

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 17th DAY OF OCTOBER 2006 AT 3:30 P.M.

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

ADMINISTRATION

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

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

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

ROLL CALL

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

4. AMENDMENTS TO AGENDA

W. Kevin Massengill, County Administrator, asked that the following be added under §2.2-3711(A)(1) Personnel: Division Chief of Economic and Community Development.

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

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

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

5.A. CONSENT AGENDA: APPROVAL OF MINUTES FOR SEPTEMBER 19, 2006 REGULAR MEETING

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the September 19, 2006 Regular Meeting Minutes are approved.

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

CONSENT AGENDA : APPROVAL OF MINUTES FOR OCTOBER 4, 2006 SPECIAL MEETING

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the October 4, 2006 Special Meeting Minutes are approved.

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

5. B. CONSENT AGENDA: CLAIMS

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following claims are approved and funds appropriated for same.

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

CLAIMS	September 22, 2006	October 6, 2006 1055559-1055637	October 13, 2006 1055639-1055717	Payroll - Sept 2006 1055479-1055553	TOTALS	
Check Numbers	1055371-1055477	VOID 1055370	VOID 1055558	VOID 1055478		
101 - General Fund	\$216,451.93		\$228,026.94	\$254,221.20	\$621,232.01	\$1,319,932.08
103 - Jail Commission	\$84.68		\$4.94			\$89.62
209 - Litter Grant Fund						\$0.00
222 - E911 Fund	\$2,871.07		\$966.76	\$55.62	\$54,087.03	\$57,980.48
225 - Courthouse Maintenance Fees	\$7,483.19		\$1,839.01	\$840.53		\$10,162.73
226 - Law Library						\$0.00
228 - Fire Programs & EMS	\$1,195.83		\$104.96			\$1,300.79
229 - Forfeited Asset Sharing Program				\$1,579.75		\$1,579.75
304 - CDBG Grant Fund	\$309.09				\$8,560.22	\$8,869.31
305 - Capital Projects Fund	\$15,581.53		\$7,499.00	\$701.28		\$23,781.81
401 - County Debt Service	\$14,501.05		\$36,855.00	\$9,135.76		\$60,491.81
TOTALS	\$258,478.37		\$275,296.61	\$266,534.14	\$683,879.26	\$1,484,188.38

5.C. CONSENT AGENDA: SCHOOL BOND REQUISITION FROM PROJECT FUND: ES-21; HS-19

The Board received the following requisitions from Dr. Charles Maranzano, Jr., Superintendent of Schools. These requisitions were approved by the School Board at their meeting on Tuesday, October 10, 2006.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$564,642.32 from the Lease Revenue and Refunding Bonds, Series 2004B is approved.

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

No. ES – 21

REQUISITION FROM THE PROJECT FUND

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

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: October 10, 2006

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

<u>AMOUNT</u>	<u>TO</u>	<u>PURPOSE</u>
\$ 1,486.94	Moseley Architects	Construction Administration
\$ 6,175.38	Moseley Architects (Timmons)	Engineering
\$ 554,657.50	Kenbridge Construction Co., Inc.	Application for Payment No. 2
\$ 2,322.50	Froehling & Robertson, Inc.	Construction Testing Services
\$ 564,642.32	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. Talmage,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$827,483.93 from the Lease Revenue and Refunding Bonds, Series 2004B is approved.

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

No. HS – 19

REQUISITION FROM THE PROJECT FUND

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

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: October 10, 2006

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

<u>AMOUNT</u>	<u>TO</u>	<u>PURPOSE</u>
\$ 4,790.00	Moseley Architects	Construction Administration
\$ 394.80	Moseley Architects	Reproduction
\$ 808,402.50	Kenbridge Construction Co., Inc.	Application for Payment No. 3
\$ 4,339.50	Atlantic Geotechnical Services, Inc.	Construction Testing Services
\$ 7,153.00	Froehling & Robertson, Inc.	Construction Testing Services
\$ 2,404.13	Virginia Department of Transportation (VDOT)	Boisseau Road Improvements (Route 661)

\$ 827,483.93 TOTAL OF THIS REQUISITION

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

Authorized County Representative

5.D. CONSENT AGENDA: COUNTY SURPLUS AUCTION: EQUIPMENT

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

Please find attached a listing of items (including computer equipment, office furniture, and radio equipment) to be declared as surplus for a public sale to be held at Eastside Community Enhancement Center within the next 60 days. These items have been determined to be irreparable and/or unusable by the Chief of Public Safety, the Director of Buildings and Grounds, the Director of Information Technology, and the County Administrator.

We are asking for approval of the stated resolution.

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

WHEREAS, the attached listing of personal property ("Surplus Property") has become obsolete and unusable by Dinwiddie County ("County"):

WHEREAS, in accordance with Section 15.2-951 of the Code of Virginia, as amended, localities may dispose of personal property, and in accordance with Section 15.2-1236 of the Code of Virginia, as amended, all sales of personal property which has become obsolete and unusable shall be based wherever feasible on competitive bids;

WHEREAS, the Board of Supervisors is of the opinion that it is in the best interests of the County to dispose of the Surplus Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the Surplus Property as presented, is declared obsolete and unusable and is authorized for sale at a public auction to be held within 60 days of the date of this resolution or to be otherwise disposed if not sold.

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

Nays: None

6. A. REPORT: SCHOOL CONSTRUCTION UPDATE, INTRODUCTION OF CAPITAL PROJECTS TEAM – QUESTION & ANSWER PERIOD

Dr. Charles Maranzano, Superintendent of Schools introduced the Capital Projects Team to the Board. He also presented pictures of the construction sites of the new high school and new elementary school; and indicated the changes that had taken place since the beginning of construction. Kirby Childers, Construction Administrator for Moseley Architects presented a summary update of construction progress to-date to the Board. Upon a question by Mr. Stone, there was discussion regarding change orders.

6.B. REPORT: VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. Ray Varney, Resident Engineer, discussed the following topics:

1) September 25, 2006 Letter (New SSYP Procedures, Process for Road Classification Changes); 2) there are currently no construction projects underway in the county; 3) two major maintenance projects are scheduled for next year: concrete repair on I-85 and pavement overlay on I-85; 4) TAMS contract for I-85 to go into affect July 1, 2007: work force reduction as a result – 7 crew members. Legislation passed this year prohibits state forces from working on the interstates in all non-emergency capacities; 5) sidewalk repairs in McKenney scheduled to begin next month; 6) maintenance requests.

Mr. Talmage asked if Mr. Varney would investigate the possibility of guardrails being installed on Halifax Road.

Mr. Varney stated that one area in particular had been evaluated for meeting the warrants for guardrails in the past, and it did not meet requirement. He stated that it could

be added as part of a project with the Secondary Six Year Plan, and that he would find out a cost.

