

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 21ST DAY OF MARCH 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
(arrived at 7:00 p.m.)
ROBERT L. BOWMAN IV ELECTION DISTRICT #3
(arrived at 3:50 p.m.)

ADMINISTRATION

PRESENT: KEVIN MASSENGILL, INTERIM 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

4. AMENDMENTS TO AGENDA

There were no amendments to the agenda.

5.A. CONSENT AGENDA – APPROVAL OF MINUTES FOR FEBRUARY 21, 2006 REGULAR MEETING

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the February 21, 2006 Regular Meeting Minutes are approved.

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

5. B. CLAIMS

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

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 1052892 through 1053109 (voided check numbers 1052891, 1052954, 1052161and 1053000).

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

FY – 05/06

Accounts Payable:

(101) General Fund	\$	99,309.59
(222) E911 Fund	\$	1,454.62
(225) Courthouse Main Fund	\$	239.97

(228) Fire Programs & EMS	\$ 41,636.34
(304) CDBG Grant Fund	\$ 2,083.01
(305) Capital Projects Fund	\$ 900.00
(401) County Debt Service	\$ 21,392.36
TOTAL	\$ 167,015.89

(101) General Fund	\$ 188,646.29
(103) Jail Commission	\$ 56.86
(105) Recreation Fees	
(209) Litter Grant Fund	\$ 27.22
(222) E911 Fund	\$ 95,461.43
(228) Fire Programs	\$ 6,270.82
(229) Forfeited Asset Sharing	\$ 4,125.00
(304) CDBG Grant Fund	\$ 92.72
TOTAL	\$ 294,680.34

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

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 1052800 through 1052878 (voided check number 1052799).

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

Nays: None

Absent: Mr. Moody, Mr. Bowman

February 28, 2006
Payroll:

(101) General Fund	\$ 558,607.78
(222) E911 Fund	\$ 49,558.71
(229) Forfeited Asset Sharing	
(304) CDBG Grant Fund	\$ 7,772.28
TOTAL	\$ 615,938.77

5.C. LETTER TO COMPENSATION BOARD – LIVESCAN SYSTEM PURCHASE

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

Per the attached correspondence dated December 2, 2005, the Sheriff's office received notification of funding from the State Compensation Board for an upgraded LiveScan automated fingerprinting system. While the Sheriff's office currently has automated fingerprinting, LiveScan is the upgraded system that has been required by the Virginia State Police. The Compensation Board will provide \$9,123.50 of the \$14,970 system total cost. (The \$5,846.50 difference in the funding will come from savings in the Sheriff's current budget.) In order to receive these funds, the Compensation Board is requesting a letter from the Board of Supervisors stating that the funds will be expended by May 15, 2006 and that it is understood that the Compensation Board will not be responsible for any additional operating or maintenance costs or for any additional personnel to operate the equipment.

According to the Sheriff's office, after purchase from the State Police approved vendor, the equipment will be installed, invoiced and paid for before May 15, 2006. The first year of the system is covered by warranty, and after that the annual software maintenance is \$878 and the maintenance on the current fingerprinting system is \$1,543 (\$2,421 total). We are already paying \$1,200 for annual maintenance on the current fingerprinting system (increase in FY 07 budget of \$1,221). No additional personnel will be needed for the operation of this system.

Letter to State Compensation Board:

Bruce W. Haynes
Executive Secretary
State Compensation Board
P O Box 710
Richmond, VA 23218-0710

Re: LiveScan Approval

Dear Mr. Haynes,

In reference to the purchase of the LiveScan equipment approved for the Dinwiddie County Sheriff's Office, the Board of Supervisors of Dinwiddie County understands that all funds must be expended and the Compensation Board reimbursement requested by May 15, 2006. We further understand that the Compensation Board will not be responsible for any additional operating costs, maintenance costs, or any additional personnel to operate the equipment.

It is our understanding that \$9,123.50 will be reimbursed to the County from the Compensation Board towards the purchase of the LiveScan system. Thank you for the approval of this additional funding.

Sincerely,

Doretha E. Moody
Chair, Dinwiddie County Board of Supervisors

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

BE IT RESOLVED that the Board of Supervisors gives its approval for the Chairman of the Board of Supervisors to sign the attached letter to the State Compensation Board to comply with the funding reimbursement requirements of the LiveScan system for Dinwiddie County

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

5. D. 2004B BOND REQUISITIONS – NO. HS-14 AND NO. ES-14

The Board received requisitions No. HS-14 and No. ES-14 from Dr. Maranzano. These items were approved by the Dinwiddie School Board at their meeting on March 14, 2006.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$698,669.00 from the Lease Revenue and Refunding Bonds, Series 2004B is approved.

No. HS-14

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: January 19, 2006

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

AMOUNT	TO	PURPOSE
\$651,440.00	Mosley Architects	Construction Documents

\$ 4,860.00	Mosley Architects	Design (3) R-Turn Lanes
\$ 6,561.00	Mosley Architects	Design and Widening Boisseau Rd.
\$ 3,888.00	Mosley Architects	Prepare right-of-way-plats
\$ 31,920.00	Mosley Architects	Sewage Pump Station Waterworks
\$698,669.00		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. Haraway, seconded by Mr. Stone,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$7001.45 from the Lease Revenue and Refunding Bonds, Series 2004B is approved.

No. ES-14

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: January 19, 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>
\$ 7,001.45	Moseley Architects	Wetland Permitting Application
\$ 7,001.45		TOTAL OF THIS REQUISITION

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

Authorized County Representative

5.E. ADMINISTRATION BUILDING HVAC SYSTEM CONTRACT

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

The renovation and annual maintenance of the HVAC system in the Pamplin Administration Building was approved for \$255,000 in the County's CIP several years ago. (This is the renovation of the building's original HVAC system.) The Request for Proposal for this project closed on March 3, 2006, and the four proposals that we received were evaluated. Negotiations were then conducted with two of the vendors. After careful consideration, we decided to offer the project and annual maintenance to Honeywell Building Solutions. Under the terms of the attached contract, the project should be completed by June 2006 at a cost not to exceed \$220,050. The annual maintenance for the system will be \$7,250.

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

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia does hereby authorize and direct Kevin Massengill, Interim County Administrator, to execute the necessary documents to award the contract for the purchase, installation, and annual maintenance of the Pamplin Administration Building's HVAC system from Honeywell Building Solutions in an amount not to exceed \$220,050 for the renovation and \$7,250 for the annual maintenance.

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

Nays: None

Absent: Mr. Moody, Mr. Bowman

CONTRACT
HEATING & COOLING SYSTEM RENOVATION
AND ANNUAL MAINTENANCE SERVICES
FOR PAMPLIN ADMINISTRATION BUILDING

The Agreement is made this 21st day of March, 2006, by and between Honeywell Building Solutions, of 7870 Villa Park Drive, Suite 900, Richmond, Virginia 23228 (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 Heating and Cooling System Renovation and Annual Maintenance Services for the Pamplin Administration Building; and

WHEREAS, Contractor submitted a proposal to renovate the heating and cooling system and supply annual maintenance for the Pamplin Administration Building 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 renovate the heating and cooling system and supply annual maintenance for the Pamplin Administration Building;

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-06-030306-01, dated February 5, 2006), including all related appendices and addenda; and Contractor's bid proposal in its entirety dated March 3, 2006 and facsimile dated March 15, 2006 are made a part hereof as if the same were fully set forth. If any discrepancies arise between County's Request for Proposal and Contractor's proposal, Contractor agrees to abide by County's Request for Proposal.
2. **Time of Performance.** Contractor agrees to complete renovation of the heating and cooling system no later than June 20, 2006.
3. **Costs.**
 - (A.) Contractor agrees to perform all HVAC Renovation work pursuant to this Contract for a sum no greater than Two Hundred Twenty Thousand Fifty Dollars (\$220,050.00) (the "Primary Contract Price"). Payment shall be made to Contractor at its Richmond, Virginia office within thirty (30) days after receipt and acceptance of invoice.

(B.) Contractor agrees to perform Annual Maintenance, pursuant to this Contract for the first year after installation is complete for a sum no greater than Seven Thousand Two Hundred Fifty Dollars (\$7,250.00) (the "Additional Contract Price"). Payment shall be made to Contractor at its Richmond, Virginia office within thirty (30) days after receipt and acceptance 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	Honeywell Building Solutions
Interim County Administrator	7870 Villa Park Drive
P. O. Drawer 70	Suite 900
Dinwiddie, Virginia 23841	Richmond, Virginia 23228
(804) 469-4500	(804) 515-1508

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

Honeywell Building Solutions

By: _____
W. Kevin Massengill
Interim County Administrator

By: _____
Eric B. Ball
Title: Account Manager

Attest: _____

Attest: _____

Approved as to form: _____
Michael H. Drewry
County Attorney

6. 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.

The Chair opened the citizen comment period of the meeting.

1. Marjorie J. Flowers – 14919 Wilkinson Road – DeWitt – said she wanted to bring everyone up to date on a bake sale, and the food that will be supplied for the estate sale that will be held on April 1st at 9:30 a.m. at the old Button Factory in McKenney for the estate sale of Robert and Betty Ragsdale. All proceeds from the food sales will go to the animal shelter. She said anyone who wanted to bring baked goods or make donations was welcome to participate.
2. David M. Dudley – 25907 Smith Grove Road – Petersburg – said that at the Citizens For A Better Dinwiddie meeting the night before they had two guest speakers, Mr. Stone and Mr. Drewry. Mr. Dudley stated that in the time Mr. Drewry, County Attorney, has been here he has made a big improvement to the county, and has been a benefit to the citizens of the county. He said there are people in this administration who will take the time to sit down with the citizens. He said that the other Board members should also meet with the citizens in their district.

Mr. Dudley also asked about what has happened to the Growth Committee that was put together last year. He said if it's still together they need to have a meeting.
3. Michael W. Bratschi – 23500 Cutbank Road – McKenney – said that he didn't feel the Board was open to the public. He said he had a problem with the bylaws.

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

7.A. REPORT: VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. Ray Varney, Resident Engineer, stated that it's a pretty slow time. He said that Interstate 85 is pretty much cleared, although the contractor is finishing up some punch list items. He said the trailer that was sitting there had been abandoned and has now been relocated. Projects in process: Squirrel Level Road is continuing, and that it will probably be summer of next year before it can be closed and continue construction; and Intersection of Rt. 600 (Ferndale and Rt. 601- River Road) project will begin soon.

Mr. Haraway asked a question regarding Rt. 601 – River Road. He said he was under the impression that when a blacktop road was patched, it would be patched with blacktop material. He said he noticed this week that they are using gravel and tar to patch the road.

Mr. Varney responded that at that time it was the most expeditious way to fix that particular problem. He said what is being done is preliminary work. He said they are requesting budgeting approval for Rt. 601 to be overlaid.

NOTE: Mr. Bowman arrived at 3:50 p.m.

7.B. REPORT: SOUTH CENTRE' CORRIDORS RESOURCE CONSERVATION & DEVELOPMENT COUNCIL

Mr. Keith Boyd, Coordinator, gave a brief update on the current activities of the South Centre' Corridors Resource Conservation and Development Council.

