

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 17<sup>TH</sup> DAY OF NOVEMBER 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

=====

**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 the following under Closed Session: §2.2-3711(A)(1)Personnel Matters, Office of Economic Development; Evaluation – County Administrator; and Evaluation – County Attorney.

John C. Blair II, County Attorney, stated that public hearing “E”, “Proposed Ordinance To Permit Waiver of the Vehicle License Tax as to a Replacement Vehicle” that had been advertised for the evening meeting would not be heard. After discussion by Constitutional Officers and members of the Board, the decision was made for the matter to be discussed at the December Workshop and then brought back to the December regular meeting.

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

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

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

**5.A. CONSENT AGENDA: APPROVAL OF MINUTES FOR OCTOBER 6, 2009 SPECIAL MEETING**

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the October 6, 2009 Special Meeting Minutes are approved.

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

**CONSENT AGENDA: APPROVAL OF MINUTES FOR OCTOBER 20, 2009 REGULAR MEETING**

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the October 20, 2009 Regular Meeting Minutes are approved.

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

**5. B. CONSENT AGENDA: CLAIMS**

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

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

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

CLAIMS	10/16/09	10/23/09	10/23/09	11/06/09	10/30/09	TOTALS
	Void 1070887	Void 1070990	Medical Center	Void 1071155	Void 1071075	
	1070888- 1070989	1070991- 1071074	1014-1015	1071156- 1071266	1071076- 1071152	
101 - General Fund	\$248,279.86	\$173,941.07		\$126,911.17	\$886,568.14	<b>\$1,435,700.24</b>
103 - Jail Commis sion		\$52.55		\$153.71		<b>\$206.26</b>
105 - Playgro und Equipm ent				\$3,272.50		
202 - Medical Center			\$9,016.90			<b>\$9,016.90</b>
209 - Litter Grant Fund	\$200.07					
210 - Communi ty Develpmt						<b>\$0.00</b>
226 - Law Library						
228 - Fire Programs & EMS		\$1,416.95		\$2,917.42		<b>\$4,334.37</b>
229 - Forfeited Asset Sharing Program	\$5,110.37	\$819.43		\$135.00		<b>\$6,064.80</b>
301 - School Construct ion		\$25,977.22				<b>\$25,977.22</b>
304 - CDBG Grant Fund				\$1.12		<b>\$1.12</b>
305 - Capital Projects Fund	\$102,286.24	\$6,027.99		\$115,312.50		<b>\$223,626.73</b>
401 - County Debt Service		\$26,293.60				<b>\$26,293.60</b>
3-101 - Revenue	\$305.00	\$50.00		\$91.00		<b>\$446.00</b>
3-202 - Medical Center						<b>\$0.00</b>
<b>TOTALS</b>	<b>\$356,181.54</b>	<b>\$234,578.81</b>	<b>\$9,016.90</b>	<b>\$248,794.42</b>	<b>\$886,568.14</b>	<b>\$1,731,667.24</b>

**5. C. CONSENT AGENDA: SCHOOL BOND REQUISITIONS FROM PROJECT FUND:HS-56; ES-59**

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, November 10, 2009.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$201,103.70 from the VPSA 2007 Bonds, is approved.

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

No. HS -56

**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: November 10, 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>
\$ 201,103.70	Kenbridge Construction Co., Inc.	Application for Payment No. 40
\$ 5,991.00	Horace A. Davis Excavating, Inc.	Equipment
<b>\$ 207,094.70</b>	<b>TOTAL OF THIS REQUISITION</b>	

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$49,234.28 from the VPSA 2007 Bonds is approved.

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

No. ES- 59

**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: November 10, 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>
\$ 49,234.28	Kenbridge Construction Co., Inc.	Application for Payment No. 38
<b>\$ 49,234.28</b>	<b>TOTAL OF THIS REQUISITION</b>	

**6.A. REPORTS: DEPARTMENT OF TRANSPORTATION**

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

**THE DINWIDDIE MONTHLY** November 2009  
The VDOT Petersburg Residency monthly report for Dinwiddie County

**Maintenance Items**

Accomplished Work Highlights

- Mowing operations for Primaries and Secondaries continues. Mowing should be complete by bid November.
- Minor ditching and shoulder operations.
- Responding to individual needs.

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

	FY 10 Budget	Spent YTD (\$)	Budget Remaining (\$)	Spent (%)	Spend Plan (\$)	Spend Plan (%)	Ahead (-) /Behind(+) (\$)
Church Road AHQ	\$1,450,608.17	\$509,850.43	\$940,757.74	35.1%	\$717,972.36	71.0%	\$208,121.93
McKenney AHQ	\$1,631,281.11	\$547,554.59	\$1,083,726.52	33.6%	\$840,436.47	65.2%	\$292,881.88

**Construction Projects**

**Ongoing Projects:**

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

- Project complete on time and is projected to be on budget.

**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.

*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 scheduled 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 627 Culvert Replacement* – This culvert will be replaced by State Forces. The schedule for construction will be set after the environmental requirements have been finalized. Road closures with a detour will be required.

#### **Future Funding**

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

#### **Items from the Last Board Meeting**

All AHQ superintendents were reminded that trash was to be picked up prior to mowing.

**Maintenance Requests:**

Mr. Talmage asked about the patching of potholes on I-85.

Mr. Stone asked if the potholes would be patched both north and south on I-85.

Mr. Varney answered yes.

Ms. Moody stated she was concerned that a dead dog had been left lying in the road and that a VDOT truck had run over the carcass without picking it up.

Mr. Varney stated that he would look into it; and that shouldn't have happened.

**6.B. REPORTS: ROBINSON, FARMER, COX & ASSOCIATES – FY 2009 AUDIT PRESENTATION**

Mr. Paul Lee, CPA, of Robinson, Farmer, Cox Associates presented the FY 2009 Audit Report to the Board. He stated that something was added this year that had not been seen in the past: the other post-retirement pensions, employee benefits obligation and footnote. The County had to have an actuary done this year for both the Schools and the County to determine the actuarial value of allowing retirees to be on their insurance plan beyond an 18 month period. He also stated that the General Fund Balance dropped a little this year, but not as much as the County had budgeted. The tax collection percentages remain high. Some notes to bring to management attention (but that would not change the audit opinion on the financials): the gun permit account timely deposits; the inmate trust account outstanding checks; the Bank of Southside Bank Reconciliation account; an outstanding Social Services check (the check was written without an invoice to go with it); and a suspense account that needs to be cleared. He stated that the audit itself went very well.

Mr. Haraway thanked Ms. Howerton, Division Chief of Finance and General Services, and her staff for a clean report.

**6.C. REPORTS: VIRGINIA'S GATEWAY REGION**

Rene Wyatt Chapline, Executive Director of Virginia's Gateway Region, presented the following information to the Board. She stated that Mr. Harrison Moody, is the Board representative for Virginia Gateway Region until December 31<sup>st</sup>; and Mr. Michael Stone will take over on January 1, 2010.

