

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 SEPTEMBER 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
	MICHAEL W. STONE	ELECTION DISTRICT #5
	DORETHA E. MOODY	ELECTION DISTRICT #4

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

W. Kevin Massengill, County Administrator, stated that there was a need to amend the agenda to include an Action Item – Surplus of Vehicle #6523-Rescue 82.

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

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

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

5.A. CONSENT AGENDA: APPROVAL OF MINUTES FOR AUGUST 4, 2009 SPECIAL MEETING

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the August 4, 2009 Special Meeting Minutes are approved.

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

CONSENT AGENDA: APPROVAL OF MINUTES FOR AUGUST 18, 2009 REGULAR MEETING

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the August 18, 2009 Regular Meeting Minutes are approved.

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

5. B. CONSENT AGENDA: CLAIMS

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

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

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

CLAIMS	08/11/09	08/14/09	08/14/09	08/21/09	08/31/09	09/02/09	09/04/09	08/31/09	TOTALS
	Void 1070054	Void 1070077	Void 1070168	Void 1070172	Void - n/a 1070334	Void n/a 1070335- 1070336	Void 1070337- 1070438	Void 1070261- 1070333	
	1070055- 1070076	1070078- 1070167	1070169- 1070171	1070173- 1070259					
101 - General Fund	\$24,028.22	\$65,361.90	\$20,143.00	\$218,941.87		\$258.90	\$83,566.57	\$855,404.50	\$1,267,704.96
103 - Jail Commission							\$124.48		\$124.48
105 - Playground Equipment									
202 - Medical Center									\$0.00
209 - Litter Grant Fund									
210 - Community Developmt							\$3,700.00		\$3,700.00
226 - Law Library									
228 - Fire Programs & EMS		\$259.57		\$250.41			\$8,811.82		\$9,321.80
229 - Forfeited Asset Sharing Program		\$450.00					\$4,563.28		\$5,013.28
301 - School Const.				\$211,008.42					\$211,008.42
304 - CDBG Grant Fund		\$0.50							\$0.50
305 - Capital Projects Fund	\$9,499.14	\$173,892.92		\$6,627.56			\$5,147.66		\$195,167.28
401 - County Debt Service			\$42,040.00				\$66,418.48		\$108,458.48
3-101 - Revenue				\$120.00	\$20,854.84		\$1,710.00		\$22,684.84
3-202 - Medical Center									\$0.00
TOTALS	\$33,527.36	\$239,964.89	\$62,183.00	\$436,948.26	\$20,854.84	\$258.90	\$174,042.29	\$855,404.50	\$1,823,184.04

**5. C. CONSENT AGENDA: SCHOOL BOND REQUISITIONS FROM PROJECT FUND:
HS-54; ES-57; FH-10**

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, September 8, 2009.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$246,456.95 from the VPSA 2007 Bonds, is approved.

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

No. HS -54

REQUISITION FROM THE PROJECT FUND

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

Note/Bond Account

Industrial Development Authority of Dinwiddie County, Virginia
VPSA 2007 Bonds

TO: PFM Asset Management

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

DATE: September 8, 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>
\$ 246,456.95	Kenbridge Construction Co., Inc.	Application for Payment No. 38
\$ 246,456.95	TOTAL OF THIS REQUISITION	

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$10,490.08 from the VPSA 2007 Bonds is approved.

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

Nays: None

No. ES- 57

REQUISITION FROM THE PROJECT FUND

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

Note/Bond Account

Industrial Development Authority of Dinwiddie County, Virginia
VPSA 2007 Bonds

TO: PFM Asset Management

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

DATE: September 8, 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>
\$ 10,490.08	Kenbridge Construction Co., Inc.	Application for Payment No. 36
\$ 10,490.08	TOTAL OF THIS REQUISITION	

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$115,961.85 from the VPSA 2007 Bonds is approved.

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

No. FH-10

REQUISITION FROM THE PROJECT FUND

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

Note/Bond Account

Industrial Development Authority of Dinwiddie County, Virginia
VPSA 2007 Bonds

TO: PFM Asset Management

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

DATE: September 8, 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>
\$ 1,669.00	Moseley Architects	Architectural Services - Stadium Lighting Replacement
\$ 28,243.84	Southside Electric Cooperative	Electrical Service Upgrade
\$ 85,500.01	Instrumentation & Control Systems Engineering, Inc.	Stadium Sports Lighting Application 4 – 9/30/09
\$ 549.00	Atlantic Geotechnical Services, Inc.	Stadium Light Poles
\$ 115,961.85	TOTAL OF THIS REQUISITION	

5.D. CONSENT AGENDA: RETENTION SCHEDULE UNDER CODE OF VIRGINIA 58.1-3129A – TREASURER’S OFFICE

The Board received the information below from William E. Jones, Treasurer.

