

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 19th DAY OF SEPTEMBER 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

=====

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

Mr. Michael Drewry, County Attorney, spoke up to say that the Board was welcoming a new Board member at this meeting, Mr. John Talmage. Mr. Drewry stated that he wanted the minutes to reflect that Mr. Talmage had taken the oath of office on September 14, 2006, had been given the FOIA documents to read over, and had filed his Statement of Economic Interest. Mr. Drewry said that having done these things, Mr. Talmage is now prepared to take official action.

4. AMENDMENTS TO AGENDA

Mr. W. Kevin Massengill, County Administrator, stated that he wanted to make a point of clarification. He stated that under the Public Hearing section in the meeting that Scott Wrenn would not be presenting the cases. He stated that they would be presented by Mr. Mark Bassett, the new Director of Planning.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the September 19, 2006 agenda is approved as amended.

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

Nays: None

5.A. CONSENT AGENDA: APPROVAL OF MINUTES FOR AUGUST 9, 2006 SPECIAL MEETING

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the August 9, 2006 Special Meeting Minutes are approved.

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

Nays: None

CONSENT AGENDA : APPROVAL OF MINUTES FOR AUGUST 15, 2006 SPECIAL MEETING

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the August 15, 2006 Special Meeting Minutes are approved.

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

**CONSENT AGENDA : APPROVAL OF MINUTES FOR AUGUST 15, 2006
REGULAR MEETING**

W. Kevin Massengill, County Administrator, stated that in the August 15, 2006 Regular Meeting Minutes where it refers to the vacation and annual sick leave there is not an effective date. He said that should read September 1, 2006.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the August 15, 2006 Regular Meeting Minutes are approved as stated.

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

**CONSENT AGENDA : APPROVAL OF MINUTES FOR AUGUST 30, 2006
SPECIAL MEETING**

W. Kevin Massengill, County Administrator, stated that in the August 30, 2006 Special Meeting Minutes regarding a question Mr. Haraway had asked Ms. Baird referencing the Sheriff's Office "calls" should read "cars".

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the August 30, 2006 Special Meeting Minutes are approved as stated.

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

**CONSENT AGENDA : APPROVAL OF MINUTES FOR SEPTEMBER 7, 2006
SPECIAL MEETING**

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the September 7, 2006 Special Meeting Minutes are approved.

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

5. B. CONSENT AGENDA: CLAIMS

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following claims are approved and funds appropriated for same using checks numbered 1054978 through 1055019 (voided check number 1054977).

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

FY 2006/2007

August 18, 2006

ACCOUNTS PAYABLE

(101) General Fund	\$ 112,185.74
(103) Jail Commission	\$ 91.76
(225) Courthouse Maint. Fees	\$ 8,413.11
(226) Law Library	\$ 357.60
(305) Capital Projects Fund	\$ 5,488.38
<u>Total</u>	\$ 126,536.59

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following claims are approved and funds appropriated for same using checks numbered 1055021 through 1055085 (voided check number 1055020).

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

FY 2006/2007

August 25, 2006

ACCOUNTS PAYABLE

(101) General Fund	\$ 93,724.30
(222) E911 Fund	\$ 7,684.86
(225) Courthouse Maint. Fees	\$ 1,055.73
(304) CDBG Grant Fund	\$ 241.26
(305) Capital Projects Fund	\$ 8,873.40
(401) County Debt Service	\$ 18,127.06
<u>TOTAL</u>	<u>\$ 129,706.61</u>

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following claims are approved and funds appropriated for same using checks numbered 1055167 through 1055239 (voided check number 1055166).

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

FY 2006/2007

September 1, 2006

ACCOUNTS PAYABLE

(101) General Fund	\$ 228,202.39
(103) Jail Commission	\$ 11.58
(222) E911 Fund	\$ 981.00
(228) Fire Programs & Ems	\$ 2,316.91
(304) CDBG Grant Fund	\$ 475.58
(401) County Debt Service	\$ 35,855.00
<u>TOTAL</u>	<u>\$ 267,842.46</u>

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following claims are approved and funds appropriated for same using checks numbered 1055241 through 1055299 (voided check number 1055240).

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

FY 2006/2007

September 8, 2006

ACCOUNTS PAYABLE

(101) General Fund	\$ 21,395.08
(222) E911 Fund	\$ 5,406.00
(225) Courthouse Maint. Fees	\$ 890.35
(305) Capital Projects Fund	\$ 145,542.05
(401) County Debt Service	\$ 1,000.00
<u>TOTAL</u>	<u>\$ 174,233.48</u>

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following claims are approved and funds appropriated for same using checks numbered 1055087 through 1055165 (voided check number 1055166).

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

PAYROLL

August 31, 2006

(101) General Fund	\$ 668,834.07
(222) E911 Fund	\$ 56,421.98
(304) CDBG Grant Fund	\$ 12,049.57
<u>TOTAL</u>	<u>\$ 737,305.62</u>

**5.C. CONSENT AGENDA: SCHOOL BOND REQUISITION FROM PROJECT FUND:
ES-19; HS-17; ES-20; HS-18**

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, September 12, 2006.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$4,412.32 from the Lease Revenue and Refunding Bonds, Series 2004B is approved.

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

No. ES-19

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: September 12, 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>
\$ 2,973.88	Moseley Architects	Construction Administration
\$ 1,438.44	Moseley Architects	Reproduction
\$ 4,412.32	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. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$13,200.25 from the Lease Revenue and Refunding Bonds, Series 2004B is approved.

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

No. HS-17

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: September 12, 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>
\$ 9,580.00	Moseley Architects	Construction Administration
\$ 3,620.25	Moseley Architects	Reproduction
\$ 13,200.25	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. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$569,216.25 from the Lease Revenue and Refunding Bonds, Series 2004B is approved.

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

No. ES-20

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: September 12, 2006

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

AMOUNT	TO	PURPOSE
\$ 569,216.25	Kenbridge Construction Co., Inc.	Application for Payment No. 1
\$ 569,216.25	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. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$1,661,563.75 from the Lease Revenue and Refunding Bonds, Series 2004B is approved.

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

Nays: None

No. HS-18

REQUISITION FROM THE PROJECT FUND

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

Note/Bond Account

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

TO: SunTrust Bank

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

DATE: September 12, 2006

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

AMOUNT	TO	PURPOSE
\$ 750.00	Pemroke Granite Works, Inc.	Move Robert Pamplin Monument
\$ 534,066.25	Kenbridge Construction Co., Inc.	Application for Payment No. 1
\$1,126,747.50	Kenbridge Construction Co., Inc.	Application for Payment No. 2
\$1,661,563.75	TOTAL OF THIS REQUISITION	

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

Mr. Stone asked for a copy of the contract with Kenbridge regarding the section on retention.

5.D. CONSENT AGENDA: APPROPRIATION AMENDMENT – VRS, DCWA EXPANSION

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

BACKGROUND

The Virginia Retirement System updates localities' contribution rates bi-annually. The previous rate for FY 05 & FY 06 was 6.5%, which was comprised of 1.5% employer contribution & 5% employee contribution. For FY 07 and FY 08, the employer contribution rate has been changed to 6.21% based on actuarial valuations. The employee contribution rate remains at 5%. As is the practice in most localities, the County had elected to pay both the employer and employee contributions to VRS. Once selected, this election is irrevocable.

The Dinwiddie County Water Authority is in the process of expanding the Courthouse Wastewater Treatment Plant. The original financing of \$1.75 million was obtained in May 2005. Additional financing of \$550,000 was obtained in June 2006 due to the low project bid exceeding the original amount.

LAST BOARD ACTION

The FY 06-07 budget was approved with \$360,667 for VRS contributions. However under the new rate, an additional \$278,600 is needed to meet our obligation. The FY 06-07 debt service budget was approved before the additional financing amount was approved. The additional payment will be \$47,000.

REQUESTED ACTION

County Administration is asking for an appropriation amendment to the FY 06-07 budget as stated below. Funding for these amendments will come from the excess of general fund revenues over expenditures as appropriated in the FY 06-07 budget and from the Debt Service Fund Balance.

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

THEREFORE, BE IT RESOLVED that the Dinwiddie County Board of Supervisors appropriates and amends the FY 06-07 budget in the amount of \$278,600 for the VRS contribution from FY 06-07 general fund revenue and \$47,000 for the DCWA expansion debt service payment from the County Debt Service fund balance.

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

6. A. REPORT: VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. Ray Varney, Resident Engineer, discussed the following: Oak Grove Road; the Secondary Six Year Plan; the possibility of federalizing the construction portion of the Squirrel Level Road project; and Rt. 601.

Mr. Varney asked for the Board's concurrence in reducing the speed limit in Sutherland back to the 55 mph from Olgers Road to Namozine Road. He said the original request was to reduce it to 45 mph, but that would not work.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the speed limit be reduced from 60 mph to 55 mph from Olgers Road to Namozine Road.

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

Mr. Talmage asked if after the school was built would there be a separate speed zone for the school, just at the particular area of the school.

Mr. Varney's reply was no, it would not be reduced permanently. He said it would be entertained to install school flashing lights. The lights would operate in the majority of time that people are going in and out. He said the School Board had not approached them about this as yet.

6.B. REPORT: VIRGINIA DEPARTMENT OF HEALTH

Dr. Michael Royster presented to the Board an update on the health status of Dinwiddie County, programs the Health Department is involved in, and some of the broader community issues to consider. Dr. Royster discussed the following: the population profile of Dinwiddie County and the State; infant mortality rates and cases; low-weight live births; teen pregnancy cases, rates and locality rankings; teen pregnancy prevention; HIV/AIDS cases, rates and prevention; environmental health indicators and services; leading causes of death; heart disease prevention; hospital discharges; and Health Department services.

6.C. REPORT: DOMINION VIRGINIA POWER

Earnest H. Greene, External Affairs Manager of Dominion Virginia Power in the Central Region, stated that he is available to the Board in any way he may give assistance, i.e., electricity outages, tree trimming, and programs on educational grants. He stated that one of his main tasks is to talk to schools in the Central Region and encourage them to apply for educational grants of anywhere from \$500 to \$5,000. These grants are given to schools to do projects in the areas of math or science. He stated that Dominion Virginia Power will be looking into a transmission project that will involve the Carson substation that will be presented to the Board at a later date.