Ms. Chapline discussed the following: the geographic area served by Virginia's Gateway Region; in the past decade they have worked over 180 project announcements throughout the region; in 2008 they took top deal in the country for the Rolls Royce announcement (which means opportunity for Dinwiddie County in the way of international suppliers and service related businesses for Rolls Royce); how the \$29,466 annual payment into Virginia's Gateway Region is leveraged for Dinwiddie County (coupled with \$3.2 million they receive over a 3-year period in grants and commitments outside of what the community is paying, those dollars market Dinwiddie all over the world both domestically and internationally); their dynamic website that gives a proactive view of who is looking at the region; about 75% of their activity in 2008 was international, and to date 90% of the activity for 2009 is international; focus points – aviation, Ft. Lee expansion services, biofuels and solar, advanced manufacturing industries, and defense logistics; they believe they have at least 3 projects that will hopefully be announced by spring; 41% of their new projects are a direct result of Virginia Gateway marketing. For Dinwiddie County they have had 20 site submissions, 22% of projects handled during the last reporting period (quarterly), and 10% of all site visits year-to-date were to Dinwiddie County.

**6.D. REPORTS: APPOMATTOX REGIONAL LIBRARY**

Scott Firestine, Executive Director of Appomattox Regional Library, discussed the following: the resources offered by the library; highspeed access to the internet in high demand; last year they sought and received grant funding from the Bill and

Melinda Gates Foundation to update computer hardware and software at all the branch libraries – the grant is a two-year grant that requires a 25% match the first year and a 50% match the second year; thanks to funds from “Friends of the Library” and funds from the Library Fund they were able to match that grant and support it for continued maintenance and upkeep; statistically computer use has increased 173% over the last 5 years – recently unemployed are by necessity having to learn a whole new set of skills to find a job or to receive benefits (job seekers are turning to the library to find these computers and the library staff to help them use them); books are still the stock-in-trade – FY 2009 297,702 items were circulated across the regional library (in 2005 – 273,000 items were circulated – about a 9% growth by comparison); all library locations have dedicated areas and materials for children and young adults; branch areas have steadily improved; the library underwent an efficiency study and underwent a reorganization of operations and manpower, streamlined efficiencies and modernized their process; State aid to libraries has been reduced regularly over the last two years – they have frozen and delayed hiring, reduced and cut expenses and supplies over time and made difficult decisions.

#### **6.E. REPORTS: BLACKSTONE AREA BUS SYSTEM**

Jennifer Beck, Director of Transportation and Community Development for Blackstone Area Bus System, discussed the following: the ridership for the Dinwiddie Express started on April 6, 2009 – the first month there were 54 persons, in October there were 369; they are riding the bus to look for jobs, back and forth to work, to go shopping, for Social Services and to improve their quality of life; the ridership for November 1-13 was 195 persons; the future actions will be to apply again February 1, 2010 for FY 2011 funding from the Department of Rail and Public Transportation (DRPT); in FY 2010 DRPT made them whole by applying Stimulus Funds to the operating side of the bus system; they receive requests for service for the Rt. 460 corridor – the northern part of Church Road and Pool Siding – that may be something that Dinwiddie County may want to consider as funding allows in the future.

Mr. Massengill asked how the start up numbers relate to some of the others she has been involved in.

Ms. Beck stated that the Piedmont Area Transit which is 4 counties together did 689 last month total for the four localities. Blackstone Area Bus Transit carries about 1400 people per month. She said the need for public transit is real.

#### **7.A. ACTION ITEM: CIVIL WAR PRESERVATION TRUST TRANSPORTATION ENHANCEMENT GRANT REQUEST RESOLUTION**

W. Kevin Massengill, County Administrator, presented the resolution below that had been submitted by Maureen Redington, Policy Associate of the Civil War Preservation Trust.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Civil War Preservation Trust Transportation Enhancement Grant Request Resolution is approved and adopted as presented.

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

Nays: None

#### **A RESOLUTION OF SUPPORT FOR FUNDING PERTAINING TO THE CIVIL WAR PRESERVATION TRUST TRANSPORTATION ENHANCEMENT GRANT REQUEST**

**WHEREAS**, Dinwiddie County has many Civil War battlefields that are of recognized national importance;

**WHEREAS**, a significant amount of battlefield land in Dinwiddie County has not been preserved or interpreted;

**WHEREAS**, the Commonwealth of Virginia's upcoming Civil War Sesquicentennial commemoration is expected to generate significant tourism at preserved and interpreted Civil War sites;

**WHEREAS**, the Civil War Preservation Trust is committed to working with Dinwiddie County, the Virginia Department of Transportation, the Tri-Cities Area Metropolitan Planning Organization, county landowners and other interested parties to preserve and interpret these battlefield sites;

**WHEREAS**, the Civil War Preservation Trust is applying for a \$1,000,000 Transportation Enhancement grant for the preservation and interpretation of battlefield sites associated with the 1864 Petersburg Campaign in Dinwiddie County, Virginia, including but not limited to: The battle of Petersburg, Jerusalem Plank Road battlefield, Ream's Station battlefield, Globe Tavern battlefield, Peebles' Farm battlefield, Boydton Plank Road battlefield, Hatcher's Run battlefield, Dinwiddie Court House battlefield, Five Forks battlefield, Sutherland's Station battlefield; and White Oak Road battlefield.

**NOW, THEREFORE BE IT RESOLVED**, by the Dinwiddie County Board of Supervisors on the 17<sup>th</sup> Day of November, 2009 that Dinwiddie County hereby supports the Civil War Preservation Trust in its pursuit to apply for and receive funding from a Transportation Enhancement grant.

Adopted by the Board of Supervisors of Dinwiddie County, Virginia, this 17<sup>th</sup> day of November 2009.

**7.B. ACTION ITEM: ABANDONMENT AND ACCEPTANCE OF STATE ROUTE 617**

The Board received the information below from John C. Blair II, County Attorney. Before Mr. Blair presented the information, Mr. Stone stated that he was abstaining from all portions of this matter as Iluka is a client of the company for which he works.

**BACKGROUND:**

State Route 617, Bolster's Road, is the site of mining operations by Iluka Resources, Inc. As part of these mining actions, Iluka desired to mine under State Route 617. The company built a new portion of Route 617.

In order for the Virginia Department of Transportation to accept this new portion of State Route 617 as part of the secondary system of state highways, the Board of Supervisors needs to pass three resolutions that are attached to this memo.

The first resolution allows the County to accept a Deed of Dedication and Easement from William A. Barnes, Jr, Trustee. This Deed grants an easement to Dinwiddie County for a portion of the new State Route 617 to be used for public street purposes.

The second resolution allows the County to accept a Deed of Dedication and Easement from Iluka Resources, Inc. This Deed also grants an easement to Dinwiddie County for a portion of the new State Route 617 to be used for public street purposes.

The final resolution abandons the old portion of State Route 617 and finds that the new portion of State Route 617 serves the same citizens as the old portion of the road. It also requests that the Virginia Department of Transportation add the new segment of State Route 617 to the secondary system of state highways.