6.C. REPORT: DINWIDDIE COUNTY CHAMBER OF COMMERCE UPDATE & LONGWOOD UNIVERSITY REQUEST

Diane Howerton, Branch Center Director of the Crater Small Business Development Center of Longwood University, presented a packet of information to the Board regarding small business development. She discussed a funding request to support the services of the Small Business Development Center.

Tonya Hale, Chairman of the Board of the Dinwiddie County Chamber of Commerce, spoke to the Board; and asked that the Board wholeheartedly consider the request Diane Howerton brought before them.

Following this report W. Kevin Massengill, County Administrator, stated that Rudy Butler, President of Virginia Association of Counties, and member of the Goochland Board of Supervisors, was present at the meeting. He asked if Mr. Butler could be allowed to speak to the Board at this time.

Mr. Butler spoke to the Board regarding VACo. He stated that he appreciated Mr. Moody serving on the VACo Board. He said that Virginia is voted number one as a business location. He stated that the Transportation Board will hold the Primary and Interstate Meeting at John Tyler College on Tuesday, October 24th at 4:00 p.m. Mr. Butler said that next year the legislative program process will change and that regional meetings will be held in order to gather input. The national meeting of the National Association of Counties will be held in Richmond in 2007. They will be going to Jamestown on a Sunday evening for a big celebration there in Jamestown. He said people from all over the states will be transported by bus to Jamestown at no charge. He asked that Dinwiddie County have something prepared in written form or as a video presentation regarding the history of Dinwiddie; as well as some sort of give-away item.

Mr. Moody commended Mr. Butler for his work as president of VACo.

7.A. i. ACTION ITEM: VIRGINIA TOBACCO COMMISSION GRANT: COUNTY REQUEST

The Board received the memo below from William "Guy" Scheid, Director of Code Compliance.

BACKGROUND

The Board of Supervisors expressed an interest in submitting an application to the Virginia Tobacco Indemnification and Revitalization Commission for Economic Development Grant Funds. In order to develop an eligible projects' list, a meeting was held with the following individuals participating: Harrison Moody; Kevin Massengill; Mark Bassett; and William Scheid. There are three (3) projects noted for funding at the Commerce Park and one (1) project near Collier RR yard intended for development as a heavy industrial site. The Commerce Park projects are:

1. Dam safety improvements, enhancement of the storm water management system and delineation of the wetland areas associated with the fringe areas of the pond. There are several work items associated with the dam and wetlands that are required in order to develop the Commerce Park. Proper permitting must be secured from the State (i.e. DCR and DEQ) and from the Army Corps of Engineers. A detailed scope of work with cost estimates is given on the attached proposed projects sheet;
2. Construction of a visitor center with associated street/bridge and infrastructure is necessary to develop some of the property located near I-85. The visitor center would enhance tourism while serve a secondary role of assisting in economic development for the County. The center could provide space for the economic development director, historic preservation organization and personnel associated with tourism. As previously mentioned, the scope of work for this project is outlined on the attached proposed project sheet; and
3. Establish a rest stop and conservation area to promote tourism, enhance development within the commerce park, provide recreational opportunities for the citizens of Dinwiddie County and address environmental issues associated with the wetlands. The area under consideration is adjacent to the convenience center and contained within the limited development zone identified by the Dinwiddie Airport Authority in their Master Plan. Reference is made to the proposed project sheet for further details.

The heavy industrial site shown to several prospects is located in the vicinity of Collier railroad yard. In order to properly market the property, clients must know that the property is available at a reasonable price. In order to do so, purchase options must be obtained from the land owners. It is general practice that 'front' money is paid in order to secure the purchase options. This money is applied to the purchase price when the option is exercised.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the resolution to apply for funding through the Virginia Tobacco Indemnification and Revitalization Commission program in the amount of \$883,698.00 is approved as presented.

Ayes: Mr. Talmage, Mr. Moody, Mr. Stone

Nays: None

Abstain: Mr. Haraway, Ms. Moody

RESOLUTION

Whereas, Dinwiddie County is eligible to apply for grant funding through the Virginia Tobacco Indemnification and Revitalization Commission program; and

Whereas, there are funds available to the County in the amount of \$883,698.00 for projects determined to be eligible by the Tobacco Commission; and

Whereas, the County has identified several projects within the County's Commerce Park that qualify for funding in order to help complete the construction of the Park's infrastructure; and

Whereas, the County has been working with the Virginia Gateway Region in identifying a large heavy industrial site which needs to be secured for future development.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors authorizes the County Administrator to make application for grant monies to the Virginia Tobacco Indemnification and Revitalization Commission for the projects noted above and is authorized to sign any and all legal documents necessary on behalf of the Board.

VIRGINIA TOBACCO GRANT FUNDS PROPOSED PROJECTS – OCTOBER 2006 DINWIDDIE COUNTY

The following projects are submitted to the Board for funding under the Virginia Tobacco Indemnification and Revitalization Program. It must be noted that the County must commit some funding to each of the projects in order for the projects to be considered by the Tobacco Commission.

Commerce Park.

- a. Dam Safety Improvements / Storm Water Management
1. A riser pipe with proper culvert pipe outfall must be installed (\$15,000).
 2. The vegetation (ie trees) must be removed and disturbed areas repaired to improve the structural integrity of the dam (\$12,000).
 3. The earthen portion of the dam must be checked and reinforced in order to provide adequate bearing strength to the structure (\$25,000).
 4. A concrete / rip rap emergency spillway must be constructed (\$60,000).
 5. The damaged area downstream from the emergency spillway must be repaired (\$22,000).
 6. A wooden bridge must be constructed over the emergency spillway to allow for pedestrian circulation around the lake (\$9,000).
 7. Consultant (engineering costs, bid documents, etc.) (\$20,000).
 8. Wetlands delineation and environmental studies / permits (\$30,000).

The total cost associated with the above work is estimated to be \$193,000.00. It is proposed that the County seek \$183,350 in grant funds and contribute \$9,650 in local match.

- b. Construction of Visitor Center / Street / Bridge / and Infrastructure
1. Construct a 1,000 square foot visitor center building (\$150,000).
 2. Parking area w/ landscaping (\$30,000).
 3. Road construction w/ curb & gutter – 1,000 lineal feet (\$100,000).

4. Bridging through wetlands area (culverts, footing preparation, concrete headwalls, etc.) – (\$150,000).
5. Street lighting (\$10,000).
6. Utilities (ie water & sewer) - \$50,000).
7. Consultant (engineering costs, bid document, etc.) – (\$35,000).

The total cost associated with the above work is estimated to be \$525,000.00. It is proposed that the County seek \$498,750 in grant funds and contribute \$26,250 in local match.

c. Establish a Rest Stop / Conservation Area

1. Build a driveway / parking area for 20 vehicles (asphalt vs gravel) – cost for asphalt (\$25,000).
2. Picnic tables & trash receptacles (\$6,000).
3. Construct a small multi-functional field (\$12,000).
4. Establish a conservation area with information stations (\$10,000).
5. Provide rest rooms (\$35,000).