Mr. Bradshaw, Chair of the RC&D Council, came forward to speak to the Board. He stated that in the last few weeks they have been interviewing for the position of a Forester in the RC&D area. The position has been offered, and it will be based in the Forestry Office in Dinwiddie County.

7.C. REPORT: PERFORMANCE REVIEWS

Mr. Tim Smith, Recreation Director, provided an update on the Employee Performance Review. He said in December he was asked to chair the Employee Performance Committee. Their tasks were to review, renew, and recommend an Employee Performance Evaluation process, whereby employees are equitably rated through standardized criteria. He said that, in addition to developing a new Employee Performance Evaluation, the Committee is near completion of an Employee Performance Guide. This guide will outline the standardized criteria needed to perform

reviews equitably. Upon finishing the guide the Committee will meet with supervisors and employees to go over the new format. The anticipated date for this meeting is the third week in April.

7.D. REPORT: COURTHOUSE DRINKING WATER

Mr. Gene Jones, Superintendent of Buildings and Grounds, presented the following memo to the Board.

BACKGROUND

The drinking water at the New Courthouse has repeatedly failed the required State Department of Health's lead and copper tests. The test results indicated that our drinking water was too acidic. At that time, we installed water coolers and began purchasing bottled water to drink throughout the Courthouse. According to the State's Office of Drinking Water, the only way to rectify this problem is to chemically treat the water with phosphate and caustic soda.

LAST BOARD ACTION

N/A

CONTRACT NEGOTIATIONS

Several companies were contacted for quotes. Sydnor was the only company that had the capabilities to design, install and maintain the system properly. The cost of this treatment system is \$3,640.00. Sydnor is in the designing phase at this time and is projecting installation within 4 to 5 weeks. A copy of the contract is attached for your review.

7.E. REPORT: SURPLUS PROPERTY

Mr. David Thompson, GIS Director, provided a packet of information to the Board summarizing the properties, and presented a brief PowerPoint presentation highlighting the information requested by the Board.

He stated that based on the Commissioner of Revenue's information there are 165 properties owned by the Dinwiddie County School Board, the Water Authority, or the Airport Industrial Park.

Mr. Stone asked if it was possible to get the GIS images burned into a CD.

Mr. Thompson said yes, and he would provide it.

Mr. Drewry, County Attorney, asked a question regarding the statement that there were numerous CDBG lots in West Petersburg. He asked if there were more than the four that will be discussed later.

Mr. Thompson said that there are lots that are shown on the tax records that were what is called "paper streets" meaning they were streets on paper but never materialized at the end of West Petersburg.

8.A. ACTION ITEM: AMBULANCE PURCHASE CONTRACT

Dennis Hale, Division Chief of Fire & EMS, presented the following memo to the Board.

BACKGROUND

In the FY 06 Capital Improvement Plan there was funding appropriated to replace one of the current ambulances assigned to Dinwiddie Volunteer Ambulance & Rescue Squad, Inc. The total funding approved for the replacement was \$122,500.00.

The Division of Fire & EMS conducted a bid process for this ambulance. The Invitation to Bid was issued in January, and bids opened on February 27, 2006. Several vendors requested bid packages and on February 27, 2006 two vendors submitted completed bids. Those vendors were Singer Associates of Gainesville, Virginia, which represents

PL Custom Ambulances of Manasquan, New Jersey and FESCO Emergency Sales representing Horton Ambulances of Grove City, Ohio.

The low bidder for the project was Singer Associates with a bid of \$116,771.00. After reviewing the bid packages, the bid from Singer Associates is compliant with the specifications.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that appropriation of \$116,771.00 for the purchase of (1) 2006 Type III E-450 Super Duty Ambulance is approved, and Kevin Massengill, Interim County Administrator, is authorized to execute the necessary documents to award the contract for the purchase of the ambulance from Singer Associates in an amount not to exceed \$116,771.00.

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

CONTRACT
(1) TYPE III E-450 SUPER DUTY AMBULANCE

The agreement is made this 21st day of March, 2006 by and between Singer Associates of 7394 Gallerher Road, Gainesville, Virginia 20155, (the "Contractor"), and the County of Dinwiddie, Virginia (the "County").

WHEREAS, pursuant to the Virginia Public Procurement Act, the County solicited sealed bids for (1) Type III E-450 Super Duty Ambulance (the "Ambulance");

WHEREAS, the Contractor submitted a bid to supply the Ambulance consistent with the Specifications in the Invitation to Bid (the "Bid");

WHEREAS, the Contractor was the lowest bidder;

WHEREAS, the County and the Contractor have agreed to modifications to the Specifications and to a Bid price and has selected the Contractor to supply the Ambulance;

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.** The County's Invitation to Bid for (1) Type III E-450 Super Duty Ambulance (IFB 06-021506-01, dated January 31, 2006), including all related appendices and addenda; and the Contractor's bid in its entirety dated February 27, 2006 are made a part hereof as if the same were fully set forth. If any discrepancies arise between the County's Invitation to Bid and the Contractor's bid, the Contractor agrees to abide by the County's Invitation to Bid.

2. **Time of Performance.** The Contractor agrees to complete all work and to deliver the Ambulance no later than two hundred twenty (220) days after the parties have entered into this Contract.

3. **Costs.** The Contractor agrees to perform all work pursuant to this Contract for a sum no greater than One Hundred Sixteen Thousand Seven Hundred Seventy One Dollars (\$116,771.00) (the "Contract Price") for the Ambulance. Actual billing shall not exceed the Contract Price. Payment shall be made to the Contractor at its Gainesville, Virginia office within thirty (30) days of receipt of invoice and after the County has tested the Ambulance and notified the Contractor of its acceptance of the Ambulance. The County has ten (10) days to conduct such testing after receipt of the Ambulance.

4. **Notices.** Any notices required shall be given in writing, unless otherwise permitted hereunder, and shall be deemed received five (5) days after mailing of the same in the U.S. mails with postage prepaid at the addresses set forth below or upon actual receipt.

Notice to the County shall be made to: Notice to the Contractor shall be made to:

W. Kevin Massengill
Interim County Administrator
P. O. Drawer 70
Dinwiddie, Virginia 23841
(804) 469-4500

Singer Associates
7394 Gallerher Road
Gainesville, Virginia 20155
1-800-442-9700

5. **General Terms and Conditions.** The Contractor agrees to procure and maintain during the term of this Contract insurance which meets all the County's requirements in the Invitation to Bid 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 provisions were not included therein.

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

**Singer Associates
Virginia**

Dinwiddie County,

By: _____

By: _____
W. Kevin Massengill
Interim County

Title: _____
Administrator

Attest: _____

Attest: _____

Approved as to Form:

Michael H. Drewry
County Attorney

8.B. ACTION ITEM: CDBG – WEST PETERSBURG

William C. Scheid, Director of Code Compliance, presented the following memo to the Board.

BACKGROUND

The Board of Supervisors has worked with the West Petersburg Vicinity Awareness (WPVA) organization since the early 1990's. A Community Development Block Grant was secured and several improvements made to the community, such as, road reconstruction, curb and gutter, storm water drainage ditches and home demolition/reconstruction. As part of the CDBG program, the County was obligated to convey land parcels on Greenville Avenue to qualifying organizations that will build housing for low to moderate income families. WPVA built some homes for qualifying families. After a period during which homes were not built, the Department of Housing and Community Development (the State organization that oversees the CDBG program) contacted the County and stated that the remaining building lots on Greenville Avenue must be built upon or the County would be in default of the terms of the grant program. At this point, Tri-Cities Habitat for Humanity contacted the County relative to building on some of the lots. They built three (3) homes for qualifying LMI families. During

construction of the third home, an issue arose regarding the timing of conveyance of the third lot. WPVA approached the Board and requested that the remaining lots be reserved for them. The Board indicated a willingness to do so. During the interim, WPVA was to secure a 25% match funding for a CHDO Operating Assistance Grant they needed to complete the home construction. Approximately 20 months have passed since this matter was discussed with the Board. During this time, I spoke with Mr. Peter Jeffery and requested that he keep me up-dated on the situation. Mrs. Pauline Bonner, President of the WPVA Board, recently contacted me to advise me their contact with Habitat for Humanity. Apparently, they have developed an agreement between the two organizations regarding the type of development the community is seeking. With this in mind, Mrs. Bonner stated that they do not object to Habitat building on the remaining lots on Greenville Avenue.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Kevin Massengill, Interim County Administrator, be allowed to advertise the Board's desire to convey the three remaining building lots on Greenville Avenue to the Tri-City Habitat for Humanity at the April 18, 2006 meeting of the Board of Supervisors, and to incorporate the amended resolution to include Mr. Scheid's replacement of word "intention" to "desire".

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

Nays: None

Absent: Mr. Moody

RESOLUTION

WHEREAS, the County is the owner of lots 318 through 329 in West Petersburg Subdivision in the Rohoic District of Dinwiddie County, Virginia, as shown on the plat prepared by R. H. Gordon dated January 12, 1995 recorded in plat book 2, page 19, in the Circuit Court for the County of Dinwiddie; and

WHEREAS, the County received a grant from the Department of Housing and Community Development (DHCD) for the purpose of developing these and other lots in the West Petersburg Subdivision under certain terms and conditions including the requirement that the property be developed for the benefit of Low to Moderate Income families; and

WHEREAS, the Tri-Cities Habitat for Humanity is an organization committed to providing housing for qualifying Low to Moderate Income families; and

WHEREAS, the Tri-Cities Habitat for Humanity has shown a willingness to work with the citizens of the County and, in specific, the West Petersburg Vicinity Awareness organization for the betterment of the community;

NOW, THEREFORE, BE IT RESOLVED that the Board directs the County Administrator's Office to prepare the proper legal notice and advertise said notice in the newspaper notifying the public of the County's desire to deed the above referenced properties to Tri-Cities Habitat for Humanity.

8.C. ACTION ITEM: BOARD OF SUPERVISORS BYLAWS

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

Attached is a copy of the Board of Supervisors Bylaws with draft amendments.

Article X of the current bylaws states that the bylaws may be amended by a majority vote of the entire Board after thirty days prior written notice. The Board was given notice of the amendments on February 17, 2006. As such the amendments may now be considered for approval by the Board.

The Board has requested further discussion on Article IV (F) – Meetings – General Rules of Procedure before voting on this specific amendment. As such, staff recommends approval of the amendments as presented except for Article IV (F).

A summary of the amendments is as follows:

Article II (A) – Duties of Officers: The duty of the Chairman to make committee appointments has been deleted.

Article IV (F) – Meetings – General Rules of Procedure: Language has been deleted and new language inserted to reflect the use of Robert's Rules of Order as Parliamentary Procedure in most circumstances while reserving, however, the right to amend the rules as the Board deems appropriate and in keeping with historical practices of the Board.

Article IV (H) – Board to Sit with Open Doors: Language has been clarified concerning consent agenda information.

Article IV (I) – Meetings – Citizens Comment Period: Language limiting the Citizen Comment Period to thirty minutes has been deleted.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Bylaws of the Board of Supervisors are adopted, excluding Article IV (F), as presented.

