

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 18th DAY OF JULY 2006 AT 3:30 P.M.

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

ABSENT: HARRISON A. MOODY ELECTION DISTRICT #1
Mr. Moody arrived at 3:34 p.m.

ROBERT L. BOWMAN IV ELECTION DISTRICT #3
Mr. Bowman arrived at 3:45 p.m.

ADMINISTRATION

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

=====

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. Stone
Ms. Moody

ABSENT: Mr. Moody
Mr. Bowman

Note: Mr. Moody arrived at 3:34 p.m.
Mr. Bowman arrived at 3:45 p.m.
(The vote for the consent agenda was taken before their arrival.)

4. AMENDMENTS TO AGENDA

Mr. Massengill stated that he had two amendments to the agenda. 1) Under Item No. 13 Old/ New Business - 13.B. Bowman Deed of Gift; and 2) 13. C. Board of Supervisors Bylaws. He said that both of these would be presented by the County Attorney, Mr. Drewry.

Mr. Drewry interjected that he would like to add an additional item to Item No. 11 Closed

Session -- 11.D. §2.2-3711(A)(7) Legal Matters: Cash Proffers.

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

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

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

Nays: None

Absent: Mr. Moody

Mr. Bowman

**5.A. CONSENT AGENDA: APPROVAL OF MINUTES FOR JUNE 20, 2006
REGULAR MEETING**

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the June 20, 2006 Regular Meeting Minutes are approved.

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

Nays: None

Absent: Mr. Moody

Mr. Bowman

**CONSENT AGENDA : APPROVAL OF MINUTES FOR JUNE 26, 2006
SPECIAL MEETING**

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the June 26, 2006 Special Meeting Minutes are approved.

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

Nays: None

Absent: Mr. Moody

Mr. Bowman

5. B. CONSENT AGENDA: CLAIMS

Upon motion of Mr. Stone, 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 1054222 through 1054451 (voided check number 1054221).

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

FY – 2005/2006

Accounts Payable:

(101) General Fund	\$ 297,112.92
(103) Jail Commission	\$ 91.90
(209) Litter Grant Fund	\$ 19,436.01
(222) E911 Fund	\$ 850.22
(226) Law Library	\$ 2,651.36
(228) Fire Programs & EMS	\$ 5,962.50
(304) CDBG Grant Fund	\$ 631.85
(305) Capital Projects Fund	\$ 372,174.14
TOTAL	\$ 698,910.90

Upon motion of Mr. Stone, 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 1054495 through 1054625 (voided check number 1054494).

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

FY – 2005/2006

July 7 2006 (Accruals)

Accounts Payable:

(101) General Fund	\$ 336,234.25
(103) Jail Commission	\$ 95.91
(222) E911 Fund	\$ 9,536.71
(226) Law Library	\$ 79.70
(228) Fire Programs & EMS	\$ 1,750.00
(304) CDBG Grant Fund	\$ 531.09
(305) Capital Projects Fund	\$ 27,806.99
(401) County Debt Service	\$ 15,567.12
TOTAL	\$ 391,601.77

Upon motion of Mr. Stone, 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 1054626 through 1054666.

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

FY 2006/2007

July 18 2006

Accounts Payable:

(101) General Fund	\$ 156,156.69
(103) Jail Commission	\$ 20.99
(222) E911 Fund	\$ 2,222.45
(304) CDBG Grant Fund	\$ 65.98
(401) County Debt Service	\$ 36,855.00
TOTAL	\$ 195,321.11

Upon motion of Mr. Stone, 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 1054142 through 1054220 (voided check number 4054141).

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

June 30, 2006

Payroll:

(101) General Fund	\$ 579,850.95
(222) E911 Fund	\$ 53,082.61
(229) Forfeited Asset Sharing	
(304) CDBG Grant Fund	\$ 10,497.77
TOTAL	\$ 643,431.33

5.C. CONSENT AGENDA: APPROPRIATION FOR RESOLUTION

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

We are requesting additional FY 2005-06 appropriations for the following pass-through expenditures and revenues: (These are all expenditures for which the County will receive reimbursement.)

Appomattox River Water Authority \$19,300
 Revenues collected from Dinwiddie County Water Authority
 and Central State Hospital. Since the County is a member of the ARWA, we invoice DCWA
 and CSH for water usage. This adjustment reflects
 actual water charges for FY 05-06.

Victim Witness Program Grant \$ 2,633
 Reimbursement from Dept of Criminal Justice Services
 The actual grant award for FY 05-06 was \$53,055, and
 only \$50,422 was originally budgeted.

U S Department of Justice Law Enforcement Technology Grant
 Reimbursement from USDOJ for purchase of computers for
 Sheriff's department. The grant was awarded after the FY 05-06
 Budget was approved. \$24,666

We are also asking for appropriation and transfer of \$51,000 from the undesignated general fund
 balance to the Grants Fund to cover expenditures that were anticipated to have been funded by
 the Resource Management and Development Initiative (RMDI). The FY 04-05 and FY 05-06
 funds for that program have been frozen by the federal government, and at this point we do not
 anticipate receiving them at all. (See attached memo from Marie Grant, Director of
 Comprehensive Services.)

In compliance with the County financial policy of transferring $\frac{1}{4}$ of the new revenue from the
 General Fund to the County Debt Service Fund and per discussions during the FY 06-07 budget
 workshops, we are asking for appropriation and transfer of \$49,525 to County Debt Service Fund.

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

THEREFORE, BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia
 does hereby authorize appropriation and budget amendment for FY 05-06 as referenced above

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

5.D. CONSENT AGENDA: BOND REQUISITIONS – SCHOOL BOARD

The Board received requisitions No. ES-16 and No. HS-16 from Dr. Maranzano. These
 items were approved by the Dinwiddie School Board at their meeting on July 11, 2006.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$12,305.14 from the Lease Revenue and Refunding Bonds, Series 2004B is approved.

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

No. ES-16

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: July 11, 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>
\$12,305.14	Mosley Architects	Reproduction Construction Documents
\$12,305.14		TOTAL OF THIS REQUISITION

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

Authorized County Representative

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$41,100.02 from the Lease Revenue and Refunding Bonds, Series 2004B is approved.

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

No. HS-16

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: July 11, 2006

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

AMOUNT	TO	PURPOSE
\$ 3,600.00	Mosley Architects	Hrdrotank Design
\$ 6,840.00	Mosley Architects	Add'l Bid & County Attorney for Force Main
\$ 720.00	Mosley Architects	Force Main Record Drawings
\$ 3,312.00	Mosley Architects	Underground Utility Layout

\$ 6,480.00	Mosley Architects	Alignment (Force Main) Survey
\$ 270.00	Mosley Architects	Easement Plats Each
\$ 2,160.00	Mosley Architects	Camera/Gamma Log Investigation
\$ 2,880.00	Mosley Architects	Water Quality Testing
\$ 15,338.02	Mosley Architects	Reproduction Construction Documents
\$ (500.00)	Moseley Architects	Forfeited Deposits
\$ 41,100.02		TOTAL OF THIS REQUISITION

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

Authorized County Representative

5.E. CONSENT AGENDA: PERFORMANCE AGREEMENT, DISTRICT 19

The Board received a letter of request from the District 19 CSB for the Board of Supervisor’s approval of their FY 2006 Performance Contract.

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

The resolution to approve the FY 2006 Performance Contract of the District 19 Community Services Board was approved as presented.

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

WHEREAS, District 19 Community Services Board (“Board”) was created to provide mental health, mental retardation, and substance abuse services to local citizens; and

WHEREAS, the Performance Contract establishes accountability and funding mechanism between the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services (“Department”) and the Board; and

WHEREAS, in accordance with Section 37.1-198 of the Code of Virginia, as amended, requires approval by formal vote of the governing body of each political subdivision that established the Board; and

WHEREAS, the Board of Supervisors is of the opinion that it is in the best interests of the County to approve the Performance Contract.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, does hereby approve the FY 2006 Community Services Performance Contract.

6. A. REPORT: VIRGINIA DEPARTMENT OF TRANSPORTATION

Ray Varney, Resident Engineer, stated that the Board had requested that VDOT do traffic counts on Sutherland Road and Namozine Road area over the July 4th holiday. He distributed traffic count summary sheets to the Board, and made them available to the public. There was discussion regarding the traffic counts. Mr. Haraway asked for the traffic counts to be done again in October when school is in session.

Mr. Varney suggested that sometime in the near future it would be appropriate for the Board to have a work session to review the revised VDOT budget, and how it has impacted the Secondary Six -Year Plan.

Mr. Massengill stated that he will coordinate scheduling this meeting, probably in the second week of August.

Ms. Moody asked about installing guardrails on Halifax Road.

Mr. Varney stated that he had been looking into that. However, funding may not be available. The embankments would need to be widened and dirt replaced. He said it is not a quick and easy fix, and will be costly. Also, it does not appear that this area meets the warrants for State funding.

Mr. Bowman spoke up at this time. He apologized to the Board for being late. Mr. Bowman asked Mr. Varney about the crossover at Airport Street going into the Dinwiddie Industrial Park. He said the pavement there was very rough, and several parents had called him with concerns about the fact that when a School bus goes over that portion, the children are thrown around on the bus.

Mr. Varney said it may need to be overlaid. He stated that he would look into it.

Mr. Bowman said that at previous meetings he had asked about the striping at Rt. 460 and 185. He would like to see additional striping on the lane that is closed. He stated that he also continued to have concern about where 185 North merges into 195 North.

Mr. Varney stated that unfortunately the I85/95 merger was not within his authority. He said he would ask about it again.

Mr. Moody said that on Rt. 460 from the County line going east, only one lane had been paved. He asked if the other would be paved. Mr. Varney said it was a funding issue. He had an option, and had chosen to replace the lane that was in worse shape. If the funding will allow, he will replace the other one next year.

Mr. Stone said he had received a couple of phone calls recently regarding striping. He asked why some roads were named collectors, but were not striped.

Mr. Varney said that if a road is too narrow, even though it is a collector or a main road, it will not be striped.

6.B. REPORT: COMPREHENSIVE SERVICES NEEDS ASSESSMENT

Marie Grant, Director of Comprehensive Services, stated that the Department of Comprehensive Services, with the support of the Interagency Council, had just completed a youth needs assessment regarding alcohol, tobacco, drugs, violence, health, resilience and sexual behavior. This year-long project was funded by a grant through the Safe and Drug-Free Schools and Communities Act (SDFSCA). The report has been shared with local schools and human service agencies; will be posted on the County website and is available to the public upon request. This information will be instrumental in applying for grants and developing programs during the next seven years. Ms. Grant stated that the continued support of the Board is appreciated and that she looked forward to answering any questions that the Board may have regarding this project, the Interagency Council or the Department of Comprehensive Services. Ms. Grant stated that this report would allow the department to be more proactive.