The total cost associated with the above work is estimated to be \$88,000.00. It is proposed that the County seek \$83,600 in grant funds and contribute \$4,400 in local match.

Heavy Industrial Site

The purchase of options is an important first step in secure the lands within this site and attracting the types of industries that have been looking at this heavy industrial site. The remaining monies available from the Virginia Tobacco Commission Economic Development fund for Dinwiddie County are \$117,998. This amount added to the 5% match (\$6,210) which the County has offered for the other projects totals \$124,208.

The total cost associated with the above work is estimated to be \$124,208.00. It is proposed that the County seek \$117,998 in unrestricted grant funds and contribute \$6,210 in local match.

SUMMARY COST SHEET

Project	Grant Funds	Local Match	Project Cost
Commerce Park			
A	\$183,350	\$9,650	\$193,000
B	\$498,750	\$26,250	\$525,000
C	\$83,600	\$4,400	\$88,000
Heavy Industrial Site	<u>\$117,998</u>	<u>\$6,210</u>	<u>\$124,208</u>
Totals	\$883,698	\$46,510	\$930,208
Economic Development Funds Available	\$883,698		

7.A. ii. ACTION ITEM: TOBACCO COMMISSION GRANT REQUEST: VIRGINIA MOTORSPORTS PARK REQUEST

Mr. Paul Coleman, Virginia Motorsports Park, presented his request to the Board. He discussed the possibility of building a quality all terrain race course. He said the cost would be a little over three quarters of a million dollars in capital expenditure, plus a hundred thousand dollars in operating capital. The criteria is for a destination quality facility with at least three different riding trails – one for beginning riders, one for intermediate, and one for advanced. He said they had added to that a child's trail, and a handicapped trail. He said also required would be a bath house and an administration building. He said they do have an RV park which is required to also have the expected amenities of electrical hookups, cable, etc. He said they also have approval for a 160 space primitive campground. Beyond that there is a lake, power boats, canoes, kayaks, two docks, picnic grounds, playground for children, etc. He said there would be six full time jobs, and twenty part time jobs. He stated that the estimate, using the Virginia Department of Economic Development's formula, was that about a million dollars in track revenue on an annual basis would be generated; and would create more than two million dollars in tourist revenue per annum. He said this is a twelve month operation, basically seven days a week. He said there would be no impact on local infrastructure. Mr. Coleman stated that his request to the County was for the Board not to oppose his request to the Tobacco Commission; and hopefully, give a letter of support. He said that when the

Board voted on Mr. Sheid's request on behalf of the County he hoped they would add his request to the list.

Mr. Massengill, County Administrator, asked the dollar figure that Mr. Coleman was asking the Board to add to Mr. Sheid's request.

Mr. Coleman answered that the request was for \$300,000 out of the \$850,000 so the track would put up roughly \$250,000 to \$500,000. He said their request was just a letter of support from the County.

By a majority consensus, the Board agreed not to support the request of the Virginia Motorsports Park request.

Ayes: Mr. Talmage, Mr. Moody, Mr. Stone

Nays: None

Abstain: Mr. Haraway, Ms. Moody

7.B. ACTION ITEM: SOUTHSIDE REGIONAL JAIL: PLANNING STUDY

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

Background:

As you are aware, the Dinwiddie County Jail was built in 1971 and opened in 1972 with a certified Department of Corrections (DOC) capacity of 32 beds.

In 1985 the Dinwiddie jail was double bunked to accommodate 64 inmates. DOC however does not recognize double bunking in its certification or staffing needs. Therefore any numbers in excess of 32 constitute overcrowding in DOC's view

In March of 2003 Dinwiddie County joined with the City of Emporia and the Counties of Greensville and Brunswick authorizing Powell Consulting Services to conduct a study addressing the jail population needs and forecast needs for the member jurisdictions. In November 2003 Powell Consulting issued its findings in a report titled Jail Usage and Consolidation Study.

In his report Mr. Powell predicted some alarming numbers as to Dinwiddie's future inmate projects and subsequent facility needs. Mr. Powell predicted by July 2015 Dinwiddie's responsible inmate population would rise to 249.4 ADP (average daily population).

Last Board Action:

At the June 20 2006, Board of Supervisor's meeting I was authorized to sign the necessary paperwork to enter into a contract with SSRJ to perform the initial phase of a Community Based Corrections Plan (C-BCP).

As a result, Dinwiddie County agreed to participate in the C-BCP with the Counties of Brunswick, Greensville, Mecklenburg, Sussex, and the City of Emporia. As you are familiar, Greensville County and the City of Emporia are currently members with South Side Regional Jail. The associated cost for this phase of the plan was \$13,200.

On September 27, 2006 Sheriff Shands, Captain Booth, Captain Vaughn and I attended a meeting at SSRJ and were given an updated 15 year forecast for Dinwiddie County Inmates. (See attached). The forecast suggested by the year 2021 Dinwiddie County's responsible inmate population could reach 280 people. A discussion took place from the member jurisdictions regarding the information that was disseminated. With the forecast in hand each jurisdiction needed to determine the following:

1. Whether they wished to proceed with the regional jails efforts and enter into an agreement to perform a planning study. (A planning study completes the C-BCP and outlines potential site locations and details each participating member's options of implementing a regional jail with SSRJ);

Or,

2. Whether to pull out of the C-BCP and Jail study

Further, a deadline of November 1, 2006 was established by SSRJ for jurisdictions to meet with their respective Boards and act upon the second phase (planning study).

On October 4th, the Board met with staff and the authors of the inmate population forecast in a workshop (Mr. Ed Powell and Mr. Mike Jones). During this workshop all four members

present determined that it was a prudent course of action to participate in the planning study with SSRJ and asked that this item be presented at the October Board meeting for action. This decision was based on several factors:

- The cost associated with housing inmates in other jurisdictions has consistently increased over the last several years (FY01/02 = \$59,191 – FY06/07 = \$900,000 EST.).
- The Commonwealth of Virginia currently has a moratorium on jail construction. An exception is required by the General Assembly from jurisdictions seeking to construct a local jail or regional jail facilities wanting to expand. In the 2006 General Assembly, SSRJ successfully received an exemption from the General Assembly for the construction of 120 additional beds. Dinwiddie County can fall under this exemption if we are to participate in the construction of the 120 beds.
- In order to use the Virginia Center for Behavioral Rehabilitation (VCBR) as a satellite jail, the County will need to have a separate exemption from the General Assembly. (Chairman Moody, Vice Chairman Stone and I are meeting with Delegate Dance on October 25, 2006 to discuss).
- The planning study keeps Dinwiddie's options open for constructing jail space with SSRJ.
- Allows staff to conduct a detailed cost benefit analysis and feasibility study of the options available.
- Joining the planning study does not obligate the County to construct additional jail space at SSRJ or a satellite facility.