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

BYLAWS
BOARD OF SUPERVISORS
DINWIDDIE COUNTY

Adopted March 16, 2004
Revised February 6, 2006

ARTICLE I
OFFICERS AND THEIR SELECTION

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

ARTICLE II
DUTIES OF OFFICERS

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

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ARTICLE III
AGENDA PREPARATION POLICY

- A. The County Administrator shall prepare an agenda for each regular meeting of the Board of Supervisors. Supervisors, staff, and others may submit to the County Administrator items for the agenda at any time prior to Noon Wednesday preceding the regular meeting to which such item relates. Emergency Items will be added as an amendment to the agenda
- B. Copies of the agenda shall be made available at the office of the County Administrator for each Supervisor and for members of the News Media serving the

County and the public not later than close of business on Friday preceding the meeting to which it relates.

ARTICLE IV
MEETINGS

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

C. ORDER OF BUSINESS ~~(1)~~ COMMENCEMENT OF MEETINGS:
 At the time established in accordance with Article IV(A) of these By-Laws for the commencement of regular meetings or at the hour specified for continued or special meetings, the chairman shall call the meeting to order and shall direct the clerk to note the absence of any Board members by roll call. A quorum shall be required for commencement of any meeting.

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

D. QUORUM AND METHOD OF VOTING

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

E. PROCEDURE FOR ROLL CALL OF BOARD MEMBERS

- (1) The Chairman of the Board of Supervisors shall cast the last vote.
- (2) The Members of the Board of Supervisors shall cast votes in district order on a rotating basis per meeting.
- (3) The Chairman/Clerk shall restate all motions before a vote is taken and the result of the vote shall be announced following each vote.

F. GENERAL RULES OF PROCEDURE

The Board's Parliamentary Procedures shall be Robert's Rules of Order, Newly Revised, 10th edition, specifically to include Section 49, Conduct of Business in Boards, pages 469 – 471, in all matters not covered by the Board's bylaws, to the extent compatible with law and the historical practices of the Board. The County Attorney, or his or her designee, shall act as Parliamentarian to the Board. Any questions involving the interpretation or application of Robert's Rules shall be addressed to the County Attorney. The Board may amend, by Resolution, the rules as it deems appropriate. The following rules shall apply:

Deleted: (1) The proceedings of the Board, except as otherwise specifically provided in these bylaws and by applicable State law, shall be governed by Chairman Rules except that no second shall be required on any motion.

(1) Members are not required to obtain the floor before making motions or speaking, which they can do while seated, ~~an appeal may be taken by any member, members present shall determine.~~

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(2) Motions need not be seconded.

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(3) There is no limit to the number of times a member can speak to a question, and motions to close or limit debate generally should not be

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entertained.

(4) Informal discussion of a subject is permitted while no motion is pending.

(5) The Chairman can speak in discussion without leaving the chair and can make motions and vote on all questions.

(6) When any Board member determines, prior to the calling of any issue before the Board, that he, because of conflict or otherwise, will abstain from voting on such issue, he shall announce such intention at the time the issue comes before the Board and shall not participate in the discussion on such issue or question.

(7) In the incidence of a tie vote the issue voted upon by the Board is dead and therefore voted down.

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(8) Only Board members and the Parliamentarian shall have standing to raise noncompliance with these General Rules of Procedure, and only during the current meeting at the time of violation. Failure of the Board to comply with these General Rules of Procedure shall not invalidate any action taken by the Board.
G. MEMBER ABSENTING HIMSELF FROM MEETING PRIOR TO

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ADJOURNMENT

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

H. BOARD TO SIT WITH OPEN DOORS

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

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

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I. CITIZENS COMMENT PERIOD
RULES FOR CITIZEN COMMENT PERIOD

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

(1) Each person desiring to speak must sign up in advance of the opening of the Citizens' Comment period on the agenda.

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(2) Each speaker shall be limited to a period of three minutes per meeting; when two minutes have passed the speaker will be reminded that there is one minute remaining.

(3) Speakers who have signed up may use their allotted time only for themselves and may not donate their time to other speakers.

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(4) Speakers will not be permitted to use audiovisual materials or other visual displays, but may present written and photographic materials to the Board members.

(5) Comments must be confined to matters germane to the business of the Board of Supervisors and shall not be cumulative or repetitive.

- (6) -----Speakers should address the Board with decorum – loud, boisterous, and disruptive behavior, obscenity, and vulgarity should be avoided as well as other words or acts tending to evoke violence or deemed to be a breach of the peace.
- (7) -----The Citizens' Comment period is not intended to be a question and answer period or time for dialogue with County officials. Questions which are raised during a comment period may, at the discretion of the Board, be responded to by County officials after sufficient time for appropriate investigation.

(8) ~~Speakers shall remain at the podium while addressing the Board.~~

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(9) -----Speakers shall not be interrupted by audience comments, calls/whistles, laughter, or other gestures. Individuals in the audience who do not abide by this policy after a warning will be asked to leave the meeting.

(10) ~~Expressive activities including, but not limited to, petitioning, picketing, displaying signs and posters, solicitation, demonstrating, pamphlet distribution, and conducting polls shall not be permitted within the Administration Building or in any other building that the Board is meeting.~~

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~~I be thirty minutes per comment~~
~~Each speaker will be~~

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

J. AGENDA ITEM PROCEDURE

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

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

ARTICLE V
 PROCEDURE FOR DEALING WITH ITEMS NOT ON THE AGENDA

A. All matters not on the agenda must be raised during citizens comment period. Any matter not on the agenda shall not be considered unless approved for consideration by the majority of the Board ~~present in accordance with Article IV, C (2).~~ ~~Any matter over the objection of any three~~

Deleted: not listed on the agenda shall not be acted upon

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B. For any special meeting, the business to be discussed shall be stated in the call for such meeting. The Chairman or Administrator shall prepare a written agenda listing all items to be considered for every special meeting. No other business shall be discussed or acted upon ~~unless approved for consideration by the majority of the Board present in accordance with Article IV, C (2).~~

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ARTICLE VI
 PUBLIC HEARINGS

- A. All public hearings will be advertised in accordance with the Virginia Code. Public hearings may be postponed, continued or canceled at the discretion of the Board.
- B. In addition to those required by law, the Board at its discretion may hold public hearings when it decides that a hearing will be in the public interest.

- C. The case before the Board shall be summarized by the Chairman or designated person(s). Interested parties wishing to speak must sign the register at the rear of the room prior to the start of the hearing. Each person wishing to speak will be called to the podium by the Chairman/Secretary in the order such person signed the register and must state his or her name and address for the record. Each speaker shall be limited to five (5) or three (3) minutes, unless waived by the Board.
- D. Board Members shall limit their comments in public hearings to insure participation by the public without Board interference.

**ARTICLE VII
APPOINTMENT OF COMMITTEES**

Appointments to committees of the Board and to authorities, boards, and commissions, shall be made only by Resolution adopted by a majority of the full Board. Prior to consideration of the nomination, the nominee shall be notified to determine his or her willingness to serve and to determine if he or she meets the qualifications for such appointment.

**ARTICLE VIII
DUTIES OF THE COUNTY ADMINISTRATOR**

The County Administrator shall:

- A. Prepare the agenda for each meeting for approval in conformance with the agenda preparation procedure outlined in these bylaws.
- B. Keep a written record of all business transacted by the Board.
- C. Administer the financial control procedures of the County.
- D. Advise and inform the Board on all matters affecting County government.
- E. Execute all formal documents authorized by the Board of Supervisors.
- F. Provide and supervise all staff services directly under the control of the Board of Supervisors.
- G. The County Administrator shall be responsible for all personnel management of the County. Department Directors will be hired and dismissed with the consent of the Board of Supervisors.
- H. Prepare an annual operating budget for the County government in accordance with guidelines established by the State auditor's office for approval by the Board of Supervisors. He shall be responsible for maintaining adequate financial and accounting records on all County business under his control.
- I. Serve as the Board's representative in all circumstances where the Chairman, Vice Chairman, or a majority of the Board Members are not available.
- J. Perform all other duties delegated by the Board as required by law.

**ARTICLE IX
AMENDMENTS**

The Bylaws may be amended by a recorded majority vote of the entire membership of the Board after thirty (30) days prior written notice has been given to all members of the Board and a copy of the proposed amendment is sent with the notice.

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

Deleted: ARTICLE VIII
PROCEDURES FOR FINANCIAL CONTROL

A. Annual appropriations shall be subject to the following method of internal control:

(1) The Board of Supervisors may make annual appropriations for the purpose of limiting the normal operating expenditures of the County.

(2) The County Administrator shall have the authority to transfer appropriations by line item within major categories, except for salary line items. All transfers are to be reported to the Board on a monthly basis.

(3) The County Administrator will not have the authority to transfer appropriations between major categories.

(4) The County Administrator will report to the Board in summary form all revenues and expenditures on a monthly basis.

(5) The County Administrator will report to all County Officers, by line items, expenditures every two months.

B. All normal operating expenditures of the County shall be processed in the following manner:

(1) All bills or invoices will be approved by the appropriate department head or constitutional officer, and received by the County Administrator.

(2) Checks and a check register will be prepared by the County Administrator's office.

(3) All bills, invoices, checks and check register will be reviewed by the County Administrator for approval.

(4) The County Administrator will review all invoices and submitted expenditures and initial the check register.

(5) All check registers will be presented to the Board of Supervisors for review and approval.

(6) The checks and check register will be presented to the Treasurer for review and approval.

(7) Upon approval, the Treasurer will sign all checks and keep one copy of the check register for the record.

(9) The checks will be distributed, as appropriate, by the County Administrator's office.

C. The Treasurer will submit a monthly report of financial condition on forms provided by the Board of Supervisors. The Board will consider approval of the report monthly.

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CODE OF ETHICS

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

1. Uphold the Constitution, laws and regulations of the United States and of all governments therein and never knowingly be a part to their evasion.
2. Put loyalty to the highest moral principles and to the County as a whole above loyalty to individuals, districts, or particular groups.
3. Give a full measure of effort and service to the position of trust for which stewardship has been granted; giving earnest effort and best thought to the performance of duties.
4. Seek to find and use the most equitable, efficient, effective, and economical means for getting tasks accomplished.
5. Adopt policies and programs that support the rights and recognize the needs of all citizens regardless of race, sex, age, religion, creed, country of origin or handicapping condition. Avoid adopting policies, supporting programs or engaging in activities that discriminate against or offend individuals because of race, sex, age, religion, creed, and country of origin or handicapping condition.
6. Ensure the integrity of the actions of the Board of Supervisors by avoiding discrimination through the dispensing of special favors or unfair privileges to anyone, whether for remuneration or not. A member should never accept for himself or herself or for family members, favors or benefits under circumstances, which might be construed by reasonable persons as influencing the performance of Board of Supervisors duties.
7. Make no private promises of any kind binding upon the duties of any office, since a public servant has no private word, which can be binding on public duty.
8. Engage in no business with the county government, or the school system, either directly or indirectly, which is inconsistent with the conscientious performance of Board of Supervisors duties except as may be consistent with the conflict of interest statutes in the Code of Virginia.
9. Never use any information gained confidentially in the performance of Board of Supervisors duties as a means of making private profit.
10. Expose, through appropriate means and channels, corruption, misconduct, or neglect of duty whenever discovered.
11. Adhere to the principle that the public's business should be conducted in the public view by observing and following the letter and spirit of the Freedom of Information Act using closed sessions only to deal with sensitive personnel, legal or contractual matters as provided by the Code of Virginia.
12. Avoid using the position of public trust to gain access to the media for the purposes of criticizing colleagues or citizens, impugning their integrity or vilifying their personal beliefs.
13. Make sure, when responding to the media, that a clear distinction is made between personal opinion or belief and a decision made by the Board.
14. Review orally and in public session, at the annual organizational meeting, each of these principles.
15. Pledge to honor and uphold these principles, ever conscious that public office is a public trust.