6.C. REPORT: COMPREHENSIVE LAND USE PLAN UPDATE

Scott Wrenn, Planning/Zoning Administrator, stated the Comprehensive Land Use Plan is being updated, and the Planning Staff and Planning Commission will have a recommendation to the Board by December. There will be an Advisory Committee with a Subcommittee Chairman. That committee will assist in overseeing the planning and review of the Comprehensive Land Use Plan; and they will offer guidance and support. Stemming from the Advisory Committee, there will be numerous subcommittees. Each Planning Commissioner will be in charge of a particular section of the plan, i.e., housing, transportation, etc. Subcommittees will be comprised of citizens, State and local agencies, professionals, County staff, Board members, and Board of Zoning Appeals members. Each subcommittee will focus on a separate section of the Plan. The kick-off meeting for the Comprehensive Plan Review will be on August 10, 2006 at 7:00 p.m. at the Eastside Enhancement Center. That meeting will help staff and subcommittees develop a blueprint for addressing future issues such as transportation, growth, schools, public facilities, and other issues that may come up during the planning. Citizens will be encouraged to express their concerns and provide input. The Advisory Committee will meet again on August 31, 2006 at 7:00 p.m. in the Pamplin Administration Building Multi-Purpose Room. Another meeting of the Advisory

Committee will be held on September 13, 2006. At that point, Staff will organize the information and compile a Draft Plan. There will be an Advisory Committee Meeting on October 11, 2006 so that the Advisory Committee can review the Draft Plan. The plan will be submitted to the Planning Commission on November 9, 2006. The Board will hear the Planning Commission's recommendation on December 19, 2006. The Advisory Committee will meet in January of 2007 in order to establish a timeline in which to complete the project.

Mr. Stone commented that he and Mr. Massengill had met several times with the Town of McKenney on several issues. He had three additional names from McKenney Town Council who would like to serve on committees regarding the Comprehensive Land Use Plan. Mayor Mansfield would like to serve on the Economic Development Committee; Carl Craig would like to serve on the Community Facilities Committee; and Virginia Howard would like to serve on the Recreation Committee. He stated that he would forward all contact information to Mr. Wrenn.

6.D. REPORT: RECOMMENDED FUNDING PROVIDER FOR 2006 LEASE REVENUE BONDS

The following letter from Davenport & Company LLC was received.

Overview:

Davenport & Company LLC ("Davenport"), in our capacity as Investment Banker to Dinwiddie County (the "County") for the issuance of the County's Lease Revenue Bonds, Series 2006 (the "Bonds"), is pleased to report that six firm proposals were received from banking institutions for the purchase of the Bonds. We are further pleased to report that, with one lone exception, all the interest rate quotes received for the various options requested were at or below the preliminary estimates used for planning purposes. As background, Davenport solicited a Request for Proposals ("RFP") to ten local/regional banking institutions for the funding of the County's not-to-exceed \$6 million Lease Revenue Bonds, Series 2006 after a joint meeting of the County's Board of Supervisors, Industrial Development Authority, and School Board on June 26, 2006. The proceeds of the Bonds will be used along with the County's 2004 Lease Revenues Bonds and Notes towards the construction of a new elementary school and high school in the County. In response to the RFP, Davenport received six proposals from interested banking institutions. Responses were received from: Bank of America, BB&T, First Bank & Trust, SunTrust Bank, RBC Centura, and Wachovia. A detailed summary of the interest rates and key terms from the responses received is included as an appendix for reference.

The RFP requested a rate quote for three different final maturity options; five years, seven years, and ten years. Each of the responding banks provided the County with a quote for the three requested options.

RFP Results:

Davenport has reviewed all of the responses and compiled a summary and recommendation detailed herein. Our review analysis takes several key points into consideration, including the following:

Ø **Interest Rate** – As was noted earlier, with only one exception, all of the interest rate quotes received from the six proposing banks are below the estimated 5.0% interest rate utilized in preliminary cash-flow modeling. RBC Centura provided the lowest interest rate for each of the three requested options. RBC’s interest rates are as follows:

**RBC Centura’s
Bank Qualified, Fixed
Interest Rate Quotes**

Option 1 – 5 year Final Maturity:	4.12%
Option 2 – 7 Year Final Maturity:	4.21%
Option 3 – 10 Year Final Maturity:	4.29%

Ø **Prepayment Provisions** – Given the possibility that additional funds may be available in the future to repay the Bonds early, flexible prepayment provisions are of the utmost importance to the County for this financing. Of the six respondents, RBC Centura offers the most flexible prepayment provisions. No matter which final maturity option the County decides upon (five, seven, or ten years the Bonds could be prepaid at anytime with a 1% penalty via RBC. Other banks offered favorable call penalties (i.e. 0%, 0.5%) but none provided the flexible timing of prepayment that RBC offered. For instance, Wachovia Bank offered prepayment with no penalty but would not allow for prepayment before August 15, 2011 (five years).

Ø **Ability to Meet County’s Estimated Future Cash-Flows** – As was noted above, RBC Centura’s quoted interest rates are well below those used in Davenport’s preliminary cash-flow model. Thus, any of the three final maturity options offered by RBC Centura will work within the projected cash-flows outlined in our June 26, 2006 presentation. Additionally, since all but one quoted interest rate are below the preliminary estimate, all but one of the six bank proposals could work within the County’s projected cash-flows.

Ø **Credit Structure** – Each of the proposals received, including RBC Centura’s, allows for the Bonds to be issued utilizing essentially the same credit structure as the 2004 Bonds and Notes (“on Parity”). Thus, no additional actions are necessary by the County to provide for additional security above that already contemplated in the 2004 Bonds and Notes. Any of the proposals is a viable option in terms of security for the borrowing.

Ø **Bank Cost to Close Transaction** – Five of the six respondents indicate relatively minor costs to close on the Bonds. First Bank & Trust did not indicate any costs to close. SunTrust contemplated a \$1,000 bank fee, while RBC Centura offered the third lowest closing costs at \$2,500. Given the relative magnitude of the projects to be financed these costs do not appear to prohibit moving forward with the transaction.

Ø **Bond Rating** – None of the proposals require the County to update its existing credit rating.

Ø **Ability to Meet Time Schedule** – All of the proposals should be able to meet the County's time schedule for closing.

Examining the above stated key considerations, Davenport feels that the most significant are the interest rate, prepayment, and cash-flows. RBC Centura provided the lowest interest rates for each of the three requested final maturity options, the most flexible prepayment provisions, and the ability to fit within the County's projected cash-flows. BB&T offered the second lowest interest rate for a five year and seven year final maturity and the third lowest interest rate for a ten year final maturity. BB&T also offered the second most flexible prepayment provisions behind RBC Centura.

(Please see the table included as an appendix for a summary of the bids received)

Recommendation

At this time we respectfully recommend that the County move forward with the RBC Centura proposal given their lower all-in interest rate and more flexible repayment provisions. Moving forward with RBC Centura allows the County to take advantage of favorable interest rates and flexible financing terms. As noted earlier, any of the three final maturity options will fit within the County's projected cash-flows. A summary of debt service for each of the options is included on the following page.

Next Steps

Should the County choose to move forward with the RBC Centura proposal, RBC has requested that they be notified after the July 25th scheduled joint meeting of the County's Board of Supervisors, Industrial Development Authority (the "IDA"), and School Board and that a signed copy of the their proposal be returned to them following the meeting. If desired, a final determination as to which of the three final maturity options is preferred by the Board can be made at the July 25th meeting. After the selection of a final maturity option RBC will lock-in the interest rates until closing.

We will coordinate with Chris Kulp of Hunton & Williams LLP, Bond Counsel to the County, to prepare the necessary documentation to move towards closing on the 2006 Bonds. This documentation will be available for approval at the July 25th meeting. Representatives from Davenport and Hunton & Williams LLP will be present to present the results of the RFP process and our recommended strategy. A summary of the next steps is included below. All of the events listed below are part of the normal events to close an issue(s) of this type:

Ø **July 25, 2006 – Joint Meeting of the Dinwiddie County Board of Supervisors, Industrial Development Authority, and School Board:**

Presentation of bids received and recommended financing provider. Board(s) to approve necessary legal documents to enact closing.

Ø **By August 11, 2006** – Pending approval of the various Board(s) closing will occur and funds will be available.

In the meantime please do not hesitate to contact us directly with any questions or concerns.

Ms. Howerton, Finance Director, stated that what was needed from the Board was whether there was consensus on the terms of the bond, in order for the final documents to be prepared and presented at the July 25th joint meeting among the three Boards (Board of Supervisors, IDA, and School Board). She stated that a copy of the memo had been sent to each member of those Boards.

There was discussion regarding the bonds and identified revenue streams.

It was the consensus of the Board to accept the recommendation of Davenport and Company LLC, to use RBC Centura, with the term of five years for the 2006 Lease Revenue Bond.

6.E. REPORT: COUNTY OWNED REAL ESTATE UPDATE

David Thompson, GIS Manager, presented an overview of the County surplus property. Initially 155 properties were identified as County owned real estate. After further research, the list has been narrowed down to 46 properties. Identified were the following: 4 vacant parcels comprising 64.63 acres; 2 parcels near NWB on Simpson Road being marketed; 3 lots at the Airport Authority also being marketed; Commerce Park; 34 lots in West Petersburg making up 5 building sites; 20 acres backing up to the lots in West Petersburg (potential wetlands); and residual land from several County owned sites (totaling 142 acres). Information was derived from the Commissioner of the Revenue's records. Mr. Thompson stated that due diligence is needed to determine accurate acreage and ownership.

7.A. ACTION ITEM: WASTE MANAGEMENT CONTRACT AND PROPOSED INCREASE IN COMMERCIAL DUMPSTER RENTAL RATES

WASTE MANAGEMENT CONTRACT:

The Board was provided the information 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 Waster 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.

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 \$367,750 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.

AGREEMENT – WASTE MANAGEMENT:

REQUESTED ACTION:

Ms. Howerton stated that since our existing contract with Waste Management for disposal services expired June 30, 2006, we would like authorization to sign an extension of that contract for the month of July. Waste Management has agreed to this, and it would ensure uninterrupted disposal service while we put the new contract with VWS in place.

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

NOW, THEREFORE, 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 extend our agreement with Waste Management (Solid Waste Transportation Agreement, Commencing March 22, 1999, Section II, Terms of agreement) until July 31, 2006.

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

Nays: None

SOLID WASTE COLLECTION SERVICE CONTRACT:

REQUESTED ACTION:

Ms. Howerton stated that staff 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 Director of Sanitation to spend more time on site beautification and other projects, rather than on truck maintenance.

Mr. Haraway expressed concern about the County employee who would be affected by this change in their employment. He was concerned about employees who had only a few years left until retirement.

Ms. Howerton said that any money they had in VRS could be left there, and they would receive it when they reached retirement age. She said the County would have to check with VRS as to how much it could possibly hurt those employees' retirement.