The cost of the planning study is based on a sliding scale of participating members. At this time we believe that Brunswick County will be moving forward as well (SSRJ plus two members = \$26,500, SSRJ plus one member = \$53,000).

Requested Board Action:

It is Staff's recommendation that the Board of Supervisors authorizes and direct Kevin Massengill, County Administrator, to sign the necessary paperwork to enter into a planning study with SSRJ not to exceed \$53,000.

Mr. Massengill stated that since the date of the memo he had received new information that the figure has now changed to an amount not to exceed \$37,000.00. He stated he will not move forward until further information is brought to him regarding this option.

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

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia does hereby authorize and direct Kevin Massengill, County Administrator, to sign the necessary paperwork to enter into a jail planning study with SSRJ and their selected vendor and to appropriate funds not to exceed \$37,000 from the General Fund to cover this cost on the condition that the County Administrator finds this option to be feasible after further information is gathered.

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

Nays: None

7.C. ACTION ITEM: WASTE MANAGEMENT VEHICLE SALES

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

BACKGROUND

Dinwiddie County contracted with Virginia Waste Services, Inc. (VWS) to provide waste management services for the County effective September 1, 2006. During the negotiations of that contract, VWS indicated that they would need to purchase our 2001 Volvo front-load truck and lease our 1999 Mack front-load truck for several months, if the contract was accepted by the County. Since the County has outsourced front-load waste removal, we no longer have a need for these vehicles. In accordance with Va Code Section 15.2-1236, the Board of Supervisors has the authority to sell any personal property which has become obsolete and unusable. We still have another older model front load truck available for the recycling container collections.

LAST BOARD ACTION

VWS's intent to purchase the Volvo for \$75,000 - \$80,000 and lease the Mack for \$3,000/month until they purchased a new truck for our routes was indicated to the Board during the waste management contract discussions. Upon VWS's examination of the two trucks, it was determined that the Volvo needed \$18,200 in repairs and the Mack needed \$24,300 in repairs before they could pass DOT and state inspections. In order to meet the contract start date of 9/1/06, VWS made initial repairs and put the two trucks into use on the County's waste collection routes. County Administration and Attorney have since determined that the sale, rather than the lease, of the 1999 Mack would be in the best interest of the County.

REQUESTED ACTION

County Administration is asking for authority to sell the 2001 Volvo truck to VWS for \$75,000 less \$18,200 in repairs (\$56,800) and to sell the 1999 Mack to VWS for \$52,000. Given the condition of the trucks and the fact that they have manual transmissions, staff has determined through talking with three garbage truck dealers that these are fair prices for the trucks.

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

THEREFORE, BE IT RESOLVED that the Dinwiddie County Board of Supervisors gives the County Administrator authority to enter into a sales agreement with VWS and execute any necessary documents for the sale of the 2001 Volvo and the 1999 Mack trash trucks for \$56,800 and \$52,000 respectively.

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

Nays: None

7.D. ACTION ITEM: VOTER DESIGNEE FOR VACo

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

Attached to this memorandum you will find a letter from James D. Campbell, Executive Director of the Virginia Association of Counties.

As required by the VACo ByLaws each County shall designate a representative of its Board of Supervisors to cast its vote(s) at the Annual Business Meeting. However, if a member of the Board of Supervisors cannot be present for this meeting, the Association's ByLaws allow a county to designate a non-elected official from the County or a member of a board from another county.

As per this correspondence, I am requesting the Board formally act upon Mr. Campbell's request.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Harrison Moody is designated to represent the County as the voter designee for the Dinwiddie Board of Supervisors at the annual VACo meeting.

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

Nays: None

Abstain: Mr. Moody

7.E. ACTION ITEM: TOWN OF MCKENNEY AGREEMENT

The Board received the memo below from Michael Drewry, County Attorney. The *Interlocal Shared Services Agreement Between The County Of Dinwiddie And The Town Of McKenney And The Sheriff's Office Of Dinwiddie County* was presented to you in August and again in September, with formal action by this board deferred until after the Town of McKenney Town Council meeting on September 28th.

You will recall that the Code of Virginia confers limited powers to the Board of Supervisors and the County within the limits of a Town without an Agreement. The purpose of the Agreement is to clarify the role of the County and Sheriff's Office within the Town of McKenney – specifically with regard to the following services:

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

Mike Stone and I met with the Town of McKenney Town Council on September 28, 2006 to discuss the proposed Agreement. To date, The Town Council has not taken formal action or forwarded final comments to the County.

Therefore, I recommend that the Board of Supervisors defer this matter until the Board meeting on November 21, 2006.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the matter of the Town of McKenney Agreement is deferred until the November 21, 2006 regular Board meeting.

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

Nays: None

7.F. ACTION ITEM: APPOINTMENTS

There were no appointments at this time.

8. CITIZEN COMMENTS

The Chair opened the citizen comments period.

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

9. COUNTY ADMINISTRATOR COMMENTS

W. Kevin Massengill, County Administrator, stated that he was visited the day of the meeting by Rev. Robert Rowland. He stated that Rev. Rowland has been working with Margie Flowers and various other churches, and members of other organizations regarding the 2006 Christmas Parade. The parade date will be December 9th beginning at 2:00 p.m.

Mr. Massengill stated that the bus trip by the various members of the subcommittees of the Comprehensive Land Use Plan Committee will take place October 18th. He said the clerk had sent out a clarification that after the bus trip ends, the meeting will continue for discussion in the multi-purpose room of the Administration Building.

Mr. Massengill shared that on October 25th at 7:00 p.m. the Board of Supervisors will hold a special joint meeting with the Planning Commission regarding the master plan proposals for the Dinwiddie County commerce park. He said that on Monday, October 23rd from 5:00 to 8:00 p.m. at Rowanty Technical Center there will be a meeting that he and John Talmage are planning to attend. That meeting is in reference to the transmission line that Virginia Power is putting in place. Mr. Massengill stated that William Jones, Treasurer, will make a recommendation at the November 21st Board meeting regarding the County decals. Mr. Massengill said that four Town Hall meetings had been completed thus far; and there will be one more before the end of the calendar year. That meeting will be the question and answer period of all County departments.

Mr. Massengill said he had received a letter from Queen E. Jones, President of the Rawlings Neighborhood Watch regarding the high speed rail. They will having a meeting with Winston Phillips and welcome any members of the Board who would like to sit in on that meeting. The meeting is scheduled for Monday, October 23rd at the Great Branch Church of Jesus Christ, 1140 Rawlings Road at 7:30 p.m.

Mr. Massengill stated that he would like to yield a few minutes of his time to the County Attorney in regards to an issue he has been working on regarding a suit by the Virginia Office for Protection and Advocacy in regards to absentee voting.