7.A. ACTION ITEM: DECLARATION OF FIRE OFFICIAL & FIRE MARSHAL

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

BACKGROUND

In taking a proactive approach to fire protection services in Dinwiddie County the Division of Fire & EMS has started to form a section of the Division to handle code enforcement, public education, public information and other prevention functions. Mr. Tony Williams was hired and began employment with the Division on August 21, 2006 to handle these duties. In order to set up that section of the Division in a workable structure there are two appointments that need to be made. They are as follows:

- 1) The Division Chief of Fire & EMS needs to be appointed as the Fire Official for the county
- 2) The Fire Marshal needs to be appointed.

REQUESTED ACTION

Approve a motion or motions to appoint Division Chief of Fire & EMS, Dennis Hale, as the county fire official and appoint Tony Williams as the county fire marshal.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Division Chief Dennis Hale is appointed as the Fire Official for Dinwiddie County.

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

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Tony Williams is appointed as the Fire Marshal for Dinwiddie County.

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

7.B. ACTION ITEM: CONTRACTUAL AGREEMENT, GIS SERVICE

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

BACKGROUND

On August 31st David Thompson resigned from his position as the GIS Manager for Dinwiddie County. As you are aware, before the County commits to advertising for vacated positions, staff and I perform an assessment as to whether such positions are essential. In addition, we evaluate the service to determine if applicable funds are being administered in an effective and efficient manner.

With this in mind, a meeting was scheduled with Mamie Christensen, President of WorldView Solutions to determine if GIS services could be outsourced. As you are aware, WorldView is the vendor that was selected to develop the County's enterprise GIS system.

At my request, Mr. Christensen provided me with the attached written estimate. In summary, the following is a breakdown of association costs:

- Complete Database Update \$7,500 / One time expenditure
 - Parcel Data Maintenance \$8,000 / Year
 - E911 Data Maintenance \$3,000 / Year
 - Ongoing Technical Support \$6,000 / Year
- FY06/07 = \$24,500/Year

STAFF RECOMMENDATION

After conducting a comprehensive review, it is the opinion of staff that outsourcing GIS services will improve the over all maintenance, reliability and delivery of this important tool and citizen service at a reduced cost.

REQUESTED ACTION

Staff is seeking the approval of the Board of Supervisors to allow the County Administrator to develop and enter into a contract with WorldView Solutions, a sole source provider, for an amount not to exceed \$24,500.

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

THEREFORE, BE IT RESOLVED that the Dinwiddie County Board of Supervisors hereby authorizes and directs W. Kevin Massengill, County Administrator, to enter into a contract with WorldView Solutions, a sole source provider, for an amount not to exceed \$24,500.

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

Nays: None

7.C. ACTION ITEM: COUNTY ORGANIZATIONAL CHART

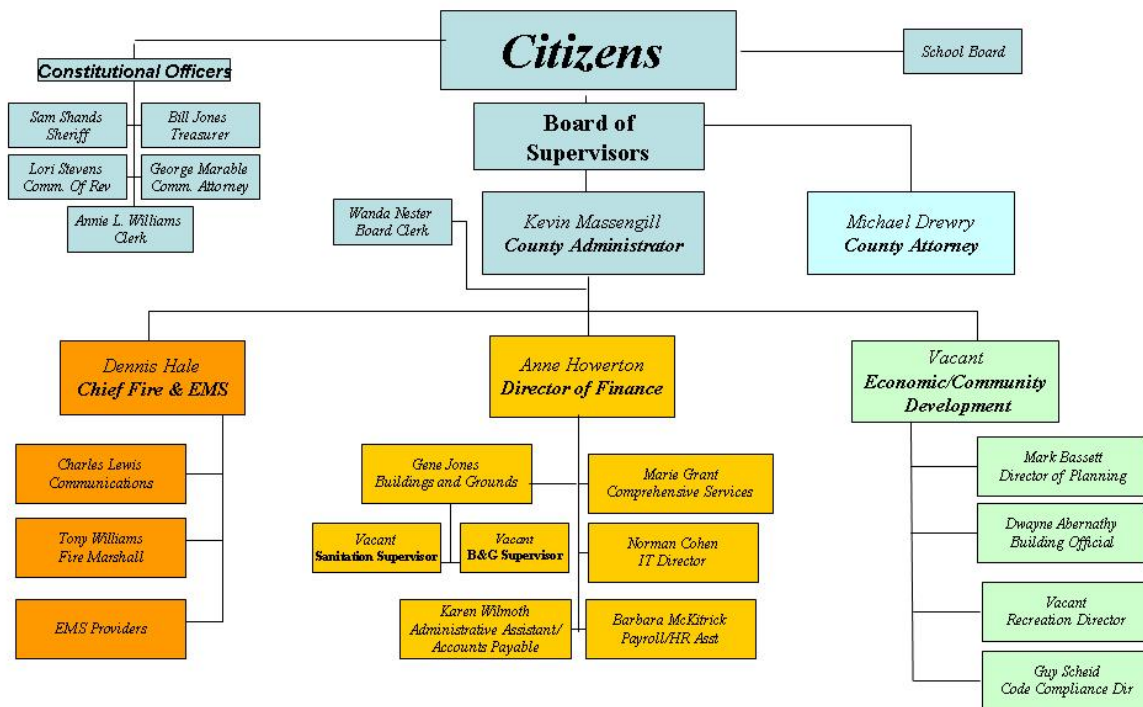
W. Kevin Massengill, County Administrator, went over some of the changes since the Board last adopted the organizational chart.

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

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

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

Nays: None



7.D. ACTION ITEM: CONSTRUCTION INSPECTOR

W. Kevin Massengill, County Administrator, presented the following to the Board:

BACKGROUND

As part of the process of building the two schools, various fees have been generated and paid by the contractor in the amount of \$160,530 to date. It was anticipated that a portion of these fees would fund a school construction inspector position that would be on-site at the schools to assist with building inspections and change order verifications.

This temporary, no benefits position was advertised and interviews were held last week. The successful applicant has agreed to an annual salary of \$45,000. The following funds are needed for the Construction Inspector's position and office, which will be located in the construction trailer:

Salary & FICA	\$48,445
Vehicle & operating costs	13,600
Office supplies & code books	700
Computer & cell phone	2,000
Total	\$64,745

REQUESTED ACTION

County Administration is asking for an appropriation amendment to the FY 06-07 budget as stated below. Funding for these amendments will come from the new school permits and fees revenues.

Mr. Haraway asked if the construction inspector would serve as clerk to the works.

Mr. Massengill stated that he would not serve as a clerk of the works who would manage the entire project. He said that as Dr. Maranzano had outlined at the last Board meeting, the architect has hired a clerk of the works who reports to the School Superintendent. That individual is responsible for the overall project management. The construction inspector would be the on-site inspector who would look at and enforce the building codes, and would serve as an advisor to the School Superintendent.

Mr. Haraway asked if the construction inspector would have to sign off on a payment request before it is paid.

Mr. Massengill stated that the only one who would sign off on those types of requests would be the School Superintendent, or his designee. Mr. Massengill said that in talking to the School Superintendent he had stated that he plans to have the construction inspector advise him before he signs off on anything (as the construction inspector is on-site at all

times). Mr. Massengill added that also on-site at various times would be the overall management team of Jimmy Davis, Claude Shell, and Gene Jones.

Mr. Haraway said he would not make an issue of it if the rest of the Board was satisfied, but he was very uncomfortable with it.

Mr. Stone said that Mr. Shell had signed off on the two bills the Board had just approved, although he was not in the capacity to sign off.

Michael Drewry, County Attorney, stated that the Board is approving requisitions stating that these funds have been used on the project.

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

THEREFORE, BE IT RESOLVED that the Dinwiddie County Board of Supervisors appropriates and amends the FY 06-07 budget in the amount of \$64,745 for the School Construction Inspector.

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

Nays: None

7.E. ACTION ITEM: MT. CALVARY BAPTIST CHURCH – 100TH ANNIVERSARY

Chairman Moody read the resolution below and stated that she would present it to Mt. Calvary Baptist Church on November 6, 2006:

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

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

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

Nays: None

RESOLUTION

***MT. CALVARY BAPTIST CHURCH
100th Anniversary***

WHEREAS, Mt. Calvary Baptist Church was formed on December 6, 1906 and is celebrating its 100th Anniversary in 2006; and

WHEREAS, Mt. Calvary Baptist Church has been a valuable part of Dinwiddie County for many years and has greatly contributed to the development, growth, and mission of Dinwiddie County; and

WHEREAS, Mt. Calvary Baptist Church has compassionately ministered to the citizens of Dinwiddie County in both prosperous times and times of need; and

WHEREAS, Mt. Calvary Baptist Church is a significant part of the community of God and the community of Dinwiddie County;

WE THEREFORE RESOLVE, that we, the Board of Supervisors of Dinwiddie County, Virginia, do hereby congratulate Mt. Calvary Baptist Church on its 100th Anniversary that will be celebrated on November 6, 2006; and

BE IT FURTHER RESOLVED that we look forward to working with Mt. Calvary Baptist Church in the future as they begin their second Centennial Anniversary in Dinwiddie County.

Signed, this 19th day of September, 2006.

7.F. ACTION ITEM: APPOINTMENTS

There were no appointments at this time.

8. CITIZEN COMMENTS

The Chair opened the citizen comments period.

1. David Dudley – 25907 Smith Grove Road – Petersburg – welcomed Mr. Talmage to the Board of Supervisors. He said that he would like to make a recommendation that Mr. Talmage conduct Town Hall meetings as Mr. Stone does in order to get citizen input. Mr. Dudley thanked Michael Drewry, County Attorney, for his work. He said he has done a lot for the citizens in this county, and his work is well appreciated. Mr. Dudley said he appreciated the meetings the County has been holding. He asked that they be scheduled at different times so they don't conflict with one another. He said the meetings need to be on the website.
2. Paul Coleman – 8018 Boydton Plank Road – Petersburg – said that the Chamber of Commerce had asked him to speak. He said their first public meeting took place the previous week. At that meeting the Commissioner of Revenue, Lori Stevens, gave a presentation regarding taxes; and Delegate Roslyn Dance spoke regarding a new change in the State law. She had shared that one change is that businesses that have less than 50 employees are now allowed to band together to create a health insurance consortium. He said there are over 1,000 small businesses in the County. The next action of the Chamber will be to create a full time staff position at the Eastside Enhancement.
3. Michael Wilde – 11647 Old Stage Road – welcomed Mr. Talmage to the Board. He asked if the clerk could have a microphone. He also had concerns regarding the landfill positions.

