPONOCK LLC and James B. Cobb, managing member as attorney in fact for Charles and Marsha Friedl, James Erny Jr., and Gray Lumber Company together with their successors and assigns; (the "Owners").

RECITALS

- A. Owners legally possess and Whipponock LLC is contractually obligated to purchase the tracts or parcels of land located in Dinwiddie County, Virginia, (the "County") and being Tax Parcel Nos. 1-(4)-4A,

1-(9)-1B(part of), 1-10, 1-10A, 2-1, 2-5, 2-6, 2-7, 2-8, 2-9, 2-10, 2-11, 2-12, and 2-13 containing approximately 387.5 acres (the "Property").
- B. The Property is within the Community Planning Area on the County's Comprehensive Plan and is now zoned Residential, Conservative RR. Owners have applied to rezone the Property from Residential, Conservative RR to Residential, Rural RR-1, with proffers.
- C. Owners desire to offer to the County certain conditions on the development of the

Property not generally applicable to land zoned Residential, Rural RR-1.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2298 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owners agree that they shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. In order to assist the County with mitigation of impacts on the County from the development of the Property, a contribution of \$5,629.00 per lot shall be paid to the County prior to the issuance of each building permit. The County may use these funds for any project in the County's Capital Improvement Plan, the need for which is generated in whole or in part by the physical development and operation of the Property.
2. The per lot contribution paid each year pursuant to Section 1 shall be adjusted annually beginning January 1, 2007 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84 = 100) (the "CPI") prepared by the U.S. Bureau of Labor Statistics of the U.S. Department of Labor. In no event shall the per lot contribution be adjusted to a sum less than the amount set in Section 1. In the event the CPI is not available, another reliable government indicator approved by the County may be relied upon in establishing an inflationary factor for purposes of determining the per lot contribution to approximate the rate of annual inflation in the

County.

3. The Owner shall cause to be created a homeowners association with articles of incorporation, bylaws and restrictive covenants. This association shall monitor and govern the development of said property through the enforcement of a Declaration of Covenants and Restrictions that shall be reviewed by the County Attorney prior to final subdivision plat approval. This association shall protect the investments and assure a pleasant environment free of many of the disquieting aspects of denser and less inherently beautiful communities for those families who are residents.
4. The Owner shall deposit at the time of settlement on each waterfront lot, the sum of two hundred dollars (\$200.00) into an account established for the homeowners association. The sum of one hundred dollars (\$100.00) shall be deposited at the time of settlement into said account for each non-waterfront lot. These monies shall be to absorb any up front costs incurred by said association.
5. All homes to be constructed on said property shall be subject to review by an Architectural Review Board that shall be established by the association prior to the conveyance of the first lot. No home shall be built without written approval of said board.
6. No home located on said property shall have less than 2000 square feet of heated area. No home located on a waterfront lot shall have less than 2500 square feet of heated area.
7. All roads within said property; including entrance roadway will be designed and constructed in accordance with the subdivision street requirements of the Virginia Department of Transportation and County Code Requirements.
8. The Owner shall cause to be installed two dry hydrants on or within close proximity of said property with the final location to be approved by the Chief of the Division of Fire and Emergency Services.
9. The Owner shall provide an easement from a state maintained road to the existing Spain Family cemetery for the right of ingress and egress. Said easement shall be shown on final record plat submitted to the county.
10. The Owner shall cause to be established the following buffers:
 - a. There will be a fifty (50) foot no cut buffer located at the rear of each individual non-waterfront lot which backs up to a property owner outside of proposed development. There may be selective cutting of trees and vegetation to maintain the health of the buffer, per approval of the County Planning Director.
 - b. There will be a one hundred (100) foot buffer from the normal pool elevation (158 contour line) of Lake Chesdin located at the rear of each individual waterfront lot. This area shall be subject to select clearing and plantings of which the guidelines shall be established in the covenants and restrictions. Said covenants and restrictions shall be reviewed by the County Attorney prior to final subdivision plat approval.
11. The owner shall hold the total number of lots within subject property to a maximum of one hundred fifty-six (156). This would create an overall gross density of two and one half (2.5) acres per home site.

WITNESS the following signatures:

WHIPPONOCK LLC

J A M E S B. COBB – M.M. as attorney in fact
for Charles and Marsha Friedl
James C. Erny Jr.
Gray Lumber Company

8. APPOINTMENTS

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that Van Woodell is appointed to the Airport Industrial Authority for a term ending January 31, 2009.