Michael Drewry, County Attorney, stated that as was communicated, about two weeks ago a Federal law suit was filed against Governor Kaine, the State Board of Elections, and the Dinwiddie County Electoral Board Officers including the Registrar, Mrs. Brandon. He said two patients at Virginia State Hospital are alleging that the State law unfairly restricts the mentally disabled from voting by absentee ballots. Recently the State Board of Elections changed this policy which should help in settling this matter. He stated that Dinwiddie County was brought into it because of where the patients were located as residents of the County. Mr. Drewry said that in discussions last week with the Attorney General's Office, and with the Virginia Division of Risk Management, they are agreeing with his argument that Mrs. Brandon was following State policy. He stated that, therefore,

he believes it is State liability and not County liability. Because of that, and their agreement with this, the State Division of Risk Management has assigned an attorney to assist with this matter. He said that at this point he does not see any monetary liability upon the County. He stated that he and Mrs. Brandon will have to attend a hearing on October 18th and also on October 24th.

10. BOARD MEMBER COMMENTS

Mr. Haraway stated that he was concerned that several department managers don't live in Dinwiddie County. He said he would hope that the Board would consider giving a certain amount towards closing cost on a house in Dinwiddie County, for travel cost, to be an incentive for County department managers to live in Dinwiddie County. He said that money would be received back in real estate, personal property and sales tax. In addition, they may spend more time on the job if they live in the County. He said he didn't have an exact amount in mind; however, for it to be meaningful it would have to be \$2,000 to \$3,000.

Mr. Haraway said also that he would like to receive a monthly report on interest rates on investments. He asked the status of the truck regulations in subdivisions.

Mr. Talmage stated that he agreed with Mr. Haraway regarding the incentive for department managers.

11. CLOSED SESSION

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

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

a. *§2.2-3711 (A) (1):*

- Personnel:
 1. Division Chief of Economic and Community Development
- Appointments:
 1. Industrial Development Authority
 2. Finance Committee
 3. Board of Zoning Appeals
 4. Crater District Health Advisory Board
 5. Planning Commission

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

- Prospective Business & Industry

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

Nays: None

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

The Board reconvened into open session.

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

Nays: None

CERTIFICATION

WHEREAS, this Board convened in a closed meeting under:

a. *§2.2-3711 (A) (1):*

- Personnel:
 1. Division Chief of Economic and Community Development
- Appointments:
 1. Industrial Development Authority
 2. Finance Committee
 3. Board of Zoning Appeals
 4. Crater District Health Advisory Board
 5. Planning Commission

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

- Prospective Business & Industry

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

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

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

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

Nays: None

7:00 P.M. – PUBLIC HEARINGS

12.A. PUBLIC HEARING: P-06-06 DOUG & ELIZABETH WARNER, REZONING

Mark Bassett, Director of Planning, presented the summary below.

The Chair opened the public hearing in this case.

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

EXECUTIVE SUMMARY

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

OVERVIEW

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

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

ANALYSIS

The properties under review are designated by the Comprehensive Land Use Plan as Urban Planning Area. As such, page X-14 of the Comprehensive Plan states that the area is “expected to accommodate approximately 60% of the County’s future residential development”. Additionally, the Urban Planning Area also states “the overall gross density of residential development should not to exceed three dwelling unit per acre.” The Plan also states that all developments will be served by public water and sewer lines and (mandatory) hook-ups will be at the developer’s expense. In this area, all developments will need adequate buffers installed between the different land uses (i.e. residential and commercial areas).

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

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

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

IMPACTS

Land Development Committee (LDC)

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

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

- Building the roadway to VDOT state standards and make necessary road connections
- Water and sewer line extensions
- Fire hydrant locations
- Erosion and Sediment control measures
- Proposed lot layout
- Disturbance of wetlands
- Stormwater Management issues (i.e. drainage)

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

Proffer Statement

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

BACKGROUND

Planning Commission Vote:

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

Past Meeting Minutes:

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

Staff Recommendation:

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

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

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

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

2. The subject properties are currently split zoned and staff feels that having the properties zoned Residential, Limited R-1 would represent the best use for the properties in that area.
3. The applicant has voluntarily offered a cash proffer. Such Monies, allow the County to make Capital Improvements resulting from the impact of the development.

Therefore, Staff's recommendation of **APPROVAL WITH PROFFER** of the request for a rezoning is based on the following reasons:

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

Mr. Bassett presented a letter that was received on Friday, October 13th from Mr. Gordon that read as follows:

As the Agent for the property owner, I am advising you that we are no longer offering the current proffer of \$5629.00 for the property located on Simmons Avenue, (Route 1303). The properties are further defined as part of Tax Map 21A (2) – A, Parcel 3 and part of Tax Map 21A (2) – A, Parcel 3a. If there are any questions, please contact me at (804) 469-3251.

*Sincerely,
Ronald H. Gordon, Jr., CLS*

Upon motion of Mr. Moody to approve, seconded by Mr. Talmage,

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 152-2286(A)(7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, that rezoning P-06-6 is approved by the Board of Supervisors.

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

By a majority vote the rezoning was not approved.

12.B. PUBLIC HEARING: P-06-08 L. F. HARRISON III, REZONING

Mark Bassett, Director of Planning, presented the summary below.

The Chair opened the public hearing in this case.

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

CASE OVERVIEW

The applicant, Mr. L.F. Harrison III, is seeking a rezoning of one (1) land parcel containing approximately 1.12 acres from Business, General B-2 to Residential, Limited R-1 to utilize the property to construct a single-family residential dwelling. The subject property is located on the north side of Boydton Plank Road (Route 1) near the Route 1/Route 460 intersection. The property is further defined as Tax Map 21, Parcel 113F. The Residential, Limited R-1 zoning district allows residential development at a minimum lot size of 20,000 square feet. As set forth in the County Comprehensive Land Use Plan, this property is within the Urban Planning Area which includes residential development with an overall gross density not to exceed three dwelling units per acre.

BACKGROUND INFORMATION

The applicant plans on constructing his personal residence on the subject property. The subject property is located off of Route 1 behind the cabinet shop which the applicant owns

and operates. There are several single-family dwellings in the general area of the cabinet shop and vacant property at the rear of the shop.

ZONING ANALYSIS

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

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

As designated by the Comprehensive Land Use Plan, the subject property is within the Urban Planning Area. As such, page X-14 of the Comprehensive Plan states that the area is "expected to accommodate approximately 60% of future residential development". Additionally, the Urban Planning Area also states "the overall gross density of residential development should not to exceed three dwelling unit per acre." The Plan also states that all developments will be served by public water and sewer lines and (mandatory) hook-ups will be at the developer's expense. In this area, all developments need adequate buffers installed between the different incompatible land uses (i.e. residential and commercial uses).

Chapter XI of the Comprehensive Plan, which outlines the policies, goals and objectives, includes a policy stating that the county wants to "maintain and enhance the county's ability to coordinate a balanced land-use program among various types of residential, commercial, and industrial interests by encouraging development within areas defined as growth centers and/or growth corridors." It was previously stated that the subject property is located within the Urban Planning Area; thus, it may be considered a growth center, and a single-family dwelling is appropriate for this area.

