

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 15TH DAY OF DECEMBER AT 3:00 P.M.

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

ADMINISTRATION

PRESENT: W. KEVIN MASSENGILL, COUNTY ADMINISTRATOR
ANNE HOWERTON, DIVISION CHIEF OF FINANCE AND GENERAL SERVICES
JOHN C. BLAIR II, COUNTY ATTORNEY

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

ROLL CALL

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

4. AMENDMENTS TO AGENDA

There were no amendments to the agenda.

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

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

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

5.A. CONSENT AGENDA: APPROVAL OF MINUTES FOR NOVEMBER 17, 2009 REGULAR MEETING

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the November 17, 2009 Regular Meeting Minutes are approved.

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

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

5. B. CONSENT AGENDA: CLAIMS

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

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

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

CLAIMS 11/13/09 11/20/09 11/23/09 12/1/09 12/4/09 11/30/09

	Void 1071267	Void 1071300	Void 1071522	Void n/a	Void 1071598	Void 1071527	
	1071268- 1071298	1071301- 1071521	1071523- 1071526	1071597	1071599- 1071691	1071528- 1071594	TOTALS
101 - General Fund	\$111,826.59	\$177,587.27	\$20,278.00	\$999.00	\$81,959.80	\$882,258.23	\$1,274,908.89
103 - Jail Commission		\$250.95					\$250.95
105 - Playground Equipment	\$1,909.93						\$1,909.93
202 - Medical Center							\$0.00
209 - Litter Grant Fund							
210 - Community Developmt							\$0.00
226 - Law Library		\$2,499.96			\$486.19		\$2,986.15
228 - Fire Programs & EMS							\$0.00
229 - Forfeited Asset Sharing Program					\$5,074.00		\$5,074.00
301 - School Construction		\$5,991.00					\$5,991.00
304 - CDBG Grant Fund							\$0.00
305 - Capital Projects Fund	\$85,174.85	\$530,914.29			\$19,631.78		\$635,720.92
401 - County Debt Service			\$42,040.00		\$67,600.19		\$109,640.19
3-101 - Revenue		\$370.00			\$85.00		\$455.00
3-202 - Medical Center							\$0.00
3-305	\$30,318.12						\$30,318.12
TOTALS	\$229,229.49	\$717,613.47	\$62,318.00	\$999.00	\$174,836.96	\$882,258.23	\$2,062,359.07

5. C. CONSENT AGENDA: SCHOOL BOND REQUISITIONS FROM PROJECT FUND:HS-57; ES-60; FH-12

The Board received the following requisitions from William David Clark, Acting Superintendent of Schools. These requisitions were approved by the School Board at their meeting on Tuesday, December 9, 2009.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$102,777.62 from the VPSA 2007 Bonds, is approved.

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

Nays: None

No. HS -57

REQUISITION FROM THE PROJECT FUND

Note/Bond Account

Industrial Development Authority of Dinwiddie County, Virginia
VPSA 2007 Bonds

TO: PFM Asset Management

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

DATE: December 9, 2009

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

<u>AMOUNT</u>	<u>TO</u>	<u>PURPOSE</u>
\$ 102,777.62	Kenbridge Construction Co., Inc.	Application for Payment No. 41
\$ 102,777.62	TOTAL OF THIS REQUISITION	

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$10,443.63 from the VPSA 2007 Bonds is approved.

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

No. ES-60

REQUISITION FROM THE PROJECT FUND

Note/Bond Account

Industrial Development Authority of Dinwiddie County, Virginia
VPSA 2007 Bonds

TO: PFM Asset Management

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

DATE: December 9, 2009

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

<u>AMOUNT</u>	<u>TO</u>	<u>PURPOSE</u>
\$ 10,443.63	Kenbridge Construction Co., Inc.	Application for Payment No. 39
\$ 10,443.63	TOTAL OF THIS REQUISITION	

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$3,220.00 from the VPSA 2007 Bonds is approved.

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

No. FH-12

REQUISITION FROM THE PROJECT FUND

Note/Bond Account

Industrial Development Authority of Dinwiddie County, Virginia
VPSA 2007 Bonds

TO: PFM Asset Management

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

DATE: December 9, 2009

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

<u>AMOUNT</u>	<u>TO</u>	<u>PURPOSE</u>
\$ 3,220.00	Moseley Architects	Architectural Services -Bidding
\$ 3,220.00	TOTAL OF THIS REQUISITION	

6.A. REPORTS: CRATER SMALL BUSINESS DEVELOPMENT CENTER

Sherry Maguire, Director for the Farmville office, introduced Ms. Pat Hood, who took over as Director at the end of 2008. Ms. Maguire stated that the SBDC has been in existence through Longwood University for twenty years as a partnership between the Small Business Administration, Longwood University and localities who have supported them financially through the years. They provide business planning assistance, financial analysis assistance, and one-on-one counseling for new and existing businesses. She stated that they function as an addition to the County's economic development team. She stated that the County not only receives the services of the Crater office but also all five of Longwood's offices because they operate as a team.

Ms. Hood stated that they conduct a lot of training classes. They try to do classes geared to small business to help them in areas in which they need help. They also offer free on-line classes to small business through a grant received by SBDC.

Mr. Stone asked if they were seeing more clients in 2009 versus 2008 because of the economy; whether they were seeing more existing businesses than start up business; whether the SBDC had received any additional money from the Stimulus package; and whether any of the localities that are involved with SBDC have business incubators.

Ms. Hood answered absolutely they had seen more in 2009 and more were existing businesses who needed help with a business plan. They did not receive any additional monies from the Stimulus. Also, Ms. Maguire answered that there is a small business incubator in Nottoway County.

Mr. Moody asked if they go over the business plan with small business owners individually to help them.

The answer was definitely – that they usually spend approximately five hours with the client.