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

9. COUNTY ADMINISTRATOR COMMENTS

W. Kevin Massengill, County Administrator, read a resolution that Prince George had sent to the Legislature regarding the transportation funding changes that have occurred for the revenue sharing program. He suggested that either he or the Chair write a similar letter including the following: 1) that the existing statutory limit of \$50 million be eliminated entirely; and that budgetary limits be submitted to fully fund the revenue sharing program in its maximum; 2) that the priorities for funding eliminate the four tiers, and go back to the original preexisting language for re-adoption; 3) that the Commonwealth of Virginia match up to \$1 million per locality; 4) that any restrictions on the make up of the local match be eliminated; and 5) that the monies available to the localities through this program must be over and above the formula allocations. He also asked if one or two of the Board members would like to go with him to meet with Delegate Dance within the next couple of weeks.

Mr. Massengill stated that he strongly suggested a workshop the first week of October regarding the Community Based Corrections Plan.

He said he had received a piece of correspondence from the City Engineer of Petersburg, Ron Reeks, who is in charge of their transportation system. They would like to extend the bus service to the West Gate Shopping Center beginning as early as next week. Mr. Massengill said no Board action is needed, and if the Board has no objections, he will send a letter affirming their request.

Mr. Massengill stated that he had received correspondence from Denny Morris, Executive Director of the Crater Planning District Commission, saying that a new program is now being offered through the Virginia Department of Environment Quality referred to as Assign a Highway Program. It is different from Adopt A Highway in that it allows for probationers who have been sentenced by the Court system to clean certain sections of a highway up to 26 times per year. The State is providing funding for this program.

Mr. Massengill stated that he and Ms. Howerton met with the School Superintendent and he would like a couple of his Board members and some of the Board of Supervisors' members to sit down together and discuss surplus real estate.

Mr. Massengill stated that the County was given October 1st as the deadline to be NIMS (National Incident Management System) compliant. He said that he will be sending the letter out that day to state that the County is compliant.

10. BOARD MEMBER COMMENTS

Mr. Haraway stated that when the budget is decreased there needs to be record kept of those decreases. He suggested that an updated financial report be attached each month to the report that the Board currently receives showing the description, the item, the

original budget, the amount of decrease, and the savings. He said that at the end of the year the Board will know how much the County should come under budget.

Mr. Massengill stated that Ms. Howerton has actually already developed that report and he would be happy to share it.

Mr. Moody stated that he would like to review the criteria for resolutions and letters of appreciation. He said that Mr. Varney gives explanation regarding Federal dollars and funding; however he still does not feel he has a good understanding of it. He said as it has changed so much, he would like to get a better understanding of how it works. Mr. Moody stated that Nottoway County provides bus service to some of the community colleges, and that there is a need for Dinwiddie to investigate that. He said there is grant money that is available if it is looked into.

Mr. Stone stated that the next District 5 Town Hall meeting would be Monday, October 2 at McKenney Town Hall. He said that he and Mr. Drewry would be meeting on September 28th with the McKenney Town Council to discuss the memorandum of agreement between the Town and the County.

Mr. Talmage stated that he was proud to serve on the Board. He said that if either of the gentlemen who spoke during the citizen comments period had anything they would like to discuss, he would be glad to sit down with them.

11. CLOSED SESSION

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

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

a.) §2.2-3711 (A) (1) Personnel: Department of Comprehensive Services; Planning and Zoning Staff; Recreation Department; Building & Grounds; and

§2.2-3711 (A) (1) Appointments: Industrial Development Authority; Crater Planning District Committee & Metropolitan Planning Organization; Friends of the Lower Appomattox River; and District 19 Chapter 10 Board;

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

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

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

Nays: None

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

The Board reconvened into open session.

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

Nays: None

CERTIFICATION

WHEREAS, this Board convened in a closed meeting under:

a.) §2.2-3711 (A) (1) Personnel: Department of Comprehensive Services; Planning and Zoning Staff; Recreation Department; Building & Grounds; and

§2.2-3711 (A) (1) Appointments: Industrial Development Authority; Crater Planning District Committee & Metropolitan Planning Organization; Friends of the Lower Appomattox River; and District 19 Chapter 10 Board;

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

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

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

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

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

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

Nays: None

7:00 P.M. – PUBLIC HEARINGS

12.A. PUBLIC HEARING: C-06-2 JIM'S TRUCK, AUTO PAINT & BODY SHOP, CONDITIONAL USE PERMIT

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.

OVERVIEW

The applicant, Jim's Truck, Auto Paint & Body Shop, is seeking a conditional use permit to utilize the following described property for a mini storage facility. The property is located adjacent to 17203 Boydton Plank Road (Route 1). The property is further defined as Tax Map 69A-2, Parcel 9 and is zoned Business General, B-2 which allows such use. The County Comprehensive Land Use Plan places this property within the Rural Conservation Area which allows limited commercial development.

BACKGROUND INFORMATION

The subject property is located on the south side of Boydton Plank Road (Route 1) near DeWitt, VA. The applicant wishes to utilize their adjacent property to establish a new operation within close proximity to their existing operation. The Board of Supervisors heard case P-06-2 (Jim's Truck, Auto Paint & Body Shop) at their June 20, 2006 meeting and voted unanimous to rezone 1.34 acres from Agricultural General, A-2 to Business General, B-2 to operate a mini storage warehouse. The proposed mini-storage warehouse will be located adjacent to Jim's Truck, Auto Paint & Body Shop, which was approved for a conditional use permit in 1989 by the Board of Supervisors. The proposed mini-storage warehouse will be constructed with masonry block sides and walls between the metal doors as stated in the applicant's proffer statement from rezoning case (P-06-2).

The Board of Supervisors heard case C-89-1 (John A. Cairnes) at their March 8, 1989 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.

ANALYSIS

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

The Route 1 and Route 460 Corridor Enhancement Study does recommend focusing commercial growth to cluster commercial/retail development at historic commercial nodes with DeWitt as the focus location. The proposed use would be located near the DeWitt area as well as Jim's Auto Body Shop and Brier's Cabinet Shop, which are within close proximity of each other in the DeWitt area. The Corridor Enhancement Study also stated that driveway cuts should be limited and shared drives and parking should be encouraged throughout the corridor.

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

A-2 and to the west the properties are Business, General B-2 and Agricultural, General A-2 along Boydton Plank Road (Route 1).

IMPACTS

Public Utilities, Public Safety & School System Impacts

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

BUSINESS ANALYSIS

The applicant has submitted with the previous rezoning case a proffer statement to the County. The applicant did address potential impacts on the subject property in the previous proffer statement. Staff feels that the proffer statement has provided detailed conditions in which the applicant voluntarily placed on the property. Staff has provided a summary of the proffer statement below.

Previous Proffer Statement

The applicant has limited the permitted uses on the property. Those permitted uses are listed below:

<u>Limited Types of Businesses</u>
▪ Retail stores and shops
▪ Mini-storage warehouse units
▪ Office Building
▪ Auto sales and services

The applicant has general proffers regarding the limited uses on the list above (i.e. mini-storage facility will have 120 units consisting of 10 x 20, 10 x 10 units and 10 x 5 units to be constructed in numerous stage).

The applicant did address the hours of operation (Monday – Friday 8AM – 5PM and Saturday 9AM – 5PM). The applicant also address security lighting which would keep the glare contained on the site. The applicant will install a business sign which shall meet the requirements of the Dinwiddie Code section regarding signs and receive an approved sign and building permit by the Planning and Building Departments.

The subject property has a good vegetative buffer of timber surrounding the subject property, which would provide a good buffer area to adjacent property owners. The subject property currently has a six (6) foot high chain link fence around the property in which the business would be located inside the enclosed area.

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

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

BACKGROUND

Planning Commission Vote:

The Planning Commission heard the conditional use permit request, C-06-2, at their August 9, 2006 meeting. The Planning Commission voted unanimous to recommend **Approval** of C-06-2 to the Board.

Past Meeting Minutes:

Attached in your packets are copies of the Board of Supervisors and Planning Commission minutes for conditional use permit case C-89-1 and rezoning case P-06-2. The Planning Commission minutes for conditional use permit case C-06-2 are attached as well.

Staff Recommendation:

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

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

1. The proposed use on the subject property would make for a good business establishment in the subject area as well as in the County. Staff feels that the applicant has addressed the potential impacts on the business. Staff feels that the applicant will meet the conditions recommended below.
2. The applicant has a good vegetative buffer of timber surrounding the subject property, which would provide a good buffer area to adjacent property owners.
3. The applicant has provided staff with a conceptual plan for mini storage warehouse. The conceptual plan shows the existing commercial entrance and how the proposed business will utilize the entrance. The plan also provides more details on the potential design layout for the proposed business operation. The conceptual plan has provided staff with a good understanding of how the business operation will connect to the existing business operation.
4. The applicant will work diligently with the Virginia Department of Transportation (VDOT) regarding the commercial entrance for the subject property.

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

1. The proposed mini-storage warehouse will be constructed with masonry block sides and walls between the metal doors.
2. The mini-storage facility will have 120 units consisting of 10 x 20, 10 x 10 units and 10 x 5 units.
3. The hours of operation will be Monday – Friday 8AM – 5PM and Saturday 9AM – 5PM.
4. The security lighting will keep the glare contained on the site.
5. The business sign shall meet the requirements of the Dinwiddie Code section 22 Article VII regarding signs.
6. The property will have a six (6) foot high chain link fence around the perimeter of the property.
7. The applicant will be required to have two (2) parking spaces (two (2) office/employee parking spaces) as stated in Dinwiddie Code section 22-237-(10)-B.
8. The applicant shall provide one handicap accessible parking space on the site.
9. The parking area and all areas between the buildings shall be paved.
10. The commercial entrance to the business will be at the VDOT approved location.
11. The applicant will obtain a VDOT Commercial Entrance permit and the commercial entrance will meet VDOT's standards.
12. A site plan shall be submitted by the applicant in accordance with the requirements of the County Zoning Ordinance.
13. The applicant shall maintain the current landscaping on the property. The applicant will submit a landscape plan to the County detailing the landscaping on the subject property as apart of the site plan process.

14. The conditional use permit must be reviewed at least every two (2) years for compliance with stated conditions.
15. The applicant must keep in compliance with all federal, state, and local rules and regulations.

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

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

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A)(7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, that the conditional use permit C-06-2 is approved, with conditions as presented, by the Board of Supervisors.