8.D. ACTION ITEM: PLANNING DIRECTOR – NEW POSITION

The Board received the following memo from Kevin Massengill, Interim County Administrator.

BACKGROUND:

In August 2005 the Dinwiddie County Planning, Zoning and Code Compliance Offices were restructured. Traditionally, zoning and code compliance operations were under the direct authority of a Director of Planning. With the reorganization, Mr. Guy Schied became the Director of Code Compliance and became the staff liaison to the Board of Zoning Appeals. Mr. Scott Wrenn was hired by the County as the new Zoning Administrator/Planner and took over the daily operations of the Planning and Zoning Office. As you are aware, Mr. Wrenn is the staff liaison to the Planning Commission.

RECENT ACTION:

In January 2006, Mr. Scheid reported to me that he would be retiring from Dinwiddie County in June 2007. He expressed that he wanted the County to be aware of his intentions to retire so that appropriate planning could be done.

Staff and I have reviewed the operations in the Planning, Zoning, and Code Compliance Offices in much detail and are recommending several changes.

As you are aware, one of the chief responsibilities of the County in 2006 is to update the five year comprehensive land use plan. In years past the County has outsourced such work to professional consultants. As one may think this is a costly undertaking. After polling several jurisdictions, it is estimated that the County could spend as much as \$60,000 to \$70,000 for a comprehensive update.

REQUESTED BOARD ACTION:

Rather than hire an outside consultant firm to perform this work, staff and I are recommending we hire a Director of Planning. The Planning Director will be responsible for writing and leading the County and pertinent county departments through the update. Our current plan does not have chapters related to recreation, economic development, tourism, and transportation. Such chapters are considered to be vital as we continue to grow and prosper. In my professional opinion, it is better to have a County employee with a vested interest to develop this important document.

Funds needed for this position in the current fiscal year will be made available from the undesignated fund balance. Staff has allocated an annual salary of \$55,000 in the proposed FY06/07 budget. This position is a Grade 14 (\$43,922 – \$60,798).

Moreover, staff also recognizes and recommends that the Director of Code Compliance position be dissolved upon being vacated. In addition, the Planning Director will report to the Assistant County Administrator. Presently, the Zoning Administrator and the Director of Code Compliance report to the Assistant County Administrator.

In order to allow appropriate time for staff to recruit and select a Planning Director, staff is recommending immediate advertisement for this position. Moreover, this will allow the new hire to begin working on the comprehensive land use plan and to meet the December 2006 deadline.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the creation of the Position of Director of Planning Grade 14 is approved.

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

8.E. ACTION ITEM: RECORDS MANAGEMENT SYSTEM FOR CIRCUIT COURT CLERK'S OFFICE

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

Per state mandate, the Clerk of the Circuit Court's office must have on-line accessibility of recorded documents by July 1, 2006. Going forward from July 1, 2006, the Clerk's Office must scan in all new documents and have them available to the public for on-line

viewing. Previously recorded documents will be back-scanned into the new system as funds allow. (This back-scanning process will not be complete for several years.) In order to accomplish this mandate, the Clerk's office must purchase a new records management system - their current system only offers computerized indexing of documents.

Over the past year, we have had several vendors come in to demonstrate their systems, and we recently visited the Prince George Clerk's Office to review their system. After much consideration, we have decided to go with the system provided by the Supreme Court of Virginia (see attached equipment listing). This system is used by 62 other Clerk's Offices in Virginia; the system support is located in Richmond; and the price was considerably lower than Cott Systems, which is the vendor we currently use for document indexing.

The total price of the system software and hardware and installation will be \$56,811.76 and the annual software/hardware maintenance will be \$11,900. Technology Trust Fund monies will be used to fund most of the system (\$37,429) and the remaining funds are available from the Clerk's FY 2005-06 budget (\$20,000 budgeted) for the software and hardware. The maintenance fee is approximately what we already paying Cott Systems for just the indexing, so an increase in the maintenance budget will not be necessary.

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

BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County, Virginia does hereby authorize and direct Clerk of the Court, Ms. Williams, to execute the necessary documents to award the contract for the purchase, installation, and annual maintenance of the Clerk of the Circuit Court's Office records management system from the Supreme Court of Virginia in an amount not to exceed \$57,429 for hardware, software, and installation and \$11,900 annual maintenance.

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

Nays: None

Absent: Mr. Moody

8.F. ACTION ITEM: APPOINTMENTS

There were no appointments.

9. COUNTY ADMINISTRATOR COMMENTS

Kevin Massengill, Interim County Administrator, read a letter from the Chairman of the Board and Treasurer of the SPCA, Robert Churn.

Mr. Massengill stated that at an earlier meeting Mr. Stone had requested that staff complete a newspaper matrix. Karen Wilmoth completed that matrix and it will be provided to the Board.

Mr. Massengill said that several weeks ago the Board and Planning Commission agreed to hold a joint meeting for a strategic planning session. April 12, 2006 there is a regular scheduled Planning Commission Meeting, and they do not have a workshop before the meeting. Mr. Massengill suggested that may be a good time for the strategic planning commission. He asked that he be made aware of the Board's intention.

Mr. Massengill stated that Delegate Dance will be holding a Town Hall Meeting on Thursday, March 23, 2006, from 6:30 to 7:30 p.m. at the Union Station in Petersburg. Secretary Pierce Homer, Secretary of Transportation, will be presenting at the meeting.

Mr. Massengill said that Harrison Moody is in a meeting in South Boston, and has been appointed to a Tobacco Commission subcommittee focusing on the financial aspects of the funding formula. Mr. Moody had asked Mr. Massengill to express that as he was the only representative from Dinwiddie County on the commission, he felt it was important to attend that meeting rather than the Board meeting.

Mr. Massengill stated that at the last Budget Workshop, School reductions were discussed. He said there was agreement of the transfer of approximately \$1,000,000 to be reduced to go into School Construction; and several other reductions that were discussed. Mr. Massengill said that he would like to have one more meeting to discuss whether there are any further reductions.

10. BOARD MEMBER COMMENTS

There were no Board member comments.

11. CLOSED MEETING

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

The Board of Supervisors of Dinwiddie County, Virginia convened in a closed meeting under: §2.2-3711 (A)(1) Personnel: County Administrator and Administrative Staff; §2.2-3711 (A)(1) Personnel Appointments: Planning Commission and Board of Zoning Appeals; §2.2-3711 (A)(7) Legal Matters: Property Damage Claim and Board of Supervisor's Bylaws, and Proffers; and §2.2-3711 (A)(5) Prospective Business

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

The Chairman reconvened the meeting into open session at 6:50 p.m. Note: Mr. Moody was present.

Upon motion of Mr. Stone to come out of closed session, seconded by Mr. Bowman,

The Board of Supervisors came out of closed session into open session.

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

CERTIFICATION

WHEREAS, this Board convened in a closed meeting under: §2.2-3711 (A)(1) Personnel: County Administrator and Administrative Staff; §2.2-3711(A)(1) Personnel Appointments: Planning Commission and Board of Zoning Appeals; §2.2-3711 (A)(7) Legal Matters: Property Damage Claim and Board of Supervisor's Bylaws, and Proffers; and §2.2-3711 (A)(5) Prospective Business,

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

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

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

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

7:00 P.M. – PUBLIC HEARINGS

The first two public hearing cases were heard jointly with the Planning Commission because of the legal concerns over notice issues that occurred in the Whipponock rezoning case and the Natalie Tucker rezoning case.

Mr. Drewry, County Attorney, stated that the procedure will be as follows: the Board has already called their members to order; the Planning Commission will call their meeting to order; there will be a staff presentation and discussions; applicant presentation and discussions; and the opening of the public hearing in which the public can come forward and give their comments. Mr. Drewry said that after the public hearing is closed, the Planning Commission will have their discussion and motion. They have two options: 1) a motion to ratify their previous recommendation of Whipponock, LLC. rezoning on December 14, 2005, and Natalie Tucker rezoning on January 11, 2006; or 2) a motion to rescind the previous recommendation and a new motion. After the Planning Commission has made their recommendation in the case, the Board will have their discussions and motions. This does not mean that the Planning Commission and the Board cannot ask questions at the same time during the proceeding.

PLANNING COMMISSION MEMBERS PRESENT:

Mr. Cunningham
Mr. Harris
Mr. Hayes
Mr. Cobb
Mr. Lee
Dr. Mark Moore, Chair

Dr. Mark Moore, Chair, called the Planning Commission into session.

Mr. James Cobb made an announcement that he was at this point, for this particular case, stepping down from the Planning Commission panel due to a conflict of interest. He stated that he is a partner in Whipponock, LLC., and has an interest in all the parcels that will be discussed in this matter.

12.A PUBLIC HEARING: P-05-8 WHIPPONOCK, LLC, REZONING

Note: The Board of Supervisors and the Planning Commission held a joint public hearing in this case.

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

Mr. S. P. Camp, one of the developers of the project, spoke at this time. He addressed the question of pollution and stress on the lake. He said the lake was very central to their development. He said that most sediment in Dinwiddie County comes from woodlands and farms. He said that according to the Corps Of Engineers, one 50 ft. strip in front of a lot, or a 10 ft. strip in front of a lot is equal to 100 ft. of land that is wooded or in cultivation. He stated that development is not the pollution factor that it has been expressed to be. He said it is the raw fields and the wooded land that have streams running through them unabated. This sediment runs into the lake. He said he had seen the lake turn red from the sediment.

He also addressed a letter that was published in the local paper that Mr. Camp said set a tone that was full of personal attacks, and questioned his and Mr. Cobb's integrity and ethics. He said there was question as to how they are proposing to take title of this property. He said that Waterford, LLD, which is a limited partnership, owns Waterford Landing. Since the time that limited partnership was formed, roughly sixteen years ago, one person has died. This new identity was formed because of the death of that member. He also addressed the original plan of Waterford Landing. He presented the maps that were originally proposed for Waterford Landing. In the original plans there was an 18-hole golf course, tennis courts, pool, riding trails, pump house, etc. He said this plan was sent to the Planning Commission and before the Board for approval. He stated that the night of the meeting with the Board one member of the Board, who is not a member now, asked the question as to why have a golf course, or a pool, or a tennis court when no one in Dinwiddie would use it. The Board member recommended that if those amenities were taken off of the proposal, that he thought it could be approved; and if they made bigger lots and did away with the amenities. Mr. Camp said they did that, and then took the plan across the lake in what is now Chesdin Landing, and they put all of these amenities in. These could have been here in Dinwiddie. He said the proposal that was approved had none of the amenities referred to, and the proposal passed at that following meeting. Mr. Camp said that when the lady stated in the newspaper article that they had made those proposals and did not live up to them, and promoted it under false pretenses, that her statement was not true. He said they are investigating the possibility of libel against their character.