6.B. REPORTS: PETERSBURG AREA REGIONAL TOURISM

David Schulte, Executive Director of Petersburg Area Regional Tourism (PART) thanked Mr. Massengill, County Administrator, for his service on the PART Board since their inception in 2006. Will Greene, the CEO of Pamplin Historical Park, also serves on the Board and had hoped to be present at the meeting but was in the process of a move. He stated that tourism is Virginia's second largest industry and is

important to Dinwiddie County. In 2008 according to the Virginia Tourism Cooperation, they estimate that visitors spent over \$11.6 million in Dinwiddie County businesses. Even though tourism is so large in Virginia, our region continues to receive just about 3% of all visitors' spending in Virginia because we cover such a large area (almost 1,000 square miles). The attractions that PART promotes are widely scattered. The tourism promotion efforts prior to the development of PART in 2006 were fragmented at best. There was also a lack of awareness of individuals working the front lines in hotels, restaurants, and attractions about what there was to see and do throughout the region. One of the first issues tackled was to create a comprehensive website for the entire region. Second was to create the visitors guide. Third was development of a comprehensive DVD tour of the region – a 36 minute long piece that takes a potential visitor by the hand and guides them by the hand through the region's colonial history, the rich and varied civil war history, our African American history, Ft. Lee military history, arts and entertainment, and sports and recreation.

6.C. REPORTS: DEPARTMENT OF TRANSPORTATION

Ray Varney, VDOT Resident Administrator, presented the information below. He stated that they are working on Courthouse Road using State workers. It appears that it will be the next week before it is opened.

THE DINWIDDIE MONTHLY December 2009

The VDOT Petersburg Residency monthly report for Dinwiddie County

Maintenance Items

Accomplished Work Highlights

- Responding to drainage issues.
- Pothole patching and skin patching.
- Machining gravel roads.

Budget Summary for Church Road and McKenney AHQs covering the period from June 25, 2009 through November 30, 2009:

	FY 10 Budget	Spent YTD (\$)	Budget Remaining (\$)	Spent (%)	Spend Plan (\$)	Spend Plan (%)	Ahead (-) /Behind(+) (\$)
Church Road AHQ	\$1,450,608.17	\$631,352.84	\$819,255.33	43.5	\$717,972.36	87.9	\$86,619.52
McKenney AHQ	\$1,631,281.11	\$656,759.20	\$974,521.91	40.3	\$840,436.47	78.1	\$183,677.27

Construction Projects

Ongoing Projects:

- There are currently no on going construction projects in Dinwiddie County. Intersection improvements at River Road and Ferndale Road are scheduled to begin soon.

Preliminary Engineering Items

Active Project Status (only active projects depicted)

Non-Maintenance Funded Projects:

River Road Intersection Improvements at Ferndale – This project was advertised in November. The bids came in under the engineer's estimate. This project should move forward to construction in early 2010. UPC 61294.

Route 1 Intersection Improvement at Cox Road – This project will make improvements to the intersection. Total project cost is estimated to be \$6,354,000. It is unclear if there are sufficient funds to take this project through construction. A citizens' information meeting has been schedule for December 17, 2009 at the Southside Virginia Training Center in the gymnasium. Scheduled advertisement for construction is 12/17/13. UPC 73268

Route 601 (Ferndale Road) Intersections Improvements at Cox Road - This project will make improvements to the intersection. Total project cost is estimated to be \$4,844,000. It is unclear if there are sufficient funds to take this project through construction. A citizens' information meeting is scheduled for December 17, 2009, at the Southside Virginia Training Center. Scheduled advertisement for construction is 4/29/14. UPC 80993

District Maintenance Funded Projects:

Route 1 NB Bridge Superstructure Replacement – This project will replace the bridge from the piers up. It will require a shift in the traffic to the opposite side of Route 1. Project design is just beginning. \$1,600,000 in additional funding is needed in FY 11 from the Federal Bridge Funds. Total project costs are currently estimated at \$2,700,000. Advertisement is scheduled for 1/11/2010. UPC 93287

I-85 District Wide Bridge System Preservation Project – This project will make repairs to some of the bridges on I-85, including bridge(s) in Dinwiddie County. Project design is just beginning. \$1,800,000 in additional funding is needed in FY 11 from the Federal Bridge Funds. Total project cost is currently estimated at \$1,800,000. Advertisement is scheduled for 7/10/2010. UPC 89383

Route 226 over NSRR – This project will do maintenance on the bridge. Project design is just beginning. \$1,940,000 in additional funding is needed in FY 11 from the Federal Bridge Funds. Total project costs are currently estimated at \$1,940,000. Advertisement is scheduled for 12/31/2010. UPC 89379

PM-4C-10 – RAAP – Federally Eligible Project – Plant mix primary roads that are federally eligible. Routes in Dinwiddie are Cox Road from Route 460 to Sunset Drive and Route 460 from a location near Coleman Lake Road to a location near Courthouse and from a location near Pine Hill Road to a location near Butterwood Road. Scheduled Advertisement is January 2010. UPC 94461 (Note, this is the District funded portion of this contract. The Residency funded portion of this contract is shown below.)

Concrete Pavement Patching – I-85 – Concrete patching on I-85 will go from Mile Marker 40.18 (near the Nottoway County line) to Mile Marker 61.44 (460 Exit), as the budget allows. Scheduled Advertisement is 12/08/2009. UPC 94039

Residency Maintenance Funded Replacement Projects:

PL6 – Pipe Culvert Replacement – SAAP Non-federally eligible project. Replace pipe culverts on Wheeler's Pond Road and Perkins Road in Dinwiddie County. It also includes pipes in Prince George County. Road closures with detours are likely. Project scheduled has changed due to funding issues. Advertisement date 3/23/2010. UPC 94319

O44 – Pipe Culvert Replacement – RAAP – Federally eligible project. Line four pipe culverts on Namazine Road over Whippernock Creek and replace one culvert under Route 1 just south of Airport Road. It also includes pipes in Prince George County. Road closures with detours are likely. Project has been delayed for funding issues. Schedule has changed due to funding. Scheduled Advertisement 5/25/10. UPC 94317

PM-4C-10 – RAAP – Federally Eligible Project – Plant mix for higher volume, federally eligible secondary routes. Routes in Dinwiddie are Courthouse Road from 0.13 miles east of White Oak Road to Route 460 and Carson Road from Route 1 to bridge over the old railroad track. Scheduled Advertisement January 2010. UPC 94461

Route 609 (Old Stage Road) Culvert Replacement – Rains during the week of November 30 damaged both culverts under Old Stage Road 1.1 miles north of Courthouse Road. The culvert will have to be replaced. We are currently evaluating if they can be replaced by State Forces or if they must be bid to the public. The road will be closed until further notice.

Route 618(Halligan Park Road) Culvert Replacement – Rains during the week of November 30 damaged the culvert under Halligan Park Road 0.08 miles south of Baugh Road. The culvert will have to be replaced. We are currently evaluating if it

can be replaced by State Forces or if it must be bid to the public. The road will be closed until further notice.