58.1-3129 of the Code of Virginia allows for the destruction of paid Real Estate and Personal Property tax tickets with the authorization of the governing body. Currently, I am retaining paid records from December 31, 1999. I am asking for authorization to destroy records from December 31, 1999 to June 20, 2001.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is given to William E. Jones, Treasurer of Dinwiddie County, to destroy records from December 31, 1999 to June 20, 2001 of paid Real Estate and Personal Property tax tickets as is allowed under 58.1-3129 of the Code of Virginia.

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

6. PRESENTATION: CAROL ROBERTSON

W. Kevin Massengill, County Administrator, presented a plaque to Ms. Robertson in honor of her time of employment with the County. Mr. Massengill stated that Ms. Robertson worked in the Commissioner of the Revenue's office; and that though that office often goes unrecognized; it has been the efforts of employees like Carol Robertson who have maximized the revenue that comes into the county, especially in the area of business licenses. He stated that it gave him great pleasure to recognize Ms. Robertson on behalf of the Board of Supervisors. Mr. Massengill read the plaque:

Carol B. Robertson, with gratitude and appreciation for your many years of dedication in service to Dinwiddie County.

Dinwiddie County Board of Supervisors
June 30, 2009

(June 30th was Ms. Robertson's date of retirement)

After a round of applause from the audience, Ms. Robertson expressed her appreciation. She also expressed appreciation to William Jones, Treasurer, as she had worked for him when she first came to the County. She stated that she had enjoyed working in the Commissioner's Office, and that she had made a lot of friends – not only her co-workers but the business and land use customers as well.

7.A. REPORT: VIRGINIA DEPARTMENT OF TRANSPORTATION

The Board received the information below from Ray Varney, VDOT Residency Administrator.

Maintenance Items

Accomplished Work Highlights

- Mowing operations for Secondaries have begun.
- Mowing operations for Level B roads completed.
- Minor ditching operations based on individual needs.
- Patching and edge line repairs- primarily on the secondaries.

Budget Summary for Church Road and McKenney AHQs and Petersburg Residency covers period through August 24, 2009.

	FY 10 Budget	Spent YTD (\$)	Budget Remain (\$)	Spent (%)	Spend Plan (\$)	Spend Plan (%)	Ahead (-) /Behind(+) (\$)
Church Road AHQ	\$1,450,608.17	\$241,143.86	\$1,209,464.31	16.6%	\$329,003.29	72.90%	\$88,883.77
McKenney AHQ	\$1,631,281.11	\$291,497.08	\$1,339,784.03	17.9%	\$384,653.26	74.8%	\$96,951.45

Construction Projects

Ongoing Projects:

FO)PM04-026-324, N501 (I-85 Patch and Overlay)

- Guardrail, underdrain and asphalt patching operations continue. All work is taking place during night-time hours.
- Fixed Completion Date: 9/22/2009
- Project is On-budget and On-Schedule.

PVMT-964-034,P101,N501 (Concrete Pavement Repair on I-85 and I-295)

- Contactor continues concrete patching on I-295 in Henrico County. Plans are to finish the areas on I-295 prior to moving to I-85 in Dinwiddie County. Due to safety concerns, a double lane closure has been put in place to allow the employees sufficient room to conduct their concrete operations.
- Fixed Completion Date: 10/31/2009
- Project is On-Schedule and projected to completed over-budget for reasons stated above.

Preliminary Engineering Items

Active Project Status (only active projects depicted)

Non-Maintenance Funded Projects:

River Road Intersection Improvements at Ferndale – This project is scheduled to be advertised for construction next month. Actual construction should begin in early 2010. UPC 61294. Mr. Varney stated that except for this project, the rest are subject to budget.

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. 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. 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.)