Mr. Massengill interjected that County Administration and Virginia Waste Services had a meeting that day with three of the four employees who would be affected. He said the County wanted to have a clear line of communication with the employees. He had indicated to them that all through this process Denny King, Director of Waste Management, has been concerned about looking out for the employees who would be affected by this change. Mr. Massengill stated that Virginia Waste Services had indicated in the meeting that there would be a salary increase associated with their change of employment. Mr. Massengill said he respected what Mr. Haraway had expressed. He said that from an administrative prospect it was something that would have to be taken into consideration before finalizing the process. Those details would be worked out. He

said the issue before the Board at this point was two-fold: 1) extending the contract in order to allow Administration to move forward; and 2) actually entering into the contract. Mr. Massengill gave assurance of his concern as to how this would affect a long-term employee of the County.

Mr. Moody stated that he would like for the County Attorney to have some discussion with Virginia Waste Services before the meeting on July 25th.

CONTRACT **SOLID WASTE COLLECTION SERVICES**

This Contract is made this 18th day of July, 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 August 1, 2006. The initial term of this Contract is August 1, 2006 to July 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 for any additional annual terms, proportionally to adjust for an increase in the Consumer Price Index, 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. 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:

<u>Notice to County shall be made to:</u>	<u>Notice to Contractor shall be made to:</u>
W. Kevin Massengill	Virginia Waste Services, Inc.
Interim County Administrator	Attn: Michael Cole
P. O. Drawer 70	11800 Lewis Road
Dinwiddie, Virginia 23841	Chester, Virginia 23831
(804) 469-4500	(804) 748-3311

5. 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.

6. 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

By consensus of the Board the decision on the Virginia Waste Services, Inc. contract was deferred until the July 25th meeting.

PROPOSED INCREASE IN COMMERCIAL DUMPSTER RENTAL RATES:

The Board received the memo below from Anne Howerton, Finance Director, regarding the proposed increase in commercial dumpster rental rates.

BACKGROUND

We currently rent and service over 100 dumpsters to businesses and organizations within the County. The attached chart shows the current monthly rates for each size of dumpster given the number of times per week that it is serviced. As you can see, we are not covering our costs at the current rates.

LAST BOARD ACTION

The last time that the Board increased the rental rates was in June 2001.

REQUESTED ACTION

We would like authorization to increase the rates as shown in the "new rate" column of the attached chart effective September 1, 2006. You'll notice that the new rates are rounded

numbers that may be slightly less than the suggested rate in the "direct cost per contract" column. Given the fact that the dumpsters are not always completely full when they are emptied, we feel that the new rates are adequate to cover the direct cost of disposal at \$3/yard and our indirect, billing, and collection costs.

If the increase is approved, we will send out notices with the July and August billings to give our customers enough notice to secure another waste disposal vendor if they so choose. Sanitation department staff will also contact each customer before September 1, 2006 to verify that the current dumpster size and service schedule is what they wish to continue. We will also be requiring each customer to sign a rental agreement to be drafted by the County Attorney.

Commercial Dumpster Fees Analysis

dumpster size & times serviced per week	current rent per month	direct cost per new contract \$3/yard	new rate	% incr
2 yd (1)	18.75	26.00	25.00	38.67%
2 yd (2)	31.25	52.00	50.00	66.40%
2 yd (3)	60.75	78.00	75.00	28.40%
4 yd (2)	40.60	104.00	100.00	156.16%
4 yd (3)	60.90	156.00	150.00	156.16%
4 yd (4)	81.20	208.00	200.00	156.16%
6 yd (2)	50.60	156.00	150.00	208.30%
6 yd (3)	75.90	234.00	225.00	208.30%
6 yd (4)	101.25	312.00	300.00	208.15%
8 yd (2)	62.50	208.00	200.00	232.80%
8 yd (3)	93.75	312.00	300.00	232.80%

Proposed Revenue over Current Revenue

	monthly	annually
Proposed Revenue from Commercial Accounts	15,950.00	191,400.00
Current Revenue from Commercial Accounts	6,561.45	78,737.40
Additional Revenue	9,388.55	112,662.60

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the commercial dumpster fees are increased as stated.

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

Nays: None

Abstain: Mr. Bowman

7.B. ACTION ITEM: RESOLUTION FOR PETERSBURG BAPTIST ASSOCIATION
100TH ANNIVERSARY

The resolution below was read by Ms. Moody, and will be presented by her to the Petersburg Baptist Association at their 100th anniversary celebration on September 10, 2006.

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

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

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

Nays: None

PETERSBURG BAPTIST ASSOCIATION
100TH ANNIVERSARY

WHEREAS, the Petersburg Baptist Association was formed in 1906 and is celebrating its 100th Anniversary in 2006; and

WHEREAS, the Petersburg Baptist Association has been a valuable part of Dinwiddie County for many years and has greatly contributed to the development, growth, and mission of Dinwiddie County; and

WHEREAS, the Petersburg Baptist Association has compassionately ministered to the citizens of Dinwiddie County in both prosperous times and times of need; and

WHEREAS, the Petersburg Baptist Association is a significant part of the community of God and the community of Dinwiddie County;

WE THEREFORE RESOLVE, that we, the Board of Supervisors of Dinwiddie County, Virginia, do hereby congratulate the Petersburg Baptist Association on its 100th Anniversary that will be celebrated on September 10, 2006; and

BE IT FURTHER RESOLVED that we look forward to working with the Petersburg Baptist Association in the future and as they begin their second Centennial Anniversary in Dinwiddie County, the Commonwealth of Virginia, and the United States of America.

Signed, this 18th day of July, 2006.

7.C. ACTION ITEM: APPOINTMENTS

There were no appointments at this time.

8. CITIZEN COMMENTS

Before the citizen comments the Chair read the following statement:

In accordance with the Board of Supervisors Bylaws we will allow and listen to all persons desiring to speak to the Board in an orderly manner. Speakers should address the Board with decorum. Loud, boisterous and disruptive behavior, obscenity and vulgarity shall be avoided. You are allowed three minutes to speak after you have signed the registry. Speakers shall not be interrupted by audience comments, laughs or other gestures. This is disruptive to the order of the meeting, and others attending. If this occurs, I'll ask you to refrain from speaking out of order. If this continues, I'll ask the deputy sheriff on duty to escort you out of the Board room. You must take responsibility for your own actions. Please keep your comments germane to the business at hand. As Chair, it is my responsibility to keep the meeting in order at all times. Thank you in advance for your cooperation.

1. Michael W. Bratschi – 23500 Cutbank Road – McKenney – asked that the Board police their own Board, and not depend on citizens. He said a citizen had contacted him with a concern regarding the Sheriff's Department. He stated that not all employees who had take-home vehicles needed them. He said the road deputies, and those on call were the only ones who needed a take-home vehicle. He said thousands of dollars could be saved by restricting take-home vehicles. He objected to prorating taxes.

2. Anne Scarborough – Dinwiddie – read the ad for the County's Economic Development Director. She said there were no qualifications listed. She questioned why the Board would go into closed session to discuss goals of the County Administrator. She said she did not see how Mr. Massengill could set forth any goals unless the Board had set goals and directions for the County. She stated that he is supposed to carry out the Board's wishes. She asked if the Board had, in writing, their goals for the County. She requested a copy if it is in existence.

9. COUNTY ADMINISTRATOR COMMENTS

W. Kevin Massengill, County Administrator, stated that he wanted to recognize Chief Dennis Hale. The County received \$62,500 for the purchase of five Zoll Monitors, which was a grant Chief Hale had pursued.

Mr. Massengill thanked Mr. Wilde. Mr. Massengill said that staff had been attempting a meeting with Ft. Pickett officials for quite some time. Mr. Wilde works at Ft. Pickett and was able to coordinate that meeting. Mr. Moody attended the meeting as well. Mr. Massengill said it was a good meeting.

Mr. Massengill said that he had rescheduled the Town Hall meeting that was originally scheduled for Thursday night due to a scheduling conflict with the Board of Zoning Appeals. The Town Hall meeting has been rescheduled for Thursday, August 3, 2006 at 6:00 p.m. in the Pamplin Administration Building Board Room. He affirmed that all County Department Heads would be present in order to answer any questions citizens may have.

Mr. Massengill stated that several months ago Mr. Stone and Mr. Moody had requested that staff identify guidelines regarding proclamations and certificates of recognition. Staff was asked to identify the policies of other jurisdictions, and to make recommendations as to guidelines for Dinwiddie County. That information was distributed to the Board and the public. Mr. Massengill requested feedback from the Board.

Mr. Massengill remarked that Ms. Scarborough was correct as to the fact that his goals and objectives had been identified. He distributed his goals and objectives, and asked the Board to review them and contact him regarding any additions or corrections.

Mr. Massengill said the new Director of Social Services, Shel Douglas, had been present in the meeting but had since left. He said he would request that she attend the next regular Board meeting, and share with the Board and public at that time as to her background and experience.

10. BOARD MEMBER COMMENTS

Mr. Stone stated that the fifth District 5 Town Hall Meeting will be at the Pamplin Administration Building in the Board Room on Monday, August 7, 2006 from 7:00 p.m. to 9:00 p.m. He said there will be three more Town Hall meetings this year and they will be held in October, November and December.

Mr. Stone stated that he had been working with staff since the fiscal year ended on June 30th on items he would like to present to the Board concerning two administrative positions. He stated that Mr. W. Kevin Massengill had served as Interim County Administrator for approximately seven months, since Mr. Horwedel had resigned. During those seven months he has worn three hats. He has served as Assistant County Administrator, Interim County Administrator and as Director of Economic Development (as this position was excluded from the budget in the preceding year). He averaged from 60 to 65 hours per week. Mr. Stone declared, according to figures he had derived from Anne Howerton, Finance Director, that while serving in those three capacities Mr. Massengill had saved the County approximately \$70,000 from last year's budget. Currently, as neither the Assistant County Administrator position nor the Economic Development position have been filled, Mr. Massengill is continuing to save the County the expense of the salaries of those two positions. He is continuing to shoulder those duties as well as his own, as County Administrator.

Mr. Stone stated that the second administrative position he wanted to discuss was the position of the County Attorney, Michael Drewry. Mr. Drewry has been with the County thirteen months. Mr. Stone said that the County had quite a few "hot irons" in the fire when Mr. Drewry

came on board. Mr. Drewry has worked an average of 55 hours per week since coming to work for the County. Mr. Stone stated that since he was the supervisor who had made the motion to replace the Richmond law firm, he would use their bill rates to figure the savings Mr. Drewry had provided to the County. He stated that using an average of 55 hours per week that Mr. Drewry has provided to the County, last year Dinwiddie County taxpayers saved a little over \$270,000 by having Mr. Drewry as the County Attorney. Moreover, Mr. Drewry has proven to the Board and to the community that he is qualified in all the areas that he was hired to provide expertise.

Mr. Stone stated that he would like to recognize these two gentlemen as being outstanding citizens, outstanding stewards of the taxpayers' monies, and as doing an excellent job in the last year.

Mr. Bowman echoed the same feelings as Mr. Stone. He said that one of the best moves the Board had made was to hire a County Attorney. He said that the Board appreciated all of Mr. Drewry's hard work and dedication.