OVERVIEW OF IMPACTS

Public Utilities, School System, & Public Safety Impacts

The potential impacts on the subject property are minimal. The subject property will connect to public water and sewer utilities. The impact on the public school system should be minimal based on the school system's census information, which estimates 0.5 students per household. The potential impact on public safety will be minimal.

Transportation Impacts

The impacts on transportation should be minimal. The subject property has proper access to the Boydton Plank Road (Route 1). The road network in this particular area is more than adequate to handle the limited traffic that will be generated by the residential dwelling.

Staff Recommendation:

The staff reviewed the rezoning matter and the applicant addressed the impacts of rezoning the property allowing an increase in residential density.

Staff's recommendation of APPROVAL with PROFFERS of the rezoning request is based on the following reasons:

1. The request is a down zoning of the property from a higher intensity zoning to a less intense zoning which will allow more residential development in the Urban Planning Area;
2. The zoning classification requested is compatible with the zoning pattern for this general area and;
3. The zoning requested is consistent with the Comprehensive Land Use Plan more specifically it is an appropriate zoning within the Urban Planning Area.

Planning Commission Recommendation:

The Planning Commission heard the rezoning request, P-06-8, at the September 13, 2006 Planning Commission meeting and voted unanimously to recommend approval with proffers to rezone the subject property from Business, General, B-2 to Residential, Limited, R-1.

Upon motion of Mr. Talmage, 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 request P-06-8 is approved with proffers by the Board of Supervisors.

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

Nays: None

12.C PUBLIC HEARING: C-06-05 RANDY HERRING, CONDITIONAL USE PERMIT

Mr. Bassett, Director of Planning, stated that there would not be a staff report for this case because at the Planning Commission meeting held the week before, the applicant asked the Planning Commission to defer the case until their December 13th meeting. The Planning Commission, on review of their case, did have a few questions about the property itself, and about how to access their proposed use on the property. Mr. Bassett stated that staff, as well as two Planning Commissioners, agreed to work with the applicant to address some of the issues with this case. Therefore, the Board of Supervisors was not able to act on the case at this meeting.

Mr. Drewry, County Attorney, clarified that this was one of the cases in which an ad was not run correctly. Therefore, in order to help all the applicants the cases were double advertised.

12.D. PUBLIC HEARING: P-06-09 DANIEL DAVIS, REZONING

Mark Bassett, Director of Planning, presented the summary below.

Dr. Mark Moore, Chair of the Planning Commission, spoke to the Board. He stated that one thing that wasn't stated in the presentation was the future development of Rt. 1; as to whether it will be on the east or west side of Rt. 1 going to four lanes. He said there was substantial discussion about that issue. He said no one knows how much that would encroach on that piece of property.

Mr. Bassett said that Mr. Hayes of VDOT had contacted the applicant on Friday and spoke with him about the information he had collected. There was no specific distance that VDOT could identify at this time that would be required if the road was widened in the future, and to accommodate the overpass. The applicant does meet the current standards.

Mr. Stone commented that the VDOT letter that was in the Board packet stated that a site plan would be needed before they could say whether a turn land was needed.

Mr. Drewry, County Attorney, stated that the applicant had presented new proffers the afternoon of the meeting. He said he would need to have the original prior to the public hearing.

Mr. Bassett discussed the proffer statements that the Planning Commission had addressed with the applicant.

There was question as to whether the building itself would be considered a sign which would be against the County ordinance.

Daniel Davis, the applicant, spoke to the Board. He said that when he met with the Planning Commission the biggest concern they had was regarding the possible widening of Rt. 1. He said he spoke with Ms. Debbie Williams of VDOT, and he said that she had stated that there was no funding for the widening. He stated that she also said that even if they received the funding today, the project would probably be pushed out ten years and that it was a long process.

The Chair opened the public hearing in this case.

1. Sabrina V. Booker - 3575 Orchard Drive – Petersburg – spoke for her parents who live next door to the property in question. She spoke in opposition to this

case stating that when Mr. Davis first spoke with her parents he said he was going to build a home on the property, and later said that it would be an ice cream parlor. She said her parents were concerned that it would be an attraction at first, but then if business slowed down it would eventually be a vacant lot and a hangout area which would cause problems. She was also concerned about the road and the safety of cars turning into the property. She said they would rather see a house built there, rather than a business.

Mr. Drewry, County Attorney, asked if her parents were the landowners who have the drainage easement on this property.

Ms. Booker answered yes.

2. Tamara Colbert – 6704 Boydton Plank Road – Petersburg – spoke in opposition to this case. She agreed with Ms. Booker especially concerning the traffic problems in the area. She said there was a problem also with the way traffic coming over the hill cannot be seen, which made it even more dangerous. She spoke in opposition to the design of the building. She said she felt the County should be represented in a dignified way. She used examples of Pamplin Park and the Enhancement Center as buildings that are good examples of how the County should be represented.

The Chair closed the public hearing in this case.

Mr. Massengill asked Mr. Bassett to address the drainage easement question.

Mr. Bassett stated that in the report that the applicant submitted with his application the soil engineer did indicate there would probably need to be some reduction of the drain field; or at least an alteration to the drain field to accommodate sewer on the applicant's property.

Dr. Moore, Chair of the Planning Commission, spoke to the Board at this time. He stated that in the Planning Commission's discussions with the applicant Mr. Davis had stated that he had conferred with the adjacent property owners and they had positive comments about the business being there. He said he felt he was hearing a different story from the adjacent property owners at this meeting.

The Chair asked Mr. Davis to speak.

Mr. Davis stated that he had visited the land several times and spoke to the gentleman next door. He said that he had never had intention of building another home on the property, and had never made the suggestion that he was going to build a house on the property.

Ms. Gholson spoke up from the audience saying that he had come to her door and had told her he was going to build a house.

The Chair asked Mr. Davis to finish what he was saying; and then asked that Ms. Gholson speak to the Board.

Mr. Massengill asked Mr. Davis about the comment that Dr. Moore had made that the adjacent property owners were approached and that they were okay with an ice cream parlor.

Mr. Davis said he had spoken to the gentleman and told him he would have to put in an engineered system. Mr. Davis said the adjacent land owner had allowed him to check all over his property regarding moving the existing drain field. He said he had talked to him about an ice cream shop. He said that he had talked to the gentleman three or four times. He said he did not think he had ever mentioned a house, that he had no intention of building a house there. He said he would not have to seek a rezoning if that was his intention.

Mary Gholson – 6805 Boydton Plank Road – Petersburg – stated that she did not want an ice cream parlor next door. She spoke against how the building looked, and was concerned about safety issues.