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. Scheduled Advertisement 12/22/09. UPC 94319

O44 – Pipe Culvert Replacement – RAAP – Federally eligible project. Line four pipe culverts on Namazine Road over Whippnock 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. Scheduled Advertisement 3/09/10. 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

Mill and Replace Damaged Asphalt on Route 460 at the Route 1 Intersection – This project will mill the damaged asphalt on Route 460 at its intersection with Route 1 and replace it with

a stiffer, thicker asphalt to help resist the truck loading at this intersection. Work is scheduled for this month to be done with an on call contractor.

Items from the Last Board Meeting

Dead trees on Route 40 – There are several trees marked for cutting on Route 40. They will be cut under two separate purchase order. One purchase order has been released the other one is holding for additional trees. It is anticipated the second purchase order will be let the beginning of next month.

Future Funding

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

Mr. Varney stated that beginning October 14th, the new access management regulations come out. They are for all roads that are not principal arterials (the rural locals, the collectors and smaller roads). Those new regulations say that VDOT will no longer be required to install culverts at VDOT's cost, i.e., if you have a house to be a constructed and need a permit to get to the road – VDOT will no longer be providing that service at VDOT's cost. The cost would be absorbed by whoever is building the house, or by the contractor or developer – but not by VDOT. He stated that they probably won't be doing them at all.

Mr. Haraway asked if the Route 1 intersection project had always been scheduled ahead of the Ferndale Road section.

Mr. Varney answered no. He said that as funding changed and the amount of allocation was given to the County, the date that it took to accumulate enough funds kept getting pushed out for the Ferndale/Cox intersection improvements.

Mr. Stone asked that information regarding the culverts be sent to County Administration for the County website.

Mr. Massengill asked whether VDOT will do inspections of the work even though the culvert work will be privately done.

Mr. Varney answered yes. He said a permit and a bond will be required in case the work is not done satisfactorily.

Note: The agenda was amended to add the Action Item below.

8. ACTION ITEM: SURPLUS OF VEHICLE #6523 – RESCUE 82

Dennis Hale, Division Chief of Fire & EMS, presented the information below.

BACKGROUND

In December 2008 the County Operational Medical Director expressed concern over the provision of EMS services by the Dinwiddie Ambulance and Rescue Squad (DVRS) and subsequently removed authorization for the agency to provide EMS services under his oversight. Following that action the Board was briefed on the situation and subsequently supported removing County authorization for the agency to provide EMS services in the County EMS system. These pieces of information were then forwarded to the State Office of EMS which ultimately removed the agency's State EMS license. Following these events the County Division of Fire & EMS, County Administration and the leadership of DVRS met to discuss the next steps for the organization. A tentative transition plan was developed and the organization began the process of deciding the next steps. One issue that has been worked on is the dispersal of the units assigned to DVRS. Currently, they have five units, four of which are titled to the County and one titled to the organization. One of the units titled to the County has been assigned to the Rowanty Technical Center for the past two school years to support the EMT- Basic course taught there. The unit is a 1995 Ford F350 Ambulance currently designated as Rescue 82. The unit is well beyond service life for everyday EMS use and with the dissolution of DVRS serves no purpose in the County EMS system. At the current time the County retains ownership of the unit and provides the basic liability insurance. At this time, the Division of Fire & EMS feels that the unit serves a much better purpose at the Rowanty Technical Center and would like to see it permanently transferred to Rowanty. This would allow them to assume the ownership and insurance on the unit. As a note, Dinwiddie has had several students complete the program at Rowanty and almost 100% of those students have joined our volunteer fire departments.

REQUESTED ACTION

Request approval of the resolution below:

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia to surplus Vehicle # 6523, a 1995 Ford F350 Ambulance currently designated as Rescue 82, and direct County Administrator, W. Kevin Massengill to execute the necessary documents to transfer ownership of the vehicle to the Rowanty Technical Center.

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

Nays: None

9. CITIZEN COMMENTS

The Chair opened the citizen comments period.