Mr. Stone commented that it was his understanding that previously when an Assistant County Administrator acted as Interim County Administrator, compensation was provided. He stated that he would like to make a one time amendment to the FY 06-07 Budget by his motion requiring Ms. Howerton to do a budget amendment totaling \$3,300.00 and \$6,615.00.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a one time appropriation from the General Fund Balance and payment of \$3,300.00 be made to W. Kevin Massengill, County Administrator, to compensate for the 7+ months of acting in several positions through the time that he was Interim County Administrator.

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

Nays: None

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that as required by the contract of this Board of Supervisors and the County Attorney, Michael Drewry, and upon evaluation of Mr. Drewry's work over the past year, and his commitment to the County, that Mr. Drewry's salary be increased by 10% effective July 1, 2006, and the FY 2006/07 budget and appropriation be amended and increased in the amount of \$6,615.00.

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

Nays: None

Mr. Haraway stated that he had received two calls in the last week asking about grants that the Social Services Department had refused. He said that he discussed that with the administrative staff at the Social Services Department and with the Social Services Board, and

they are not aware of the refusal of any grants.

Mr. Moody commended the EMS Department and the Volunteer Fire Department for the excellent work they did in a fire that occurred in his area of the county on July 4th. He said there was great cooperation among all the Fire departments that responded, including Blackstone.

Ms. Moody stated that along with the other positions that Mr. Massengill had been handling, he had also been heading up the Planning Department for quite some time.

Ms. Moody invited everyone to watch a Brazilian soccer team scheduled to play "Dinwiddie's Finest" (consisting of volunteer soccer players) at Eastside on Saturday, July 22, at 6:00 p.m. This is sponsored by West End Baptist Church and is free and open to the public.

Mr. Drewry expressed his appreciation for the kind words of the Board and the citizens.

11. CLOSED SESSION

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

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

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

§2.2-3711 (A) (1) Appointments: Industrial Development Authority; and Department of Social Services Board;

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

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

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

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

Nays: None

Mr. Bowman stated that he would excuse himself during the discussion of the Commerce Park due to a conflict of interest.

At 6:55 p.m. upon motion of Mr. Mr. Stone, seconded by Mr. Bowman,

The Board reconvened into open session.

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

Nays: None

CERTIFICATION

WHEREAS, this Board convened in a closed meeting under:

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

§2.2-3711 (A) (3) Land Acquisition; and

§2.2-3711 (A) (7) Legal Matters: 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. Moody, seconded by Mr. Haraway, this Certification Resolution was adopted.

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

Mr. Massengill interjected that there was a need to go back into closed session, under:

§2.2-3711(A) (5) Business and Industry Development: Prospective Business/Commerce Park; and §2.2-3711 (A) (1) Appointments: Industrial Development Authority; and Department of Social Services Board. He asked that this be added after Item 14 at the conclusion of citizen comments. Due to limited time, the Board was not able to cover these items during the first closed session.

7:00 P.M. – PUBLIC HEARINGS

12.A. PUBLIC HEARING: FY 05/06 AND FY 06/07 BUDGET AMENDMENTS AND APPROPRIATIONS

The Chair opened the public hearing in this matter.

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

RESOLUTION - APPROPRIATION FOR SCHOOL CONSTRUCTION FUNDS – FY 2006-07

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

WHEREAS, the Board of Supervisors has previously approved the FY 2006-07 budget, which included \$1,000,000.00 for school construction;

WHEREAS, the Board of Supervisors has not yet appropriated said funds,

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, hereby authorizes the appropriation of \$1,000,000.00 to school construction for FY 2006-07.

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

Nays: None

BUDGET AMENDMENT – FY 2005-06 – CAPITAL IMPROVEMENT PROGRAM

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

WHEREAS, the Board of Supervisors has previously approved the FY 2005-06 budget, which included \$1,000,000.00 for the Capital Improvement Programs; and

WHEREAS, the Board of Supervisors wishes to approve an additional \$1,000,000.00 transfer to the Capital Improvement Program;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, hereby authorizes the following FY 2005-06 budget and appropriation amendment:

Expenditure: \$1,000,000.00
Transfer from General Fund

Revenue: \$1,000,000.00
County Capital

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

Nays: None

BUDGET AMENDMENT – FY 2005-06

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

WHEREAS, the Board of Supervisors has previously approved of the construction of a new high school and new elementary school, subject to appropriation of sufficient additional construction funds, to cover the total contract amount;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, hereby authorizes the following FY 05-06 and FY 06-07 budget and appropriation

amendments:

Transfer from School Operations FY 2005-06 year end balance	\$300,000.00
Transfer from School Debt Service FY 2005-06 year end balance	\$482,000.00
Transfer from School capital FY 2005-06 land payments	<u>\$208,000.00</u>
	\$990,000.00
Appropriation amendment to the FY 06-07 fund balance and Expenditure in School construction	\$990,000.00

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

Nays: None

12.B. PUBLIC HEARING: C-06-1 NEXTEL COMMUNICATIONS

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

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.

Mr. Bowman thanked the Board for delaying this case in order to give time to have the balloon flown. He stated that he felt very comfortable now that it will not have an impact on historic Mayfield House.

OVERVIEW

The Board of Supervisors heard conditional use permit case C-06-1 (Nextel Communications) at their June 20, 2006 meeting and had some concerns regarding the historic impact the subject property would have on adjacent property. The applicant plans on performing a balloon test on the subject property with a Board member and staff present during the test.

Staff provided the Board with the detail telecommunication tower information for Nextel Communications in the previous agenda packet and a copy of that information will be available with the Clerk to the Board for the July Board meeting. Staff has provided the Board with the updated information since the June Board meeting in the July agenda packets.

ANALYSIS

On July 10, 2006, Board of Supervisor Bowman and staff met at the Mayfield Inn to observe the balloon test conducted by Mr. Dan Tully of Network Building & Consulting, LLC representing Nextel Communications. The balloon was flown at the height of the proposed tower in a general proximity of the tower location. Due to large amounts of trees and foliage near the proposed site, the balloon was flown around one hundred (100) feet short of the proposed site. Mr. Bowman and staff were not able to view the balloon from the Mayfield property, due to the surrounding trees.

Staff has attached pictures from the Mayfield property when the balloon was flown.

IMPACTS

Historic Impacts

During the rezoning process, there were also concerns regarding the historic impact of the subject area. The applicant has been in contact with the Virginia Department of Historic Resources regarding the effect on historic resources. In a memorandum from the Department of Historic Resources, dated May 25, 2005, the department stated the project would have an effect on historic resources, but based on the information that the applicant provided the effect would not be adverse.

Staff feels that the proposed tower will not have a negative impact on the historic Mayfield Inn. The proposed tower should not be seen from the Mayfield property as observed during the balloon test.

BACKGROUND

Planning Commission Vote:

The Planning Commission heard the conditional use permit request, C-06-01, at their May 10, 2006 meeting. The Planning Commission voted unanimous to recommend approval of C-06-01 to the Board.

Past Meeting Minutes:

Attached in your packets are copies of the Board of Supervisors and Planning Commission minutes for rezoning case P-05-12 and conditional use permit case C-06-1.

Staff Recommendation:

The County's telecommunications consultant (Atlantic Technology Consultant, Inc.) has reviewed the conditional use permit information and is satisfied that the applicant has addressed the impact on the subject property and has recommended approval of the request.

The Staff has reviewed the conditional use permit and is satisfied that the applicant has successfully responded and addressed the impacts of conditional use permit on the property to allow a telecommunication tower.

In developing this recommendation, staff has evaluated the advantages and disadvantages of the conditional use permit on this property and believes that the overall proposed request will have a positive impact for the County. Specifically, staff wishes to share the following comments:

1. Staff feels that the impact of the conditional use permit will be minimal. Staff feels

that the proposed conditional use permit will not have a direct effect on transportation, public safety, schools, and water quality.

2.The subject property will have a good vegetative buffer to shield the current and future adjacent property owners from the suggested use. The subject property is well-wooded, which will provide for a good buffer and screening of the facility to all adjacent property owners. The tower will be located on a 40.21 acres parcel, which would be a good distance to the nearest residence.

3.Staff feels that using this existing site would help prevent using two separate sites in the County for non-residential uses (i.e. Water Treatment Facility and a Telecommunication Tower).

4.The subject property has limited uses to only allow a water treatment facility and one (1) telecommunication tower as stated in the proffer statement from rezoning case P-05-12. Failure to utilize the subject property with the above mention uses will result in the Dinwiddie County Water Authority transferring the property back to the Commonwealth of Virginia.

5.Staff feels that the subject property is compatible with the other adjacent zoning classifications. The subject property is located to the south of Route 1/Route 460, where the vast majority of the area is commercial and retail development, except for Central State Hospital. The properties located to the north are zoned Residential, Limited, R-1 along Route1/Route 460 which mainly consist of Central State Hospital and Training Institutions and the properties to the west are zoned Business, General B-2 and Shopping Center District, B-3.

6.Staff feels that if the proposed tower shall be placed at this location, the tower will improve the service coverage area for existing and future businesses as well as citizens traveling along Interstate 85 and Cox Road/Route 1. Such improvements to the service coverage area could improve infrastructure needs and services to area businesses.

Therefore, Staff's recommendation of approval of the request for a conditional use permit based on the following conditions:

1.The applicant shall limit the height of the tower to 160 feet as stated in the conditional use permit.

2.The proposed tower is less than two hundred (200) feet, if the FAA make a determination that requires lighting, the applicant will request a red beacon, not a strobe light, to utilize lighting the tower.

3.The applicant will provide space to Dinwiddie County, at no cost to the County, to collocate communication equipment, if requested by the County.

4. The proposed tower will not have a negative historical impact on the adjacent property.
5. Before obtaining a building permit, the applicant shall post a bond equivalent to the cost of removal of the tower with the Planning Department.
6. The conditional use permit must be reviewed at least every two (2) years for compliance with stated conditions.
7. The applicant must keep in compliance with all federal, state, and local rules and regulations.

The staff's recommendation resolution has been attached to the planning summary report.

RESOLUTION

CASE NO. C-06-1. Nextel Communication

WHEREAS, Nextel Communication has applied for a Conditional Use Permit (CUP) to allow for the construction of a 160-foot-tall telecommunication tower; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Case: C-06-1; and

WHEREAS, telecommunication towers are a permitted use in the Business, General B-2, zoning district with approval of a Conditional Use Permit; and

WHEREAS, the tower will be located on property currently zoned Business, General B-2, and is further identified as Tax Map No. 10, Parcel No. 6 on Dinwiddie County Real Estate Tax Map (collectively, the "Property"); and

WHEREAS, the Planning Commission of Dinwiddie County, following its public hearing on May 10, 2006, recommended approval of Case: C-06-1 by a vote of 6- 0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, do hereby approve the issuance of Case: C-06-1 as described herein with the following conditions:

1. The applicant shall limit the height of the tower to 160 feet as stated in the conditional use permit.
2. The proposed tower is less than two hundred (200) feet, if the FAA make a determination that requires lighting, the applicant will request a red beacon, not a strobe light, to utilize lighting the tower.