Mr. Camp also addressed the road issue. He said every road that was built in Waterford Landing was a state approved road, built under state specifications, and these roads were accepted by the state as they completed each section. He said there had been some problems with the roads, the main reason being because of snow plows removing snow and damaging the surface. He said they had offered to pay one half of the cost to repair these roads. He stated that the Highway Department didn't have the funds to match it. He said they offered to asphalt the roads, but the Highway Department did not have any assistance there either.

Mr. Camp addressed the issue of spec homes. He said they had sold some lots to the Henshaws, and he supposed those were the homes being referred to. He said every development has to have spec homes. The quality of these spec homes is controlled by the Architectural Review Board (ARB), and their duty is to enforce the covenants and restrictions that have been imposed on a development in the beginning. They also

review the house plans. He said if you have a strong ARB, the quality of your development will be better than if you have an ARB Board that has weak members. He said they appoint one member in the development, two outside the development, and one in the neighborhood. He said they do not control the ARB Board; it is a locally controlled Board.

Mr. Camp said they were charged for having an EPA violation. This occurred when Southside Electric was putting in the underground wiring. Southside Electric subbed it out to a subcontractor. Mr. Camp said they messed up the shoulders and ditches, and left it that way when they left. He said the EPA had charged them for someone else's error. He said this is in mitigation at this time.

In closing, Mr. Camp said that some of the opposition had been justified, but a lot of it had not. He said they felt they have a good development that is good for the County and the people of Dinwiddie. He said that due to the circumstances, and the position that might be placed on their governing body (the Board), they would rather withdraw the application than proceed with a request that is not in the best interest of all the citizens of Dinwiddie County. He said they still feel this is a good development, and good for Dinwiddie County. He thanked both Boards and staff for the time they spent on it; and he also thanked the opposition who had meaningful comments.

Mr. Drewry asked for clarification as to whether the application was being withdrawn.

Mr. Mitchell, Townes Engineering, said no the application was not being withdrawn. He said that because they feel this development is in the best interest of the County, they want to move forward with the case.

Mr. Cunningham, Planning Commissioner, asked a question regarding Waterford Landing. He wanted to know the number of sites for the original proposal as to what was actually approved.

Mr. Mitchell answered that 130 homes are what the plans for the Waterford Subdivision are, as approved by the Board, and as it is being constructed now. The first plan was for one acre lots around the golf course and on the waterfront. That plan was revised to 2 acre lot minimums and 130 homes.

The Chair opened the public hearing in this case.

- 1) David Dudley – 25907 Smith Grove Road – Petersburg – spoke in opposition of this case. His concerns included schools, Fire & EMS service, roads, the eco system, and perception of conflict of interest.
- 2) Michael W. Bratschi – 23500 Cutbank Road – McKenney – spoke in opposition to this case. His concerns were the same as Mr. Dudley's. He said that although the development did not directly affect him, it affected the entire County. He expressed concern as to why the Board questioned the Planning Commission's decision.
- 3) Michael Wilde – 11647 Old Stage Road – spoke in opposition to this case. He expressed that he wanted the representative of his district to vote no.
- 4) Elizabeth Bailey – 3028 Oxford Drive – spoke in support of this case. She said that she felt this development would be positive for the County, and a source of revenue for the schools and the County.
- 5) Jeff Edwards – 5814 Trinity Church Road – spoke in opposition to this case. He said that he wanted to follow the wishes of his deceased father, Mr. Oscar Edwards. He said his father had been very much against the Waterford Landing subdivision. He presented to the Board a petition signed by 1,229 people who are in opposition of the rezoning. The breakdown was as follows; District 1 – 466 votes; District 2 – 237 votes; District 3 – 156 votes; District 4 – 133 votes; and District 5 – 237 votes.
- 6) Sam Kaufman – 1930 Huguenot Road – Richmond – spoke in opposition to this case. He stated that he and his colleague, Scott Stovall, were lawyers with Cowen and Owen who were hired by some of the homeowners to speak on the homeowners' behalf. Mr. Kaufman is also a Board member of the Chesterfield Chamber of Commerce. His concerns were economic development and the

Comprehensive Plan. He said economic development is jobs and businesses, and that it is not putting houses up for tax revenue. He said these houses would bring in people who would drain County resources, and be working outside of the County.

- 7) Scott Stovall – 1930 Huguenot Road – Richmond - spoke in opposition to this case. He spoke regarding the Comprehensive Plan. He said that what strikes him about Dinwiddie County's Comprehensive Plan is the idea that Dinwiddie would be a bastion of rural Virginia, with targeted economic growth primarily in the northeastern sector. He said the area that is being requested to be rezoned is clearly delineated as a rural conversation area. He said, also, the importance of the Lake Chesdin area is noted in the Comprehensive Plan.
- 8) Doug Frasier – P.O. Box 3505, Glen Allen – spoke in opposition to this case. He stated that he is the owner of Hydro Environmental Consultants and a professional geologist with 25 years of experience in various ground and water issues. He said he had been retained by Mr. Edens to review the hydro geological report prepared by Golder and Associates for the proposed subdivision. He said the report was very thorough and very scientifically done, and he has the utmost respect for Golden and Associates. However, he did disagree with four or five of their assumptions and conclusions. He cited the characterization of the groundwater conditions based upon an EPA database that is 12 years old, and that it is for the greater Richmond area; bedrock wells vs. bored wells; in Golder's report the recharge rate is higher than it should be; water demand should have been more conservative; and water quality impacts.
- 9) Mark Krueger – 841 Even Keel Lane – Church Road – spoke in opposition to this case. His expressed concerns were: inconsistencies and the "head-in-the-sand" attitude of the developers; and the statements of Mr. Mitchell who, on behalf of the developers, has said that the only reason the citizens are fighting this development is because they are people who can't stand change, and that they have to learn to like the subdivision. He expressed concerns over roads; schools; proffers; wells; septic tanks; the lake; and the Comprehensive Plan not being followed.
- 10) John Schmidt – 826 Sutherland Road – Church Road – spoke in opposition to this case. He addressed the issues of Fire, EMS, and public safety.
- 11) Brian Emory – 1213 Creek Court – Church Road – spoke in opposition to this case. He distributed handouts to the Board, and spoke about safety concerns on Rt. 623, Sutherland Road.
- 12) Nancy Pinchefski – 1028 Sutherland Road – Church Road - spoke in opposition to this case. She expressed concern about the overcrowded school system, and the overloading of County resources.
- 13) Jessica Schmidt – 826 Sutherland Road - spoke in opposition to this case. She stated that she is a senior at Dinwiddie High School and spoke about the problems with overcrowding at the school, and on the buses.
- 14) Katie Jo Prince – 19113 Waterford Drive – Sutherland - spoke in opposition to this case. She said that she is a senior at Dinwiddie High School, and spoke about problems with overcrowding at the school.
- 15) Randy Picardat – 23121 River Road – Petersburg - spoke in opposition to this case. He said that he is a junior at Dinwiddie High School and expressed concerns with overcrowding at the school, and on the buses.
- 16) Dean Edens – 17175 Lakeland Road – Church Road - spoke in opposition to this case. He said he is opposed to P-05-8, but is in favor of slow, well planned, and deliberate growth for Dinwiddie County.
- 17) David Hale – 1311 Sutherland Road – Church Road - spoke in opposition to this case. He said he is not against residential development, or growth in the County. His concerns were regarding how much development, and the approval of such development. He said the Planning Commission had voted against this case, and he felt that was the best decision for the County.

- 18) Phil Hanley – 835 Even Keel Lane – Church Road - spoke in opposition to this case. He spoke regarding proffers offered. He questioned the large disparity between Dinwiddie proffers and Chesterfield proffers.
- 19) Brenda Emory – 1213 Creek Court – Church Road - spoke in opposition to this case. She said she had asked several questions at the last Board of Supervisors meeting. As of this date, she said she had only one answer, which was how many more people would sign a petition opposing this rezoning request if it were available for more than four days. She said the answer is 1,229. She expressed concerns about wells, the lake, Fire and EMS services, roads and bridges, buffer zones, perceived conflict of interest, and overcrowded schools. She said that Dinwiddie County should be dictating to the developer what the proffers should be, not the other way around.
- 20) Margaret Worley – 19005 Waterford Drive – Sutherland - spoke in opposition to this case. She said she lives in Waterford Landing. She stated that the developers have compared Whipponock planning to her neighborhood and have chosen to use Waterford as the benchmark for the new project. She said future amenities that she and her husband had been told about when they toured the lots before building in Waterford have not been provided. She said road conditions continue to be a source of contention in Waterford Landing. She said that the plans the developers talk about for Whipponock subdivision may not materialize either. She said she is for controlled growth in the county, and welcomes new residents, restaurants and business.
- 21) Beckey Prince – 19113 Waterford Drive – Sutherland - spoke in opposition to this case. She stated that she has resided in Waterford Landing since 1994. She asked if the Board had thoroughly done their research, and background work, on the proposed rezoning. She said that as a resident of Waterford Landing, which has been used by the developers as a comparison for the new development, she felt compelled to make sure that prospective buyers in that area secure all proposed items in writing. She said it took 4 years from the time she moved in until custom street signs were put up labeling their streets; 7 years to have concrete poured for a pavilion, and another year to complete the structure. She said that after living there 12 years there are no lights at the pavilion or marina area, no bike trails or tennis courts, no basketball courts, and the roads are half blacktop and half tar and gravel.
- 22) Debbie Clayton – 18902 Waterford Circle – Sutherland - spoke in opposition to this case. She expressed concern regarding: disparity between the Whipponock proposal and the Lake Jordan Subdivision; curb and gutter; a pumping station; and recreational amenities. She said that the cost of amenities in Lake Jordan is being absorbed by the developer. They are creating a community which is a marketable product, not only for current residents of Dinwiddie; but also to attract people from outside of the county. She said proffers should be created to be consistent with other localities. She stated that the County needs to be proactive in protecting the natural beauty, and integrity, of the County. She said she would like to see the County treated with respect and dignity by interested developers.
- 23) Tanya Hale – 1311 Sutherland Road – Church Road - spoke in opposition to this case. Ms. Hale said she is an adjoining landowner. She stated her concerns: economic growth, roads; safety; schools; and the need for businesses in Dinwiddie County,
- 24) Tom Harmon – 2604 Wheeler Lane – Church Road - spoke in opposition to this case. He said he was speaking on behalf of himself, most of his neighbors, and his father who owns 60 acres that run from the lake to Sutherland Road just west of the proposed rezoning. He said the Board was put in their position in order to represent the citizens and their wishes for a better community. He asked the Board to listen to the citizens' wishes.
- 25) Charles Friedl – 20213 Charlotte Road – Sutherland – spoke in support of this case. He stated that the proposed project was in the best interest of Dinwiddie County. He discussed the tax revenue expected from this type of subdivision.
- 26) George Whitman, Jr. – 13010 Old Stage Road – Petersburg - spoke in opposition to this case. He said he was speaking not only for himself, but also as President of *Citizens for a Better Dinwiddie*. He said there were too many

unknowns in the plan of this subdivision. He said the Board had a responsibility to the people who voted for them.