Mr. Stone stated that if the case was to pass and the business should become a success, he was concerned about having a VDOT report on the turn lane. He said he was concerned about a hauler trying to get into and out of the business. He was also concerned about site plans.

Mr. Drewry, County Attorney, commented that he was given a copy of the proffers and the signature was different from the fax copy; and it was not notarized so he did not have a properly acknowledged proffer. He was concerned about the legal issue of the proffer.

Mr. Davis said that after the meeting last week he had spoken to Commissioner Hays. He said that when he called on Monday everyone was in staff meetings. He said he had signed a copy and faxed it, and waited until he got to the meeting to sign before a notary. He said he thought that perhaps Mr. Gurley in the Planning Department would be available and he could notarize his signature at that time.

Mr. Drewry said that based upon the fact that the copy that was presented was not signed before a notary; his recommendation was for a deferral at the minimum. He said that either the Board or the applicant could request the deferral. He said he was concerned about a legal issue if the case was approved. He said the Board could make a motion for disapproval, deferral, or accept the applicant's deferral.

Mr. Davis asked if there was anything else he needed to work on.

Mr. Stone said he would like to know something from VDOT regarding the turning lane.

Mr. Davis stated that he had given VDOT all of the studies he had, and had asked them to visit the property.

Mr. Stone said that staff would probably have to follow up with VDOT.

Mr. Davis said he was going to hold off on the site plan because of the cost. He said he told Mr. Atwater of VDOT what he was planning on doing; and Mr. Atwater didn't see that there would be any problem. He said he didn't know how much money he could push out into the project until he knew what he could do with it.

Mr. Talmage suggested the applicant speak to the adjacent land owners to resolve the issues with them as well.

Mr. Davis said he was caught off guard that they felt that way as he had spoken with the gentleman previously at least five or six times. He said at this point he didn't know how he would make them happy unless it would be a section of woods that would separate the property from their property.

Mr. Moody said he was also concerned about the VDOT issue. He was concerned about it having only five spaces for parking as well.

Mr. Davis said that was the minimum requirement by the County; he was planning on having as much parking as possible.

CASE OVERVIEW

The applicant, Mr. Daniel Davis, is seeking a rezoning of one (1) land parcel containing approximately 1.06 acres from Agricultural, General A-2 to Business, General B-2 in order to construct an ice cream shop. The subject property is located on the south side of Boydton Plank Road (Route 1) near the Route 1/Route 460 intersection. The property is further defined as Tax Map 21, Parcel 98. As set forth in the Comprehensive Land Use Plan, this property is located within the Urban Planning Area which includes commercial development.

BACKGROUND INFORMATION

There are numerous business establishments located within the general area. These business establishments are located a few blocks to the west of the subject property, and currently, there are no ice cream shops along the Route 1 corridor.

ZONING ANALYSIS

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

The Business, General, B-2 zoning district covers the portion of the community intended for the conduct of general business to which the public requires direct and frequent

access. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, printing presses, restaurants, taverns and garages and service stations, and this includes the proposed use, an ice cream shop.

The property under review is designated by the Comprehensive Land Use Plan as being a part of the Urban Planning Area. As such, page X-14 of the Comprehensive Plan states that the area is "expected to accommodate approximately 70% of future industrial and commercial development". The Comprehensive Plan also encourages cluster commercial developments within that Planning Area. In this area, all developments will need adequate buffers installed between the different incompatible land uses (i.e. residential and commercial uses).

Chapter XI of the Comprehensive Plan, which outlines the policies, goals and objectives, includes a policy stating that the county wants to "maintain and enhance the county's ability to coordinate a balanced land-use program among various types of residential, commercial, and industrial interests by encouraging development within areas defined as growth centers and/or growth corridors." As previously stated, the subject property is located in the Urban Planning Area; thus, the subject property is appropriately located in one of the county's designated growth centers.

Chapter XI of the Comprehensive Plan, which outlines the policies, goals and objectives, relating to economic development, states that the county wants to "encourage commercial developments to cluster in various areas of the county designated for business uses as well as to encourage small businesses to locate in the county." Again, the subject property is located in one of these designated commercial areas and thus it is appropriate to zone the property with a business zoning classification.

The Route 1 and Route 460 Corridor Enhancement Study designates this general area of the county as the Visitor Focus Area which is considered a primary visitor destination. The study recommends enhancing the properties within The Visitor Focus Area through landscaping and informal plantings. This focus area also supports businesses such as restaurants and hotels along this two-lane section of Route 1. This focus area will likely undergo increased land use changes and visitor related uses should be encouraged. The focus area also recommends clustering new business development near the Route 1/Route 460 intersection. The proposed ice cream shop fits into the general types of businesses that are being encouraged to locate in this Visitor Focus Area. As discussed in the Enhancement Study for this section of Route 1, the applicant should consider leaving uninhabited space along the front of property for the future widening of Route 1.

OVERVIEW OF IMPACTS

Public Utilities, School System, & Public Safety Impacts

The potential impacts on the subject property are minimal. The proposed business will be connecting to public water service. The soil types on the property are not suitable to handle a conventional septic system drainfield; therefore, an engineered drainfield system is required. No impact on the public school system is anticipated, due to the fact that no new residences will be constructed as a result of this rezoning. The potential impact on public safety will be minimal; there are no specific public safety requirements for an ice cream shop. The subject property has an existing fire hydrant located on site. Upon the necessary rezoning approval from the Board of Supervisors, the applicant is required to submit a site plan for the ice cream shop to the planning staff as a part of the site plan review process.

Transportation Impacts

The impacts on the existing transportation network should be minimal. The subject property has adequate access since it fronts directly on Boynton Plank Road (Route 1). The road system in this particular area is more than adequate to handle the traffic that will be generated by the proposed use. There is also an existing turn lane, which could be utilized by traffic turning into the property heading west down Route 1. The property does not require a turn lane or taper lane for traffic heading west bound on Route 1 as stated by VDOT. The applicant will be required to obtain a VDOT commercial entrance permit for the subject property.

Soils Report

The applicant acquired a soil consultant to conduct a soil feasibility study to determine if a septic system is appropriate for the site. The soil feasibility study suggested that the soils were not adequate to handle a conventional septic drainfield system. The soils, however, are adequate to handle an engineered septic drainfield system. There is an existing drainfield easement on the subject property. The study states that the existing drainfield can be reduced in size so as not to negatively impact the applicant's development plans.

PROFFER STATEMENT

The applicant has submitted a proffer statement to the county to address the proposed use’s potential impacts on the subject property. The applicant has limited the permitted uses on the property. Those permitted uses are listed below:

Limited Types of Businesses
<ul style="list-style-type: none"> ▪ Retail stores and shops ▪ Restaurant
<ul style="list-style-type: none"> ▪ Office Building(s)

The limited uses outlined above are suitable for the property based on the lot size and location. Under the Zoning Ordinance, the proposed use could generally be classified as either a retail shop or a restaurant. In County Code Section 22-1, a retail shop is defined as “Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood and lumber yards), such as the following, which will serve as illustration: Drugstore, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barbershop and beauty shop”, within which an ice cream shop could be classified as such a use. Also, in County Code Section 22-1, a restaurant is defined as “Any building in which food or beverages are dispensed for consumption on the premises, including, among other establishments, cafes, tearooms, confectionery shops or refreshment stands”, which also could be an acceptable classification for the proposed use. Staff feels that since both of these are permitted use in the B-2 zoning district, that staff would recommend that the applicant add the restaurant use as a part of the limited uses in the proffer statement.