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

Nays: None

12.B. PUBLIC HEARING: C-06-03 DANIEL T. BLAHA, CONDITIONAL USE PERMIT

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

The applicant, Daniel Blaha, was present to answer any questions.

Mr. Massengill asked if he had any questions or concerns raised by Richard Bland College.

Mr. Blaha said that one of the Planning Commissioners had contacted Dr. McNair and there were no concerns.

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.

OVERVIEW

The applicant, Daniel T. Blaha, is seeking a conditional use permit to utilize the following described property for a veterinary hospital. The property is located at 8312 Halifax Road (Route 604). The property is further defined as Tax Map 36, Parcel 3A1 (part of) and is zoned Agricultural General, A-2 which allows such use. The County Comprehensive Land Use Plan places this property within the Community Planning Area which allows commercial development with the overall density generally limited to a floor area ratio of 0.3.

BACKGROUND INFORMATION

The subject property is located on the east side of Halifax Road (Route 604) one-fourth (1/4) of a mile from Richard Bland College. The applicant wishes to utilize his property to operate a veterinary hospital. The applicant purchased the property from the Commonwealth of Virginia, which was formerly used by the Virginia State Police. The State Police had declared this portion of the property surplus. The portion of the property the applicant purchased consists of the existing building which is a brick building with a paved parking area. The Board of Zoning Appeals heard case V-05-1 (Daniel T. Blaha) at their May 19, 2005 meeting and voted unanimous to grant a variance from the minimum lot area and frontage in an Agricultural, General A-2 zone.

The facility will be a small animal outpatient veterinary hospital licensed by the Virginia Board of Medicine. The staff has a combined experience of over thirty (30) years in veterinary medicine and veterinary office management. This will include two (2) DVMs, a licensed veterinary technician, and a veterinary office manager. They will also have several relief DVMs to work on call, if needed. The facility will provide multiple services which include veterinary appointments, canine and feline spay and neuters, grooming services and house calls for small animals and large animal vaccines and testing.

ANALYSIS

The property under review is designated by the Comprehensive Land Use Plan as Community Planning Area. As such, page X-15 of the Comprehensive Plan states that the area is "expected to accommodate approximately 25% of future industrial and commercial

development". The Comprehensive Plan also expects commercial developments should have direct access to a primary road within that Planning Area.

The properties around this land parcel have mixed uses which include open space/agricultural/residential. The properties located to the north are zoned Agricultural, General, A-2 along Halifax Road (Route 604), to the south properties are zoned Agricultural, General A-2 along Halifax Road (Route 604), to the east the properties are zoned Agricultural, General, A-2 and to the west the properties are Agricultural, General A-2.

IMPACTS

Public Utilities, Public Safety & School System Impacts

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

BUSINESS ANALYSIS

The facility will be operating six (6) days (Monday – Friday 8AM – 5PM and Saturday 8AM – 12PM) a week with a veterinarian for appointments and house calls two-three (2 to 3) days a week. The building size is approximately 912 square feet with roughly 720 square feet of business floor space, which will consist of a reception area, exam room, grooming area, surgery suite, and kennel area. The facility plans on keeping some small animals overnight, such as dogs and cats. The facility will not have any indoor or outdoor runs. The facility plans to have all medical waste stored in the appropriate sharp containers and picked up by an outside source for proper disposal. The facility also will have all animal remains picked by J.T. Morris Funeral Home for cremation.

The applicant will install a business sign, which shall meet the requirements of the Dinwiddie Code section regarding signs and receive an approved sign and building permit by the Planning and Building Departments.

The subject property has a good vegetative buffer of timber surrounding the subject property, which would provide a good buffer area to adjacent property owners. The applicant plans on submitting a landscape plan to the County detailing the landscaping on the subject property as part of the site plan process.

The applicant will be required to have five (5) parking spaces (four (4) parking spaces and one (1) handicap space) as stated in Dinwiddie Code section 22-237-(L)-9. The existing parking area is current paved and any future expansion of the parking area shall be paved as well.

The applicant will obtain a VDOT Commercial Entrance permit and the commercial entrance will meet VDOT's standards. The applicant will make any necessary improvements to the commercial entrance to the business as requested by VDOT.

BACKGROUND

Planning Commission Vote:

The Planning Commission heard the conditional use permit request, C-06-3, at their August 9, 2006 meeting. The Planning Commission voted unanimous to recommend **Approval** of C-06-3 to the Board.

Past Meeting Minutes:

Attached in your packets is a copy of the Board of Zoning Appeals minutes for variance case V-05-1 and Planning Commission minutes for conditional use permit case C-06-3.

Staff Recommendation:

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

In developing this recommendation, staff has evaluated the advantages and disadvantages of the conditional use permit on this property and believes that the overall

proposed request will have a positive impact for the County. Specifically, staff wishes to share the following comments:

1. The proposed use on the subject property would make for a good business establishment in the subject area as well as in the County. Staff feels that the applicant has addressed the potential impacts on the business. Staff feels that the applicant will meet the conditions recommended below.
2. The applicant has a good vegetative buffer of timber surrounding the subject property, which would provide a good buffer area to adjacent property owners.
3. The applicant will work diligently with the Virginia Department of Transportation (VDOT) regarding the commercial entrance for the subject property.

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

1. The primary purpose for this veterinary hospital is for the care and treatment of small animals on the premises. Large animals will come to the hospital, but they would not be housed overnight or for extended periods of time.
2. The facility will be operating six (6) days (Monday – Friday 8AM – 5PM and Saturday 8AM – 12PM) a week with a veterinarian for appointments and house calls two-three (2 to3) days a week.
3. The business sign shall meet the requirements of the Dinwiddie Code section 22 Article VII regarding signs.
4. A grass area should be provided for pets which are brought to the facility prior to office hours.
5. The facility will not have any indoor or outdoor runs.
6. The facility shall be sound proofed and odor proofed.
7. The facility will be allowed to keep small animals overnight, such as dogs and cats.
8. The facility will have all medical waste stored in the appropriate sharp containers and picked up by an outside source for proper disposal.
9. The facility will have all animal remains picked by a funeral home for cremation.
10. A site plan shall be submitted by the applicant in accordance with the requirements of the County Zoning Ordinance.
11. The applicant will submit a landscape plan to the County detailing the landscaping on the subject property as apart of the site plan process.
12. The applicant will be required to have five (5) parking spaces (four (4) parking spaces and one (1) handicap space) as stated in Dinwiddie Code section 22-237-(L)-9.
13. All parking area will be paved include all existing and future parking area.
14. The applicant will obtain a VDOT Commercial Entrance permit and the commercial entrance will meet VDOT's standards.
15. The security lighting will keep the glare contained on the site, if the applicant decides to install such lighting.
16. The conditional use permit must be reviewed at least every two (2) years for compliance with stated conditions.
17. The applicant must keep in compliance with all federal, state, and local rules and regulations.

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

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A)(7) it is stated that the public purpose for which this Resolution is initiated is to fulfill

the requirements of public necessity, convenience, general welfare and good zoning practice, that conditional use permit C-06-3 is approved, with conditions as presented, by the Board of Supervisors.

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

Nays: None

12.C PUBLIC HEARING: C-06-04 CINGULAR WIRELESS, CONDITIONAL USE PERMIT

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

The applicant representative, Kirk Lewis, Attorney, made a presentation to the Board and was available for questions. He clarified that the site would require a monthly site visit.

Mr. Haraway asked at what point is a tower close enough to another tower in order not to need another.

Mr. Lewis answered that depended on the topography and density. He said that typically the towers will send a signal a radius of approximately two miles. If two towers are four miles apart, those two towers would be considered to connect. If there is that connection, then someone can move from within the range of one tower to the next without losing their call or quality of their call.

Mr. Haraway said then they shouldn't get a request for a tower to be within two miles of an existing tower.

Mr. Lewis answered that he couldn't say no as the different providers have different ranges that they can send their signal according to their assigned radio frequency assigned by the FCC.

Mr. Talmage asked if other providers would be using this tower as well.

Mr. Lewis answered yes; it will be designed to support Cingular and three other carriers.

The Chair opened the public hearing in this case.

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

OVERVIEW

The applicant, Cingular Wireless, is seeking a conditional use permit to construct a 199 foot tower and related facilities on a leased portion of the following described property. The property is located on 8908 Cox Road, Ford, VA 23850. The property is zoned Agricultural, General A-2, which allows this use under County's Zoning Ordinance Section 22-71 (45). The property is designated as Tax Map 28, Parcel 6. The County Comprehensive Land Use Plan places this property within the Rural Conservation Area which allows for limited commercial development.

BACKGROUND INFORMATION

The applicant needed a site in this area of the County for its antennas in order to fill in a gap in their existing coverage area along Route 460 to complete its recent coverage expansion in the County. The proposed site will connect the newly constructed Pegasus Tower to the west and other existing Cingular collocation to the east. During the Pegasus Tower hearing, the existing Crown tower site located between the Pegasus tower and the proposed site will not connect the sites without dropping calls. It is apparent that a gap in adequate coverage exists and the addition of this proposed tower will fill in any dead area as well as enhance the coverage area along Route 460.

ANALYSIS

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

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

Section 22-71 (45) of the Dinwiddie County Code provides for the location of "communication towers with stations" within the Agricultural, General, A-2 district provided that a conditional use permit is approved by the Board of Supervisors.

Additionally, Article IX of Chapter 22 of the Code of Dinwiddie, Virginia sets forth guidelines for the sitting of telecommunication antenna and towers. Section 22-269 outlines the purpose and intent of the article, and within this section the goals of the ordinance are set forth. The goals are as follows:

- a. encourage the location of antennas and towers in areas where the adverse impact on the community is minimal,
- b. to accommodate wireless telecommunication services to county residents, businesses, and travelers;
- c. strongly encourages the co-location of telecommunication equipment on existing towers;
- d. maximize the use of existing structures;
- e. make available public property to facilitate the deployment of wireless telecommunication facilities;
- f. minimize adverse visual effects of wireless telecommunication facilities through careful sitting and design and;
- g. minimize adverse impacts on the natural, scenic, environmental, historic, cultural, and recreational resources of the county.