Route 627 (Courthouse Road) Culvert Replacement – Both culverts about 0.8 miles south of Browns Road will be replaced. State Forces began work on December 7 and are scheduled to complete the work by December 18, 2009. The road will be closed until the work is complete.

Future Funding

All items in this report are subject to change or cancellation based on funding.

Items from the Last Board Meeting

Route 650 near the intersection with Route 610 – With the saturated ground conditions we are facing, repair to the ditch line will have to wait until much drier weather.

Dead animal at Waste Site – No dead animal was found within the right of way.

Potholes on I-85 coming out of Petersburg – Pot holes have been repaired.

Mr. Talmage stated that something needs to be done with the shoulders on Boisseau Road. He said the ditches are deep and there are no shoulders.

Mr. Varney stated that he did not disagree, that wider shoulders were needed but he did not know the mechanism that they could use to make that happen. He stated that he did not know where else to go for funding to make those types of improvements.

Mr. Clarke, Acting Superintendent of Schools, made the statement that they were concerned about the road as well. He said they will be looking at their bus route to see if they can make some changes; however, the shoulder is bad. He said he didn't know if any maintenance money would be available to address the fact that with the rains, the shoulder was giving away in the first curve.

Mr. Varney said that with maintenance money you can repair what you have, but cannot increase the investment. They could repair the shoulder, but could not construct new shoulders.

Mr. Stone asked for clarification regarding the first item on Mr. Varney's report under District Maintenance, Funded Projects - Route 1 NB Bridge Superstructure Replacement. He asked if that is the one on Route 1 south of the Pamplin Administration Building.

Mr. Varney answered that it is.

Mr. Stone asked if the residency has a list of bridges and the priorities in which they will be fixed.

Mr. Varney stated that he will email that list to Mr. Massengill or to the clerk to the Board.

Mr. Massengill, County Administrator, asked for clarification regarding what Mr. Varney had said about Boisseau Road. He asked if in Mr. Varney's opinion was the road as it exists now deficient.

Mr. Varney responded that as long as you drive on the pavement, no.

Mr. Massengill asked if the lack of funding was the only reason it could not be fixed.

Mr. Varney answered that would he fix it if he could. That the answer would be yes, primarily because now there is a high school at the end of it that was not there before. He stated that has changed the dynamic of what is happening on that road. Now there are more people using it and buses are using it. He said without a clear road for recovery, if a driver makes a mistake on the road then there is a problem.

Mr. Massengill stated that the origin of his question was that he did not want to send a clear message to the people of the county that the road is unsafe or that there are deficiencies and that if we had more money we would be fixing it – unless that is truly the case. If there are other things, such as enforcement, then perhaps the Sheriff's office could offer a greater presence. He said that the Sheriff has more deputies there at the times at which the traffic is most intense. He said that if things like that can be done to slow people down as an intermediate step to a solution, then they should be done.

Mr. Varney said the road came into the system, as so many of the secondary roads, early on and was never designed. It came into the system in 1932 and was probably a wagon trail to begin with.

Mr. Massengill asked if this would be a qualifying project for the revenue sharing program.

Mr. Varney answered yes.

Mr. Stone asked whether just the bridge would qualify or the road.

Mr. Varney answered the bridge or the road; you could do both or either.

Mr. Stone stated that he was troubled because in a little over three years Mr. Varney had done a 180. When discussion had begun about building the two schools, he said he had gone to him (Mr. Varney) with concerns regarding the bridge because it has always been a known shortcut for kids from the northern end of the county to get to the high school. He said that Mr. Talmage has brought up time and time again the speed limit, and that he (Mr. Stone) had tried more than once to get it made a connector or corridor so that the whole thing was striped.

Mr. Varney said that connector wasn't so much the issue to put lines on the road, that it is traffic volume.

Mr. Varney stated that it was his understanding that every locality that requested revenue sharing funds this year was awarded revenue sharing funding – less than requested, but they were awarded. Those would be state funds. In order to use federal funds on a road, it has to be a collector or higher volume roadway. Bridges, if they are deficient either structurally or functionally, can get federal dollars for them even if the road itself doesn't qualify for federal funding. He stated that it could certainly be requested that the transportation planning folks look at Boisseau to see if it now qualifies as a collector. He said then it would qualify for federal funding if there are state dollars to match it.

Mr. Stone stated that the way one of Mr. Varney's answers was worded he was inclined to think that the County could include an entire road improvement to Boisseau Road as part of the County's cash proffer calculation because of growth.

Mr. Massengill stated he thought it would be important for him, Mr. Varney, the Sheriff and Mr. Clark to sit down and discuss what could be done.

Mr. Haraway asked Mr. Varney if at the citizen's information meeting scheduled for the next Thursday night whether VDOT would be proposing a roundabout for the Ferndale Road intersection.

Mr. Varney answered no. He said that VDOT has recommended to the Board of Supervisors that they take that option. They are recommending the roundabout; but they are looking to the Board for direction. He said they are providing the public information about the roundabout in general; and about how that roundabout in particular would be designed. He said that if it is something the public can support, then hopefully it will be something the Board can support allowing VDOT to move forward.

Mr. Haraway made the point that it was important that the citizens understand that VDOT is recommending a roundabout and it will be up to the citizens Thursday night to make their point if they disagree. He stated that he wanted the public to know that this was their opportunity to voice their opinion.

Mr. Haraway asked whether VDOT was indeed not recommending a roundabout further down at the Route 1 intersection.

Mr. Varney stated that based on dollar values and based on the improvement that can be done at that particular intersection; VDOT is not recommending a roundabout at the Route 1 intersection.

Mr. Varney stated that the scheduled meeting is solely an informational meeting. Citizen comment will be solicited if there is a public hearing scheduled for the roundabout to go forward.

Mr. Haraway stated that there is a problem on Oxford Drive where an owner blew his leaves out of his front yard and covered the road. He said that close to half the road is covered with leaves. He said that at the time they were told there was nothing they could do about it. He asked if there was anything new on the subject.

Mr. Varney stated that he had communicated with the Sheriff explaining the situation and asking if there was anything he could do. The Sheriff drove out to look at it and agreed that it was not a safe situation. The property owner was not at home but he left word with the person who was there that the leaves needed to be removed from the road.

6.E. REPORTS: PROPOSED NOISE ORDINANCE

The Board received the information below from John C. Blair II, County Attorney.