27) Anne Scarborough - spoke in opposition to this case. She said so far she had been one of the silent citizens concerning this rezoning. She said when it was first presented; she erroneously thought the Board would do the right thing for citizens who had valid reasons for seeking a denial. She said also because the Planning Commission gave an overwhelming vote for denial. She expressed concern for the lake; the condition of Sutherland road; and services.

As no one else chose to speak, the Chair declared the public hearing closed.

Brian Mitchell, Towne Site Engineer, spoke to address the arguments against the economic benefit of this development. He discussed property and real estate tax revenue.

Dr. Moore asked Mr. Mitchell to elaborate on the 90 acre piece that will be adjoining the subdivision.

Mr. Mitchell said the applicant has contracted to purchase 90 acres along Lakeland Road. He said if the present rezoning case passes, they will be bringing that forward as a rezoning request to incorporate into this subdivision. He said they proffered that it will have the same conditions of zoning as P-05-8.

Mr. Harris asked why the County would give 90 acres of rezoning with the developer's contingency of a right turn lane; and the proffers are still at \$5,629.

Mr. Mitchell answered that when they come back to request rezoning of the 90 acres, they will be proffering the same \$5,629 per lot which is the County mandated cash proffer. He said that any additional lots that are added with that development will be subject to the same cash proffer of \$5,629 per lot.

Mr. Harris asked, didn't this figure seem significantly low.

Mr. Mitchell said it is the County mandated figure.

Mr. Harris said the County figure is low.

Mr. Drewry interjected a comment regarding proffers. He said the cash proffer policy is calculated on the County's Capital Improvement Plan, which is legally required by the Virginia Code. He said it is only the items in the Capital Improvement Plan that relate to growth in the area. He said an outside consultant looked at the County's Capital Improvement Plan, which includes schools, parks and recreation, and public safety. He stated that the County does not have transportation in the Plan at this time. Therefore, it could not be put in the cash proffer policy. He said a cash proffer is a policy, it cannot be mandated. It is a voluntary proffer. However, he said the policy does bring some order to proffers.

Dr. Moore, Chair of the Planning Commission, thanked each of the citizens for coming out to the meeting, and the work they had done as citizens of Dinwiddie County. He said they had shown that they care about the County, what happens to it, and where to go from here. He said the Boards are there to represent the citizens, and they want to work with the citizens.

Mr. Lee made a motion to ratify the Planning Commission's recommendation of December 14, 2005 which was a recommendation to not approve the rezoning. It was seconded by Mr. Cunningham with Mr. Cunningham, Mr. Hayes, Mr. Lee, and Dr. Moore voting "Aye"; and Mr. Harris and Mr. Cobb "Abstaining".

Mr. Stone stated that Mr. Camp had shown an original set of plans for Waterford Landing that included many recreational sites. A Board member, who is no longer on the Board, requested that they be removed. Mr. Stone asked why no recreational sites are being included in this proposal.

Mr. Camp responded that no one had said they would not be included.

Mr. Mitchell said they had proffered to provide a landing area for the residents to be able to put boats in and take them out.

Mr. Stone said that Proffer No. 13 does not specifically address a boat landing. It says "provide access to Lake Chesdin for residents". He asked if that could mean a footpath to get to the lake.

Mr. Mitchell said the intention is to put a boat landing.

Mr. Stone said that the proffer needs specific wording, which is not in Proffer No. 13.

Mr. Mitchell said they will proffer that.

Mr. Stone said there have been numerous stories about a Plan B. He asked if the Board needed to hear anything about a Plan B before they discuss and/or vote.

Mr. Mitchell answered no.

Mr. Haraway said he had for several months asked if anyone knew of a waterfront subdivision that requires a minimum of 5 acres in the Richmond area. He said that no one has been able to tell him of a waterfront subdivision in the Richmond area that requires a minimum of 5 acres.

He said that many people who live close to the proposed subdivision are on less than 2 acres, some on 1.3. He said the creation of 2 or 2 ½ acres would not be something that does not already exist in that area. He said he wanted the Board to consider what will happen if they do not approve this case. He said his understanding was that if they vote it down tonight, the developers will build on 5 acres but without any proffers. He said a square ft. minimum of 2,800 square feet for waterfront houses, and 2,200 for non waterfront houses will not be a requirement. They would be able to build any size. He said also, if this case was voted down and the developers built on 5 acres, a right hand turn lane would not be required. He said neither would they be required to provide a lot for recreational use. He said that if he had the wrong information on this, he would like to be corrected by the Board members.

Mr. Mitchell said that when Mr. Stone asked him the question about Plan B, he understood it as Plan B coming back with a different zoning request. He said they will not be coming back with a different rezoning request. The applicant would plan on building the 5 acre subdivision. He said the question is, is it going to be a subdivision that has been rezoned; has cash proffers associated with it; has the proffers that are in the proffer statement associated with it; or is it going to be a subdivision that does not have that plan to benefit for the County.

Mr. Stone said that when this came at one of the earliest meetings, one of the applicants told them that proffers made this project not feasible. He said they had a workshop in the multi-purpose room with the developer and residents. He said they asked about 5 acre lots, and again one of the applicants said that would make it not financially feasible. Mr. Stone asked where did Plan B come about, and why was he hearing about it at a later time.

Mr. Mitchell said that Plan B would be going back to the seller of the property, and getting a reduction in the price in order to do it.

Ms. Moody asked if there are plans for a community building with a swimming pool as she has seen in other subdivisions, especially upscale subdivisions.

The answer was no.

Mr. Stone stated that Dinwiddie County is working on the Comprehensive Plan this year. There will be public notices as to when these meetings will be taking place. He said it is his goal to have this information available at the District 5 meetings. He also encouraged staff to have meetings throughout the county to go over this Comp Plan. He encouraged everyone at the meeting to tell their friends and neighbors to attend because that lays the guidelines for the County's future development.

He discussed Lake Jordon Subdivision. He said that while he wasn't on the Board in 2001, when the current Comp Plan was adopted, that since 2004 he has been stating that the County's Planning Department needs additional resources and manpower. He said that, finally, in the FY 06/07 Budget this Board is moving toward that with a Planning Director, additional staff, and an Economic Development Director. He said that 2004 was his first year in office, and his district had the most new homes, or addresses,

recorded in the County in 2004. Last year his district had the second most. He said real estate agents, and several Commissioners of the Revenue, would label nearly 85% to 90% of these homes in District 5, that were the new addresses in those two years, as either starter homes, or low income homes. He said the Board receives in their packet reports on a quarterly basis from the GIS Department. This is a trend that exists not only in District 5, but throughout the county. He stated that it is a historical fact that these starter homes and low income homes have a higher impact on County services. He said that according to the real estate agents and the Commissioner of Revenue, the Stone family currently lives in a low income / starter home, based on the square footage. He said his home is a brick rancher that is 1800 square foot. It was purchased when he was a teacher at Dinwiddie County High School with a starting salary of \$19,100. He said he has two sons in the Dinwiddie County school systems, and his youngest son has a serious medical condition. He said, God forbid, they have never had to call on the County Rescue Squad, or EMS for services for his son; but that possibility exists. He said these low cost homes cost the County additional services that they have not generated from taxes. Mr. Stone stated that there is a need for high income homes in Dinwiddie County. Such carefully planned subdivisions, that cover their impact cost totally, would definitely be an asset to the entire county, and help the entire county's tax burdens. He said he based his campaign on working to improve the communication between the Planning Commission, School Board, and Board of Supervisors; and to improve and develop long range planning in the planning department and financial planning. He said that anyone on the Board and anyone who has read any of the local papers recently knows the County's financial situation, both immediately and long range. Mr. Stone stated that the Whipponock case will generate immediate funds through the proffers, and it will generate additional revenues through the real estate taxes. He said that, however, this is not without cost. Mr. Stone stated that it is his responsibility in his remaining 21 months in office, along with other Board members, to work with the residents to find additional sources of income. That income could be from commercial or light industrial. Mr. Stone stated that he cannot support this rezoning.

Mr. Moody thanked everyone for coming out to the meetings, and the time and effort that had been spent on this case. He stated that the Board has to look at the big picture. He stated that he thought they needed to look at the whole picture before they would approve a subdivision such as this.

Mr. Bowman stated that he had been on the Board six years. He said the first year he was on the Board, there was a Comp Plan. He said every time they have reviewed it (which is required by the State to be every five years), they have to look at the county and question where growth is necessary. He said growth will happen; they have to decide how they want it, and where they want it to take place. He said the decision has to be made as to what would generate the best income for the County. He said the issue will be addressed again in a month or two. He said they will need to decide about more subdivisions, and what kind of subdivision the County wants to attract. Mr. Bowman said that he was on the Growth Committee, along with some other members of the Board and Planning Commission. He said the biggest question they had was how to attract the upper scale subdivisions: something that would pay their way on the school system; something that will contribute to the County. He said so many citizens at the meeting had expressed that they don't have anywhere to spend their money in Dinwiddie. He said this Board has certainly gone to a lot of effort to start changing the way that they and the Planning Commission think. He said there are new people on the Planning Commission. He said this Board is doing everything they can to make the changes needed as fast as they can. Mr. Bowman thanked everyone who came to the meeting, and said there were a lot of good ideas and points made. He said he would like to get a lot of these citizens to sign up to serve on boards and committees, because the help is needed to change Dinwiddie County for the better. He said everyone who comes in to bring business into the area wants to see a count of the homes, and the income brackets for these homes. He said there will be a commerce park with hotels and restaurants, hopefully medical facilities, and professional businesses. He said the County has to decide if it wants to continue to develop starter home subdivisions that will cost every taxpayer; or does the County want to attract the upper scale subdivision. He said he thought this subdivision was a win/win situation for Dinwiddie, and he is excited that a developer wants to come in and do this. He said it is the kind of subdivision the Growth Committee said was needed in Dinwiddie County. He said he is in favor of approving this case.

Ms. Moody stated that she would like to make a motion that the Comprehensive Plan be updated, and get that in order, before going any further with rezoning.

Mr. Haraway said he would agree with Ms. Moody, if this could be done. He said it was his understanding, however, that if the Board voted on Ms. Moody's motion the developer can go ahead and start this subdivision, and build on the 5 acre lots.

Mr. Drewry said that by the zoning ordinance, the developer can develop the 5 acre building sites. Mr. Drewry also stated that historically the Chair does not make motions. He asked that Ms. Moody make it as a recommendation, not as a main motion.

Ms. Moody restated the motion as a recommendation.

There was no motion to her recommendation.