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

**ACCEPTING AN EASEMENT FROM WILLIAM A. BARNES, JR., TRUSTEE  
FOR PUBLIC STREET PURPOSES**

**WHEREAS**, as a result of the relocation of a segment of State Route 617, "Bolsters Road", William A. Barnes, Jr., Trustee, now desires to convey an Easement across a 3.742 acres parcel, known as a portion of Tax Parcel No. 94-20, together

with a variable width drainage and slope easement, a variable width slope easement and a sight distance easement all as more fully shown on that certain Deed of Dedication and Easement dated November 5, 2009, hereto attached, to the Board of Supervisors of Dinwiddie County, Virginia, which said Easement is to be used for public street purposes;

**NOW THEREFORE BE IT RESOLVED** by the Board of Supervisors of Dinwiddie County, Virginia, that, pursuant to Virginia Code §15.2-1803, the Board of Supervisors of Dinwiddie County, Virginia does hereby approve of and accept the conveyance from William A. Barnes, Jr., Trustee, of an Easement across a 3.742 acres parcel, known as a portion of Tax Parcel No. 94-20, together with a variable width drainage and slope easement, a variable width slope easement and a sight distance easement by Deed of Dedication and Easement dated November 5, 2009, said Easement to be used for public street purposes; and

**BE IT FURTHER RESOLVED**, that the Board of Supervisors does hereby authorize W. Kevin Massengill, County Administrator, to execute all necessary documentation of such acceptance.

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

Nays: None

Abstain: Mr. Stone

### **DEED OF DEDICATION AND EASEMENT**

Document prepared by  
And after recording return to:  
Hunton & Williams LLP  
1751 Pinnacle Drive, Suite 1700  
McLean, Virginia 22102  
Attn: Francis A. McDermott, Esquire

Part of Tax Parcel #94-20

**THIS DEED OF DEDICATION AND EASEMENT** (the "Deed") is made this 5 day of November 2009, by and between William A. Barnes, Jr., as trustee under Agreement by William A. Barnes, Jr., dated May 25, 2001 (in such trustee capacity, herein, "Barnes"), to be indexed as grantor and the BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, a body corporate and politic (herein, the "County"), to be indexed as grantee.

#### **RECITALS:**

- A. Barnes is the owner of certain real property (the "Barnes Property") designated as Tax Parcel #94-20, a portion of which is shown on a plat of survey dated October 29, 2009, as revised through November 3, 2009, entitled "PLAT SHOWING THE "RIGHT-OF-WAY DEDICATION OF RELOCATED BOLSTERS ROAD" A PORTION OF STATE ROUTE 617, BOLSTERS ROAD, TOGETHER WITH A VARIABLE WIDTH SIGHT DISTANCE EASEMENT, VARIABLE WIDTH DRAINAGE & SLOPE EASEMENTS & VARIABLE WIDTH SLOPE EASEMENTS BEGINNING AT THE INTERSECTION OF STATE ROUTE 617, BOLSTERS ROAD & STATE ROUTE 665, WALKERS MILL ROAD, SAPONY DISTRICT ~ DINWIDDIE COUNTY, VIRGINIA," and prepared by Timmons Group of Prince George, Virginia, certified land surveyors (the "Plat"). The Plat is attached hereto.
- B. Barnes originally acquired the Barnes Property by deed of gift, which was recorded in the Clerk's Office (the "Clerk's Office" of the Circuit Court

of Dinwiddie County, Virginia, in Deed Book 521, at page 207. Barnes also reacquired a portion of the Barnes Property under a deed of correction to be recorded in the Clerk's Office immediately prior to the recordation of this Deed.

- C. With the consent of the County, Barnes desires and intends (i) to dedicate, grant, and convey to the County for public street purposes, the right-of-way shown on the Plat as "3.742 ACRES HEREBY DEDICTATED"; and (ii) to dedicate, grant and convey to the County for public use (a) a drainage and slope easement, (b) a slope easement, and (c) a sight distance easement, each at the locations designated on the Plat, more particularly described and created in accordance with the terms of this Deed and the Plat.

#### STREET DEDICATION

NOW THEREFORE, in consideration of the premises, the receipt and sufficiency of which are acknowledged, Barnes, subject to the matters herein set forth, hereby dedicates to the County for public street purposes the parcel of land containing approximately 3.742 acres designated on the Plat as "3.742 ACRES HEREBY DEDICATED." This dedication is made in accordance with the statutes made and provided therefor.

#### COUNTY EASEMENTS

THIS DEED FURTHER WITNESSETH that in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, Barnes, subject to the matters herein set forth, hereby grants and conveys unto the County a variable width drainage and slope easement (the "Drainage and Slope Easement"), a variable width slope easement (the "Slope Easement") and a sight distance easement (the "Sight Distance Easement") over and across portions of the Barnes Property designated on the Plat, respectively, as the "Variable Width Drainage and Slope Easement for Public Use", the "Variable Width Slope Easement for Public Use" and the "Sight Distance Easement" (together, the "Easements").

Maintenance of the Easements and all facilities installed therein shall be the sole responsibility of the County.

Barnes assumes no responsibility or liability arising out of the County's use and/or maintenance of the Easements or the facilities within the Easements.

#### CONVEYANCES RUN WITH THE LAND

This Deed establishes obligations that shall run with the land and all of the obligations created under the Deed are binding on the parties hereto and their administrators, executors, assigns, heirs and any other successors in title or interest.

#### FREE CONSENT AND DESIRE

The dedications made, and the easement granted, under this Deed are done with the free consent and in accordance with the desire of the parties hereto.

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

**ACCEPTING AN EASEMENT FROM ILUKA RESOURCES, INC.  
FOR PUBLIC STREET PURPOSES**

**WHEREAS**, as a result of the relocation of a segment of State Route 617, "Bolsters Road", Iluka Resources, Inc. now desires to convey an Easement across a 0.413 acre parcel, known as a portion of Tax Parcel No. 101-7, together with an appurtenant Drainage & Slope Easement, all as more fully shown on that certain Deed of Dedication and Easement dated November 10, 2009, hereto attached, to the Board of Supervisors of Dinwiddie County, Virginia, which said Easement is to be used for public street purposes;

**NOW THEREFORE BE IT RESOLVED** by the Board of Supervisors of Dinwiddie County, Virginia, that, pursuant to Virginia Code §15.2-1803, the Board of Supervisors of Dinwiddie County, Virginia does hereby approve of and accept the conveyance from Iluka Resources, Inc. of an Easement across a 0.413 parcel, known as a portion of Tax Parcel No. 101-7, together with an appurtenant Drainage & Slope Easement, by Deed of Dedication and Easement dated November 10, 2009, said Easement to be used for public street purposes; and

**BE IT FURTHER RESOLVED**, that the Board of Supervisors does hereby authorize W. Kevin Massengill, County Administrator, to execute all necessary documentation of such acceptance.