- 3.The applicant will provide space to Dinwiddie County, at no cost to the County, to collocate communication equipment, if requested by the County.
- 4.Before obtaining a building permit, the applicant shall post a bond equivalent to the cost of removal of the tower with the Planning Department.
- 5.The conditional use permit must be reviewed at least every two (2) years for compliance with stated conditions.
- 6.The applicant must keep in compliance with all federal, state, and local rules and regulations.

Doretha E. Moody
Chairman, Board of Supervisors

ATTEST:

Wanda Nester
Clerk of the Board

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

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 conditional use permit C-06-01 is approved with conditions by the Board of Supervisors.

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

12.C PUBLIC HEARING: P-06-04 RANDY HERRING REZONING

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

Dr. Mark Moore, Chairman of the Dinwiddie County Planning Commission, was available for questions from the Board. He stated that during this meeting only the rezoning issue was being heard. The conditional use permit will be heard at a later date. He said that one concern of the Commission was the separation between the two pieces of property; and there is a residence between the two. If the pieces of property were ever sold, there is only one entrance which is the current entrance. He said this is something to be considered in going forward. The connection of the two mini-storages goes across a piece of property that could potentially be sold at a later date. He stated that the Commission has no problem with what is being decided at this meeting. Going forward, access to the back piece of property will need to be addressed.

Mr. Wrenn stated that there is currently a 50 ft. easement to that piece of property.

Mr. Randy Herring, the applicant, – 62000 Hamilton Arms Road – spoke to the Board. He said he was trying not to have to put in another key-padded gate like the one he currently has, as they are rather expensive. If he had a separate entrance to the mini-storage, it would be necessary to install another gate.

Mr. Bowman asked Mr. Herring if he had a separate driveway, or if he used the same entrance as he uses for the mini-storage facilities.

Mr. Herring answered he uses the same entrance for the mini-storage that serves his personal residence. He said he does, however, have a 50 ft. right-of-way beside the pond adjacent to the other piece of property.

Mr. Massengill asked Mr. Herring if VDOT had rejected a commercial entrance on the property on which he has the right-of-way.

Mr. Herring answered that they would prefer not to have two commercial entrances within 150 ft. He said this is 160 ft. – just a little over that preference.

Mr. Bowman asked if Mr. Herring owned the parcel on both sides of the ponds.

Mr. Herring answered yes.

Mr. Stone asked what the zoning was on the other area beside the pond.

Mr. Herring answered B2. He also stated that to the right of the mini-storage is his neighbor's property.

The Chair opened the public hearing in this case.

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

Mr. Stone commented that this will make the third mini-storage rezoning within a 1 mile square radius that has come before the Planning Commission in the past 21 months. He stated that as Dr. Moore stated, it is time for the County to decide where and how many mini-storages are wanted in the County. He said his concern was if something should happen, and the parcel was split, the owner in the middle may not want to give access.

Mr. Bowman stated he was not against the rezoning, but he was concerned about the entrance.

Mr. Moody said that at this point the Board was dealing only with the rezoning.

Michael Drewry, County Attorney, interjected that legally there needed to be more detail in

the proffers.

EXECUTIVE SUMMARY

The applicant, Randy Herring, is seeking a rezoning of a portion of one land parcel, containing 1.64 acres from Agricultural, General A-2 to Business, General B-2 which allows commercial operations, to utilize the property for mini storage facility. The property is located at 15919 Hamilton Arms Road (Route 650). The property is designated as Tax Map 69, Parcel 57B. The County Comprehensive Land Use Plan places this property within the Rural Conservation Area which allows limited commercial development.

OVERVIEW

The subject property is located on the west side of Hamilton Arms Road (Route 650) near DeWitt, VA. The applicant wishes to utilize his adjacent property to expand his existing operation within close proximity to his existing operation. The Board of Supervisors heard case P-04-4 (Randy Herring) at their December 7, 2004 meeting and voted 4-1 to grant approval with proffers to rezone the property from Agricultural, General A-2 to Business, General B-2 zone for his mini-storage warehouse. The Board of Supervisors heard case P-02-1 (Randy Herring) at their June 5, 2002 meeting and voted 4-0 to grant approval to rezone the property from Business, General B-2 to Agricultural, General A-2 zone to place a single family dwelling on the property.

ANALYSIS

The property under review is designated by the Comprehensive Land Use Plan as Rural Conservation Area. As such, page X-15 of the Comprehensive Plan states that the area is "expected to accommodate approximately 5% of future industrial and commercial development". The Comprehensive Plan also expects commercial developments will be limited to service commercials within that Planning Area.

The Comprehensive Land Use Plan views highway interchange areas as areas that will place considerable economic pressure on landowners to develop their property for more intensive uses. The Plan also recommends that the property owners maintain the character of established residential areas adjacent to the interchange through proper buffering. In Chapter XI of the Plan, which outlines the policies, goals and objectives of the County, the policy statement states "to encourage small businesses to locate in Dinwiddie County."

The Route 1 and Route 460 Corridor Enhancement Study does recommend focusing on controlled appearance of interchange development. In developing these areas of the County, the County should emphasize a need to be sensitive to such things as appearance of the buildings and property such as landscaping, lighting, and signage.

The properties around this land parcel have mixed uses which include commercial and open space/agricultural/residential. The properties located to the north are zoned Business, General, B-2 along Hamilton Arms Road (Route 650), to the south properties are zoned Business, General B-

2 along Hamilton Arms Road (Route 650), to the east the properties are zoned Agricultural, General, A-2 along Hamilton Arms Road (Route 650) and to the west the properties are Agricultural, General A-2.

If the rezoning case is approved by the Board of Supervisors, the applicant will be required to submit an application for a conditional use permit to the County in order to operate a mini-storage warehouse with approval from the Board.

IMPACTS

Public Utilities, School System, Public Safety, & Wetland Impacts

The potential impacts on the subject property are minimal. The subject property does not anticipate the use of public water and sewer utilities. No impact on the public school system is anticipated, due to the fact that no new residences will be constructed as a result of this rezoning. The potential impact on public safety will be minimal, due to no specific public safety requirements for mini storage warehouses. The subject property also will not have any wetland impacts on the property, due to the close proximity to a pond located on the property. Upon the necessary rezoning and conditional use permit approvals from the Board of Supervisors, the applicant is required to submit a site plan outlining the mini-storage warehouse use to the Planning staff as a part of the site plan process.

Transportation Impacts

The impacts on transportation should be minimal. The subject property has good access to the property since it locates on Hamilton Arms Road (Route 650) which is located near the Interstate 85 (I-85) interchange for the DeWitt area. Boydton Plank Road (Route 1) is also within close proximity of the subject property. The road system in this particular area is more than adequate to handle the limited traffic that will be generated by the proposed use.

Proffer Statement

The applicant has submitted a proffer statement to the County. The applicant did address potential impacts on the subject property. The applicant has limited the permitted uses on the property, if rezoned, to the B-2 zoning district. Those permitted uses are listed below:

Limited Types of Businesses
■ Retail stores and shops
■ Mini-storage warehouse units <i>with a conditional use permit</i>
■ Office Building

The Staff feels that the limited uses mentioned above would be acceptable for the property based on the lot size and location. The applicant has also offered general proffers regarding the limited uses on the list above (i.e. mini-storage facility will have 53 units consisting of 15 x 5, 10 x 10 units and 10 x 5 units to be constructed in numerous stage).

The applicant shall construct the additional mini storage units the same as the existing mini storage units on the adjacent property (masonry block with stick built shingled roofing, vinyl sided gables, and metal garage doors) as stated in the applicant's proffer statement. The applicant will also have a six (6) foot high chain link fence installed along the perimeter of the property as stated in the proffer statement.

The applicant did address the hours of operation (Summer 7AM – 8PM and Winter 7AM – 5:30PM). The applicant also address security lighting which would keep the glare contained on the site. The applicant will install a business sign which shall meet the requirements of the Dinwiddie Code section regarding signs and receive an approved sign and building permit by the Planning and Building Departments.

The applicant will be required to have possible two (2) parking spaces (two (2) office/employee parking spaces for mini-storage warehouse) as stated in Dinwiddie Code section 22-237-(10)-B. The applicant has proffered that all areas between the buildings shall be paved.

The applicant has also proffered to locate the commercial entrance to the business at the VDOT approved location. The applicant has obtained a VDOT Land Use Permit and the commercial entrance will meet VDOT's standards. VDOT has issued the permit for only one (1) commercial entrance to access the property and no additional entrances will be permitted by VDOT.

BACKGROUND

Planning Commission Vote:

The Planning Commission heard the rezoning request, P-06-04, at their June 14, 2006 meeting. The Planning Commission voted unanimous to recommend approval with proffers of P-06-04 to the Board.

Past Meeting Minutes:

Attached in your packets are copies of the Board of Supervisors and Planning Commission minutes for rezoning cases P-04-4, P-02-1 and P-06-4.

Staff Recommendation:

The Staff has reviewed the rezoning matter and is satisfied that the applicant has successfully responded and addressed the impacts of rezoning the property to allow greater commercial density.

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

1. Staff feels that the limited uses which the applicant has provided in the proffer statement are compatible uses based on the size and location of the property.
2. Staff feels that the conditions which have been placed on the limited uses permitted on the subject property are sufficient and addresses potential impacts of those limited uses on the subject property.
3. Staff feels that the applicant needs to address the landscaping of the subject property in conditional use permit. Landscaping is an important aspect for this area because of the property being situated near an interchange area.
4. The applicant will work diligently with the Virginia Department of Transportation (VDOT) regarding the commercial entrance for the subject property.
5. Staff feels that the highest and best use of the subject property is commercial, due to the close proximity of the interchange.

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

- 1.The request is an up zoning of the property from a lower density to a higher density which will provide for more economic development on the property;
- 2.The rezoning classification requested is compatible with other adjacent zoning classifications;
- 3.The request is not in conflict with the Comprehensive Land Use Plan;
- 4.Staff feels that it is standard zoning practices to zone properties located near interchanges for commercial purposes;
- 5.The applicant has provided signed proffers to the subject property and;
- 6.The applicant, if approved, will submit a conditional use permit application for the mini-storage warehouse to the County for necessary approvals.

Tax Parcel No. 69-57B

PROFFERS

THESE PROFFERS are made this 9th day of May, 2006 by RANDY HERRING, owner, with his successors and assigns, the "Owner".

RECITALS

- A. Owner legally possesses the tract or parcel of land located in Dinwiddie County, Virginia, with an address of 15919 Hamilton Arms Road, DeWitt, Virginia and being the front portion of Tax Parcel No. 69-57B, containing approximately 1.64 acres as shown on the plat defined herein, (the "Property"), being more particularly described on Schedule A attached hereto.
- B. The Property is within the Rural Conservation Area on the County's Comprehensive Plan and is now zoned Agricultural, General A-2. Owner has applied to rezone a portion of the Property from Agricultural, General A-2 to Business, General B-2, with proffers.
- C. Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned Business, General B-2.