The Virginia Supreme Court recently ruled that the City of Virginia Beach's noise ordinance is unconstitutional. Dinwiddie County's noise ordinance is nearly identical to the Virginia Beach ordinance.

In order for the County to enjoin noise violations, the Board of Supervisors will need to enact a new ordinance.

The Chesterfield County Board of Supervisors recently enacted the attached ordinance. This ordinance will be a starting point for Dinwiddie County's own noise ordinance. Staff intends to solicit comment from the Board before presenting the noise ordinance for your formal consideration at a public hearing in February.

Mr. Blair asked for input from the Board and from citizens.

Mr. Massengill stated that there really needed to be time spent on the crafting of this ordinance. He said that also from the Sheriff and Commonwealth Attorney there was a desire to move forward as expeditiously as possible. He stated that he was recommending that this issue be discussed more in length either before or after the organizational meeting the first Tuesday in January in order to have something out there for public hearing.

Mr. Moody stated that there could be a concern by the people in the business of timbering as not being able to start early could be a problem.

Mr. Stone stated that on Item D as a lot of the gas stations around where he works in Richmond have infomercials that run over the sound systems, this could be a problem. He said he knew that there is one in the northern end of the county that does that.

It was the consensus of the Board to come in early to the January 5th meeting in order to hold a workshop regarding the noise ordinance.

Chesterfield Ordinance: (as an example)

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF CHESTERFIELD,
1997, AS AMENDED, BY REPEALING SECTIONS 14-26 AND 14-28 AND
AMENDING AND RE-ENACTING SECTION 14-27 RELATING TO NOISE

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

(1) *That Sections 14-26 and 14-28 of the Code of the County of Chesterfield, 1997, as amended, are repealed and Section 14-27 is amended and re-enacted to read as follows:*

Sec. 14-26. Reserved.

Sec. 14-27. Loud noises prohibited.

It shall be unlawful for any person:

- (a) to use, operate or play any radio, phonograph, television, record, compact disc or tape player, musical instrument, loudspeaker, sound amplifier or other machine or device capable of producing or reproducing sound in such a manner or with such volume or duration that it is plainly audible between 12:01 a.m. and 7:00 a.m. (i) inside the confines of the dwelling unit, house or apartment of another person or (ii) at fifty (50) or more feet from the device, except for devices permitted to be used at public parks or recreation fields, sporting events, school-sponsored activities on school grounds, or duly authorized parades, public functions or commemorative events.
- (b) to allow noise between the house of 12:01 a.m. and 7:00 a.m. that is plainly audible either inside the confines of the dwelling unit, house or apartment of another person or at fifty (50) or more feet when the noise is generated from a gathering of ten or more people.
- (c) to allow any animal or bird except farm animals in agricultural districts to create noise such that it is plainly audible at least once a minute for 10 consecutive minutes (i) inside the confines of the dwelling unit, house or apartment of another; or (ii) at fifty (50) or more feet from the animal or bird.
- (d) to operate, install, have, or permit on the outside of any store, shop, business establishment, warehouse or commercial building, any loudspeaker or other sound-producing or reproducing device capable of emitting music, noise, sounds, tapes or voice in such manner that it is plainly audible on any public sidewalk or street unless it is used only intermittently for announcing or paging an individual or unless it signals the ringing of a telephone, danger from smoke, a fire or a burglary or the beginning or stopping of work or school, or unless it is operated in accordance with conditions of zoning.
- (e) to play or permit the playing of any radio, stereo, tape player, compact disc player, loud speaker or other electronic device or mechanical equipment used for the amplification of sound, which is located within a motor vehicle and which is plainly audible from outside the motor vehicle at a distance of 50 feet or more from the vehicle. This provision shall not apply to sirens, loud speakers and emergency communications radios in public safety vehicles, nor shall it apply to motor vehicle alarms or other security devices.
- (f) to create plainly audible noise in residential areas between 10:00 p.m. and 5:00 a.m. in connection with the loading or unloading of refuse, waste or recycling collection vehicles.
- (g) to create plainly audible noise in residential areas between 10:0 p.m. and 7:00 a.m. in connection with lawn care, leaf removal, gardening, tree maintenance or removal and other landscaping, lawn or timbering activities.
- (h) Violations of this section shall constitute a misdemeanor punishable by a fine of not less than \$100 nor more than \$500.

(Code 1978, § 15.1-25)

Cross references: Unnecessary noise in operation of motor vehicles § 13-15; zoning, ch. 19.

State law references: Authority to regulate noise, Code of Virginia §§ 15.2-917, 15.2-919.

Sec. 14-28. Reserved.

7.A. ACTION ITEM: EVELYN ABRAHAMS SCHOLARSHIP RESOLUTION

The Board received the memo below from John C. Blair II, County Attorney.

In 1998, Dinwiddie County agreed to serve as Trustee for the Robert B. Pamplin, Sr. Charitable Remainder Annuity Trust.

As Trustee, the County supervised the assets of the Trust. As part of the Trust Agreement, the death of Robert B. Pamplin Sr. results in the termination of the Trust. Mr. Pamplin passed away on June 24, 2009.

Pursuant to the Trust Agreement, the assets of the Trust are to be distributed from the Dinwiddie County Board of Supervisors to the Evelyn Abrahams Scholarship Fund at Dinwiddie High School.

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

WHEREAS, the Dinwiddie County Board of Supervisors agreed to serve as Trustee of the Robert B. Pamplin Sr. Charitable Remainder Annuity Trust in 1998; and

WHEREAS, the unfortunate passing of Robert B. Pamplin Sr. occurred on June 24, 2009; and

WHEREAS, Mr. Pamplin's death terminated the Robert B. Pamplin Sr. Charitable Remainder Annuity Trust.

NOW THEREFORE, be it resolved by the Dinwiddie County Board of Supervisors that the remaining assets of the Robert B. Pamplin Sr. Charitable Annuity Trust be distributed to and retitled in the name of the Evelyn Abrahams Scholarship Fund at Dinwiddie High School.

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

Nays: None

7.B. ACTION ITEM: MANDATORY DIRECT DEPOSIT POLICY

The Board received the memo below from Gail Vance, Human Resources Director.