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

**ILUKA DEED OF DEDICATION AND EASEMENT**

Document prepared by  
And after recording return to:  
Hunton & Williams LLP  
1751 Pinnacle Drive, Suite 1700  
McLean, Virginia 22102  
Attn: Francis A. McDermott, Esquire

Part of tax Parcel #101-7

**THIS DEED OF DEDICATION AND EASEMENT** (the "Deed") is made this 10<sup>th</sup> day of November, 2009, by and between ILUKA RESOURCES INC., a Delaware corporation (herein, "Iluka"), to be indexed as grantor, whose address is 12472 St. John Church Road, Stony Creek, VA 23882; and the BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, a body corporate and politic (herein, the "County"), to be indexed as grantee,

**RECITALS:**

- A. Iluka is the owner of a certain parcel of land containing approximately 0.413 acre (the "land"), together with an appurtenant Drainage & Slope Easement (the "Easement") (the Land and the Easement, together, the "Property"), each of which are shown on a plat dated October 21, 2009, entitled "PLAT SHOWING THE "RIGHT-OF-WAY DEDICATION OF A 0.413-ACRE PORTION OF RELOCATED BOLSTERS ROAD" A PORTION OF STATE ROUTE 617, BOLSTERS ROAD, TOGETHER WITH

A VARIABLE WIDTH DRAINAGE AND SLOPE EASEMENT FOR PUBLIC USE RECORDED AS INSTRUMENT NO. 08000002739, SAPONY MAGISTERIAL DISTRICT, DINWIDDIE COUNTY, VIRGINIA,” and prepared by James T. Bradley, L.S. of Gasburg, Virginia, certified land surveyors (the “Plat”) as “PARCEL A 0.413 ACRES” and “VARIABLE WIDTH DRAINAGE AND SLOPE EASEMENT FOR PUBLIC USE INSTR. NO. 08000002739,” respectively. The Plat is attached hereto; and

B.

B. Iluka acquired the Property by deed recorded as Instrument No. 08000002739 in the Clerk’s Office of the Circuit Court of Dinwiddie County, Virginia (the “Clerk’s Office”), as corrected by Deed of Correction recorded as Instrument no. 09\_\_\_\_\_ in the clerk’s Office; and

C. With the consent of the County, Iluka desires and intends to dedicate, grant, and convey to the County for public use, the Land and the Easement in accordance with this Deed and the Plat.

#### STREET DEDICATION

NOW THEREFORE, in consideration of the premises, the receipt and sufficiency of which are acknowledged, Iluka does hereby dedicate to the County the Land for public street purposes as so designated on the Plat. This dedication is made in accordance with the statutes made and provided therefor.

#### COUNTY EASEMENT

THIS DEED FURTHER WITNESSETH that in consideration of the premises, the receipt and sufficiency of which are acknowledged, Iluka does hereby grant and convey unto the County, all of Iluka’s right, title an interest under the Easement.

Maintenance of the Easement and all facilities installed therein shall be the sole responsibility of the County.

Iluka assumes no responsibility or liability arising out of the county’s use and/or maintenance of the Easement or the facilities within the Easement.

#### CONVEYANCES RUN WITH THE LAND

This Deed establishes obligations which shall run with the land and be binding on the parties hereto and their administrators, executors, assigns, heirs and any other successors in title or interest.

#### FREE CONSENT AND DESIRE

The Dedications made and Easement granted are done with the free consent and in accordance with the desire of the parties hereto.

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

### **ABANDONING OLD ROAD AND ADDING NEW ROAD**

**WHEREAS**, the Virginia Department of Transportation has provided the Board of Supervisors of Dinwiddie County, Virginia (the "Board") with a sketch entitled "*Rt. 617 Project: Iluka Resources, Inc. Developer Relocation*," dated November 10, 2009 and attached hereto as **Exhibit A** ("Form AM-4.3"), both of which are incorporated herein by reference, and which depict and describe, respectively, the abandonment of a 0.49 mile segment of State Route 617, Bolsters Road (the "Old Road") and the addition of a 0.48 mile segment of State Route 617, Bolsters Road (the "New Road"), both of which lie 1.16 mile east of State Route 619, Courthouse Road, and 0.05 mile west of State Route 665, Walkers Mill Road, as changes required in the secondary system of state highways resulting from the relocation of a segment of State Route 617, Bolsters Road; and

**WHEREAS**, it appears that the New Road serves the same citizens as the Old Road, and that the New Road has been approved by the Commonwealth Transportation Commissioner; therefore, after due consideration, this Board finds that the Old Road is deemed no longer necessary to serve a public need and the welfare of the public will be best served by the abandonment of the Old Road.

**NOW, THEREFORE, BE IT RESOLVED**, this Board abandons as part of the secondary system of state highways the segment of Bolsters Road identified in the Sketch and Form AM-4.3 as "Abandonment", pursuant to §33.1-155, Code of Virginia; and

**BE IT FURTHER RESOLVED**, this Board requests the Virginia Department of Transportation add to the secondary system of state highways the segment of Bolsters Road identified in the Sketch and Form AM-4.3 as "Addition", pursuant to §33.1-229; Code of Virginia;

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Resident Engineer for VDOT; and

**BE IT FURTHER RESOLVED**, that this resolution shall serve as the Board's Order of Abandonment as provided in §33.1-163.1, shall be recorded in the records of the Clerk of the Circuit court of the County of Dinwiddie, and shall be indexed by identifying the County of Dinwiddie, Virginia as grantor.

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

Nays: None

Abstain: Mr. Stone

### **8. CITIZEN COMMENTS**

The Chair opened the citizen comments period.

1. John Wamsley – 1619 Oxford Drive – Sutherland – commented about several possible future uses of Rohoic School. He asked for an update on another medical center for Dinwiddie.
2. Sonny Crumpler – 15320 Boynton Plank Road – said that citizens of Dinwiddie still did not have a local number to call regarding the bus – he asked if there could be a local point of contact.

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

### **9. COUNTY ADMINISTRATOR COMMENTS**

W. Kevin Massengill, County Administrator discussed the following: there will be a tour of Rohoic School on December 10<sup>th</sup> at 3:00 p.m. – meeting to follow the walk through; he thanked Mr. Firestine of the Appomattox Regional Library for his report

and stated his appreciation for the others who had presented their reports; he talked about the number of economic development leads that come into Dinwiddie County from Virginia Gateway Region, and he stated that the work that the County is doing at the Commerce Park and some of the other things that are being done to try to prepare for businesses that will be coming into the county; he, Mr. Talmage and Ms. Collins had met a few weeks prior with a concerned citizen's group outside of Mr. Talmage's district – one of the concerns was regarding public transportation; the County has met with HCA, Bon Secours and Southside Regional Medical Center and the interest in the county is strong; there will be a special workshop at a later date to discuss waste management; the Commerce Park Road is substantially complete; the county has received \$1.28 million from the Tobacco Commission for infrastructure in Dinwiddie County; the IDA has been in the processing of trying to get a site pad ready to meet all the requirements of industry and part of the grant will go toward that process; the Dinwiddie County Chamber of Commerce Christmas parade will be held December 12<sup>th</sup>; the Virginia Barbershop Choir will be singing at Dinwiddie High School Auditorium on Friday, December 1<sup>st</sup> at 7:00 p.m. (tickets are \$3.00); and he and Anne Howerton, Division Chief of Finance & General Services; Dave Clark, Acting Superintendent of Schools and Christy Fleming, Finance Director for the Schools had a good meeting regarding the budget. Mr. Massengill stated that a meeting schedule for the entire year will be provided at the organizational meeting in January.