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

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that Daniel Lee is reappointed to the Planning Commission for a term January 31, 2010.

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

9. CITIZEN COMMENTS:

1. David Dudley – 25907 Smith Grove Road – Petersburg – said that in the coming year, as the County is seeking a new County Administrator, that one of the qualifications required should be an engineering background. He stated that a Department of Public Works is needed, and also an Engineer.
2. Mr. Michael Bratschi – 23500 Cutbank Road – McKenney, VA – said that he agreed with Mr. Dudley. He said that in the coming year he hopes that citizen comment input will not be stopped. He said he wanted to publicly thank Smyrna Baptist Church and Cutbank Church Road Church for food and toys they had given to a family who was in need. He said he and his wife had brought the family to their attention. He also thanked Kim Willis and her staff for their help.

As there was no one else signed up to speak, the Chair declared the Citizen Comments period closed.

10. COUNTY ADMINISTRATOR COMMENTS

Mr. Kevin Massengill, Interim County Administrator stated that the Gang Prevention Task Force will hold a meeting on Monday, January 9, 2006 at 6:00 p.m. He said that meeting had already been noticed. He stated also that the Industrial Development Authority intends to hold a meeting on Tuesday, January 10th in the Multi-purpose Room of the Administration Building, and the Nursing Home will be coming forward at that meeting. On February 20, 2006 at 9:00 a.m. the Finance Committee will be meeting in the Multi-Purpose Room of the Administration Building.

In addition, Mr. Massengill said that in the Board packs was a request from Alpha Phi Alpha Fraternity, Inc., a program related to Dr. Martin Luther King's National Memorial Fund. They would like to have a fundraising period in the tri-cities and are asking that the County draw attention to this fundraising by adopting the resolution that

was presented. He said that if a Board member was interested in having this presented at the next January meeting he would have it put on the agenda.

At this time, Mr. Massengill stated that Chief Langly was present and had asked if he could use a few minutes of Mr. Massengill's time to discuss an announcement at Ford Fire Department.

Chief Langly said that on behalf of the citizens in Ford Volunteer Fire Department's District he thanked the Board for last year's approval to build a new fire station. He also said that at the Board Retreat he had attended he had heard it discussed about recognizing people. Last year Ford Fire Department had been established for 50 years. It is the second oldest fire company in Dinwiddie County. He said it started from the Hebron Wilson Ruritan Club, 12 members got together and voted, and brought it to the Board. Chief Langly said that he had the original board minutes and approval. He said that Ford Volunteer Fire Department is planning a dinner for some of the members who are still with the department to recognize them and their families for their contributions. Chief Langly asked the Board to please attend. He said it is not a public meeting; it is just a way to thank the people who have been involved and doing a good job since the inception of the department, and the ones who are doing a good job now. He said the meeting is estimated three months out and as soon as the plans are finalized the Board members will be notified so they can put it on their schedules.

Mr. Massengill stated that staff had provided to the Board a draft of the Human Resources Personnel Manual. He asked that the Board look it over and forward any suggested changes or recommendations for improvement to either Anne Howerton or him.

11. BOARD MEMBER COMMENTS

Mr. Moody – welcomed Ms. Moody as the new Chairperson, and wished her Good Luck this year.

Mr. Stone - stated that the next District 5 meeting will be Monday, January 23, 2006 in the Board Room 7:00 to 9:00 p.m. He asked that the District 5 schedule of meetings be put on the website as soon as possible. He said he also sent notice to *The Progress* and *The Monitor*. He said he would like to meet with staff regarding the IT person who is being sent by VACo for evaluation. Mr. Stone also asked for an update on Mr. Clay's health and said that he needed to be kept in prayer.

Mr. Bowman – extended congratulations to Ms. Moody. He stated that he would like to thank the two members of the Planning Commission who took time to come to a meeting with the Board earlier. He also thanked all of the Planning Commission members for their hard work. He said there had been a lack of communication between the Board of Supervisors and the Planning Commission, and he said they need to get together and get some input and ideas on how to work closer together and get some things accomplished in the coming year.

Mr. Drewry spoke up regarding the February 6, 2006 meeting that will be held at 7:00 for voting on by-law amendments. He said he will also be including ordinance amendments to public hearing as it relates to Planning Commission to allow from five to fifteen members. He asked for consensus from the Board to do that. Consensus was given.

12. ADJOURNMENT

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

The meeting was adjourned at 10:15 p.m.

Doretha Moody, Chairperson

ATTEST: _____
Kevin Massengill
Interim County Administrator
Clerk to the Board

/wjn