1. Anne Scarborough – Dinwiddie – spoke in opposition to the fact that work on the Dinwiddie County Medical Center has not begun. She spoke against the contract that had been awarded.
2. Robert Hoyle – 22717 Old Vaughan Road – stated that he appreciated Mr. Haraway and Mr. Moody taking the time to talk with him over the last couple of days. He said a couple of citizens had called him regarding the new reassessment and asked why the County is doing a reassessment. He said that citizens had demanded that the old one be corrected and cleaned up, not that a new reassessment be done.
3. Robert O'Day – 9202 Gibson Road – Sutherland – spoke about noise abatement. He said that the raceway had built a new sound stage, and the sound stage was pointed in such a fashion that it comes up across the hill, over into the valley and to his house. He said there are signs throughout the county that direct people to the Animal Shelter. He stated that the signs should say Animal Pound rather than Animal Shelter. He said a shelter either fosters animals out or boards them out. He spoke in opposition to the license tax. He said there should not be another vehicle license charge when the plates are transferred.
4. John Wamsley – 2619 Oxford Drive – Sutherland – spoke about concerns regarding the medical building. He said the U-VOTID committee is still concerned about the reassessment that is currently in effect.

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

10. COUNTY ADMINISTRATOR COMMENTS

W. Kevin Massengill, County Administrator, discussed some of the citizen comments before he presented his own comments. He stated that he respects the acknowledgement by Mr. Wamsley and Ms. Scarborough regarding the medical center; and their understanding that not all things can be discussed at this point in time. He stated that he had spent a lot of personal man hours over the last several weeks (since Denise Harrison in McKenney would be closing her office there; and recently the main waterline in the current medical center burst to the point that Southern Dominion Health Systems vacated the building.) From a cost standpoint it is not advantageous for them to return there. Mr. Massengill stated that the County is working with Southern Dominion to try to get them up and running. He said he has discussed this with Board members individually, and there has been interest from some of the surrounding hospitals about getting involved. He stated that he agrees that health care is a core service and a priority; and he has adjusted his schedule to reflect that.

Mr. Massengill addressed Mr. O'Day's comments regarding Virginia MotorSports Park. He said that he and the County Attorney had been looking at the noise requirements as regulated by the State. He said there may be some changes there that may be helpful in enforcing noise as it crosses property lines. He said there had also been discussion regarding the conditional use permit that the County currently has with Virginia MotorSports Park. He agreed that the Animal Shelter is truly not a shelter but a pound.

Mr. Massengill addressed Mr. Hoyle's comments. He said that Mr. Hoyle was correct in saying that the recommendation to do another reassessment did not come from the U-VOTID group. It was driven out of Board member comments as to when the issues could be addressed regarding the last reassessment. The determination was that this would probably be the most expeditious way to get another review underway. He stated that, as a point of

clarity, the cycle has not been officially changed. The cycle is still a four-year cycle; the County does have the opportunity to elect to have a special reassessment.

Mr. Massengill discussed the following in his comments: September 25, 2009 is the general reassessment due date for the bids; September 28th the Dinwiddie County Chamber of Commerce will host the Civilian Military Council at Eastside Community Center; October 6th is the workshop date when a County fiscal update will be provided; his and Mr. Blair's evaluations will be planned for either the October or November workshops; Dinwiddie Fall Festival and Aviation Expo will be held October 14-17; the regular Board meeting will be October 20th; the 2010 budget reduction plan of Governor Kaine (two of the most significant components of his plan that affect Dinwiddie – Constitutional Officer's funding and Meherrin River Regional Jail Authority); the Commissioner, the Treasurer and the Clerk of the Court were identified for 15% reductions; the Commonwealth's Attorney – 5% reduction and the Sheriff – 4.7% reduction; last year during the efficiency review the County was able to save a lot of the cuts to Constitutional Officers, Public Safety and Schools – the County's budget this year is very cost based although some cut was anticipated and taken into consideration at budget time; on September 8th he received an urgent phone call from Charlette Wooldridge, County Administrator of Brunswick County and Sheriff Brian Roberts of Brunswick regarding the Governor's announcement to them that just four hours from that time he would be announcing that the Brunswick Correctional Facility would be closing down, and that the funding for the Meherrin River Regional Jail Authority would be removed from his budget; the Governor also included in his budget in an official press release that the local Jail Authority (consisting of three separate municipalities) will be purchasing the Brunswick Correctional Facility for \$20 million (the building is 27 years old and was not a consideration of the Authority); a conference call took place from the Authority with several staff members of Governor Kaine to determine if it was even possible for the local Jail Authority to consider this as an opportunity; numerous bids have already been received to build the Regional Jail and there is still the wish to move forward even though the funding is not in the Governor's budget, nor is there anticipation that it will be reinstated; the Authority has already purchased land to build the Regional Jail; the proposed hotel to be built at Ft. Lee; the Ford Volunteer Fire Project is underway; Sports Complex underground utilities are underway; the H1N1 Virus – Chief Hale is working with the Crater Health District regarding community vaccination and also with School officials as well as creating a small task force to work on this concern; unsafe structures program is going well; and Mr. Massengill expressed appreciation to Dave Clark, Interim School Superintendent, and Christie Fleming, School Finance Director for their presence at the meeting.