#### **10. BOARD MEMBER COMMENTS**

Mr. Talmage stated that he had attended the Virginia Association of Counties (VACo) Conference. He said that it was a very informative conference. He said a gentleman who served on a Board of Supervisors was recognized for serving on that board for 50 years. He was first elected in 1959.

Mr. Moody stated that he had also attended the VACo Conference. He attended the following meetings: the Board of Directors meeting; Steering Committee Meetings; Regional Caucus for Region 4 (his term had expired and Nancy Carlyle was appointed as Region Director); General Session; Budget Session; Broadband Deployment in Virginia; Healthcare Reform; Energy From Renewable Sources; Rural Caucus and a discussion regarding small businesses; and the Business Meeting at which Mr. Philip Bradshaw from Isle of Wight was elected President.

Mr. Stone thanked the Board for allowing him to be a chaperone for the School system's FFA trip for the senior and junior high to the National FFA Convention last month. He stated that the previous week he had noticed a car parked outside of Eastside Enhancement Center afterhours. When he checked to make sure nothing was wrong, he found that it was a young lady who had parked there to finish working on spreadsheets and didn't have internet access at home so she had parked there in order to pick up the access. Mr. Stone stated that this confirmed the needed resource that Mr. Firestine of Appomattox Regional Library had spoken about.

Mr. Haraway agreed with Mr. Massengill's remarks concerning their meetings with local hospital groups. He said they had been greeted with open arms by the three organizations they had talked to. He stated that there is a void in medical care in McKenney and in the northeast section of the county. They are trying to encourage medical organizations to fill the gaps in those areas. He stated the organizations they had talked to seemed to agree that these were the areas where physicians needed to be located. He said he felt this will be a short range goal.

#### **11. CLOSED SESSION:**

At 4:20 p.m. upon motion of Mr. Stone, seconded by Ms. Moody,

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
    - Disabilities Services Board
    - Dinwiddie County Airport Authority
    - Dinwiddie County Industrial Development Authority
    - Dinwiddie County Planning Commission

- Personnel
  - Office of Economic Development
  - Evaluation County Administrator
  - Evaluation County Attorney

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

- Prospective Business & Industry

c. §2.2-3711 (A) (7) Legal Consultation:

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 Mr. Moody 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 Board of Zoning Appeals
    - Disabilities Services Board
    - Dinwiddie County Airport Authority
    - Dinwiddie County Industrial Development Authority
    - Dinwiddie County Planning Commission
  - Personnel
    - Office of Economic Development
    - Evaluation County Administrator
    - Evaluation County Attorney
- b. §2.2-3711 (A) (5) Business and Industry Development:
  - Prospective Business & Industry
- c. §2.2-3711 (A) (7) Legal Consultation:

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 Ms. Moody, this Certification Resolution was adopted.

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

**7:00 P.M.**

John C. Blair II, County Attorney, stated that the proposed ordinance that had been advertised concerning the vehicle license fee would not be heard at this meeting. He stated that the Constitutional Officers and some members of the Board had met and instead of doing this one particular amendment ordinance at this meeting, they would like to have a workshop on December 1<sup>st</sup> about the issues presented with the vehicle license fee. After that, if they can come to an agreement a vote can be taken on a comprehensive package at the December 15<sup>th</sup> regular meeting.

**12. A. PUBLIC HEARING: P-09-1, FIRST MANAGEMENT COMPANY, LLC**

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

The representative for the applicant, Mr. Brian Mitchell of Townes Engineering spoke to the Board and presented the final proposal.

Sam Hayes, Planning Commission Chair, spoke to the Board and shared a briefing of the three meetings that had been conducted by the Planning Commission regarding this matter.

The Chair opened the public hearing in this matter.

1. Carl A. Calhoun – Dinwiddie – stated that he had missed the last meeting so the information at this meeting had brought him up to speed. He said that as long as the road conditions are taken care of, and the Board was comfortable with it, he was sure the right decision would be made.
2. Jacqueline P. Scott – 6823 Blue Tartan Road – said she had lived there 47 years. She had presented the Board with a petition and said they were asking that it not be rezoned, but to keep it as is. She expressed concerns about the septic systems, wells and safety because of only one road into and out of the proposed subdivision.
3. Ramon F. Zitta – 11401 Vaughn Road – Petersburg – said he owns the property adjoining the proposed subdivision on the south side. He said his access out of it at this time is Merten Lane to Duncan Road, and also access to Tartan Road. He said he felt that as an adjoining landowner he needed to be informed as to how this would affect him now and into the future as far as his property is concerned. He stated that he needed access to Tartan Road and he wished to have that access west of the railroad bed. He asked if it had been considered to extend Tartan Road to Duncan Road. He expressed concern about the locked gate that was proposed.
4. Joanne Farmer – 7104 Blue Tartan Road – asked if the board members had taken the opportunity to visit the site. She said it was a very unique intersection and that Mr. Varney of VDOT had expressed concerns regarding that intersection. She said that even though there was a proposal on the table that prior to the 31<sup>st</sup> building permit there will be some adjustments made; at the point there will be 46 homes on Blue Tartan as the road exists today. She expressed safety concerns with emergency vehicles getting through to access Blue Tartan.
5. Sandra & Deborah Johnson – 7301 Blue Tartan Road – Ms. Deborah Johnson spoke for herself and her sister. She said their concerns were the same as Ms. Farmer and Ms. Scott.
6. John Wamsley – 2619 Oxford Drive – Sutherland – spoke in support of the people on Blue Tartan who were opposed to the proposed subdivision.

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

Mr. Mitchell, the applicant's representative, responded to some of the comments. Regarding drain fields, he said that Towne's Engineering has an Authorized Onsite Soil Evaluator on site that has 20+ years experience. A preliminary soil evaluation was done to determine that there is adequate material at the site for drain fields to support it. He said that before they are able to record any subdivision plat the Health Department will require an individual drain field analysis on each individual lot. He addressed the well issue and said they would all be deep bored wells rather than the shallow wells that typically have issues. He spoke about Mr. Zitta's property and asked that Mr. Patton speak for the record that he will provide access to Mr. Zitta. Mr. Patton stated that they would work it out independently with the land owner, Mr. Zitta, to make sure he has access.

Ms. Moody stated that she thought one of the ladies who had spoken was under the impression that all the lots would be 1 ½ acre.

Mr. Mitchell responded that 1 ½ acre was the minimum but most would end up in the 2 acre+ range.

Mr. Stone asked Mr. Hayes if Mr. Varney was okay with site distance looking south coming out of the first proposal.