The applicant explored the opportunities of collocation rather than structuring a new tower. The applicant has reviewed all towers within the three (3) mile radius of the subject property. There are three (3) existing towers within a three (3) mile radius of the proposed location, which the applicant currently is located on two (2) of those towers. The third tower, the Crown tower, is one and half miles from the Pegasus tower (Cingular currently collocates on) therefore it would not be the right location to provide continuous coverage. The applicant's plan does comply with all federal, state, and local regulations regarding collocation of equipment at the existing telecommunications support structure. The applicant has explored their alternatives and feels that structuring the new tower would fulfill their service needs.

It is the applicant's intent to develop their telecommunication network within the framework established by the above stated goals. Additionally, there will be no impact on the subject and adjacent properties concerning by-right agricultural and forestal uses.

IMPACTS

Public Utilities, School System, & Historic Recourses

The potential impacts on the subject property are minimal. The subject property does not anticipate the use of public utilities, only electricity. 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 conditional use permit. No impact of historic resources is anticipated. The tower does require a monthly site maintenance visit.

BACKGROUND

Planning Commission Vote:

The Planning Commission heard the conditional use permit request, C-06-4, at their August 9, 2006 meeting. The Planning Commission voted unanimous to recommend approval of C-06-4 to the Board.

Past Meeting Minutes:

Attached in your packets is a copy of the Planning Commission minutes for conditional use permit case C-06-4.

Consultant's Recommendation:

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

Staff Recommendation:

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

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

1. Staff feels that the impact of the conditional use permit will be minimal. Staff feels that the proposed conditional use permit will not have a direct effect on transportation, public safety, schools, and water quality.
2. The subject property will have a good vegetative buffer to shield the current and future adjacent property owners from the suggested use. The subject property is well-wooded, which will provide for a good buffer and screening of the facility to all adjacent property owners. The tower will be located on a 68.7 acres parcel, which would be a good distance to the nearest residence.
3. Staff feels that if the proposed tower shall be placed at this location, the tower will improve the service coverage area for citizens traveling along Cox Road (Route 460).

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

1. The applicant shall limit the height of the tower to 199 feet as stated in the conditional use permit.
2. The proposed tower is less than two hundred (200) feet, if the FAA make a determination that requires lighting, the applicant will request a red beacon, not a strobe light, to utilize lighting the tower.
3. The applicant will provide space to Dinwiddie County, at no cost to the County, to collocate communication equipment, if requested by the County.
4. Before obtaining a building permit, the applicant shall post a bond equivalent to the cost of removal of the tower with the Planning Department.
5. The tower shall be engineered to accommodate a minimum of four (4) service provider antennae.
6. The applicant will follow the landscape plan as shown in the site plan that was submitted to the County for the proposed tower.
7. The conditional use permit must be reviewed at least every two (2) years for compliance with stated conditions.
8. The applicant must keep in compliance with all federal, state, and local rules and regulations.

Upon motion of Mr. Talmage, 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 conditional use permit C-06-04, with conditions as presented, except Item 3 is amended to read that the applicant will provide space to Dinwiddie County to collocate

communication equipment in accordance with Dinwiddie Code Section 22-274, is approved by the Board of Supervisors.

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

12.D. PUBLIC HEARING: P-06-07 ROSLYN FARM CORPORATION, REZONING

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

The applicant's representative, Mr. Sam Johnson, Attorney, spoke to the Board. Bob Walker and Nick Walker, representatives of Roslyn Farm Corporation were also present.

Mr. Stone asked if there would be any paved or unpaved walking paths.

Mr. Johnson answered that there were no amenities planned at this time.

Mr. Talmage asked if the 43 acre lot would be subdivided at a future time.

Mr. Johnson answered that it cannot be subdivided as it is now proffered, without coming back to the County. That would be a whole new subdivision request.

Mr. Talmage asked if this lot would be sold to an individual for one dwelling.

Mr. Johnson answered that would be the initial transfer. He said that is the lot on which the cemetery located as well as the dam that requires maintenance.

Ms. Moody asked if the houses that will be built will have a minimum square footage.

Mr. Johnson answered yes; the intent is to create an upscale subdivision.

Mr. Moody asked Staff how many lots could be placed on this property if it were not rezoned.

Mr. Scheid answered that this property cannot be subdivided.

The Chair opened the public hearing in this case.

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

OVERVIEW

The applicant, Roslyn Farm Corporation, is seeking a rezoning of one (1) land parcel containing approximately 141.13 acres from Agricultural, General A-2 to Residential, Conservative RR to create a development of approximately 11 single family homes. The Residential, Conservative RR allows residential developments at a minimum lot size of five (5) acres. The property is located on Halifax Road (Route 604). The property is further defined as Tax Map 35, Parcel 65. The County Comprehensive Land Use Plan places this proposed development within the Community Planning Area which allows residential development at a density not to exceed one dwelling unit per acre.

BACKGROUND INFORMATION

The subject property is located on the west side of Halifax Road (Route 604). The applicant is seeking a rezoning of one (1) land parcel from Agricultural, General A-2 (3 acre lots) to Residential, Conservative, RR (5 acre lots) to create a development of approximately eleven (11) single family homes. The applicant plans on having various size lots ranging from five (5) acre lot to forty-three (43) acre lot. The applicant also plans on improving the existing entrance to the property by move the entrance further away from the bridge in order to provide a better sight distance for the citizens.

ANALYSIS

The property under review is designated by the Comprehensive Land Use Plan as Community Planning Area. As such, page X-15 of the Comprehensive Plan states that the area is "expected to accommodate approximately 30% of future residential development". The Comprehensive Plan also expects the overall density should not exceed one unit per

acre within that Planning Area. The Plan also allows for well and septic fields with the reserve field on site.

In Chapter XI which outlines the policies, goals and objectives of the County, policy statement (3) states “maintain and enhance the County's ability to coordinate a balanced land-use program among various types of residential, commercial, and industrial interests by encouraging development within areas defined as growth centers and/or growth corridors.” It was previously stated that the planning area was designated as Community Planning Area thus, it may be considered a growth center.

Generally, Residential, Conservative, district R-R covers the territory immediately adjacent to public bodies of water which may be used for recreational purposes. This district is established for the purposes of:

- Providing for the orderly development of this area for recreational and inhabited purposes;
- Providing for the orderly development of public and semipublic recreational areas adjacent to the shoreline; and
- Discouraging the use of business establishments, except those directly concerning water recreation.

The properties around this land parcel have mixed uses which include open space/agricultural/residential. The properties located to the north are zoned Agricultural, General, A-2, to the south properties are zoned Agricultural, General A-2, to the east the properties are zoned Agricultural, General, A-2 along and to the west the properties are Residential, Limited R1.

The County's Subdivision Ordinance states in Section 18-73 that “existing natural features which would add value to the subdivision and development or to the County as a whole, such as trees, watercourses, historic sites and similar amenities and assets, shall be protected whenever practicable in the design of the subdivision or development.” The proposed site has Civil War earthworks from Union Fort Duchesne, which have been addressed in the applicant's proffer statement.

The applicant has provided staff with a conceptual plan for the 141 acres being rezoning. The conceptual plan shows the shift of the existing entrance to the property and the new proposed entrance to the property. The potential lot design layout for the proposed development is also shown. After reviewing the concept plan, staff has notice that Lot 4 of the proposed development will need a special exception on that on lot, because the lot does not meet zoning requirement. The conceptual plan has provided staff with a good understanding of how the development will layout on the existing lot.

IMPACTS

Public Utilities, Public Safety & School System Impacts

The potential impacts on the subject property are minimal. The subject property does not anticipate the use of public water and sewer utilities. The impacts on public safety should be minimal. The applicant has proffered to provide a dry hydrant in the existing pond. Public Safety plans on requesting the dry hydrant to be installed with a 12 foot wide access road provide to the dry hydrant as stated in the applicant's proffer statement. Public Safety also recommended that each home be installed with a sprinkler system to help reduce the insurance cost on the homes. 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. Upon the necessary rezoning approval from the Board of Supervisors, the applicant is required to submit a subdivision development plan outlining the development to the Planning staff as a part of the subdivision development plan process.

Transportation Impacts

The impact on transportation should be minimal. VDOT did have some concerns regarding the existing entrance to the development. The applicant has addressed those concerns by moving the entrance further away from the bridge, which will provide for better sight distance. The applicant will also be required to construct a 45' cul-de-sac to meet requirements for Public Safety and the School System as stated in the applicant's proffer statement. The new roadway will be constructed to Virginia Department of Transportation (VDOT) standards as well as taken into the state system as stated in the proffer statement. The traffic count should remain the same and the road system in this particular area is more than adequate to handle the traffic that will be generated by the proposed development.

Historic Impacts

The Comprehensive Land Use Plan provides great details on the importance of historic preservation and how the County should protect and promote their historical resources. Staff has reviewed the proposed site and determine the propose site does have Civil War earthworks from Union Fort Dushane as shown in the attached map. Staff has discussed the matter with the National Park Services (NPS) and feels that this matter can be easily addressed by the applicant. Staff feels that the applicant has addressed this matter in their proffer statement by providing protection to the earthworks.

Soil Report

The applicant acquired a soil consultant to conduct a soil feasibility study to review the subject property for adequate soil types. The soil feasibility study suggested the majority of the soils on the subject property seem to be moderate to very well drained and suitable for onsite sewer disposal systems. However, there are some soil types of the site that will require an engineered septic system due to the high seasonal water tables. The alternative type septic system will be suitable in those areas. There are other soil types on the proposed site that are unsuitable for septic system, but those areas are mainly wetland area which will not be developed on. The applicant has proffered that the owner of the lot must provide reasonable documentation to the County that an effective site for a well and an effective site for a septic system of sufficient capacity to service the proposed improvements on the lot.

Wetland Report

The impact on the wetlands should be minimal. The subject property does have wetlands on the property, due to the close proximity to a pond located on the property. The majority of the wetlands were found around the pond area. There are also several small areas of wetlands on the subject property, which should have a minimal impact.

Proffer Statement

The applicant has submitted a proffer statement to the County. The applicant did address potential impacts on the subject property. The applicant has offered a voluntary cash proffer of \$5,629 per lot, which shall be paid prior to the issuance of the building permit.

The applicant will limit the number of lots in the proposed development not exceed eleven (11) lots. The applicant has also placed an easement for access by family members to the private cemetery that is located on lot 11.

BACKGROUND

Planning Commission Vote:

The Planning Commission heard the rezoning request, P-06-7, at their August 9, 2006 meeting. The Planning Commission voted unanimous to recommend approval with proffers of P-06-7 to the Board.

Past Meeting Minutes:

Attached in your packets is a copy of the Planning Commission minutes for rezoning case P-06-7.