11. BOARD MEMBER COMMENTS

Mr. Moody stated that unless the Brunswick Prison could be engineered to where it is efficient and the cost is brought down to practically nothing, he would have serious reservations about taking over a building of that age in such need of repairs.

Mr. Stone also welcomed Mr. Clark and Ms. Fleming. In follow up to Ms. Scarborough's and Mr. Wamsley's comments, he stated that he and Mr. Massengill had been working with the Town Council of McKenney and had at one time a verbal agreement from Southern Dominion to move to Dinwiddie into Ms. Harrison's office. However, the office manager and the doctors from that group could not agree with the owner of that property. He said they would continue to work with other agencies and with Town Council to get someone in place. He stated that his oldest child will be going to the FFA National Convention next month, so he will not be at the October meeting as he will be chaperoning on the trip.

Mr. Haraway discussed the license tax fee. He stated that he had received complaints from citizens that if an individual replaces a car they have to pay another fee rather than being able to transfer. He stated that he did not realize that an additional fee would be placed on a replacement vehicle. He said he would like to go back to the old system where the tag could be transferred, possibly by paying a \$1 fee as in the past. He asked for comments from the rest of the Board members.

Mr. Talmage stated that he agreed that he would prefer to go back to the old system regarding the transfer fee.

Mr. Moody stated that when they passed the license fee change he was probably not aware of the change regarding the transfer fee.

Ms. Moody stated that she did not realize that individuals were having to pay the extra \$20 to transfer; and that she thought it needed to go back to how it was before.

Mr. Stone asked for clarification whether they were referring to someone who sold a car, or a car has become inoperable and is being replaced – not someone buying another car. He stated he would be interested in looking at the option of going back to how it was done previously.

Mr. Haraway asked that administration look into it.

Mr. Massengill stated that he would like to meet with the Treasurer and then report back to the Board.

Mr. Haraway stated that he had read in one of the local papers that the Dinwiddie bus would be going to Petersburg on the new route.

Mr. Massengill stated that the bus connects to the Petersburg Area Transit – currently it stops at the Southside Virginia Training Center. When the new Petersburg bus station is opened, the Dinwiddie bus will connect there.

12. CLOSED SESSION:

At 4:09 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 Social Services Board
 - District 19 Chapter 10 Board
 - Virginia's Gateway Region
- b. §2.2-3711 (A) (5) Business and Industry Development:
 - Prospective Business & Industry
- c. 2.2-3711 (A) (7) Legal Consultation:
 - Contract Litigation

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

At 6:50 p.m. upon motion of Mr. Moody, seconded by Mr. Stone the Board reconvened into open session.

Ayes: Ms. Moody, Mr. Talmage, 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 Social Services Board
 - District 19 Chapter 10 Board
 - Virginia's Gateway Region
- b. §2.2-3711 (A) (5) Business and Industry Development:
 - Prospective Business & Industry
- c. 2.2-3711 (A) (7) Legal Consultation:
 - Contract Litigation

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. Talmage, this Certification Resolution was adopted.

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

The Chair called a recess until 7:00 p.m.

7:00 P.M.

13. PRESENTATION: MARY J. ELLISON

W. Kevin Massengill, County Administrator, stated that Mary J. Ellison was a long term employee of Dinwiddie County who had worked in the Animal Control Office and recently retired. He stated that unfortunately Ms. Ellison was unable to attend the meeting. Mr. Massengill asked for the Board's approval of the provided resolution and then he stated that he would read a short statement that had been provided by Ms. Ellison.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the resolution for Mary J. Ellison is approved as presented.