BACKGROUND

This administrative policy establishes the purpose and procedures which govern mandatory direct deposit of employee's monthly paychecks. All Dinwiddie County employees will be required as a condition of employment to participate in direct deposit. Employees who are unable to have an account at a financial institution can elect to use a "paycard", which functions similar to a debit card. For the time being, employees will continue to receive the current paper paystub. However, in the spring we hope to implement an electronic paystub, and we will provide training to assist with that transition. Direct deposit promotes automation and streamlines efficiencies by offering employees faster access to their pay and the additional security, convenience and flexibility of electronic banking. Dinwiddie County Public Schools is also in the process of updating and strengthening their mandatory direct deposit policy.

REQUESTED ACTION

We are asking for approval of the attached Directive 5.0 – Mandatory Direct Deposit. Further, we are requesting authorization to implement and carry out the policy and procedures as set forth in the policy.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the County has established the rules and procedures which will govern Mandatory Direct Deposit, and

BE IT FURTHER RESOLVED that the County Administrator is hereby authorized to implement and carry out the policies and procedures in accordance with the Directive 5.0.

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

Nays: None

7.C. RESOLUTION APPOINTING JASON STEWART AS ZONING ADMINISTRATOR

The Board received the memo below from Mark Bassett, Director of Planning.

With the departure of Christina Greene, Senior Planner/Zoning Administrator, the duties of the Dinwiddie County Zoning Administrator have been performed on an interim basis by Morgan Ingram and the Planning Director. In August 2009, Jason Stewart was hired as Zoning Administrator and has proven his effectiveness and commitment to the County.

§22-18 of the Code of the County of Dinwiddie provides that "the Board of Supervisors shall appoint an administrator" to enforce Chapter 22 (Zoning) of the Code of the County of Dinwiddie, and §15.2-2286(A)(4) of the Code of Virginia, 1950, as amended provides that a zoning ordinance may include "for the administration and enforcement of the ordinance including the appointment or designation of a zoning administrator" and sets out specific powers of authority for such administrator.

To that end, I recommend approval of the attached Resolution appointing Jason Stewart as Dinwiddie County Zoning Administrator, to be effective on December 16, 2009.

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

RESOLUTION

**APPOINTMENT OF JASON STEWART
AS DINWIDDIE COUNTY ZONING ADMINISTRATOR**

WHEREAS, upon the departure of Christina Greene, Director of Planning Mark Bassett was appointed as Zoning Administrator for Dinwiddie County and has served in this capacity since February 17, 2009; and

WHEREAS, Jason Stewart was hired on August 20, 2009 and is currently serving the County in the position title of Senior Planner/Zoning Administrator and has proven his effectiveness and commitment to the County;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that Jason Stewart is hereby appointed in accordance with §22-18 of the Code of the County of Dinwiddie and §15.2-2286 of the Code of Virginia, 1950, as amended, to the position of Dinwiddie County Zoning Administrator, such appointment to become effective immediately, and shall assume all responsibilities and have all powers as allowed in the Code of Virginia, 1950, as amended and the Code of the County of Dinwiddie.

BE IT FURTHER RESOLVED, that the Board of Supervisors does hereby authorize the County Administrator to set the compensation for the Dinwiddie County Zoning Administrator in accordance with Dinwiddie County compensation plan and classification system.

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

Nays: None

8. CITIZEN COMMENTS

The Chair opened the citizen comments period.

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

9. COUNTY ADMINISTRATOR COMMENTS

W. Kevin Massengill, County Administrator discussed the following: he and staff are working on a master calendar for 2010; Mr. Massengill thanked the Dinwiddie County Chamber Commerce for the Christmas Parade sponsored by them the previous weekend; he expressed appreciation for the collaboration of Dinwiddie Fire &

EMS, the Sheriff's Office, the School System and VDOT as they responded and handled the school bus accident that occurred the previous Friday.

10. BOARD MEMBER COMMENTS

Mr. Stone asked the Division Chief of Finance and General Services for a follow up to him at a later date regarding the collection procedure. He thanked the Director of IT, Norman Cohen, and his staff, Jim Frashure and Jeremy Hodo for the work they accomplished regarding facilitating the Board pack being available to the public on the website. He directed that the same thing be done for the Planning Commission and the Board of Zoning Appeals. He recommended that the School Board and the Industrial Development Authority adopt the same method. He suggested that if the School Board IT department made this available it would eliminate the need for ongoing maintenance fee of the present method of placing their board packs on their website.

Mr. Stone also suggested using a portion of Rohoic as a business incubator. He asked about updates to the website and GIS aerials.

Mr. Moody stated that he would need to vacate the meeting during the last public hearing because of a conflict of interest. Therefore, he stated that he had a reappointment and a recommendation that he would make during this portion of the meeting.

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

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia hereby recommends to the Circuit Court Judge that Thelma B. Jones be reappointed to the Dinwiddie County Board of Zoning Appeals, for a term beginning January 1, 2010 and expiring December 31, 2014.

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

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Chris Tavenner is reappointed to the Dinwiddie County Airport Industrial Authority for a term beginning February 1, 2010 and ending January 31, 2013.

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

11. CLOSED SESSION:

At 4:31 p.m. upon motion of Mr. Moody, seconded by Mr. Stone,

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

- a. §2.2-3711 (A) (1) Personnel Matters
 - Appointments
 - Dinwiddie County Board of Zoning Appeals
 - Dinwiddie County Airport Authority
 - Dinwiddie County Industrial Development Authority
 - Dinwiddie County Planning Commission
 - Personnel
 - Evaluation County Administrator
 - Evaluation County Attorney
- b. §2.2-3711 (A) (5) Business and Industry Development:
 - Prospective Business & Industry

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

At 7:00 p.m. upon motion of Mr. Stone, seconded by Ms. Moody the Board reconvened into open session.

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

CERTIFICATION

WHEREAS, this Board convened in a closed meeting under:

- a. §2.2-3711 (A) (1) Personnel Matters
 - Appointments
 - Dinwiddie County Board of Zoning Appeals
 - Dinwiddie County Airport Authority
 - Dinwiddie County Industrial Development Authority
 - Dinwiddie County Planning Commission
 - Personnel
 - Evaluation County Administrator
 - Evaluation County Attorney
- b. §2.2-3711 (A) (5) Business and Industry Development:
 - Prospective Business & Industry

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

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

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

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

7:00 P.M.

12. A. PUBLIC HEARING: PROPOSED ORDINANCE REQUIRING CRIMINAL HISTORY REVIEW OF CERTAIN COUNTY EMPLOYEES AND VOLUNTEERS

John C. Blair II, County Attorney, presented the information below.