Planning Summary Report

Name: Scott Wrenn, Zoning Administrator
File: P-05-8
Applicant: Whipponock, LLC
Property Address: Sutherland Road, Sutherland, VA 23885
Magisterial District: Namozine District
Acreage: 391.06 acres
Tax Map Parcels: 1-10 & 10A; 1-(4)-4A; 1-(9)-1B (part of); 2-1, 5-13
Zoning: Residential, Conservative RR to Residential, Rural RR-1
Date: March 14, 2006

At the February 21, 2006 Board of Supervisors meeting, the Board voted to defer the rezoning case to the March Board meeting, after a citizen informed the Board of Supervisors that he had not been notified of the public hearings as an adjacent property owner.

Staff has reviewed this matter and all adjacent property owners have been properly notified regarding this rezoning case. Due to this circumstance, the Board of Supervisors and Planning Commission will hold a joint public hearing to hear the rezoning case.

Staff has not received any new or updated information from the applicant regarding the rezoning case.

BACKGROUND

Planning Commission Vote:

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

Past Meeting Minutes:

Attached in your packets are copies of the Board of Supervisors and Planning Commission minutes and review letters from Public Safety, School System, and VDOT.

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 properties to allow greater residential density.

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

1. Staff feels that the proposed development will continue to diversify the existing housing inventory of the County. Such diversity is needed to balance the number of low, moderate and higher income housing and provide an advantageous mix.

2. The proposed development will bring a satisfactory amount of revenue from real estate to the County.
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. Nearly 75% of the proffer being offered will be spent on improvements identified by the Dinwiddie County School System and incorporated into the County's CIP Plan. Staff recognizes there will be an associated increase in student enrollment. However, staff supports the School Superintendent's characterization of this increase to be minimal.
4. Staff recognizes the need for transportation improvements to Route 623 (Sutherland Road) and Route 708 (Namozine Road). Staff recommends and urges the Board to add these routes to the Virginia Department of Transportation Secondary Six Year Plan for Dinwiddie County.
5. Finally, Staff reviews each case by its own merits and determines recommendations base on that case alone. Therefore, like this request for rezoning, all future development of adjacent properties will facilitate a rezoning. Such request(s) for rezoning affords staff, the Planning Commission, and Board of Supervisors the opportunity to review additional impacts and concerns.

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

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

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-05-8 is approved, with proffers, by the Board of Supervisors.

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

Nays: Mr. Moody, Mr. Stone

12.B. PUBLIC HEARING: P-05-10 NATALIE TUCKER REZONING

Note: The Board of Supervisors and the Planning Commission held a joint public hearing in this case.

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

Dr. Moore, Chair of the Planning Commission, offered to answer any questions the Board of Supervisors members may have regarding their decision on this case.

Mr. Haraway expressed concern that on Rt. 460 there are businesses that have taken care of their sites. He said there is a big difference in the businesses on Rt. 460 from the businesses on Rt. 1. He asked if this car lot would look like the businesses that are on Rt. 460, or the businesses on Rt. 1.

Dr. Moore answered that the individual who was going to put the property into use was at the meeting, and that he could answer the question.

Mr. David Barton spoke at this time. He said that he had run a car lot on Rt. 460 for the last six years, which was the car lot that Mr. Haraway had referred to as a business site that had been well maintained.

The applicant, Natalie Tucker, stated that the Planning Commission voted approval. She asked that the Board of Supervisors please vote yes to rezoning P-05-10.

Dr. Moore stated that as Planning Commissioners, he and Mr. Cunningham visited the property with the applicant and the proposed operator of the business. He said that their major concern was getting on and off of Rt. 460; as well as having a buffer between where any cars were to be parked. He said they had a VDOT representative there. They discussed, and came to an agreement with the applicant on what needed to be done to the front of the property. He stated that they discussed cars on the side of the property; the total number of cars that would be there; how many vehicles would be stored inside the building; and a handicapped parking space.

Mr. Moody asked whether there would be parking in the front.

Mr. Wrenn, Planning/Zoning Administrator, answered that the applicant will have two parking spaces that will be directly on the side of the building. He said the majority of the parking will be at the rear of the building. One of the front spaces will be for handicapped parking.

Mr. Massengill, Interim County Administrator, asked whether there will be any additional paving needed in order to come into compliance with the County's paving ordinance.

Mr. Wrenn answered no. He said, however, there were some spots that they have agreed to repave.

Mr. Haraway asked whether the cars that are for sale will be on a paved surface.

It was answered that they will be on gravel.

Mr. Barton stated that one of the things that was discussed with VDOT was that the deceleration lane will actually become part of this commercial entrance. He said it will be very noticeable where to enter and leave with safety.

The Chair opened the public hearing in this case.

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

Dr. Moore asked for a motion from the Planning Commission.

Mr. Lee made a motion to ratify the Planning Commission's recommendation of January 11, 2006, on rezoning of P-05-10, which was a recommendation for approval. It was seconded by Mr. Cunningham with Mr. Cunningham, Mr. Hayes, Mr. Lee, Mr. Cobb, and Dr. Moore voting "Aye", and Mr. Harris, "Abstaining".

Upon motion of Mr. Harris, seconded by Mr. Lee, the Planning Commission was adjourned at 10:50 p.m.

Ayes: Mr. Cunningham, Mr. Hayes, Mr. Lee, Mr. Harris, Mr. Cobb, Dr. Moore

Nays: None

Planning Summary Report

Name:	Scott Wrenn, Zoning Administrator
File:	P-05-10
Applicant:	Natalie Tucker
Property Address:	22417 Cox Road, Petersburg, VA 23803
Magisterial District:	Namozine District
Acreage:	1.0 acre
Tax Map Parcels:	20-37B
Zoning:	Agricultural, General A-2 to Business, General B-2
Water Source:	On-site
Sewer Disposal:	On-site
Date:	March 2, 2006

OVERVIEW

The applicant, Natalie Tucker, is seeking a rezoning of one land parcel containing 1.0 acres from Agricultural, General A-2 to Business, General B-2. The property is located

on 22417 Cox Road (Route 460). The property is further defined as Tax Map 20, Parcel 37B. The County Comprehensive Land Use Plan places this property within the Urban Planning Area which allows commercial development.

The Board of Supervisors heard case C-04-1 at their June 1, 2004 meeting and voted unanimous to grant a conditional use permit to operate an automotive paint and body shop in an Agricultural, General A-2 zone.

The property is located on the west side of Cox Road. The building is designed to presently accommodate one (1) business. The property contains a cinder block building with associated open space that has been used for commercial purpose for years. The building was used as an automotive paint and body shop mostly recently but that operation never received a certificate of occupancy from the County.

ISSUES

The Staff met with Ms. Tucker to address several issues such as the permitted uses in the B-2 zoning district, adequate parking, proper storage and screening, hours of operation, buffering and landscaping, and number of operable vehicles for an auto sales and services business, as well as to explain the proffer policy for the County.

During the review process at the Planning Commission level, the Planning Commission held a sub-committee meeting to discuss issues with the proposed rezoning with the applicant. The Commission wanted to have two (2) Planning Commissioners, VDOT, and Staff to meet with Ms. Tucker at the site to review those issues and determine possible solutions to this matter. The Planning Commissioners, VDOT, and Staff met with Ms. Tucker to discuss these issues and review the layout of the site. The Staff address concerns regarding several issues with VDOT, number of operable vehicles for sale, and parking spaces.

The applicant has addressed those concerns which the Staff and Planning Commission had regarding the rezoning of the property in the applicant's proffer statement.

BACKGROUND

Planning Commission Vote:

The Planning Commission heard the rezoning request, P-05-10, at their January 11, 2006 meeting. The Planning Commission voted 5-1 to recommend approval of P-05-10 to the Board.

Past Meeting Minutes:

Attached in your packets are copies of the Planning Commission minutes and minutes from the Conditional Use Permit C-04-1.

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 of the building and 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. The applicant has been working diligently with the Virginia Department of Transportation (VDOT) to resolve the issues regarding the commercial entrance for the subject property.

4. The applicant has addressed issues concerning adequate parking for the subject property.
5. Staff feels that an auto sales and service business has been addressed in the proffer statement and the impacts of that particular business has been addressed.

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 applicant has addressed the issues with VDOT and;
4. The applicant has provided signed proffers to the subject property.

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

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A)(7) 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-05-10 is approved with proffers by the Board of Supervisors.

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

12.C. PUBLIC HEARING: P-05-11 PATRICK CASALE REZONING

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

The applicant, Mr. Casale, stated that he will probably be building a few more than two houses per year in the future. He said there are nine homes there now, and three children in the Dinwiddie school system.

Mr. Bowman asked whether tractor trailers were restricted from being brought into the subdivision to be parked.

Mr. Casale said there is no restriction on tractor trailers, but he said he can make that a restriction.

The Chair opened the public hearing in this case.

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

Mr. Stone commented that he had questions about the first section of Queen of Angels Estate. He said he understood from the Comp Plan that it is roughly 5% or 6% that our area should expect for this kind of development. He said the notes from 1998 were vague, and he understood that no citizens came to speak in opposition in 1998 to either Board. He said there was no opposition now. He said Mr. Casale builds a quality home. Mr. Stone said he just wanted to understand why this subdivision had been placed in the middle of agricultural land.

Mr. Casale said that when he first bought the property there was a problem at that time with a lot of private roads being put in. He said he was asked if he would consider putting in a state approved road, which was very expensive. He said he was told that they would rezone the property, and use that as their example to go to the Board and say "let's stop the state approved roads, let's put a limit on how long you have to submit plans, and how long you have to build anymore" in order to eliminate that problem. He said, therefore, he put \$100,000 of his money on a state approved road, and the County received an example of why developers need to start putting in state approved roads from that point forward.

Mr. Moody said he remembered that.

Chief Hale, of Dinwiddie Fire and EMS, spoke to the subject of a dry hydrant. He stated that the County will request one with this development.

Mr. Moody asked if it would be on a main line on the road going in.

Chief Hale answered no. He said they usually try to keep them within a mile or so ring of the property.

Planning Summary Report

Name: Scott Wrenn, Zoning Administrator
File: P-05-11
Applicant: Patrick W. Casale
Property Address: Archangel Place, DeWitt, VA 23840
Magisterial District: Darvills District
Acreage: 54.5 acres
Tax Map Parcel: 54-30
Zoning: Agricultural, General A-2 to Residential, Rural RR-1
Date: March 2, 2006

OVERVIEW

The applicant, Patrick Casale, is seeking a rezoning of a land parcel known as Tax Map 54, Parcel 30 containing approximately 54.5 acres from Agricultural, General A-2 to Residential, Rural RR-1 which allows residential development with minimum lot area of two (2) acres, to develop fifteen (15) single family homes at a density of approximately 3.6 acres per dwelling unit. Said parcel and proposed lots are more specifically defined by a plat prepared by Downing Surveys, Inc. dated September 28, 2005, entitled "Queen of Angels Estates" Section 2, Tentative Plan. The parcel's location is an extension of Archangel Place which connects to Scotts Road (Route 645). The County Comprehensive Land Use Plan places this property within the Rural Conservation Area which allows residential development at density not to exceed one dwelling unit per five acres, with no individual lot less than two acres.