Staff does have some concerns regarding the design of the proposed building. The building has a very creative and playful design, which shall definitely attract the attention of the public, but the building design does not meet the design standards recommended in the Route 1/Route 460 Corridor Enhancement Study. The Study encourages building styles to feature pitched roofs, articulated entrances, and the use of attractive timber fencing, and building height should also be strictly limited. However, staff does feel that the proposed business would be defined as a “visitor business” which is strongly encouraged in this area of the County.

The applicant also addresses security lighting which would keep the glare contained on the site. The applicant will install a business sign which shall meet the requirements of the Dinwiddie Code section regarding signs and receive an approved sign and building permit by the Planning and Building Code Departments.

The applicant will be required to have five (5) parking spaces (four (4) customer parking spaces for ice cream shop and one (1) handicap van accessible parking space) as stated in Dinwiddie Code section 22-237-(L)-8. The applicant has proffered that all areas around the building shall be paved.

The applicant has also proffered to locate the commercial entrance to the business at the VDOT approved location. The applicant will obtain a VDOT Land Use Permit and the commercial entrance will meet VDOT’s standards.

The applicant has also proffered to install a twenty (20) foot wide area of landscaping across the front of the property as well as a short distance down the sides of the property. The applicant will also leave a ten (10) foot buffer of trees along the sides and rear of the property as a buffer zone. Selective cutting shall be allowed to maintain the health of the trees with approval from the Planning Director.

Staff Recommendation:

The staff has reviewed the rezoning request and is satisfied that the applicant has addressed the impacts of rezoning the property to allow a commercial use on the subject property.

Staff recommends APPROVAL WITH PROFFERS of the request to rezone the subject property based on the following reasons:

1. The zoning classification requested, B-2, Business General, is compatible with the surrounding zoning pattern;
2. The requested zoning classification and uses permitted under this classification conform with the underlying uses outlined in the Community Planning Area set forth in the Comprehensive Land Use Plan;

3. The applicant has provided signed proffers addressing the impacts of the proposed use on the subject property; and
4. Subject to the rezoning being approved the applicant will submit a site plan for the ice cream shop for review and approval by the planning staff.

Planning Commission Recommendation:

The Planning Commission heard the rezoning request, P-06-9, at their October 11, 2006 meeting and voted to recommend approval of the rezoning request with proffers by a vote of 5-2.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that P-06-9 is deferred to the November 21, 2006 regular meeting.

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

12.E. PUBLIC HEARING: A-06-21 ORDINANCE AMENDMENT, CHAPTER 18, SUBDIVISIONS, ARTICLE I, IN GENERAL, SECTION 18-12, MUTUAL RESPONSIBILITY OF COUNTY AND SUBDIVIDER

Mark Bassett, Director of Planning, presented the summary below.

The Chair opened the public hearing in this case.

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

AMENDMENT ANALYSIS

To clarify the intent of the text set forth in the Code of the County of Dinwiddie, Article 1, Chapter 18, Subdivisions, Section 18-12, Mutual Responsibility of county and Subdivider, staff is proposing to remove the listing of the specific residential zoning categories. Removing this listing clarifies that when subdividing property for residential purposes the property being subdivided must be zoned residential regardless of which specific residential zoning category/district the property is under. Additionally, if the residential zoning categories set forth within the Zoning Ordinance are amended to add or remove a specific zoning category this section of the Subdivision Ordinance will remain unaffected and therefore will not have to be amended.

STAFF RECOMMENDATION

In order to clarify Section 18-12 of the Subdivision Regulation and to reduce the need for future text amendments to this section when the related residential zoning categories are amended under the Zoning Ordinance, staff recommends **APPROVAL** of the proposed text change.

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

BE IT RESOLVED, that in compliance with Virginia Code Sections 15.2-2251 and 15.2-2253 that amendment A-06-21 is approved.

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

**A-06-21
 AN ORDINANCE TO AMEND THE
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,
 BY AMENDING SECTION 18-12
 MUTUAL RESPONSIBILITY OF COUNTY AND SUBDIVIDER
 ARTICLE I, CHAPTER 18, SUBDIVISIONS**

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

(1) That Section 18-12 of the Code of the County of Dinwiddie, 1985, as amended, is amended and re-ordained by deleting the following language shown with strikethroughs:

Sec. 18-12. Mutual Responsibility of county and subdivider

(a) It shall be the mutual responsibility of the subdivider and the county to divide the land so as to improve the general use pattern of the land being subdivided.

(b) All proposed subdivisions for residential purposes must be zoned in a residential category, ~~Residential, Limited (R-1), Residential, Rural (RR-1), Residential, Limited (R-1A), Residential, General (R-2), and Residential, Planned Development (PRD)~~ pursuant to the Zoning Ordinance of Dinwiddie County prior to final subdivision approval.

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

13.A. OLD / NEW BUSINESS: APPOINTMENTS

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that William Allen Kissner is appointed to the Dinwiddie County Industrial Development Authority for a length of term that expires October 30, 2010.

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

Nays: None

14. CITIZEN COMMENTS

The Chair opened the citizen comment period.

1. Dean Edens – 17175 Lakeland Road – Church Road – said that he was distraught, surprised and confused about the Board’s decision not to support the BMP-ATV Park initiative that Mr. Coleman presented. He said he looked at it as a planned, family recreational activity for the County and to bring tourism to the County. He said the revenue it would have brought to the County would have been tremendous. He said it would have kept the Virginia Motorsports Park open seven days a week instead of three; and twelve months out of the year. He said he was the one financing this project. He said he would start the ATV Park, not in Dinwiddie, but in a neighboring county. He said he was moving away from Dinwiddie.
2. Paul Coleman – 8018 Boynton Plank Road – Petersburg - said that after the vote earlier, the citizen comment period gave him a chance to give his project a second effort. He said that according to the best information they could get was that revenue to the County would be about \$70,000 a year in direct taxes, as real estate taxes, property taxes, admission taxes, motel taxes, concession and food taxes, and business tax. The state’s share with the county would be about \$25,000 which comes to a total of about \$100,000. He said he was sorry it had turned out the way it had, and hoped that sometime in the future the Board could reconsider its position.

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

15. ADJOURNMENT

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

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

Nays: None

The meeting was adjourned at 8:50 p.m.

Doretha E. Moody, Chairperson

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

/wjn