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, Owner agrees that he 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. The following proffers are stated as follows:

CONDITIONS

1. The limited uses on the Property will be limited to mini-warehouse storage units, office building, and retail shop, subject to any required conditional use permits.
2. The hours of operation will be as follows: Summer: 7:00 am until 8:00pm Winter: 7:00 am until 5:30 pm.
3. Security lights will be installed in various locations, such that there will not be glare off site or direct downward such that light will mostly be contained to site.
4. A 6 foot chain linked fencing to be installed on perimeter of property.
5. Landscaping will be installed across the front in a 10 foot wide area and a short distance on each property sideline.
6. All areas in between buildings and at the end of the buildings will be paved.

7. Entrance will located at the VDOT approved location with a minimum 30 foot wide entrance.
8. The mini storage facility will have 53 units consistent of 10 x 10, 10 x 5, and 15 x 5 units to be constructed in numerous stages.
9. The buildings will be constructed with masonry block with stick built shingled roofing, vinyl sided gables, and metal garage doors.
10. The mini storage sign will be approved by the County of Dinwiddie under the County Sign Ordinance before installed.
11. The conditions in these proffers may be amended or modified by the issuance of any conditional use permit applicable to the Property.

WITNESS the following signatures:

 RANDY HERRING
 STATE OF VIRGINIA
 COUNTY OF DINWIDDIE, to wit:

The foregoing instrument was acknowledged this 9th day of May, 2006, by Randy Herring.

My commission expires: _____

 Notary Public

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

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 rezoning P-06-4 is approved with proffers by the Board of Supervisors.

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

12.D. PUBLIC HEARING: P-06-05 F.W. BAIRD, LLC REZONING

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

Dr. Moore, Planning Commission Chairman, was available to answer any questions of the Board. He stated that two Planning Commissioners had met with the applicant and with the National Park Service, and with Staff. He said there is no question that everyone recognizes the historical representation of this piece of property. He said, however, it is also recognized that it is within an eighth of a mile of the existing business. He stated that his personal opinion was that it would be an upgrade to what currently exists. He declared that this is an excellent business in Dinwiddie County.

Mr. Haraway stated that in the past the Planning Commission had recommended cypress trees, but now Eastern Red cedar trees are being recommended. He asked about the advantages of these trees over the cypress. He also asked if there was a minimum height of the trees at planting.

The applicant, Mr. Baird, was available for questions from the Board. He stated that he would be willing to include in the proffer statement a minimum height of 6 ft. trees.

Mr. Bowman stated that the citizens he had talked with felt it was a win-win situation.

Mr. Moody asked if there were businesses located along Halifax Road.

Mr. Wrenn answered that further into Petersburg there are business along Halifax Road. In the general area where Mr. Baird is located, there are no businesses.

Mr. Drewry, County Attorney, commented that when staff discussed non-conforming use, it is true that Mr. Baird operates Baird LLC that is an existing business. He said, however, he wanted it to be clear to the Board that Mr. Baird does not own the present location. He stated that this is not the present owner of the present site submitting this proffer. He said it may be somewhat gray as to whether it can be enforced. He stated that there is legal validity, once the business is moved.

The Chair opened the public hearing in this case.

1. Chris Calkins – Representative of Petersburg National Battlefield, a unit of the National Park Service – said that they have a special interest in the two adjoining tracks of land beside the land in question. Those are owned by Civil War Preservation Trust and the Conservation Fund. He said that eventually it is anticipated that these will become lands under the care of the Petersburg National Battlefield as part of the Reams Station Battlefield. He stated that they had met with Mr. Baird, and in good faith, he has agreed to their proposed proffers so as to minimize his development on these adjoining properties. He said, should the Board move to approve Mr. Baird's rezoning case, they have no objections. He added that the reason the red cedars were chosen was because they tend to grow out wide fast, and do not have tall trunks. They are low-growing, bushy trees. When Loblolly Pines are used, once they grow higher, then you can see between them.

2. George Whitman – 13010 Old Stage Road - Petersburg – had not signed up for the public hearing, but asked to speak, and the Board allowed it. Mr. Whitman stated that he was a long-time resident of the area. He said Mr. Baird and his family had been a credit to Dinwiddie; and the County needed small business. He said that Halifax was one of the oldest roads in the country, and it goes all the way to Halifax, North Carolina. He said there were a lot of businesses on this road if you travel it all the way to North Carolina. He stated that there should be more business allowed on Halifax Road; and that it should be considered in the Comp Plan. He spoke in favor of this case.

3. Michael Wilde – 11467 Old Stage Road – Petersburg - had not signed up for the public hearing, but asked to speak, and the Board allowed it. Mr. Wilde agreed with Mr. Whitman that Halifax was a historical road. He disagreed, however, with having businesses up and down Halifax.

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

EXECUTIVE SUMMARY

The applicant, F.W. Baird, LLC, is seeking a rezoning of one land parcel containing 14.5 acres from Agricultural, General A-2 to Business, General B-2 which allows commercial operations, to utilize the property for an office/warehouse operation. The property is located along Halifax Road (Route 604). The property is further defined as Tax Map 48, Parcel 41. The County Comprehensive Land Use Plan places this property within the Rural Conservation Area which allows limited commercial development.

OVERVIEW

The subject property is located on the east side of Halifax Road (Route 604). The applicant wishes to relocate their existing operation to the subject property, due to their property in which they lease will not be renewed with the property owner. The current business operation has been operating in the Dinwiddie County over the last sixty (60) years.

The applicant's business operation dates back before the Zoning Ordinance was adopted in the County. The operation is classified as a non-conforming use on the existing property. The non-conforming classification does allow the operation have some minor growth, but not any major growth. The business operation has been operating at their current location on Reams Road (Route 606) (only one-eighth (1/8) of a mile from the proposed site) for many years from the applicant's mother's home. The applicant's operation consists of petroleum construction and repair/removing gas tanks and pumps from service stations and other similar developments. The existing location serves as the office, warehouse and storage for the operation. The operation employs eight to ten (8 to 10) office employees and the operation has several other offices throughout the Virginia and Maryland with Dinwiddie being the central office location.

ANALYSIS

The property under review is designated by the Comprehensive Land Use Plan as Rural Conservation Area. As such, page X-15 of the Comprehensive Plan states that the area is "expected to accommodate approximately 5% of future industrial and commercial development". The Comprehensive Plan also expects commercial developments will be limited to service commercials within that Planning Area.

In Chapter XI which outlines the policies, goals and objectives of the County, policy statement (3) states "maintain and enhance the County's ability to coordinate a balanced land-use program among various types of residential, commercial, and industrial interests by encouraging development within areas defined as growth centers and/or growth corridors."

The Plan also addresses Battlefield Preservation regarding the nationally significant Civil War battlefields in the County, which should be recognized as a major cultural resource and non-compatible development should not impact those recognized areas.

The Business, General, B-2 zoning district covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking, other than stocking and delivery of light retail goods, or by any nuisance factors, other than occasioned by incidental light and noise of congregation of people and passenger vehicles. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, printing presses, restaurants, taverns and garages and service stations.

The properties around this land parcel have mixed uses which include open space/agricultural/residential. The properties located to the north are zoned Agricultural, General, A-2, to the south properties are zoned Agricultural, General A-2, to the east the properties are zoned Agricultural, General, A-2 along and to the west the properties are Agricultural, General A-2.

Within the County's Zoning Code, under Division 3 entitled Agricultural, General A-2, section 22-70 (3) it states "Discourage the random scattering of residential, commercial, and industrial uses into the area." Clearly, the zoning code expresses concern for the premature utilization of land zoned A-2 as it relates to intensive land uses other than those normally associated with general agricultural and/or forestry uses.

Staff feels that this particular rezoning case represents spot zoning. All of area surrounding the subject property is zoned Agricultural, A-2. Spot zoning occurs when a small area of land or section in an existing area is singled out and placed in a different zone from that of neighboring properties.

An existing commercial business can be accommodated by a "grandfathered" right to continue a use existing when the zoning ordinance was adopted, which will terminate if the building is torn down or if any nonconforming use (structure or activity) is discontinued for a period exceeding one year it shall be deemed abandoned.

Staff feels that illegal spot zoning is arbitrary and unreasonable zoning action by which a smaller area is singled out of a larger area or district and specially zoned for use classification totally different from and inconsistent with the classification of the surrounding land, not in accordance with a comprehensive plan.

The reasons for invalidating a rezone as an illegal spot zone usually include one or more of the following:

- § the rezone primarily serves a private interest,
- § the rezone is inconsistent with a comprehensive plan or the surrounding area,
- § the rezone constitutes arbitrary and unreasonable action.

Each situation must be determined on its own merits and it is not always easy to determine conclusively whether a rezone would constitute an illegal spot zone.

Staff also reviewed the possibility of an amendment to the current A-2 zoning district to add the limited uses mentioned in the proffer statement to the permitted uses. Staff feels that the limited uses would not be compatible in the A-2 zoning district. Staff does not want to make any habits of adding additional uses to the A-2 zone, unless they are compatible with the agricultural intent of the area. Staff feels that an amendment is not an option for this particular case.

IMPACTS

Public Utilities & School System Impacts

There are certain impacts on the subject property that are minimal. The subject property does not anticipate the use of public water and sewer utilities. No impact on the public school system is anticipated, due to the fact that no new residences will be constructed as a result of this rezoning. Upon the necessary rezoning approval from the Board of Supervisors, the applicant is required to submit a site plan outlining the office building use to the Planning staff as a part of the site plan process.

Transportation Impacts

The impact on transportation should be minimal. The applicant plans on constructing the commercial entrance to provide a safer entry and exit to the new facility. The traffic count should remain the same and the road system in this particular area is more than adequate to handle the limited traffic that will be generated by the proposed use.

Historic Impacts

The Comprehensive Land Use Plan provides great details on the importance of historic preservation and how the County should protect and promote their historical resources. There are

presently two (2) Civil War sites/preservation areas within close proximity of the subject property.

The two sites/preservation areas are listed below:

§ Reams Station (Privately Owned)

§ Conservation Fund (NGO Owned)

The Civil War sites mark important events in the County’s past, which are shown on the Civil War map in the agenda packets. The County has placed a special interest in protecting these sites with historical significance as well as promoting these areas.

The Board has endorsed the National Park Services (NPS) concept of a general management plan for the Petersburg National Battlefield. The management plan would assist in planning for maintenance, preservation, and improvement at core areas of historic sites and battlefields. The two (2) above mentioned sites were outlined in the NPS’s management plan as a preserve civil war site and proposed boundary expansion. The map of the plan is provided in the agenda packets.

The County has endorsed the efforts to explore the concept of developing a Dinwiddie County Battlefield Trails Plan. The proposed battlefield trails network would link sites identified by the Civil War Site Advisory Commission as significant to the Petersburg Campaign. The Reams Station site was mention as apart of the trail plan. A map of the proposed battlefield trail plan is in the agenda packet.