Staff Recommendation:

The Staff has reviewed the rezoning matter and feels 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 rezoning 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 applicant has voluntarily offered a cash proffer. Such Monies, allow the County to make Capital Improvements resulting from the impact of the development.

3. The applicant has provided staff with a conceptual plan for the 141 acres being rezoning. The conceptual plan shows the potential lot layout for the proposed development.
4. The applicant has agreed to adjust the entrance to the proposed development for a better sight distance. The applicant will obtain a VDOT Entrance permit. The applicant will have the road construction meet VDOT state standards and have the road taken into the state system.
5. The applicant has agree to provide public safety with a dry hydrant with a 12 foot wide access road provided to the dry hydrant, which should help provide better public safety in that area of the County.
6. The applicant will provide an easement to the private cemetery for access by family members.
7. Staff feels that the historic impact on the proposed site have been addressed by applicant with having Civil War earthworks areas on the site. The proffer statement provided has addressed concerns from the NPS and staff.
8. Staff feels that the subject property is suitable for acceptable water supply. The study suggests that the soils are suitable for onsite sewer disposal systems. Staff feels that the final well locations should be determined after the septic tank/drainfields have been located.

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 residential development on the property;
2. The rezoning classification requested is compatible with other adjacent zoning classifications;
3. The request is not in conflict with the Comprehensive Land Use Plan;
4. The applicant has provided signed proffers to the subject property and;
5. The proffer statement accurately diminishes the impact this development will have on the County.

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

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

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

12.E. PUBLIC HEARING: P-06-03 WHIPPONOCK, LLC, REZONING

The summary below was provided to the Board before the meeting.

Mark Bassett, Director of Planning, stated that the applicant had, the evening of the meeting, submitted a statement that the applicant requested be read for the Board and for the minutes. Mr. Bassett read the following:

September 19, 2006

Madame Chairwoman and Gentlemen of the Board,

I would like to take this opportunity to try and clarify the actions taken by the Whipponock LLC at the June 20th Board of Supervisors meeting in reference to this rezoning case, P06-03. As you all know, Whipponock LLC asked for a 90 day deferral at that meeting. What you may not know is why that action was taken. Before the June 20th Board meeting we received word that due to internal issues being discussed by you and

your staff that a decision on this case would probably not happen at this time. It was also stated that we should probably ask for a deferral to allow the Board some time to address the questions that had surfaced.

It is for the above stated reasons that we have not pursued any further action on our part because we felt we were waiting to hear of some resolution of issues from your Board. Whipponock LLC would indeed like to discuss any items that could resolve any issues that your Board has with this case P-06-03, but without your input or that of your staff, we have no way of doing so. It has been continually repeated by your staff that the proffers offered with the rezoning totally diminish the impact of the proposed project. The only reason we pursued the purchase of the said 90 acres was due to your Board requesting a right turn lane off of Sutherland Road and your desire to have a quality community. Whipponock LLC had no land on Sutherland Road with its initial purchase to offer the right turn lane, so the 90 acres was acquired to fulfill the Board's request. Also, rather than buy just enough land to get a right turn lane and have to build a state road through someone else's property, we acquired enough to control the lots on each side of the road in order to correct the quality of our project.

All this information was brought up before the vote on the prior rezoning case. It was even written into the proffers as item # 12 of the previously approved case (P-05-08) that the turn lane would be built contingent upon the rezoning of this 90 acre parcel. We would really like to have our main entrance located on Sutherland Road, but that is less of a possibility without the rezoning of this 90 acres being approved.

Whipponock LLC wants nothing more than to be good neighbors and create a community that will make all of Dinwiddie County proud. We feel it would be in everyone's best interest if the lines of communication could be opened regarding this rezoning, and try to determine a way to move forward. We would be eager to participate in a joint meeting with members of the Board as well as members of the community to see if there is a possibility of resolving this matter. If we can't agree upon the conditions of rezoning the property, then Whipponock LLC needs to know so that we may continue our engineering with the current five acre zoning. We would like to ask at this point for a 30 day deferral in order to set up this meeting so that case P-06-03 can be voted on at the November meeting of the Board of Supervisors.

Thanks in advance for your attention to this matter.

*Respectively,
James R. Cobb
Member- Whipponock, LLC*

Mr. Stone asked if there was a representative for this applicant present to speak to the Board.

Mr. Bassett answered not that he knew of.

Mr. Stone asked for a ten minute recess in order to consult with legal counsel.

The ten minute recess was granted.

The Chair opened the public hearing in this case.

1. Philip Hanley – 835 Even Keel Lane – Church Road – spoke in opposition to this case. He said he had expressed his opinion several times. He addressed issues of Sutherland Road no longer being eligible for federal funds; proffers; structured growth; and that over 1200 Dinwiddie residents signed a petition against it.
2. Richard Beck – 839 Even Keel Lane- Church Road – spoke in opposition to this case. He said he had been attending these meetings since May a year ago. He discussed the condition of the roads and the quantity of available well water.
3. Mark Krueger – 841 Even Keel Lane – Church Road – spoke in opposition to this case. He said that the Board should wait and see the outcome of claims that have been made by this applicant.
4. JoAnne Beck – 839 Even Keel Lane – Church Road – spoke in opposition to this case. She said she was for controlled growth, but against the impact she feels this will have on the environment, roads, County services, the lake, and the wells.
5. Dean Edens – 17175 Lakeland Road – Church Road – spoke in opposition to this case. He said that after hearing the statement requesting deferral, he would not

like to see this deferred. He said it had been a long and painful process and he felt it was time for a decision and to bring closure one way or the other.

6. Brenda Emory – 1213 Creek Court – Church Road – spoke in opposition to this case. She said her reasons had been stated several times: the Planning Commission voted unanimously against this rezoning request; EMS; condition of roads; schools; opposition from all over the county; and wells.
7. Brian Emory – 1213 Creek Court – Church Road – spoke in opposition to this case. He said he agreed with the others who had already spoken. He said he opposed the rezoning of any more land in Dinwiddie County for subdivisions unless County water and sewer is provided.
8. David Hale -1311 Sutherland Road – Church Road – spoke in opposition to this case. He said he hoped the Board heard the concerns of the citizens this time.

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

Michael Drewry, County Attorney, commented that it states in the Board Bylaws that if any Board member is going to abstain from an issue that is before the Board they shall not participate in discussion on the issue in question. He asked if any Board member wished to abstain.

Mr. Talmage stated that he wasn't a part of the Board during the first rezoning, and he understood that according to the Comprehensive Plan this area is designated for five acre lots. He said he didn't feel he had enough information at this time on the previous zoning to act on this issue tonight. He said in his heart he didn't believe that he should abstain, but he would like more information.

Mr. Drewry asked if he wanted the information now.

Mr. Talmage answered that he would like to have some reason as to why it was rezoned from 5 acres to 2 ½ acres in the first place. He said that was the only question he had on the case.

Mr. Drewry said he did not have a legal answer for that question; it was more of a policy/political answer.

Mr. Talmage said he would not abstain.

Mr. Haraway commented that there was a change since the last vote. He said at that time it was thought that the State would have funds for widening the road; and now it appears the State doesn't have the funds, and the County doesn't have the funds either. He said that Mr. Cobb had recommended a meeting with the Board. Mr. Haraway said he would like to have two of the speakers at this meeting and two of the Board members to meet with the Whipponock, LLC and see if a compromise could be reached. He said some of the points that had been brought out were very good points. He said it seemed to him that maybe there was a chance for a compromise. He said what he heard from a lot of the speakers was that the proffers were a big concern.

Mr. Moody stated that he felt it was time to put this issue to rest. He said he felt the Board had heard enough, that funds were not available for the road, and that there is more than a minimal impact. He said he did not feel the voluntary proffers that are presented meet the impact to the County.

Michael Drewry, County Attorney, stated that he would like to clarify that he had made a statement at the last time that this case came before the Board. At that time Mr. Stone had asked the question as to whether the Board had to accept a deferral. Mr. Drewry said that at that point in time he had stated that he was not comfortable in the Board not accepting a deferral. Mr. Drewry stated that since that time he has had time to do further research in the Virginia Code on this subject, and also to ask other county attorneys how they interpreted some clauses in the Virginia Code. Mr. Drewry stated that he is comfortable that at this point the Board does not have to accept a deferral.

EXECUTIVE SUMMARY

The applicant, Whipponock, LLC, is seeking a rezoning of two (2) land parcels containing a total of approximately 90.0 acres from Residential, Conservative RR to Residential, Rural RR-1 to create a development of approximately 35 single family homes at a proposed

density of approximately one dwelling unit per 2.5 acres. The Residential, Rural RR-1 allows residential developments at a minimum lot size of two (2) acres. The properties are located on Sutherland Road (Route 623). The properties are further defined as Tax Map 2, Parcel 4; Tax Map 2, Parcel 4A. The County Comprehensive Land Use Plan places this proposed development within the Rural Conservation Area which allows residential development at a density not to exceed one dwelling unit per five acres, with no individual lot less than two acres.

OVERVIEW

At the June 20, 2006 Board of Supervisors meeting, the applicant's representative requested a 90 day deferral in order to answer some of the questions from the public. The Board voted to accept the deferral for 90 days for the rezoning case, which would be heard at the September Board meeting.

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-06-03, at their May 10, 2006 meeting. The Planning Commission voted unanimous to recommend disapproval of P-06-03 to the Board.

Past Meeting Minutes:

Attached in your packets are copies of the Board of Supervisors and Planning Commission minutes for rezoning case P-05-8 and P-06-3.

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 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 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 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.
3. The applicant has provided staff with a conceptual plan for the ninety (90) acres being rezoning. The conceptual plan shows the shift of the existing private road (Lakeland Road) to the proposed location and the potential lot design layout for the proposed development. The conceptual plan has provided staff with a good understanding of how the development will connect to the previous rezoning case.
4. Staff reviewed the traffic study for the proposed development and the proposed development does not warrant a left or right turn lane. However, the applicant has agreed to construct a right turn lane to the proposed development. The applicant will have the road construction meet VDOT state standards and have the road taken into the state system.
5. The applicant has provided staff with a conceptual primary entrance plan outlining the boulevard style entrance and the addition to the right turn lane to the proposed development. The applicant also plans to landscape the entrance way to the development to beautify the subject area. The conceptual plan has provided staff with a good understanding of the traffic flow into the proposed development.