Mr. Hayes answered yes.

Mr. Talmage stated he was concerned about the intersection because of poor site distance. He asked if there was any possibility for the new road to be cut through earlier than the 31<sup>st</sup> building permit.

Mr. Mitchell answered that it will be an expensive proposition and they will need to get some money flowing in order to be able to do it.

Mr. Patton of First Management Company, LLC stated that the answer would be no in the short term. He said they were hopefully optimistic to get some commercial interest in the property on the out front parcels. That would be the catalyst to go ahead.

### **Planning Commission Report**

File#:	P-09-1
Applicant:	First Management Company, LLC & Brian C. Mitchell, Townes Site Engineering, Agent
Rezoning Request:	Agricultural, General, A-2 to Residential, Limited, R-1
Property Address:	7613 & 7617 Blue Tartan Road (Route 615)
Tax Map Parcel #:	21-67
Acreage:	88.89 acres
Magisterial District:	Rohoic District
Planning Commission Mtgs.:	July 8, 2009, August 12, 2009, September 9, 2009
Related Meetings:	Agent held a community meeting on Mon. June 29, 2009

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### **CASE OVERVIEW**

The applicant, First Management Company, LLC, through its agent, Brian C. Mitchell, is requesting to rezone with proffers a parcel containing approximately 88.89 acres from Agricultural, General, A-2 to Residential, Limited, R-1 in order to create a development of approximately 50 single family homes on no more than fifty lots. The Residential, Limited, R-1 zoning classification allows for single-family residential development at a minimum density of one and one-half acres or more for lots with on-site septic and water facilities. The property is located at 7613 and 7617 Blue Tartan Road, Petersburg, Virginia 23803, and the property is further defined as Tax Map Parcel 21-67. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Planned Growth Area, which recommends low to medium density residential development for this general area.

### **ATTACHMENTS**

- Rezoning Application and Applicant's Attachments
- Attachment A - Tax Map
- Attachment B – Original Proffer Statement
- Attachment C – Revised Proffers (Aug. 12 PC Mtg.)
- Attachment D – Revised Proffers (Sept. 9 PC Mtg.)

### **LAND USE AND ZONING ANALYSIS**

The subject property is located on the north and south sides of Blue Tartan Road (Route 615). The applicant is seeking the rezoning of the 88.89 acres from Agricultural, General, A-2 to Residential, Limited, R-1 to develop an approximately 50 lot single-family residential subdivision with lot sizes ranging from 1 and ½ acres to 3 acres as shown on the applicant's conceptual development plan.

The surrounding land uses include open space and predominately large lot, low density established and stable single-family residential development, and the general area is zoned A-2, Agricultural, General. The property under review is designated by the Comprehensive Land Use Plan (the "Plan") as being within the Planned Growth Area. As such, the general area is expected to accommodate future residential development. The Comprehensive Plan also sets forth that the overall density of single-family residential development within the Planned Growth Area should not exceed the Ordinance required 1 and ½ acre minimum acreage requirement for lots not served by public water and sewer. Where suitable soils and Health Department regulations for existing water and sewer systems are met, the Plan also allows for on-site individual wells and septic systems for areas not served by public water and septic systems.

Chapter XI of the Comprehensive Plan outlines the policies, goals and objectives of the County, policy statement (3) states “maintain and enhance the County’s ability to coordinate a balanced land-use program among various types of residential, commercial, and industrial interests by encouraging development within areas defined as growth centers and/or growth corridors.” As previously stated, this general area is designated as Planned Growth Area; thus, it may be considered a growth center.

Generally, the composition of the Residential, Limited, R-1 District is to be composed of “certain quiet, low-density residential areas plus certain open areas where similar residential development appears likely to occur”. Within this general area, there is anticipated residential development that will occur along with future commercial services developing in the area.

## **OVERVIEW OF DEVELOPMENT IMPACTS**

### **Public Utilities, Public Safety & School System Impacts**

The use of public water and sewer utilities is not proposed by the applicant as it is the intention of the applicant to develop the property with individual private wells and individual septic systems. With the closest public water and sewer facilities over  $\frac{3}{4}$  of a mile away from the subject property, the applicant has requested that the Dinwiddie County Water Authority (DCWA) grant a waiver from requiring a common centralized water and sewer system for the proposed development. As set forth in Chapter 21 of the Dinwiddie County Code, a developer or subdivider is permitted to request a waiver from providing a centralized water and sewer system for a development that is located outside of the Urban Planning Area. If a waiver is not granted by the DCWA, the minimum lot size required for the development then becomes two acres if it is developed utilizing individual private wells and septic systems on each individual lot.

With an estimated fifteen (15) Fire/EMS calls annually, the impacts on public safety services should be minimal. Dinwiddie County Public Safety (the Fire Marshall) recommended that each home be installed with a residential sprinkler system to help reduce the homeowners’ insurance premiums. Fire protection services would be provided from the Namozine Fire Department, which is approximately five miles from the subject property dictating an ISO rating of “10”. The Fire Marshall suggested extending public water service to the proposed subdivision to enhance fire protection; however, as previously outlined with the cost prohibitive nature of extending 4,700 linear foot of waterline to the subject property, the developer is requesting a waiver from the DCWA. The Fire Marshall also suggested that Blue Tartan Road should be connected through to Duncan Road to provide additional access to the proposed subdivision. The developer is indicating on the conceptual subdivision layout that a cul-de-sac is to be constructed at the end of Blue Tartan Road to prevent cut through traffic coming from Route 1 and accessing Duncan Road. Staff has received public comments from nearby residents requesting that the cut through traffic be prevented from accessing Duncan Road via Blue Tartan Road.

The impact on the public school system should be minimal based on the school system’s Census information, which estimates 0.5 students per household, and at build out (three to five years in normal economic housing market conditions) this development would add 25 students to the school system with one-third attending elementary, one-third attending middle, and one-third attending high school. Dr. Maranzano indicated that this development would not over stress the school system’s current operations.

### **Transportation Impacts**

The impacts on the existing transportation network would warrant a 200-foot left hand turn lane on the southbound lane of Route 1 for making the left turn onto Frontage Road. Based on the turn lane analysis, no right hand turn lane would be required on the northbound lane of Route 1 for making the right turn onto Frontage Road. In addition, the VDOT Resident Engineer, Mr. Ray Varney, indicated that there are concerns with the intersection at Frontage Road and Blue Tartan Road in that at the intersection of the two curves sight distance is limited. VDOT did have additional concerns regarding the sight distances where the proposed subdivision streets intersect Blue Tartan Road there is a knoll in Blue Tartan Road that may limit sight distances for future residents entering Blue Tartan Road. Additionally, the conceptual layout of lots 26 through 30 and lots 37 through 42 should not front on Blue Tartan

Road, but should face inward to the proposed development and front on a subdivision street, and the same can be said for lots 12 through 17. Mr. Varney indicated that "reducing the number of lots fronting on Blue Tartan Road should be a high priority". Mr. Varney also indicated that right-of-way should be dedicated along Blue Tartan to allow for the future improvement/widening of Blue Tartan Road when other properties are developed. The applicant will also be required to provide the proper radiuses for the cul-de-sacs needed to meet requirements for Public Safety and the School System as set forth within the Department of Transportation (VDOT) subdivision street design standards.