The Chair opened the public hearing in this matter.

1. John Wamsley – 2619 Oxford Drive – Sutherland – said he thought it was good that new employees would have a criminal background check. He said it looked as though the new employees have to fit the criteria. He said he thought the current employees should be checked as well.

W. Kevin Massengill, County Administrator, stated that everyone who is currently employed by the County has had a criminal background check.

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

The attached ordinance provides that all new volunteers and employees of Dinwiddie County will be required to undergo a criminal background check. All current employees will be required to submit to a criminal background check if they are transferred or promoted. All current volunteers will also submit to the criminal background check. This check will assist the Human Resources Director in selecting candidates for vacancies.

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

BE IT ORDAINED by the Dinwiddie County Board of Supervisors that the attached ordinance to augment the Code of the County of Dinwiddie by adding Section 2-200, *Criminal background check required as a condition of service to the county*, is adopted as presented.

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

**AN ORDINANCE TO AMEND THE
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,
BY ADDING SECTION 2-200, CRIMINAL BACKGROUND CHECK REQUIRED AS A
CONDITION OF SERVICE TO THE COUNTY,
CHAPTER 2, ADMINISTRATION,
ARTICLE V. HUMAN RESOURCES**

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

(1) *That Chapter 2 of the Code of the County of Dinwiddie, 1985, as amended, is amended by inserting the following language shown underlined:*

Sec. 2-200. Criminal background check required as a condition of service to the county.

(a) In accordance with Section 19.2-389 of the Code of Virginia, the board of supervisors of the county hereby finds that, in the interest of public welfare or safety, it is necessary to determine if the past criminal conduct of a person with a conviction record, who desires to serve the county, would be compatible with the nature of the service to the county under consideration.

(b) In order to carry out this policy, the county shall require a criminal background history review of all persons selected for employment with the county, all current employees of the county selected for promotion or transfer to another position within the county, and all persons volunteering service to and on behalf of the county, as a condition of each person's initial or continued service to the county. The criminal history review shall be conducted in accordance with the applicable provisions of federal, state and local law, including but not limited to Sections 19.2-389, 15.2-1503.1 and 15.2-1505.1 of the Code of Virginia.

(c) The county shall use, maintain, disseminate, and destroy criminal history review information as required by applicable federal, state and local law.

(d) The county's grievance policy shall apply to actions taken pursuant to this section.

(e) The county's administrator is authorized to promulgate forms and procedures for the purposes of implementing and administering this policy.

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

12.B. PUBLIC HEARING PROPOSED ORDINANCE IMPOSING THE ANNUAL VEHICLE LICENSE TAX ON VEHICLES SITED IN THE COUNTY ON JANUARY 1 OF THE APPLICABLE TAX YEAR

John C. Blair II, County Attorney, presented the information below.

The Chair opened the public hearing in this matter.

1. John Wamsley – 2619 Oxford Drive – Sutherland – asked if he bought a vehicle January 30th and kept his old vehicle how would it work.

Mr. Haraway stated that currently he would have to buy another tag if he kept his old vehicle.

Mr. Jones, Treasurer of Dinwiddie County, stated that the proration issue is the same. The license tax would only be assessed on those vehicles as they are registered on January 1. The \$20 fee would not be paid until the following year.

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

The ordinance before the Board is the same document presented at the December 1, 2009 Board of Supervisors' Work Shop Meeting.

The ordinance will change the current vehicle license taxation treatment of motor vehicles. The new ordinance will impose a vehicle license fee on all motor vehicles, not subject to current exemptions, that are normally garaged, stored or parked in Dinwiddie County on January 1 of each year.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that the attached Ordinance to amend the Code of the County of Dinwiddie by amending Section 14-17, *Required; exceptions*, is adopted as presented.

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

Nays: None

**AN ORDINANCE TO AMEND THE
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,
BY ADDING SECTION 2-200, CRIMINAL BACKGROUND CHECK REQUIRED AS A
CONDITION OF SERVICE TO THE COUNTY,
CHAPTER 2, ADMINISTRATION,
ARTICLE V. HUMAN RESOURCES**

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

(1) *That Chapter 2 of the Code of the County of Dinwiddie, 1985, as amended, is amended by inserting the following language shown underlined:*

Sec. 2-200. Criminal background check required as a condition of service to the county.

(a) In accordance with Section 19.2-389 of the Code of Virginia, the board of supervisors of the county hereby finds that, in the interest of public welfare or safety, it is necessary to determine if the past criminal conduct of a person with a conviction record, who desires to serve the county, would be compatible with the nature of the service to the county under consideration.

(b) In order to carry out this policy, the county shall require a criminal background history review of all persons selected for employment with the county, all current employees of the county selected for promotion or transfer to another position within the county, and all persons volunteering service to and on behalf of the county, as a condition of each person's initial or continued service to the county. The criminal history review shall be conducted in accordance with the applicable provisions of federal, state and local law, including but not limited to Sections 19.2-389, 15.2-1503.1 and 15.2-1505.1 of the Code of Virginia.

(c) The county shall use, maintain, disseminate, and destroy criminal history review information as required by applicable federal, state and local law.

(d) The county's grievance policy shall apply to actions taken pursuant to this section.

(e) The county's administrator is authorized to promulgate forms and procedures for the purposes of implementing and administering this policy.

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

12.C. PUBLIC HEARING: CONDITIONAL USE PERMIT, C-09-2

Mr. Moody excused himself before the presentation of this case.

Mark Basset, Director of Planning, presented the information below to the Board. He stated that the Planning Commission Chair, Sam Hayes, was present for any discussion or questions.

The Chair opened the public hearing in this matter.

Mr. Wamsley was signed up to speak but chose not to.

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

Please find the attached Planning Commission materials for Conditional Use Permit request, C-09-2, (applicant, First Management Company, LLC) that was heard at the November 12, 2009 Planning Commission meeting and is to be heard at the December 15, 2009 Board of Supervisors' Public Hearing. Harrison A. and Deborah L. Moody, doing business as Hidden Treasures at Green Meadow Farm, Agent, Larry Hixson are requesting a Conditional Use Permit on parcels containing approximately 160 acres to operate an educational retreat center and banquet facility. After the Planning Commission heard the request and held the Public Hearing, the Planning Commission recommended approval with conditions of the request to the Board of Supervisors by a vote of 7-0.