6. 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.
7. Staff feels that the subject properties are suitable for acceptable water supply. After reviewing the studies, staff recommends that the proposed development encourage property owners to drill bedrock wells to reduce the chances of drought and/or surface contamination. The studies suggest that the soils are suitable for onsite sewer disposal systems. Staff feels that the final well locations should be determined after the septic tank/drainfields have been located.

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 properties from a lower density to a higher 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 applicant has provided signed proffers to the subject properties and;
4. The proffer statement accurately diminishes the impact this development will have on the County.

Tax Parcel Nos. 2-4 (part of) and 2-4A (part of)

PROFFERS

THESE PROFFERS are made this 18th day of April, 2006 by WHIPPONOCK LLC and James B. Cobb, managing member as attorney in fact for LGA Associates L.L.L.P. and Gray Lumber Company, together with their successors and assigns, (the "Owners").

RECITALS

- A. Owners legally possess and Whipponock LLC is contractually obligated to purchase the tracts or parcels of land located in Dinwiddie County, Virginia, (the "County") and being Tax Parcel Nos. 2-4 (part of) and 2-4A (part of) containing approximately 90.0 acres (the "Property").
- B. The Property is within the Rural Conservation Area on the County's Comprehensive Plan and is now zoned Residential, Conservative RR. Owners have applied to rezone the Property from Residential, Conservative RR to Residential, Rural RR-1, with proffers.
- C. Owners desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned Residential, Rural RR-1.

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

CONDITIONS

1. In order to assist the County with mitigation of impacts on the County from the development of the Property, a contribution of \$5,629.00 per lot shall be paid to the County prior to the issuance of each building permit. The County may use these funds for any project in the County's Capital Improvement Plan, the need for which is generated in whole or in part by the physical development and operation of the Property.
2. The per lot contribution paid each year pursuant to Section 1 shall be adjusted annually beginning January 1, 2007 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84 = 100) (the "CPI") prepared by the U.S. Bureau of Labor Statistics of the U.S. Department of Labor. In no event shall the per lot contribution be adjusted to a sum less than the amount set in Section 1. In the event the CPI is not available, another reliable government indicator approved by the County may be relied upon in establishing an inflationary factor for purposes of determining the per lot contribution to approximate the rate of annual inflation in the County.
3. The Owners shall organize a homeowners association (the "Association") in accordance with Virginia law in which all property owners in the development, by virtue of their property ownership, shall be members. The articles of incorporation, bylaws and restrictive covenants (the "Governing Documents") creating and governing the Association shall be submitted to, reviewed, and approved to be in accordance with these proffers, by the County Attorney prior to final subdivision plat approval. The Association shall protect the investments and assure a pleasant environment free of many of the disquieting aspects of denser and less inherently beautiful communities for those families who are residents.
4. The Owners shall deposit at the time of settlement on each lot, the sum of one hundred dollars (\$100.00) into an account established for the homeowners association. These monies shall be to absorb any up front costs incurred by said association.
5. The Governing Documents shall provide for an Architectural Review Board with the powers to review and approve all site development and construction plans within the development. All homes to be constructed on said property shall be subject to review by the Architectural Review Board that shall be established by the

Association prior to the conveyance of the first lot. No home shall be built without written approval of said board.

6. No home located on said property shall have less than 2200 square feet of heated area.
7. All roads within said property; including entrance roadway will be designed and constructed in accordance with the subdivision street requirements of the Virginia Department of Transportation and County Code Requirements.
8. The Owners shall cause to be established the following buffers:
 - a. There will be a fifty (50) foot no cut buffer located at the rear of each individual non-waterfront lot which backs up to a property owner outside of proposed development. There may be selective cutting of trees and vegetation to maintain the health of the buffer, per approval of the County Planning Director.
9. The Owners shall limit the total number of lots within the subject property to a maximum of thirty-six (36). This would create an overall gross density of approximately two and one half (2.5) acres per home site.
10. The Owners does hereby agree to install a VDOT approved right turn lane into the primary entrance of subject property, contingent upon the rezoning of the said approximately ninety (90) acres to RR-1.

WITNESS the following signatures:
WHIPPONOCK LLC

JAMES B. COBB – M.M. as attorney in fact for
LGA Associates, L.L.L.P.,
Gray Lumber Company

STATE OF VIRGINIA
COUNTY OF DINWIDDIE, to wit:

The foregoing instrument was acknowledged this _____ day of April 2006, by James B. Cobb, Managing Member of Whipponock LLC.

My commission expires: _____

Notary Public

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 case P-06-3 is disapproved by the Board of Supervisors.

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

Mr. Moody stated that he appreciated all the citizens who had come out and he appreciated their input.

Mr. Stone asked for a change to the agenda to add a closed session following the meeting.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the agenda is amended to include a closed session after the current meeting under §2.2-3711(A)(1) Appointments: Planning Commission.

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

Nays: None

12.F. PUBLIC HEARING: TOWN OF MCKENNEY AGREEMENT

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

The Chair opened the public hearing in this case.

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

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 for your comments at the August 15th board meeting by our summer legal intern, Matt Kurz. You will recall that 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

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 Agreement was originally planned to be discussed by the Town of McKenney Town Council at their September 14, 2006 meeting. The Town Council recently communicated to me that they are now planning to discuss the Agreement on September 28, 2006.

I recommend that the Board of Supervisors allow public comments to be received on the agreement at the present meeting but final action be deferred until the Board meeting on October 17, 2006.

Draft

**INTERLOCAL SHARED SERVICES AGREEMENT BETWEEN
THE COUNTY OF DINWIDDIE AND THE TOWN OF MCKENNEY
AND THE SHERIFF'S OFFICE OF DINWIDDIE COUNTY**

Draft

THIS INTERLOCAL SHARED SERVICES AGREEMENT, hereinafter referred to as "Agreement," is entered into between the County of Dinwiddie, Va., hereinafter referred to as "the County", the Town of McKenney, Va., hereinafter referred to as "the Town", and the Sheriff's Office of Dinwiddie County, hereinafter referred to as "the Sheriff," and

WHEREAS, the Town is desirous of having the County provide Animal Control, Building Inspection, Zoning Administrator, Fire and EMS, and having the Sheriff provide law enforcement services, within the jurisdictional limits of the Town; and

WHEREAS, County agrees to provide Animal Control, Building Inspection, Zoning Administrator, and Fire & EMS services as requested by the Town; and

WHEREAS, the Sheriff agrees to provide law enforcement services as requested by the Town, and

WHEREAS, the purpose of this Agreement is to memorialize the understanding between the parties hereto, setting forth the duties and responsibilities of each.

NOW, THEREFORE, in consideration of the mutual covenants and promises and subject to the conditions set forth herein, the parties agree as follows:

AGREEMENT

I. Definitions

Commencement Date of this Agreement means _____, 2006.

Fiscal Year means the annual accounting period from July 1 of one year to and including June 30 of the following year.

Termination Date of this Agreement means June 30, 2007, unless the Agreement is terminated for any reason prior to that date.

II. Shared Services

A. ANIMAL CONTROL.

The County agrees to provide the Town with Animal Control Services as follows:

1. *Service Hours.* To provide the services listed below during normal business hours and in emergency Animal Control Services after normal business hours every day of the week, including weekends and holidays.

2. *Services.*

(a) To provide Animal Control Services on a complaint basis including routine patrols.

(b) To transport and deliver animals in its custody to the County's shelter for services.

(c) To cooperate with Town employees, offices, officers and officials as needed to properly investigate and enforce applicable animal control law. Should law enforcement assistance be required, the Animal Control Officer shall contact the Sheriff's Office whereupon Sheriff's Office will assume control of the situation within the Town limits including the writing of any necessary summons. In all cases, however, the Animal Control Officer shall be responsible to take into custody and dispose of the animal. Notwithstanding the above, the Animal Control Officer will have the authority to issue summons in providing service under this agreement.

(d) To arrange for medical treatment by a licensed veterinarian for sick and injured animals in accordance with established County procedures.

(e) To keep prepare and provide all records as required by Sec. 3.1-796.105B of the Code of Virginia and report quarterly to the Town Manager regarding all animals taken into custody in the Town. Such reports to the Town Manager will include a description of the captured animal, the time, date and location of capture and the disposition of said animal. Each quarterly report shall be submitted to the Town Manager by the tenth (10th) day of the following month after the end of the quarter.

3. *Staff and Equipment.*

(a) To provide all Animal Control Services by sworn Animal Control Officers and Field Technicians as appropriate.

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(b) To require that all Animal Control Officers and Field Technicians wear appropriate uniforms and display proper identification and credentials required for the performance of their duties.

(c) To provide all equipment necessary to conduct safe, efficient, and humane Animal Control Services.

4. *Routine Animal Control Services and Hours of Operation.* To provide routine Animal Control Services during the hours of operation, every day of the week, except holidays, for the enforcement of the State Comprehensive Animal Laws and the Town's Ordinance on Animal and Fowl.

5. *Emergency Animal Control Services and Hours of Operation.*

(a) To provide Animal Control Services on an emergency basis after normal business hours and on holidays.

(b) To respond to emergency requests for Animal Control Services within a target response time of 45 minutes from receipt of such request to

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respond, as weather and traffic conditions allow and in consideration of the priority level of the request.

6. *Authority.* Section 3.1-796.104 of the Code of Virginia, as amended, provides the authority for one jurisdiction to provide animal control services to another jurisdiction.

B. BUILDING INSPECTION.

The County agrees to provide the Town with Building Inspection Services as follows:

1. *Building Permits.* To review, issue and collect fees for all building permits for the Town.

2. *Building Inspection.* To provide the Town with access to the County Building Inspector for the purpose of enforcing and ensuring compliance with the Virginia Uniform Statewide Building Code, and Title 5, Planning and Development, Chapter 3, Building Code Enforcement, of the Town Code of McKenney, Virginia, as amended. Appeals will be administered by the County.

3. *Authority.* Section 36-105 of the Code of Virginia, as amended, provides the authority for one jurisdiction to provide building inspection services to another jurisdiction.

C. FIRE & EMS.

The County agrees to provide the Town with Fire & EMS Services as follows:

1. *Fire Services.* To provide the Town with fire fighting and fire prevention services when the Town of McKenney Volunteer Fire Department needs such assistance or is unable to promptly respond to a fire emergency.

2. *EMS Services.* To provide the Town with EMS services.