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

MARY J. ELLISON

WHEREAS, Mary J. Ellison began her employment with the County of Dinwiddie on October 2, 1992 serving part-time as Assistant Animal Control Officer/Animal Warden, and became full time October 1, 1994 serving faithfully in that capacity until her retirement on June 30, 2009; and

WHEREAS, Ms. Ellison consistently achieved the goals of the Animal Shelter with minimal staffing and support; and

WHEREAS, in October 2002 Ms. Ellison was named a "Guardian Angel" and inducted into the Save Our Shelters' Virginia Welfare Hall of Fame, and she was one of eleven people from across the state of Virginia who were honored at Save Our Shelters' Fifth Annual Baldu Paws; and

WHEREAS, Ms. Ellison volunteered to be "Santa" at Pet Smart where the proceeds she earned were donated to the Animal Shelter, and she also coordinated many other fundraisers over the years in her continuous effort to raise funding for much needed food and supplies for the Animal Shelter; and

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors on this 15th day of September 2009 desires to express their appreciation to Ms. Mary J. Ellison for her over 15 years of loyal, dedicated service to Dinwiddie County, and to extend to her their warmest regards and very best wishes for many years of health and happiness as she enters a new phase of her life; and

BE IT FURTHER RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia, that this resolution be presented to Ms. Mary J. Ellison, and a copy spread upon the minutes of this meeting for eternity.

Mr. Massengill read the following provided by Ms. Ellison:

"Please accept my apology for my absence. I would like to thank the Board for the opportunity to serve; and I am very grateful for the cooperation of all departments of the County. Dinwiddie County has some of the best people I have had the pleasure to work with. Everyone has been most helpful throughout the years, Thank You!"

I have been blessed during my employment with the County and learned much. It has been the toughest, yet most rewarding, experience of my life.

Thank You to the SPCA, citizens, and county businesses that have contributed over the years, enabling us to purchase “extras” for the animals – and to Mrs. Helen Ozmore’s memory for her foresight to remember the animals in her will.

God Bless Dinwiddie County!”

14.A. PUBLIC HEARING: AP-09-1 BUFFA ENTERPRISES, LLC

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

The applicant’s representative, Dan Kasky, with BATA Design Group, the site engineer for Mr. Buffa spoke. He stated that the traffic engineer, the general contractor and the developer were present at the meeting as well. He stated that one of the things that may not be evident was the reason they were asking to refine the road improvements. He said they were requesting this in order to give them some flexibility to be able to coordinate their improvements with the County and VDOT requirements. The County has indicated that since the proffers address specific geometry, they are required to put that on the ground even if they have a reason to make a change. For example, where they are proposing a right in – right out access on Ferndale would not require a right turn lane. However, as the proffers state currently, a right turn lane is required. He stated that they still intend to make the improvements that VDOT requires. He stated they still plan on doing the buffering, the fences that were agreed upon, and no access through the residential road. They were planning to put a cul-de-sac on it and a buffer.

Mr. Haraway stated that for the last couple of years VDOT has advocated that there should be a round-about in front of this property. He asked for the traffic engineer’s comments on whether a round-about would work there.

Joe Wallace of Davenport Transportation Consulting discussed round-about. He stated that they are very efficient, and can process more vehicles. He said it was hard to say how one would work at that intersection without the analyses. He said that as cars that would be processed faster than the signal does, all the receiving lanes have to have someplace to go. They would be going through the round-about at a faster rate than they are today; therefore, when they would get to the signal at Route 1 there would be a problem. The signal there is working off of the timing at Ferndale. He said he would not do a round-about without looking at the signal at Route 1 and Cox Road.

The Chair opened the public hearing in this matter.

1. Stephen R. Martin – 25619 Ferndale Road – said he was there to speak on behalf of his son whose property is adjacent to the cul-de-sac (his son was not able to attend the meeting). He asked the purpose of the cul-de-sac – if there will be a privacy fence and a buffer, why not just put the privacy fence across the property and leave Grant Avenue as a dead end. He said the citizens who live on Grant Avenue have issues with trucks and traffic running up and down that road. He said there is a church there and a lot of elderly citizens and it is a quiet neighborhood. He stated that at the same time, they do not want to hinder the applicant from his business and they are in favor of enterprise.

Rhonda Stewart and Ralph W. Ramsey were signed up but chose not to speak. They stated that their questions had already been answered by the time for them to speak.

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

Mr. Kasky stated that since these are VDOT roads, their requirement is for some kind of turn-around for whatever would happen down that road. He stated for clarification that they are not planning any through traffic on Grant Avenue. He stated that they could propose to do a hammer-head turn around instead of the large cul-de-sac. He said they had put the cul-de-sac because that was on the previous proffers.