Planning Commission Report

File #:	C-09-2
Applicants:	Harrison A. and Deborah L. Moody, doing business as Hidden Treasures at Green Meadow Farm, Agent, Larry Hixson
Property Address:	10876 Zilles Road, Blackstone
Tax Map Parcel #,s:	Tax Map Nos. 37-5, 37-3, 37-2, 37-2A, 37-2B, 37-2C, 37-2D, and 37-2E
Magisterial District:	Darvills
Property Size:	Approximately 160 acres
Current Zoning:	Agricultural, General, A-2
P.C. Mtg. Date:	Nov. 12, 2009

CASE OVERVIEW

The applicants, Harrison A. and Deborah L. Moody, doing business as Hidden Treasures at Green Meadow Farm, through their Agent, Larry Hixson, are seeking a conditional use permit to utilize the following described properties for an educational retreat center and banquet facility. The properties are located at 10876 Zilles Road, Blackstone, Virginia 23824. The properties are designated as Tax Map Nos. 37-5, 37-3, 37-2, 37-2A, 37-2B, 37-2C, 37-2D, and 37-2E and are zoned Agricultural, General, A-2, which allows such use upon receiving a conditional use permit. The County Comprehensive Land Use Plan places this property within the Rural Conservation Area which allows limited commercial development at the Ordinance defined density.

CASE ATTACHMENTS

- CUP Application
- GIS Location Map
- VDOT "Low Volume Commercial Entrance Design along Highways with Shoulders"

LAND USE AND ZONING ANALYSIS

The subject property includes the owners' single-family residence, a pool, the multi-use/education building, the existing single-family home place for overnight retreat guests, and the farm related buildings and farm related land uses. The retreat will incorporate all of these land uses and depending on the type of visitors one or all of the uses may be utilized during the retreat event. The single-family home place is to be used mainly for housing small groups i.e., no more than eight persons, who will prepare meals in the home. The surrounding properties' land uses include single-family residential uses and farm related and forestal land uses i.e., cropland, pastureland, forestland. These surrounding properties are zoned A-2, Agricultural General.

As designated by the Comprehensive Land Use Plan, the subject property is within the Rural Conservation Area which allows limited commercial development. The A-2,

Zoning District allows an “educational retreat center” as a conditional use, and the uses that are requested under this conditional use permit, the residential retreat center and educational facility are considered educational retreat related uses.

OVERVIEW OF IMPACTS

Public Utilities, & Public Safety Impacts

The existing facilities utilize on-site well and septic systems. The existing public safety infrastructure is capable of servicing the proposed use.

Transportation Impacts

There are no major impacts on the existing transportation network. The subject property has two potential entrances on Zilles Road, and the number of trips generated by the proposed use on the subject property will be based on the type of event and these events will normally not be taking place during morning and evening peak hours with many of the events taking place on weekends. Additionally, the retreat users will be coming to the property and remaining on the property for the duration of the retreat event. Furthermore, with Zilles Road accessing directly off of Highway 460, the road system in this particular area is adequate to handle the limited traffic generated by the subject use.

Concerning the entrance into the proposed use, VDOT is recommending that the owners upgrade the entrance to meet the “Low Volume Commercial Entrance Design along Highways with Shoulders” (see Attached Entrance Design). At the request of the owners, VDOT staff is reviewing the recommendation for upgrading the entrance to meet the low volume entrance design. Under the recommended “Conditions” for approval of the subject Conditional Use Permit, it is recommended that the owners shall comply with all related State Code requirements, which would include the VDOT entrance permit standards.

SITE AND USE ANALYSIS

This is an appropriate use of the existing facilities and abundant agricultural open space on the subject property, and given the surrounding land uses, zoning pattern, and access to Zilles Road and Highway 460 the use is appropriately located.

Planning Staff Recommendation:

The Staff reviewed the conditional use permit and is satisfied that the applicant has successfully addressed the impacts of the proposed educational retreat center and banquet facility.

Staff’s recommendation of APPROVAL of the request for a conditional use permit to allow for the use of the existing property and buildings to provide for retreat facilities including temporary housing to corporate, non-profit, government, religious, fraternal organizations, and the general public is subject to the following conditions:

1. The existing buildings utilized as part of the retreat center shall be modified to meet the building code requirements for the applicable use groups as set forth in the Building Code.
2. Any additional site lighting installed shall be directed downward and inward to the site and shall not directly cast light onto the adjoining properties.
3. All related outdoor recreational and all other outdoor activities and events shall be conducted between 6:00 AM and 12:00 AM.
4. Informal outdoor camping is allowed on a temporary basis with no permanent campsites being established.
5. The retreat center and banquet facilities will comply with all applicable federal, state, and local codes.

PLANNING COMMISSION RECOMMENDATION

At the November 12 Planning Commission Public Hearing, the owners’ agent, Mr. Larry Hixson, spoke in favor of the application and indicated that he would answer the Commissioners’ questions. Mr. Hixson addressed a question concerning the recently renovated pool house stating that it was originally used as a horse barn and then renovated to be used as the pool house and now it has been used for family related banquets/gatherings and Church related gatherings. The Commissioners also asked if Mr. Hixson could comment on the frequency of usage of the proposed facility, and

he indicated that the majority of future events would take place during the summer months and on weekends.

Ms. Sara Gibbs who owns property adjacent to the subject properties made comment on the proposed application wanting to know how the request would affect her property, and Mr. Hayes, Chairman, indicated that her property would not be affected or rezoned by this request.

The Planning Commission asked staff what Zoning Ordinance standards would have to be met with this proposed use, and staff indicated that the paved parking and handicap accessibility parking space(s) standards would have to be met in addition to the current building code standards for such use. The VDOT commercial entrance standards were also discussed with the Commissioners agreeing that given the rural character of the properties a paved entrance and a paved parking area should not be required as part of this facility.

In addition to the paved parking and entrance requirements, the Planning Commission discussed placing a maximum limit on the number of persons utilizing the home place and the retreat facility. After lengthy discussion, the Commissioners agreed that the Fire Marshall would regulate the appropriate number of occupants for the retreat/banquet facility (converted pool house), and place a limit on the number of overnight guests utilizing the home place in any given twenty-four (24) hour period. Prior to making its recommendation to the Board of Supervisors, the Planning Commission added the following two additional Conditions to staff's recommended Conditions:

Condition 6- The maximum number of overnight guests at the existing single-family structure shall be eight (8) for any one twenty-four (24) hour period.