### **PROFFER STATEMENT**

The Owner has submitted a proffer statement to the County. The Owner has offered a voluntary cash proffer of \$9,688.00 per lot, which shall be paid prior to the issuance of a building permit. The Owner will limit the number of lots within the proposed development to fifty (50) lots, and the minimum square footage of heated space within the dwellings is 1,800 square feet. The Owner has also proffered to create a homeowner's association to manage and oversee the restrictive covenants and open space within the subdivision. One parcel of land of at least one acre in size is provided for recreational use as well as future amenities. In addition to the recreational lot, the Owner has proffered to restrict the development impacts where the Civil War breastworks are located and to provide pedestrian access to the breastworks through an access easement. To address the transportation impacts the owner is proposing a cul-de-sac at the end of Blue Tartan Road to prevent cut through traffic from Merten Lane through to Duncan Road while at the same time providing a gate for emergency access to Blue Tartan Road from Duncan Road via Merten Lane. The Owner is also proposing to dedicate an ultimate right-of-way width of fifty feet along Blue Tartan Road for the entire frontage of the subject property. To address the impact of the additional vehicle trips produced by the subdivision development on the intersection at Blue Tartan Road, Frontage Road, and Route 1, the Owner has proffered to realign Blue Tartan Road to intersect with Route 1 at a point acceptable to VDOT prior to the issuance of the thirty-first (31<sup>st</sup>) building permit.

### **Staff Recommendation:**

The Staff has reviewed the rezoning request and conceptual subdivision plan (Proffer Exhibit A), and the applicant has addressed the impacts of rezoning the property for the development of the fifty (50) lot subdivision. The proposed subdivision development will further diversify the housing inventory of Dinwiddie County and will contribute to the residential density needed to support future commercial and service commercial development he for this general area of the County. As set forth in the Dinwiddie County Comprehensive Plan, the rezoning is in conformance with the development plan for this general area of the County. In addition, with the revised proffers, the Owner has addressed many of the concerns of the adjoining property owners and community.

Therefore, Staff is recommending approval of the proposed rezoning with proffers.

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

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, that rezoning P-09-1 is approved with proffers by the Board of Supervisors.

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

Nays: Ms. Moody, Mr. Talmage

### **12.B. PUBLIC HEARING PROPOSED RESOLUTION AUTHORIZING THE CONVEYANCE OF 0.021 ACRE TO THE TRUSTEES OF PRIMERA IGLESIA CRISTIANA PENTECOSTAL BY DEED OF GIFT**

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

The Chair opened the public hearing in this matter.

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

**BACKGROUND:**

In 2006, Dinwiddie County started the response process to a groundwater pollution complaint issued by the Virginia Department of Environmental Quality. A portion of the compliance process requires the Iglesia Cristiana Pentecostal Church to develop its own water well separate from its current water supply. In order for the church to establish this separate well, it will require a conveyance of approximately 0.021 acres owned by Dinwiddie County that is adjacent to the Church. This conveyance will also serve as part of the County's compliance process with the Virginia Department of Environmental Quality. Mr. Andrew Mayes of Commonwealth Environmental Services is assisting the county with the compliance process. He is in the audience, and he is available for any questions that the Board of Supervisors may have for him.

EXHIBIT A

Pursuant to Section 15.2-1800 (B) of the Code of Virginia, 1950, as amended, the County is authorized to dispose of its real property provided that no such real property shall be disposed of until the governing body has held a public hearing concerning such disposal.

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

WHEREAS, the Board of Supervisors of Dinwiddie County, Virginia is the owner of Tax Parcel #57A (3)12 known as 14200 Sycamore Drive and containing 0.716 acres located on the south side of Route 1 and off of the west side of Route 1402, Rowanty District, Dinwiddie County, Virginia as shown on that certain plat of survey made by R. H. Gordon & Associates, Land Surveyors, dated January 29, 2003, entitled "Plat Showing Property Surveyed For The County Of Dinwiddie Being 0.716 AC± on the south side of Route 1 in Rowanty District, Dinwiddie County, Virginia" which said plat is duly recorded in the Clerk's Office of the Circuit Court of Dinwiddie County, Virginia in Deed Book 579 at Page 364; and

WHEREAS, in order to remedy Pollution Complaint number PC 96-4079, the Virginia Department of Environmental Quality has recommended that a new well be installed to service the existing facility owned by Primera Iglesia Cristiana Pentecostal adjacent to the County's above-referenced parcel; and

WHEREAS, in order to effect such a remedy, the County desires to convey 0.021 acre of the above-referenced parcel to the Trustees of Primera Iglesia Cristiana Pentecostal to be added to Tax Parcel #57A (3)13 as per a property line adjustment, thereby creating a well lot upon which a new well may be installed to service the existing facility owned by Primera Iglesia Cristiana Pentecostal;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that Donald L. Haraway, Chairman, is hereby authorized and directed to execute the necessary documents, including a deed of gift, to accomplish said conveyance to the Trustees of Primera Iglesia Cristiana Pentecostal.

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

Nays: Mr. Stone

**12.C. PUBLIC HEARING: PROPOSED ORDINANCE TO ADOPT THE ALTERNATIVE METHOD OF FILING PERSONAL PROPERTY TAX RETURNS**

Lori K. Stevens, Commissioner of the Revenue, presented the information below to the Board.

The Chair opened the public hearing in this matter.

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

**BACKGROUND:**

In 2008 the Board of Supervisors voted to adopt proration of personal property to be effective the tax year of 2009. Since January 1, 2009, the Commissioner of the Revenue office has handled over 15,600 vehicle transactions from DMV alone. This has increased our interaction with taxpayers as would be expected.

In doing research around the Commonwealth, localities that we have asked questions of regarding the proration process are localities that have adopted Filing by Exception. These localities are City of Chesapeake, City of Portsmouth, Hanover County, Chesterfield County, and York County. This is a process that they have indicated has been very successful.

New residents would still be required to notify the Commissioner of the Revenue Office of their tangible personal property, and current residents would still need to notify the office of any changes in their statuses. However, current residents would not be required to file an annual form if they have no changes in the status of their tangible personal property.

High mileage exceptions would still be accepted, however, the taxpayer would still be responsible for providing the proof of high mileage on their vehicles to the Commissioner of the Revenue Office.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the ordinance to amend the Code of the County of Dinwiddie, 1985, as amended, by amending Section 19-5. Filing Date; Failure to File Return; Penalty; Extensions Chapter 19, Article I, Taxation – In General is approved and adopted as presented.