Mr. Massengill asked what was being done to prevent through traffic.

Mr. Kasky stated there is the required 25’ around the cul-de-sac; and also fencing.

Mr. Moody asked whether a school bus could turn around in a hammer-head.

Mr. Kasky responded that they can, but would probably opt not to so as not to have to back up.

One of the citizens from the area spoke out that the school bus does not come down Grant Avenue.

Mr. Stone asked whether someone turning onto Ferndale could make a left hand turn into the property.

Mr. Kasky answered no.

He stated also that a warrant study is being done at present, and they have an impact analysis in it. There may be a need for a left turn movement on Cox Road. The intent is to work with what VDOT requires. The applicant was in agreement to a hammer-head.

CASE OVERVIEW

The applicant, Buffa Enterprises, LLC, is requesting to amend the original zoning Proffers approved by the Board of Supervisors on June 17, 2008 as part of rezoning case P-05-7, for the 5.9 acre property located within the western quadrant at the intersection of Cox Road and Ferndale Road. The property is further defined as Tax Map Parcels 9B-(2)-1, 9B-(3)-(B)-6, 9B-(3)-(B)-7, 9B-(8)-1, 9B-(8)-2, 9B-(8)-3, 9B-(8)-4, and 9B-(8)-5. The proffers are proposed to be amended as follows: (1) to amend Condition 2 to permit development of office buildings, professional offices, or a maximum 6,000 square foot restaurant in the southwestern corner of the subject property, an area newly defined as "Lot C", the minimum width of which shall be 125 feet; (2) to amend Condition 3 to provide that architectural treatment of the buildings on Lot C shall be compatible with other buildings located on Lot C; (3) to amend Condition 5 to require a custom-made, wood privacy fence that is a minimum of six (6) feet in height be installed and maintained along the western property line of Lot C to screen Lot C from the adjacent property owners along the western property line; (4) to amend Condition 6 to dedicate rights-of-way to the proffered development and/or the VDOT road project, subject to VDOT approval, rather than the rights-of-way shown on the plan approved with the original proffers; (5) to amend Condition 7 to provide one right-in/right-out entrance/exit, which may include auxiliary lanes, to Ferndale Road, rather than one entrance/exit, and to include that the entrance/exit to and from Cox Road may include auxiliary lanes; (6) to amend Condition 8 to include construction of the cul-de-sac at Grant Avenue; and (7) to amend Condition 9 to reduce the Owner's responsibility from road construction from the specific road improvements listed in the original proffer to just those public road improvements required by VDOT along Ferndale and Cox Roads, subject to VDOT approval.

ATTACHMENTS

- Application
- Amended Proffers (Sept. 1, 2009)
- Original Proffers (July 16, 2008)
- BOS Minutes (June 17, 2008)

AMENDED PROFFER STATEMENT

The applicant has submitted a revised "Overall Site Plan" as Proffer "Exhibit A" that is subject to the Amended Proffers that restate the original Proffered Conditions 2, 3, 5, 6, 7, 8, and 9 in their entirety. In the Amended Proffer Condition 2, the applicant is proposing an additional use, a restaurant, with a maximum allowable square footage of 6,000 square feet and creates a new "Lot C" for this portion of the site. The amendment to Proffer Condition 3 is required to require that the architectural treatment of the buildings on Lot C shall be compatible with other buildings located on Lot C. Amending Proffer Condition 5 continues the required screening from Lot B through the site through the newly created Lot C ensuring a uniform buffer between the site and the adjoining residentially zoned properties to the west. The amendments to Proffer Condition 6 involve altering the amount of right-of-way dedication to coincide with the amount of new right-of-way needed for the entrance and road improvements proposed in the new proffered site plan and/or the proposed VDOT intersection improvement project at the intersection of Ferndale and Cox Roads.