Staff feels that the surrounding area has historical significance in the County and the County should protect these significant areas. The proposed uses may cause potential impacts on the historical sites and the future plans on the historic sites. Staff held a meeting with the National Park Service (NPS), Mr. Baird, and Planning Commissioners Cunningham and Harris to discuss the applicant’s proffer statement and determine whether possible statements could be added to help with the potential impacts on historic preservation. The applicant has addressed the potential impacts in several new proffers. Staff and the NPS are satisfied that the potential impacts on historic preservation have been addressed by the applicant.

Proffer Statement

The applicant has submitted a proffer statement to the County. The applicant did address potential impacts on the subject property. The applicant has limited the permitted uses on the property, if rezoned, to the B-2 zoning district. Those limited uses are listed below:

Limited Types of Businesses
■ Office Building
■ Plumbing and electrical supply
■ Nursery and landscaping

■ Wholesale Business and storage warehouse <i>with a CUP</i>
--

The Staff feels that the limited uses mentioned above would not be acceptable for the property based on the lot's location in the A-2 zone. However, the limited uses would be suitable in the B-2 zone. The applicant did address the hours of operation (Monday – Saturday 7AM – 7PM). The applicant will install a business sign which shall meet the requirements of the Dinwiddie Code section regarding signs and receive an approved sign and building permit by the Planning and Building Departments. The applicant also address security lighting which would keep the glare contained on the site. The applicant has also addressed activities on site shall not produce noise levels more than 85 decibels averaged over eight hours at any location on the site.

The subject property has a good vegetative buffer of timber surrounding the subject property, which would provide a good buffer area to adjacent property owners. The applicant has proffered to plant a 50-foot buffer of staggered Eastern Red Cedar trees along the northern (along the Conservation Fund parcel) and western boundary (Halifax Road Route 604) of the 14.5 acres parcel to deter any visual impacts of the operation.

The applicant will be required to have one (1) parking space for each two hundred (200) square feet of business floor space in the building as stated in Dinwiddie Code section 22-237-(9). The applicant shall be required to provide twenty (20) parking spaces for the business operation. The applicant will be required to have paved parking at the building.

The applicant has also proffered to locate the commercial entrance to the business at the VDOT approved location. The applicant will obtain a VDOT Commercial Entrance permit and the commercial entrance will meet VDOT's standards.

The applicant also address concerns regarding the non-conforming use on the present business location (Tax Map 48, Parcel 47) and has proffered that the non-conforming use shall no longer exist once the present business relocates to the rezoned property on Halifax Road. The applicant will also clean and clear of any supplies and/or equipment associated with the present business location once the operation is relocated.

BACKGROUND

Planning Commission Vote:

The Planning Commission heard the rezoning request, P-06-5, at their June 14, 2006 meeting. The Planning Commission voted unanimous to recommend approval with proffers of P-06-5 to the Board.

Past Meeting Minutes:

Attached in your packets is a copy of the Planning Commission minutes for rezoning cases P-06-5.

Staff Recommendation:

The Staff has reviewed the rezoning matter and feels that the applicant has responded and addressed the impacts of rezoning the property to allow greater commercial density.

In developing this recommendation, staff has evaluated the advantages and disadvantages of rezoning this property. Specifically, staff wishes to share the following comments:

1. Staff feels that the limited uses which the applicant has provided in the proffer statement are not compatible uses based on the location of the property.

2. The proposed uses are not classified as service commercial uses thus making the uses in conflict with the Comprehensive Land Use Plan. Staff feels that the historic impact has been addressed by applicant with being in close proximity of historic significant areas. The proffers provided have addressed concerns from the NPS and staff.

3. Staff has reviewed this rezoning case for possible alternative solutions for the applicant to explore.

§ A rezoning of another property which may be located in the vicinity of a B-2 zone area.

§ Relocate the operation to a B-2 zone property.

Staff feels that a rezoning of the subject property is not compatible nor is an amendment to the current zoning district to allow for the referenced uses stated in the proffer statement.

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

1. The request is an up zoning of the property from a lower density to a higher density which will provide for more economic development on the property;

2. The rezoning classification requested is not compatible with other adjacent zoning classifications;

3. Staff feels that it is standard zoning practices to not allow spot zoning of properties, which are not compatible with the zoning of properties in the surrounding area and;

4. The request is in conflict with the Comprehensive Land Use Plan.

Tax Parcel No. 48-41

PROFFERS

These proffers are made this 4th day of May, 2006 by Floyd W. Baird, Jr. and Rosemary Baird Lester for F. W. Baird, LLC, owner, with successors and assigns, the "Owner".

RECITALS

- A. Owner legally possesses the tract or parcel of land located in Dinwiddie County, Virginia, on Halifax Road, Tax Parcel No. 48-41, containing approximately 14.5 acres, (the "Property").
- B. The Property is within the Rural Conservation Area on the County's Comprehensive Plan and is now zoned Agricultural, General A-2. Owner has applied to rezone the Property to Business, General B-2.
- C. Owner desires to offer the county certain conditions on the development of the property not generally applicable to land zoned Business, General B-2.

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, Owner 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.

- 1. The limited uses that will be permitted on the Property, if rezoned, are office buildings, nursery and landscaping, wholesale business and storage warehouse, and plumbing and electrical supply (with storage under cover).
- 2. The hours of operation will be from 7a.m. to 7p.m., Monday through Saturday.
- 3. The business sign shall be in accord with Chapter 22 Article VII Section 22-258 of the Dinwiddie Code.
- 4. The business will require parking for employees only and will be in accord with Chapter 22 Article V Section 22-237 of the Dinwiddie Code.
- 5. Entrance will be located at the VDOT approved location.

6. The non-conforming use by the owner at their present business location (Tax Map 48, Parcel 47) shall no longer exist once the existing operation relocates to the rezoned Property on Halifax Road.
7. The present business location (Tax Map 48, Parcels 47 & 48) shall be cleaned and cleared of any supplies and/or equipment associated with the existing operation by the owner once the operation is relocated and the removal of supplies and equipment shall be completed by December 31, 2007.
8. Security lights will be installed in various locations, such that there will not be glare off site or direct downward such that light will mostly be contained to site.
9. Activities shall not produce noise levels more than 85 decibels averaged over eight hours at any location on the site.
10. A 50-foot buffer of 6 ft. staggered Eastern Red Cedar trees will be planted along the northern (along the Conservation Fund parcel) and western boundary (Halifax Road Route 604) of the 14.5 acres parcel.

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

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 rezoning P-06-5 is approved with proffers by the Board of Supervisors.

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

Mr. Stone stated that he would like to amend the agenda to move Item 14 Citizen Comments period next, and then revert back to Item 12.E Public Hearing.

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

Nays: None

14. CITIZEN COMMENTS - (as moved per amended agenda – Item Number 14 on the Agenda)

Before the citizen comments the Chair read the following statement:

In accordance with the Board of Supervisors Bylaws we will allow and listen to all persons desiring to speak to the Board in an orderly manner. Speakers should address the Board with decorum. Loud, boisterous and disruptive behavior, obscenity and vulgarity shall be avoided. You are allowed three minutes to speak after you have signed the registry. Speakers shall not be interrupted by audience comments, laughs or other gestures. This is disruptive to the order of the meeting, and others attending. If this occurs, I'll ask you to refrain from speaking out of order. If this continues, I'll ask the deputy sheriff on duty to escort you out of the Board room. You must take responsibility for your own actions. Please keep your comments germane to the business at hand. As Chair, it is my responsibility to keep the meeting in order at all times. Thank you in advance for your cooperation.

1. George Whitman – 13010 Old Stage Road – Petersburg – said that he wanted to compliment the Board on solving problems from the past. He said that the County now has an attorney that the County is proud of; a new County Administrator; the Board had cleared up problems and made changes with Fire and EMS; and Finance. He said he only had one recommendation, a Department of Public Works.
2. Tammy Morgan – 15621 Pine Street – Church Road – said she is currently the head of the Dinwiddie Dixie Softball program. On behalf of the Dinwiddie Softball program, she thanked the Board for keeping the softball fields in the future plans. She shared that the County softball league did a great job this year, and there were several players present who participated in the State Tournament for the first year. Present were several who accompanied them as coaches and fans. She asked that they stand to show the support for the softball program. She asked the Board for continued support. At present there are 13 teams attempting to use 3 fields; and they share those fields with the school teams as well. She said that the softball teams had done a great job representing Dinwiddie County. Last year, the first year of existence, the Belles Team brought home the sportsmanship award. The award was voted on by umpires, not other coaches or tournament directors. She said they also had their first District One champions, the 10 and under girls, coached by Mike Hornsby. Ms. Morgan stated that they wanted to present the trophies to the County to display in the Administration Building; and, hopefully, when the softball complex is built they can be placed there for others to see. She added that softball was important in keeping the girls active and involved; and she again thanked the Board for their support.

Mr. Stone commented that it was two years ago that he, Mr. Massengill, Ms. Morgan, Mr. Bunch, and some other parents had met. Some Dixie Youth baseball officials also met with them

to give some assistance. Mr. Stone stated that Ms. Morgan and Mr. Bunch made all of this happen in 2 years with no budget, no staff, and no access guaranteed to fields. He declared that they had represented the County well. Mr. Stone thanked all the parents for their efforts.

Mr. Massengill shared that the County appreciated the trophies being offered to be placed in the case at the Administration Building.

12.E. PUBLIC HEARING: P-06-06 DOUG AND ELIZABETH WARNER REZONING

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

Dr. Mark Moore, Planning Commission Chair, spoke to the Board. He stated that when the case first came before the Commission in June, the first question was cash proffers. He thanked Hampton Gordon for approaching the land owners regarding the proffers. The \$5,600 amount of proffer was determined because the piece of property being considered is one lot.

There was discussion regarding the entrance to the proposed subdivision, a temporary cul-de-sac, and a "paper street".

Mr. Hampton Gordon, representative for the applicant, office address 14100 Boydton Plank Road - was available for questions of the Board. He said regarding the question of the temporary cul-de-sac, it was common practice not to landlock a piece of property. He said that the subdivision drawings before the Board were conceptual plans. He stated that the money for the paving of the paper street connection will be put in a fund for the County for future use if the County wants to improve it.

Mr. Bowman asked about whether there should be two entrances to a subdivision.

Mr. Gordon answered only if there are over 59 lots in that subdivision.

Mr. Wrenn stated that Fire & EMS has a requirement of 49 lots, and they require a secondary entrance designated into a subdivision.

Mr. Gordon said that at the time that West Petersburg Subdivision was put in, what is called a "spite strip" was put in. They are now illegal in the State of Virginia. It is a two foot strip that would have to be purchased if anyone wanted to connect. The developer has not purchased that strip. He said that is why the money to improve that street would be put into a fund for the County that will cover all costs for that road in case the County ever decides to take that strip by domain. He estimated the cost as \$20,000.

Mr. Bowman said it appeared there were two paper streets there that no one wanted to pave, and they should be tied in for public safety.