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

Nays: None

**AN ORDINANCE TO AMEND THE  
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,  
BY AMENDING SECTION 19-5. FILING DATE; FAILURE TO FILE RETURN;  
PENALTY; EXTENSIONS  
CHAPTER 19, ARTICLE I, TAXATION - IN GENERAL**

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

*(1) That Chapter 19 of the Code of the County of Dinwiddie, 1985, as amended, is amended by adding the following language marked with underline and deleting the following language marked with strikethrough:*

**Sec. 19-5. Personal property tax returns. ~~Filing date; failure to file return; penalty; extensions.~~**

(a) Beginning January 1, 2010, and effective with the 2010 tax year, Dinwiddie County adopts the alternative method for filing personal property tax returns on motor vehicles, trailers and boats, as each such term is defined in Section 46.2-100 of the Code of Virginia, pursuant to Section 58.1-3518.1 of the Code of Virginia.

(1) Personal property taxes on motor vehicles, trailers and boats shall be assessed and levied according to the most recent personal property tax return filed by the owner of such motor vehicles, trailers and boats. For tax year 2010, personal property taxes on motor vehicles, trailers and boats shall be assessed and levied on the basis of the 2009 tax return filed by the owner of such motor vehicles, trailers, or boats, unless a return is required pursuant to subsection (2) below. ~~The due date for filing annual returns of taxable tangible personal property and machinery and tools shall be February 15, of each such calendar year.~~

(2) The owner of a motor vehicle, trailer or boat shall be required to file a new personal property tax return with the commissioner of the revenue of the county within thirty (30) days of:

(i) A change in the name or address of the person or persons owning taxable personal property;

(ii) A change in the situs of personal property;

(iii) Any other change affecting the assessment or levy of the personal property tax on motor vehicles, trailers or boats for which a tax return has been filed previously; or

(iv) Any change in which a person acquires one or more motor vehicles, trailers or boats and for which no personal property tax return has been filed.

(b) Personal property tax returns on all taxable tangible personal property, except motor vehicles, trailers, and boats, and on all taxable machinery and tools, shall be filed annually and shall be due on February 15 of each year.

(c) If a person required by this section to file a personal property tax return fails to file such return within the time period required by this section, by the date due, February 15, a penalty of ten percent (10%) of the tax assessment or \$10.00, whichever is larger, shall be added to the tax assessment; however, in no case shall the penalty assessed exceed the total tax assessment. shall be added to such tax in the amount of ten percent of the tax assessed. Penalty for failure to file a return shall be assessed on February 16. No penalty for failure to file a return shall be greater than ten percent of the tax assessed or \$10.00, whichever is greater; provided, however, that the penalty shall in no case exceed the amount of the tax assessable.

(d) ~~(c)~~ Notwithstanding the provisions set forth above, upon a showing of good cause, the commissioner of the revenue may grant a taxpayer an extension of time of up to ninety (90) days to file a personal property tax return required by this section. for failing to file such a return, not to exceed 90 days, whenever good cause exists. The commissioner of the revenue shall keep a record of every such extension granted. If the commissioner grants a taxpayer an extension of time to file a required personal property tax return and the taxpayer fails to file the required return within the extended time period, penalties shall be assessed from the original due date of the return. If any person who has been granted an extension for filing his return fails to file his return within the granted time, his case shall be treated the same as if no extension had been granted.

(2) *That this ordinance shall become effective January 1, 2010.*

#### **12.D. PUBLIC HEARING: PROPOSED ORDINANCE TO ABOLISH PRORATION OF PERSONAL PROPERTY TAXES ON MANUFACTURED HOMES**

Lori K. Stevens, Commissioner of the Revenue, presented the information below to the Board.

The Chair opened the public hearing in this matter.

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

#### **BACKGROUND:**

In 2008 the Board of Supervisors voted to adopt proration of manufactured homes to be effective the tax year of 2009. This ordinance requires that manufactured homes be prorated on a quarterly basis. Since January 1, 2009, the Commissioner of the Revenue office has processed less than 35 manufactured homes for proration.

The computer program that we use is not designed to prorate on a quarterly basis. In conversation with BAI, it would take special programming resulting in additional costs. The Commissioner of the Revenue office has to set up special supplements for these homes in addition to other personal property supplements because of the quarterly versus twice a year billing. Even in doing this, we have had to pay close attention so that the taxpayer is not over assessed, yet ensure that they are not under assessed. The issue is the same when a credit has to be given.

In doing research with other localities that prorate, no other locality prorates mobile homes on a quarterly basis.

New residents would still be required to notify the Commissioner of the Revenue Office of any manufactured home being moved into the county; and current residents would still need to notify the office of any changes in their statuses.

In summary, this ordinance would reduce the paperwork in the office, be one less requirement on the taxpayer, reduce postage for both the County and the taxpayer, and with a minimal revenue reduction be a positive for all involved.

#### **REQUESTED ACTION:**

The Commissioner of the Revenue requests that the Board of Supervisors amend section 19-2.2 of the Code of Dinwiddie County to delete the proration of property taxes on manufactured homes.

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

WHEREAS, in accordance with Section 58.1-3521 of the Code of Virginia, 1950, as amended, the Dinwiddie County Board of Supervisors desires to delete the proration of property taxes on manufactured homes as hereby requested,

NOW THEREFORE, BE IT ORDAINED by the Dinwiddie County Board of Supervisors that it does hereby approve the amendments to Section 19-2.2, Proration of Property Taxes on Manufactured Homes, of the Code of the County of Dinwiddie, Virginia, as presented.

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

Nays: None

**AN ORDINANCE TO AMEND THE  
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,  
BY DELETING SECTION 19-2.2. PRORATION OF PROPERTY TAXES ON  
MANUFACTURED HOMES  
CHAPTER 19, ARTICLE I, TAXATION - IN GENERAL**

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

*(1) That Chapter 19 of the Code of the County of Dinwiddie, 1985, as amended, is amended by deleting the following language marked with strikethrough:*

**~~Sec. 19-2.2. Proration of property taxes on manufactured homes.~~**

~~(a) For manufactured homes, as defined in Section 22-1, delivered or moved into the county after January 1 and used as a place of full-time residence by any person, the county shall quarterly prorate any property taxes which would have been collectible had such manufactured home been situated within the county on January 1 of the tax year. For purposes of proration, a period of more than one-half of a quarter shall be counted as a full quarter, and a period of less than one-half of a quarter shall not be counted.~~

~~(b) This ordinance shall be effective January 1, 2009 and shall affect only taxes accruing on or after January 1, 2009.~~

*(2) That this ordinance shall become effective January 1, 2010.*

**12.E. PUBLIC HEARING: PROPOSED ORDINANCE TO PERMIT WAIVER OF THE VEHICLE LICENSE TAX AS TO A REPLACEMENT VEHICLE**

This matter was not heard at this meeting.

**14. OLD / NEW BUSINESS: APPOINTMENTS**

There were no appointments made at this meeting.

**15. CITIZEN COMMENTS**

The Chair opened the citizen comment period.

There was one person signed up to speak, however that person had left the meeting and was not available to speak.

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

**16. 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 8:40 p.m.

\_\_\_\_\_  
Donald L. Haraway  
Chairman

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

/wjn