Further amendments to the Proffered Conditions include revising Proffer Condition 7 to provide one right-in/right-out entrance/exit to Ferndale Road, which may include auxiliary

lanes, as opposed to the original proposal for one entrance/exit which included allowing the public traveling west on Ferndale Road from Cox Road access into the site. The proposed amendment will only allow a right-in from Ferndale Road and a right-out to Ferndale Road. This amendment also includes providing one proposed entrance/exit to and from Cox Road, which may include auxiliary lanes. Both of the entrances/exits on Ferndale and Cox Roads are subject to VDOT approval, and if any related auxiliary lanes are required by VDOT those are proffered as well. The Amendment to Proffer Condition 8 is needed to include the newly proposed "Lot C" thereby ensuring that the proposed cul-de-sac on Grant Avenue will be constructed on the subject property. Amending Condition 9 reduces the Owner's responsibility from constructing the specific road improvements listed in the original Proffer Condition 9 to just those public road improvements required by VDOT along Ferndale and Cox Roads, subject to VDOT approval.

Staff Recommendation:

The planning staff has reviewed the Proffer Amendment and is satisfied that the applicant has addressed the impacts of amending the original Proffers approved by the Board of Supervisors on June 17, 2008.

Staff recommends APPROVAL of the request to amend the original Proffers adopted on June 17, 2008 based on the following reasons:

1. The inclusion of the maximum 6,000 square foot restaurant use is compatible with the surrounding development pattern and does not change the original intent of the 2008 request to build an office building that is compatible with the proposed office building(s) in bulk and complimentary design; The request does not change the original fact that the proposed restaurant and office uses conform with the underlying uses outlined in the Comprehensive Land Use Plan;
2. The applicant has provided signed proffers addressing the impacts of the proposed uses on the subject property, surrounding properties, and road network; and
3. Subject to the Amended Proffers being approved the applicant has to submit a site plan for the development of the site that has to have the approval of the planning staff and Land Development Committee.

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

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) 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 Proffer Amendment AP-09-2 is approved by the Board of Supervisors.

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

13. OLD / NEW BUSINESS: APPOINTMENTS

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Yvonne Woods Stewart is appointed to the Dinwiddie County Social Services Board for a term expiring September 30, 2013.

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

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Shel Boylard-Douglas is reappointed to the District 19 Chapter 10 Board for a term expiring September 30, 2012.

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

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Milton Hargrave is reappointed to Virginia's Gateway Region Board for a term expiring September 30, 2010.

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

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Michael W. Stone is appointed to Virginia's Gateway Region Board for a term expiring September 30, 2010.

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

14. CITIZEN COMMENTS

The Chair opened the citizen comments period.

1. Alvin Blaha – 10149 Squirrel Level Road – stated that he was speaking as a concerned citizen and not representing Farm Bureau. He stated that he did not think it would be a wise move to spend tax payers' money on a reassessment at this time. He said the main revenue for the county is real estate assessment dollars. He stated that he thought a good job had been done of keeping the budget under control and also of lowering the tax rate. He said if there is a low assessment, the rate would have to be raised.
2. John Wamsley – 2619 Oxford Drive – Sutherland – said if a new reassessment is done it should be a fair one across the board. He said the U-VOTID would like to help.

Billy & Deborah Creech were signed up to speak but were not present.

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

Mr. Moody stated that he had received several calls since the Board had the meeting in August regarding the reassessment. He stated that citizens were concerned about the money that would be spent on the reassessment, especially with the way the sales ratio are so close to what the values are. Mr. Moody said he felt that the economy is bad at this time, the County will have at least \$100,000 (and probably more) cuts to the budget from the State, and he felt the County could not afford to pay for another reassessment at this time; and if it was done there wouldn't be any profit. He said he had second thoughts about it ever since the meeting in August.

John C. Blair II, County Attorney, spoke to the Board. He stated that at this time the County has an RFP that has been advertised. He said if it is the intent of the Board to stop the reassessment from going forward this year, he suggested that the motion be amended to cancel the request for proposal. He said that would be the step that would need to be taken.

Ms. Moody stated that if the people of the county want to cancel or postpone the new reassessment, then she would go along with it.

Mr. Stone stated that he thought things were going to get worse regarding the budget from the State. He said he agreed with Mr. Moody but that he would like for Ms. Stevens, Commissioner of the Revenue, to update the Board quarterly regarding the sales ratio.

Mr. Haraway stated that he agreed with the motion because the County would probably be looking at adding approximately \$.03 to the tax rate to pay for the reassessment. He said at this time the money could be used more wisely.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the General Real Estate Reassessment Request for Proposals is cancelled.

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

15. ADJOURNMENT

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

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

The meeting was adjourned at 7:50 p.m.

Donald L. Haraway
Chairman

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

/wjn