3. *Fire Marshal.* To provide fire marshal services, by the Dinwiddie County Fire Marshall when such position is created, to enforce and ensure compliance with the Virginia Statewide Fire Prevention Code, and Title 5, Planning and Development, Chapter 3, Building Code Enforcement, of the Town Code of McKenney, Virginia, as amended.

4. *Equipment.* To provide the Town of McKenney Volunteer Fire Department with supplementary fire fighting equipment, such as fire trucks, for the purposes of assisting the Town in providing adequate firefighting services.

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6. *Funding.* To provide the Town of McKenney Volunteer Fire Department with a portion of the County's "Aid to Localities" funding, that when added to the Town's "Aid to Localities" funding, equals the amount received by each

Dinwiddie County fire company. All such funding shall be overseen by the County Division of Fire and EMS and used solely and expressly for the benefit of the Town of McKenney Volunteer Fire Department.

7. *Staff.* To provide and place County Fire & EMS staff, as deemed needed by the Dinwiddie County Fire Chief, within the Town of McKenney Volunteer Fire Department.
8. *Authority.* Section 27-2 and Section 27-3 of the Code of Virginia, as amended, provide the authority for one jurisdiction to provide Fire & EMS services to another jurisdiction.

D. SHERIFF'S OFFICE.

The Sheriff agrees to provide the Town with law enforcement services and functions as follows:

1. *State Law.* To enforce applicable laws contained within the Code of Virginia in filing charges and issuing citations for violations within the Town.
2. *Town Law.* To enforce ordinances and laws contained within the Code of the Town of McKenney in filing charges and issuing citations for violations within the Town.
3. *Powers of the Sheriff.* The Sheriff and any Deputy Sheriffs performing law enforcement functions and services under this agreement shall exercise the same powers, right, benefits, privileges and immunities as those of regular Town police officers.
4. *Authority.* Section 15.2-1726 of the Code of Virginia, as amended, provides the authority for a County and Sheriff to enter into an agreement to provide law enforcement services to a Town.

E. ZONING ADMINISTRATOR.

The County agrees to provide the Town with Zoning Administrator Services as follows:

1. *Zoning Enforcement.* To provide use of the County Zoning Administrator for the purpose of enforcing and administering the Town zoning regulations contained in Title 5, Planning and Development, Chapter 2, Subdivision, Zoning Regulations of the Code of the Town of McKenney, as amended, and the collection of relevant fees.
2. *Authority.* Section 15.2-1300 of the Code of Virginia, as amended, provides the authority for one jurisdiction to provide zoning administrator services to another jurisdiction.

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F. TOWN OBLIGATIONS

In addition to any other requirements contained herein, the Town agrees as follows:

1. *Service Quality Input.* To provide the County with constructive input and comments on the performance and quality of the services provided under this Agreement.
2. *Contact Persons.* To designate a person with whom communication is to be made pursuant to the individual sections within this Agreement if other than the person listed in Article VIII.

3. *Provision of Services.* The Town acknowledges and agrees with the providing of services by the County as outlined in this Agreement, and the Town agrees to not unreasonably interfere or restrict the County and its staff in providing such services.
4. *Fee Collection.* The Town acknowledges and agrees that all fees collected by the County under this Agreement may be retained by the County. Such fees shall be set and approved by the Town and approved by the County Administrator.

G. COMPENSATION

The County and Town agree as follows:

1. Animal Control. While this Agreement is in effect the County agrees to provide the Town with the Animal Control Services contained in this Agreement free of charge up to a monthly average of 5 hours per week. Any Animal Control Services provided in excess of the 5 hours per week average must be agreed upon and put into writing by the County Administrator. Any charges for these additional services shall be agreed upon by the County Administrator and Town and put into writing.
2. Building Inspector. While this Agreement is in effect the County agrees to provide the Town with the Building Inspector services contained in this Agreement free of charge up to a monthly average of 5 hours per week. Any Building Inspector services provided in excess of the 5 hours per week average must be agreed upon and put into writing by the County Administrator. Any charges for these additional services shall be agreed upon by the County Administrator and Town and put into writing.
3. Fire & EMS. While this Agreement is in effect the County agrees to provide the Town with the Fire & EMS services contained within this Agreement free of charge.
4. Sheriff. While this Agreement is in effect the County and Sheriff agree to provide the Town with the law enforcement services contained within this agreement free of charge.
5. Zoning Administrator. While this Agreement is in effect the County agrees to provide the Town with the Zoning Administrator services contained in this Agreement free of charge up to a monthly average of 5 hours per week. Any Zoning Administrator services provided in excess of the 5 hours per week average must be agreed upon and put into writing by the County Administrator. Any charges for these additional services shall be agreed upon by the County Administrator and Town and put into writing.

III. Duration and Termination

- A. DURATION. This Interlocal Agreement shall be effective upon execution by the County and the Town and shall remain in full force and effect from the Commencement Date through the Termination Date, and shall be renewed automatically on a Fiscal Year basis, unless either the Town or the County notifies the other in writing of its intent to terminate as provided in Section III-B of this Agreement.
- B. TERMINATION. The County or Town shall have the right to terminate this Interlocal Agreement as of the end of any calendar month by giving ninety (90) days written notice to the County Administrator or Town Manager prior to termination, specifying the date of termination, by certified mail, return receipt requested, or personally delivered to the other party.
- C. MODIFICATION. This Agreement may be modified by further written agreement upon mutual acceptance by both parties.

IV. Liability

The Town hereby binds itself to indemnify, and save harmless the County, its officers, agents or employees, from all suits and actions of every name and description brought against it or them on account of, or by reason of any injury or alleged injury to the person or property of another, resulting from the action or inaction and negligence or

carelessness in the performance of this Agreement. Provided, if the County its officers, agent or employees shall be guilty of gross negligence or intentional negligence, this clause shall not be enforceable.

V. Applicable Law and Venue

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This Agreement shall be construed and interpreted in accordance with the laws of the State of Virginia. In the event of a dispute, venue shall be with a court having jurisdiction in Dinwiddie County.

VI. Severability

If any provision of this Agreement is held to be in conflict with any applicable statute or rule of law, or is otherwise held to be unenforceable, the invalidity of such portion shall not affect or all of the remaining portions of this Agreement.

VII. Entire Agreement

This Agreement constitutes the entire agreement between the parties. Any modifications or amendments to this Agreement shall be in writing and shall be signed by each party.

VIII. Notices and Contacts

Unless otherwise provided for herein, any notice required or permitted to be given under this Agreement shall be provided in writing by mailing first class postage or delivered in person, and notice shall be effective upon such mailing or delivery.

A. Notices to the County required by this Agreement shall be provided to:

Dinwiddie County Administrator
14016 Boydton Plank Road
P.O. Drawer 70
Dinwiddie, Virginia 23841

B. Notices to the Town required by this Agreement shall be provided to:

Town of McKenney Mayor
P. O. Box 309
McKenney, Virginia 23872

C. Notices to the Sheriff required by this Agreement shall be provided to:

Dinwiddie County Sheriff
14230 Sycamore Drive
P.O. Box 120
Dinwiddie, Virginia 23841

Dinwiddie County Administrator

Sheriff of Dinwiddie County

Town of McKenney Mayor

Approved as to form:

County Attorney

Town Attorney

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that it is the consensus of this Board that the matter of the Town of McKenney Agreement be deferred to the October 19, 2006 meeting.

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

Nays: None

12. G. PUBLIC HEARING: DEED OF GIFT – TAX PARCEL #44-8-5 TO COMMONWEALTH OF VIRGINIA

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

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.

At the July 18th Board of Supervisors meeting, the Board voted to accept and approve of the conveyance of .581 acres, described on the attached plat, to the County by Deed of Gift from Bruce and Cathy Bowman, to be used for road construction for the new high school. The deed has not yet been recorded because of an unreleased lien against the property.

VDOT is negotiating with the Bowman's for additional property and will be working through Department of Transportation channels to obtain a release of liens associated with the additional property. VDOT has recommended that ultimately they prefer that all the Bowman property to be used for road construction be transferred to the Commonwealth. In the interest of efficiency, VDOT has suggested that the County transfer the Bowman property to the Commonwealth so that they may obtain a release of the lien attached to the property.

I recommend that the Board of Supervisors convey the 0.581 acre property to the Commonwealth of Virginia.

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

BE IT RESOLVED, by the Dinwiddie County Board of Supervisors, that the Board of Supervisors does hereby approve of the conveyance by Deed of Gift, of .581 acres, known as a part of Tax Parcel #44-8-5, being more fully shown as "0.581 ACRES" on that certain plat labeled "0.581 ACRES OF LAND TO BE CONVEYED TO THE DINWIDDIE COUNTY SCHOOL BOARD LOCATED ON LOT 5 CELEBRITY ESTATES" by the Timmons Group, dated June 16, 2006, to the Commonwealth of Virginia and BE IT FURTHER RESOLVED, that the Board of Supervisors does hereby authorize W. Kevin Massengill, County Administrator, to execute all necessary documents for such conveyance.

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

Nays: None

13.A. OLD / NEW BUSINESS: APPOINTMENTS

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Doretha E. Moody is appointed to the Crater Planning District Commission & Metropolitan Planning Organization for a term that expires September 30, 2007.

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

Nays: None

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Shel Douglas, Director of Social Services, is appointed to the District 19 Chapter 10 Board for a term that expires September 30, 2009.

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

Nays: None

14. CITIZEN COMMENTS

The Chair opened the citizen comment period.

1. Donald Andrews – 19019 Crater Road – Dinwiddie – said that VDOT is opposed to all the entrances to the high school. He said they have closed the one across the road, and would like for the School to close the two that are in front of the high school and use the ones at each end for the bus route. He said that would be more practical. He said he was concerned because he was told that his right-of-way was going to go through the high school property. He said that no one except Mr. Massengill had met with him regarding this. He said he was concerned about the children being in harm's way with the current road plans.

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

CLOSED SESSION

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

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

§2.2-3711 (A (1) Appointments: Planning Commission

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

Nays: None

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

The Board reconvened into open session.

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

Nays: None

CERTIFICATION

WHEREAS, this Board convened in a closed meeting under:

§2.2-3711 (A (1) Appointments: Planning Commission

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

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

Nays: None

15. ADJOURNMENT

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

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

Nays: None

The meeting was adjourned at 9:23 p.m.

Doretha E. Moody, Chairperson

ATTEST: _____

W. Kevin Massengill
County Administrator
Clerk to the Board

/wjn