Mr. Gordon said there is only one street that will not be improved. The rest of the roads in the subdivision will be asphalted to State standards.

Mr. Gordon said that the property in question had been blanket-zoned back in the 60's except for the one portion in question. The applicants were not aware of this and did not ask that the one portion be zoned B2. He stated that the County never notified them of this zoning. They've lived on the property for 50 years themselves, and Mrs. Warner's father was there for 20 years previously. He said, given the dimensions of the piece of property that is zoned B2, it is not fit for a business to be located on. It is suited for residential.

He said that at this time, all that is affected and in question, is the one piece. He said that he is conceptually redesigning an existing subdivision. He said the only reason the conceptual plan was before the Board was because he had shown the area that is zoned B2 as an overlay on the property. He said it had nothing to do with the proposed lots.

Mr. Haraway asked what the square footage would be of the houses that would be in the proposed subdivision.

Mr. Gordon answered that they were not at that phase, that this was a conceptual plan. He said that normally he builds a 1200 sq. ft. house.

Mr. Moody asked how many more lots would be derived by approving this rezoning.

Mr. Gordon was not sure as he had not conceptualized that.

Mr. Bowman stated that the paper street was left to be tied into, and it was not being tied into.

Mr. Gordon stated that there is a spite strip between the two parcels; and there will be funds put away for it to be done. He said that no one was trying to get out of anything.

Mr. Bowman said it was not the County's job to go in and finish the development for a subdivision.

Mr. Stone asked if anyone had spoken to Mr. Adkins regarding purchasing the spite strip.

Mr. Gordon said the Warner's had contacted him previously about it, but he did not know what had been discussed.

Mr. Bowman asked if there would be curb and gutter.

The answer was no that he had been encouraged previously by Mr. Schied to use roadside ditch rather than curb and gutter. Storm water run off is much higher with curb and gutter than with grass lined ditches. The grass lined ditch catches silt to keep it from polluting streams. With curb and gutter there is nothing there as a filter, as well as there being nothing to slow the water down during a storm. Therefore, it's running at a higher rate the further it runs downhill. Once it gets to where the water is going to settle in the stream, it's already full of quite a bit of sediment. Also, the grass lined ditches keep subdivisions with more of a look of a county.

Mr. Haraway said he was very interested in this being discussed at another meeting.

Mr. Stone agreed and said it should have been considered at the Whipponock case.

The Chair opened the public hearing in this case.

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

Mr. Haraway stated that he was concerned about many questions that had come up.

EXECUTIVE SUMMARY

The applicant, Doug & Elizabeth Warner, are seeking a rezoning of a portion of two (2) land parcels, containing approximately 1.1 acres from Business, General B-2 to Residential, Limited R-1 to an adjoining proposed future development. The Residential, Limited R-1 allows residential developments at a minimum lot size of 20,000 square feet. The properties are located on Simmons Avenue (Route 1303). The properties are further defined as part of Tax Map 21A (2) - A, Parcel 3 and part of Tax Map 21A (2) - A, Parcel 3A. The County Comprehensive Land Use Plan places these properties within the Urban Planning Area which allows residential development with the overall gross density not to exceed three dwelling units per acre.

OVERVIEW

The applicant is seeking a rezoning of two (2) land parcels from Business, General B-2 to Residential, Limited, R-1 to adjoin a future development of approximately twenty- three (23) single family homes.

The subject properties are located near West Petersburg located off of Boydton Plank Road (Route 1) along Simmons Ave (Route 1303). The applicant plans on developing the subject properties to create twenty-three (23) single family homes as a by-right subdivision. The majority of the subject properties are currently zoned Residential, Limited R-1. The attached concept plan shows that the rear portion of five (5) proposed lots are split zoned Residential, Limited R-1 and Business, General B-2. The applicant wishes to have the whole property zoned Residential, Limited R-1. The Business, General B-2 portion of the properties was zoned commercial, when Boydton Plank Road (Route 1) was widening back in the 1964. The County designated that three hundred (300) feet from the right-of-way of Route 1 would be zoned commercial.

ANALYSIS

The properties under review are designated by the Comprehensive Land Use Plan as Urban Planning Area. As such, page X-14 of the Comprehensive Plan states that the area is “expected to accommodate approximately 60% of the County’s future residential development”. Additionally, the Urban Planning Area also states “the overall gross density of residential development should not to exceed three dwelling unit per acre.” The Plan also states that all developments will be

served by public water and sewer lines and (mandatory) hook-ups will be at the developer's expense. In this area, all developments will need adequate buffers installed between the different land uses (i.e. residential and commercial areas).

The Residential, Limited, R-1 zoning district is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children and to prohibit all activities of a commercial nature. All developments are limited to relatively low concentration and permitted uses are limited basically to single-unit dwellings providing homes for the residents plus certain additional uses, such as schools, parks, churches and certain public facilities that serve the residents of the district.

The properties around this land parcel have mixed uses which include commercial and open space/residential. The properties located to the north are zoned Residential, Limited, R-1 along Simmons Avenue (Route 1303), to the south properties are zoned Business, General B-2 along Boydton Plank Road (Route 1), to the east the properties are zoned Business, General, B-2 and Residential, Limited R-1 and to the west the properties are Residential, Limited R-1 and Business, General, B-2 along Boydton Plank Road (Route 1).

If the rezoning case is approved by the Planning Commission and Board of Supervisors, the applicant will be required to submit a plan for a subdivision development review to the County in order to develop twenty-three (23) single family dwellings. The plan will be reviewed by the Land Development Committee (LDC) and receive approvals from the various local review agencies and the County.

IMPACTS

Land Development Committee (LDC)

All by-right subdivisions are reviewed by the Land Development Committee (LDC) for the Committee's recommendations and approvals. The LDC reviews proposed subdivision plans and determines what issues need to be address and provides recommendations, solutions, and/or suggest alternatives to the applicants. The applicant does receive approval from the various agencies, which comprise of the LDC (Water Authority, Public Safety, VDOT, Army Corp of Engineers, Planning & Zoning, etc). The impacts of this proposed development will be discussed and addressed during the LDC meeting.

Some concerns which **may** (not necessarily will) arise at the LDC regarding this development are:

§ Building the roadway to VDOT state standards and make necessary road connections

§ Water and sewer line extensions

- § Fire hydrant locations
- § Erosion and Sediment control measures
- § Proposed lot layout
- § Disturbance of wetlands
- § Stormwater Management issues (i.e. drainage)

The above mention concerns are just some of the concerns which **may** (not necessarily will) be discussed during the LDC's review of this particular subdivision development. The Staff does make the Planning Commission aware of these by-right subdivisions by presenting a review to the Commission every several months. This allows the Commission to stay aggessed of other developments in the County, which may not require a rezoning case.

Proffer Statement

The applicant has submitted a proffer statement to the County. The applicant has offered a voluntary cash proffer of \$5,629, which shall be paid to the County upon the approved rezoning request by the Board of Supervisors.

BACKGROUND

Planning Commission Vote:

The Planning Commission heard the rezoning request, P-06-6, at their July 12, 2006 meeting. The Planning Commission voted unanimous to recommend approval with proffer of P-06-6 to the Board.

Past Meeting Minutes:

Attached in your packets is a copy of the Planning Commission minutes for rezoning case P-06-6.

Staff Recommendation:

The Staff has reviewed the rezoning matter and is satisfied that the applicant has addressed the impacts of rezoning the properties to allow greater residential density and will receive required approvals from the LDC.

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

1. Staff feels that the properties will be developed as a by-right subdivision in which all by-right subdivisions shall be reviewed by the Land Development Committee. The

LDC will review the development and provide recommendations and approvals for the proposed development by each local agency.

2.The subject properties are currently split zoned and staff feels that having the properties zoned Residential, Limited R-1 would represent the best use for the properties in that area.

3.The applicant has voluntarily offered a cash proffer. Such Monies, allow the County to make Capital Improvements resulting from the impact of the development.

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

1. The request is an down zoning of the properties from a higher density to a lower density which will provide for more residential development on the properties;
2. The rezoning classification requested is compatible with other adjacent zoning classifications;
3. The request is not in conflict with the Comprehensive Land Use Plan;
4. The applicant has provided a signed proffer to the subject properties and;
5. The applicant, if approved, will submit a subdivision plan to the County for necessary approvals.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the hearing of P-06-06 Doug & Elizabeth Warner Rezoning is deferred for 90 days.

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

Nays: Mr. Moody
Mr. Stone

13.A. OLD / NEW BUSINESS: APPOINTMENTS

Appointments were considered after coming out of the second closed session.

13, B. OLD / NEW BUSINESS: BOWMAN DEED OF GIFT

The Board received the following memo from Michael Drewry, County Attorney,

Bruce and Cathy Bowman have offered to convey .581 acre to the County by Deed of Gift, in accordance with the attached plat of survey. The property is to be used for road construction for

the new high school.

Section 15.2-1803 of the Code of Virginia states that no deed shall be valid unless accepted by the locality.

Mr. Bowman stated that he thought this was a very generous thing for them to do.

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

BE IT RESOLVED, by the Dinwiddie County Board of Supervisors, that the Board of Supervisors does hereby accept and approve of the conveyance of .581 acre, located between Routes 627 and 661 in Rowanty Magisterial District, Dinwiddie County, Virginia, by Deed of Gift from Bruce and Cathy Bowman, and BE IT FURTHER RESOLVED, that the Board of Supervisors does hereby authorize W. Kevin Massengill, County Administrator, to execute all necessary documentation of such acceptance.

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

Nays: None

13. C. BOARD OF SUPERVISORS BYLAWS

Michael Drewry, County Attorney, stated that the Board Bylaws were voted upon and amended over the past six to eight months. He provided the Board and public with copies of the final Bylaws.

CLOSED SESSION

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

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

§2.2-3711 (A) (1) Appointments: Industrial Development Authority; and Department of Social Services Board; and

§2.2-3711 (A) (5) Business and Industry Development: Prospective Business/Commerce Park

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

Nays: None

Mr. Bowman stated that he would excuse himself during the discussion of the Commerce Park due to a conflict of interest.

At 10:00 p.m. upon motion of Mr. Mr. Stone, seconded by Mr. Bowman,

The Board reconvened into open session.

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

Nays: None

CERTIFICATION

WHEREAS, this Board convened in a closed meeting under:

§2.2-3711 (A (1) Appointments: Industrial Development Authority; and Department of Social Services Board; and

§2.2-3711 (A) (5) Business and Industry Development: Prospective Business/Commerce Park

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

Nays: None

Upon motion of Mr. Moody to reappoint Ms. Galbreath, seconded by Mr. Haraway,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Diane Galbreath is reappointed to the Dinwiddie County Social Services Board for a term ending June 30, 2010.

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

Nays: None

15. ADJOURNMENT

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

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

Nays: None

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

Doretha E. Moody, Chairperson

ATTEST: _____

W. Kevin Massengill
County Administrator
Clerk to the Board

/wjn