Condition 7- This conditional Use Permit shall be reviewed by the Planning Commission of Dinwiddie County every two (2) years from the date of issuance of the permit.

After agreeing on the addition of the two additional Conditions, the Planning Commission voted to recommend approval with Conditions of C-09-2 to the Board of Supervisors by a vote of 7-0.

Mr. Hayes, Chair of the Planning Commission, stated that the only concern they had at their meeting was some concern about the number of folks who would be staying overnight in the single family dwelling. The applicant's agent made it very clear that they didn't intend to have any more than eight. However, the Commission felt that since the condition would follow the property and not necessarily the owner that it was important to establish condition number 6, and the applicant readily agreed to that condition. He said the other thing that several commissioners made a point of speaking to was that they felt having an agricultural retreat/recreation this was a good thing to have in the county. He said that he had advised the applicant and his agent that his professional opinion was that the entrance was fine.

Mr. Stone asked if it was correct that the applicant's representative was not present.

Mr. Bassett stated that was correct; that the applicant had indicated that the representative could not attend the meeting this evening.

Mr. Stone stated that presented a problem as he had numerous questions. He asked what conditions the applicant had put forward.

Mr. Bassett stated that to his knowledge they had not put forward any conditions on the application.

Mr. Stone stated that meant that the Planning Commission had come up with all of the conditions for the conditional use permit.

Mr. Bassett answered yes – staff and the Planning Commission.

Mr. Stone said he wasn't sure how an application that either has errors or is grossly inconsistent got through the Planning Commission to the Board. He stated

that on the first page of the application it appears from this application that they are trying to get 30.44 acres into this CPU.

Mr. Bassett stated that was correct, that the initial application did say that.

Mr. Stone said that staff memo is saying that they want 160 acres included in the CPU.

Mr. Bassett answered yes.

Mr. Stone said that the handouts have 8 tax parcel numbers on them, and the application has 6. He asked what was he trying to consider – 30 acres or 160; 8 parcels or 6 parcels.

Mr. Bassett stated that it was advertised as 160 acres with the 8 tax parcels.

Mr. Stone asked if the applicant had to redo any paperwork.

Mr. Bassett answered no.

Mr. Stone asked the County Attorney how the County takes out a legal notice without the applicant stating what he wants advertised.

Mr. Blair, County Attorney, answered that concerning that issue he believed that the Planning Commission's approved 160 acres as their recommendation.

Mr. Stone asked whether the applicant came before the Planning Commission requesting 30.44 acres and the Planning Commission talked him into going to 160 acres.

Mr. Blair answered no, as did Mr. Bassett. Mr. Bassett stated that staff worked with the applicant on that issue.

Mr. Stone stated that again his question was how the County can take out a legal notice without anything in writing or signed by the applicant stating all the tax parcels that were noticed and the total acreage. He added that if this case were to be denied, the applicant could say that the legal notice was not what he had on his application.

Mr. Blair stated that the legal notice is inclusive of the 30 acres as well, and that a demarcation can be made at this meeting if the Board wished to.

Mr. Stone stated no, he would just like to know what he was supposed to be voting on. He said he had a lot of questions as to what was being done with the other 130 acres and how they tied into a retreat center.

Mr. Bassett stated that the applicant had indicated that they would be utilizing that for educational purposes, farming, the single family home place and possibly temporary camping. They basically want to use the entire farm and incorporate that as part of the retreat for a variety of activities.

Mr. Stone stated that his concern was that with 160 acres on a live farm it becomes a public safety issue. He was concerned about children roaming on the farm.

Mr. Bassett stated that was not discussed with the applicant by staff or at the Planning Commission.

Mr. Stone said also that there are no comparables. He said that with 160 acres and the possibility of camping, etc. was this facility now going to be required to pay transient occupancy tax.

Mr. Massengill stated that he thought it would be a matter of how they set it up.

Mr. Stone also had a question regarding biosolids. He said he had a lot of questions that staff could not answer. He said the applicant's representative may have an answer to every one of his questions, but the representative was not there.

Mr. Talmage made a motion to approve the conditional use permit, and Mr. Stone said he would go ahead and second it.

Mr. Blair stated that he wanted to be clear with Mr. Stone's concerns regarding enforceability. He said he didn't think that he was saying that current laws on the books couldn't be enforced. Of course, they could be. He said he thought Mr. Stone's concern was that public safety wasn't written in as a condition. He said a condition that was not written in could not be enforced.

Ms. Moody asked if it would be wise to table this matter until the next meeting so Mr. Stone's questions could be answered.

Mr. Blair, County Attorney, stated that there had been a motion and it had been seconded so the motion would need to be withdrawn.

Mr. Talmage withdrew the motion to approve.

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

BE IT RESOLVED, that Conditional Use Permit Request, C-09-2 is tabled until the next regular Board of Supervisors meeting with the understanding that the applicant's representative will be present at that meeting in order to answer any concerns of Board members.

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

Nays: None

Absent: Mr. Moody

14. OLD / NEW BUSINESS: APPOINTMENTS

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Daniel D. Lee is reappointed to the Dinwiddie County Planning Commission for a term beginning February 1, 2010 until January 31, 2014.

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

Nays: None

Absent: Mr. Moody

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that John V. Mazza, Jr. is reappointed to the Dinwiddie County Airport Industrial Authority for a term beginning February 1, 2010 to January 31, 2013.

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

Nays: None

Absent: Mr. Moody

15. CITIZEN COMMENTS

The Chair opened the citizen comment period.

1. John Wamsley – 2619 Oxford Drive – Sutherland – requested a “bare bones” budget for 2009-2010. He suggested the Board and the School Board could make Rohoic School a multi-purpose complex. He discussed the ambulance aid program; requested the Board increase the amount of income citizens receive by allowing resident's tax relief; and asked that all “home-sites” be removed from assessments unless there is a home on site.

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

Mr. Haraway asked that the Director of Finance give him a report showing the total cash revenue from the ambulance aid program, and the total expenses so he

would have an idea of what this service is costing the county. He asked that during the budget session this item be discussed.

16. ADJOURNMENT

Upon motion of Mr. Talmage to adjourn, seconded by Ms. Moody,

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

Nays: None

Absent: Mr. Moody

The meeting was adjourned at 7:47 p.m.

Donald L. Haraway
Chairman

ATTEST: _____

W. Kevin Massengill
County Administrator
Clerk to the Board

/wjn