The Board of Supervisors approved P-98-3 at their May 6, 1998 meeting which was the first section of "Queen of Angels Estates". The Board approved to rezone a portion of the parcel from Agricultural, General A-2 to Residential, Rural RR-1 to develop nine (9) single family homes.

ISSUES

The Staff has reviewed information from Public Safety, School System, and Transportation regarding the proposed development. The applicant acquired the Timmons Group for a Traffic Study on the proposed development. The study showed that the traffic count would be to a minimal and that the proposed development does not warrant a left or right turn lane. The applicant has proffered to provide a minimum of 45' radius for school bus and emergency vehicle turn around. The applicant has met with VDOT regarding the development and will build the road to VDOT state standards and have the road taken into the state system.

The proposed residential development will create an average amount of new single family dwellings in the County. The proposed development will not likely bring an immediate impact on the school system with bring a small development.

Public Safety was also addressed for the proposed development and the call load impact of the additional homes should be minimal. The only concern that arose was the remote area of the development and response times will be in the 15 to 20 minute range.

The applicant has provided in the proffer statement to allow for a dry hydrant to be installed, if requested by the County to help improve public safety for the area.

BACKGROUND

Planning Commission Vote:

The Planning Commission heard the rezoning request, P-05-11, at their January 11, 2006 meeting. The Planning Commission voted 4-2 to recommend approval of P-05-11 to the Board.

Past Meeting Minutes:

Attached in your packets are copies of the Planning Commission minutes, minutes from the rezoning case P-98-3 and review letters from those different agencies. The above listed agencies will be present at the Board of Supervisors meeting to answer any questions the Board may have of them.

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 residential density.

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

1. Staff feels that the proposed development will continue to diversify the existing housing inventory of the County. Such diversity is needed to balance the number of low, moderate and higher income housing and provide an advantageous mix.
2. Staff reviewed the traffic study for the proposed development and the traffic count will be to minimal which does not warrant a left or right turn lane. The applicant will have the road construction meet VDOT state standards and have the road taken into the state system.
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. Nearly 75% of the proffer being offered will be spent on improvements identified by the Dinwiddie County School System and incorporated into the County's CIP Plan. Staff recognizes there will be an associated increase in student enrollment over time. However, staff supports the School System's characterization of this increase to be minimal.
4. The impact the development should have on public safety should be minimal, but the applicant has voluntary proffer to install a dry hydrant if the County request the need to have one placed in that area of the county.

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

1. The applicant has provided signed proffers to the subject property.
2. The proffer statement accurately diminishes the impact this development will have on the County.
3. The rezoning classification requested is compatible with other adjacent zoning classifications.

Upon motion of Mr. Haraway, 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 rezoning P-05-11 is approved with proffers by the Board of Supervisors.

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

12.D. PUBLIC HEARING: P-05-12 NEXTEL COMMUNICATIONS

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

Mr. Bowman stated that he had a phone call from Camille Robinson of Petersburg, Historical Society. She had great concern as to whether the tower could be seen from

Mayfield, as Mayfield is a historical structure. He asked whether the Planning Commissioners had visited the site.

Mr. Wrenn said that he had spoken with Ms. Robinson as well. He said he had seen some of the simulated photos of where the tower would be located. He said from those photos, if it can be seen, it will be only the very top of the tower. He said, also, when they go through their permits, etc. that they have to be a certain distance from any historical landmark.

Stephanie Freeman, representative of Nextel Communications of the Mid-Atlantic, spoke. She stated that they were coming before the Board for rezoning; and that they will come back with for a conditional use permit for the actual tower. She said they fly a large red balloon for a few hours during the day, and take pictures from different locations. She said there were pictures taken from the location, and it was just the top of the tower that would be seen. She said, however, going through the Historical Preservation Organization they have already received approval for this site. It was originally proposed at 195 ft., and they reduced it in order to satisfy their requirements.

Mr. Bowman stated that he had received a phone call two days prior from Ms. Robinson asking that he vote against it.

Ms. Freeman said that the organization they work with is a Federal organization.

Mr. Bowman asked if they were on site when the balloon was flown.

Ms. Freeman answered no.

Mr. Bowman asked if any staff from Dinwiddie County was present when the balloon was flown.

Ms. Freeman answered no. She said if it pleased the Board they would be happy to fly the balloon again, and invite all the members.

Mr. Bowman asked Mr. Wilson of the Water Authority whether the tower would be any where near where a treatment plant is proposed.

Mr. Wilson answered no, it would not impact.

Mr. Moody asked if any rental negotiations were taking place as yet.

Mr. Wilson answered yes; there was a 20 year lease that went through their attorney.

Mr. Haraway said that normally a hospital has a need for high antennas. He asked if they had checked with Central State Hospital to see if they have a structure that this can be placed on.

Ms. Freeman answered that yes, they did. She said that Central State was not interested in doing that.

Mr. Bowman asked whether there were any high power lines going through that area.

Ms. Freeman answered no.

Mr. Moody asked if this was Nextel's only tower in Dinwiddie right now.

Ms. Freeman said she believed so. She offered to provide the Board the plan of what they will be doing in the next year.

The Chair called the public hearing to order.

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

Planning Summary Report

Name: Scott Wrenn, Zoning Administrator
File: P-05-12
Applicant: Nextel Communications

Property Address: Old Cox Road, Petersburg, VA 23803
Magisterial District: Namozine District
Acreage: 40.21 acres
Tax Map Parcel: 10-6
Zoning: Residential, Limited R-1 to Business, General B-2
Date: March 7, 2006

OVERVIEW

The applicant, Nextel Communications, is seeking rezoning of a land parcel containing 40.21 acres from Residential, Limited R-1 to Business, General B-2. The Business, General B-2 covers a portion of the community intended for the conduct of general business to which the public requires direct and frequent access. The property is located on Old Cox Road. The property is further defined as Tax Map 10, Parcel 6. The County Comprehensive Land Use Plan places this property within the Urban Planning Area which allows commercial development.

The Dinwiddie County Water Authority has given permission to Nextel Communications to rezone 40.21 acres from Residential, Limited R-1 to Business, General B-2 to construct a 160 foot monopole telecommunication tower, if approved for the rezoning and conditional use permit by the Board of Supervisors. The DCWA also has voluntary submitted proffers for this proposed rezoning. The DCWA has plans to construct a water treatment facility on this parcel in the future. The rezoning will not affect the DCWA in constructing their facility, because public utility facilities are allowed by-right in many of the zoning districts including Residential, Limited R-1 and Business, General B-2. The current zoning on the property is Residential, Limited R-1, which does not allow for telecommunication towers to be constructed in those areas.

JUSTIFICATION

The justification for the rezoning request is that Nextel has identified significant gaps in their coverage, which was conduct in a review from Nextel Engineers. Nextel was able to identify those gaps and the list below were the main three issues.

1. The in-building coverage to Central State Hospital and the surrounding businesses located on US Route 1.
2. On Interstate 85 at the intersection of Squirrel Level Road where no dominant server situation exists.
3. On Ferndale Road west of the proposed site and the area surrounding the site.

Nextel will also provide co-location opportunities for up to four additional providers as well as the County, if requested by the County.

ISSUES

The Commission had questions regarding the elevation of the subject property where the tower shall be located. Staff has consulted with Nextel Communications regarding the subject property's elevation at the point where the tower will be constructed. The subject location's elevation is between 130-135 feet. Nextel feels that the location on the subject property will meet the needs of Nextel to provide a good coverage area.

BACKGROUND

Planning Commission Vote:

The Planning Commission heard the rezoning request, P-05-12, at their February 8, 2005 meeting. The Planning Commission voted 5-0 to recommend approval with proffers of P-05-12 to the Board.

Past Meeting Minutes:

Attached in your packets are copies of the Planning Commission minutes.

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 proposed rezoning will not have an effect on transportation, public safety, schools, and water quality.
2. 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 (Water Treatment Facility and Telecommunication Tower).
4. The applicant has limited the uses on the subject property to only allow a water treatment facility and one (1) telecommunication tower as stated in the proffer statement. Failure to utilize the subject property with the above mention uses will result in the Dinwiddie County Water Authority sell 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 businesses in that area.

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

1. The request is an up zoning of the property from a lower density to a higher density, which could provide for more economic development on the property;
2. The request is not in conflict with the Comprehensive Land Use Plan and;
3. The rezoning classification requested is compatible with other adjacent zoning classifications.

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

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A)(7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, that rezoning P-05-12 is approved with proffers by the Board of Supervisors.

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

Nays: None

13. CITIZEN COMMENTS

1. Michael R. Wilde – 11647 Old Stage Road – said that the Board went against the citizen's wishes.

14.A. OLD / NEW BUSINESS: EQUIPMENT FINANCE

Michael Drewry, County Attorney, stated that he had contacted VACo regarding financing. He said that VACo has similar rates to a private financing; however, there are fees that go along with doing business with VACo. He said there would still be the need for outside bond counsel, and the County would still have to pay a \$5,000 fee and a .15% bank fee. He said that VACo financing is probably good for a pool of bonds, if a county has a low rating. Mr. Drewry stated that he and Anne Howerton, Finance Director, believe that private placement, as stated in the February resolution, is the best choice.

Mr. Moody asked whether with VACo the other consultant would be needed.

Mr. Drewry answered that he and Ms. Howerton felt they could place this private placement themselves. However, if they find they are not getting a competitive rate, they may still use a financial advisor.

Mr. Haraway asked if they were talking about a municipal loan that would be placed with a bank.

Mr. Drewry answered yes. He said they figured in the placement cost per the resolution when they compared rates.

14.B. OLD / NEW BUSINESS: APPOINTMENTS

There were no appointments.

Mr. Nunnally, Forestry Department, spoke to the Board regarding a book that deals with the final days of the Civil War at Petersburg. He said that the County has two national landmarks.

Mr. Kirby, Director of the Forestry Department, stated that last January 12th the Board had requested that he keep them apprised of the progress on their planning effort. He said they had completed the planning; and they have a three million, three hundred fifty-one thousand dollar project that will be funded in FY 08. He said the facility will be a 2,400 ft. facility, and will replace the 480 sq. ft. facility that is presently at Five Forks. There will be a visitor's center and a maintenance facility. He said there will be 7.2 miles of trails. Construction will begin in late 2008 or early 2009, and will be completed in approximately a year's time.

CLOSED SESSION

At 11:55 p.m. upon motion of Mr. Bowman, seconded by Mr. Stone,

The Board of Supervisors of Dinwiddie County, Virginia convened in a closed meeting under: §2.2-3711 (A)(1) Personnel: County Administrator and County Attorney.

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

The Chair reconvened the meeting into open session.

CERTIFICATION

WHEREAS, this Board convened in a closed meeting under: §2.2-3711 (A)(1) Personnel: County Administrator and County Attorney,

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

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

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

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. Bowman,

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

The meeting was adjourned at 12:10 p.m.

Doretha Moody, Chairperson

ATTEST:

W. Kevin Massengill
Interim County Administrator
Clerk to the Board

/wjn