

VIRGINIA: AT THE REGULAR MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 19TH DAY OF JANUARY AT 3:00 P.M.

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

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
Mr. Haraway
Ms. Moody
Mr. Stone
Mr. Moody

4. AMENDMENTS TO AGENDA

W. Kevin Massengill, County Administrator, stated there were two amendments to the agenda. He requested that Public Hearing: 13. A. – Proposed Ordinances Temporarily Reducing Certain Subdivision and Zoning Administrative Fees not be heard at the 7:00 p.m. meeting as when it went to the Planning Commission it was denied. He stated that staff would like a subcommittee to be formed to discuss this matter. He asked that 13.A. be struck from the agenda and that public hearings begin with 13.B.

Mr. Massengill also asked that under Closed Session §2.-23711 (A) (7) – Legal Consultation, Contract Negotiations be added; and also under §2.-23711 (A) (1) Personnel that Office of Economic Development be added.

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

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

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

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

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

5.A. CONSENT AGENDA: APPROVAL OF MINUTES FOR DECEMBER 15, 2009 REGULAR MEETING

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the December 15, 2009 Regular Meeting Minutes are approved.

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

5. B. CONSENT AGENDA: CLAIMS

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

Nays: None

CLAIMS	12/11/09	12/18/09	12/28/09	1/8/10	12/30/09	
	Void 1071693	Void 1071761	Void 1071904	Void n/a	Void 1071933	
	1071694-1071760	1071762-1071903	1071905-1071932	1071597	1071934-1071984	TOTALS
101 - General Fund	\$104,036.61	\$307,316.07	\$11,295.43	\$287,440.87	\$870,480.99	\$1,580,569.97
103 - Jail Commission		\$197.31		\$447.97		\$645.28
105 - Playground Equipment						
202 - Medical Center						\$0.00
209 - Litter Grant Fund						
210 - Community Developmt						\$0.00
226 - Law Library	\$9.06					
228 - Fire Programs & EMS		\$750.49		\$3,753.00		\$4,503.49
229 - Forfeited Asset Sharing Program		\$2,246.70	\$519.97			\$2,766.67
301 - School Construction		\$3,220.00				\$3,220.00
304 - CDBG Grant Fund						\$0.00
305 - Capital Projects Fund	\$172,900.00	\$131,696.15	\$6,354.43	\$82,857.55		\$393,808.13
401 - County Debt Service		\$42,040.00		\$44,950.15		\$86,990.15
3-101 - Revenue	\$128,398.00	\$30.00		\$698.14		\$129,126.14
3-202 - Medical Center						\$0.00
3-305						\$0.00
TOTALS	\$405,343.67	\$487,496.72	\$18,169.83	\$420,147.68	\$870,480.99	\$2,201,629.83

5. C. CONSENT AGENDA: SCHOOL BOND REQUISITIONS FROM PROJECT FUND:HS-58; ES-61; FH-13

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, January 12, 2010.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$180,674.82 from the VPSA 2007 Bonds, is approved.

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

Nays: None

REQUISITION FROM THE PROJECT FUND

Note/Bond Account

Industrial Development Authority of Dinwiddie County, Virginia
VPSA 2007 Bonds

TO: PFM Asset Management

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

DATE: January 12, 2010

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>
\$ 180,674.82	Kenbridge Construction Co., Inc.	Application for Payment No. 42
\$ 180,674.82	TOTAL OF THIS REQUISITION	

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$20,887.26 from the VPSA 2007 Bonds is approved.

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

No. ES-61

REQUISITION FROM THE PROJECT FUND

Note/Bond Account

Industrial Development Authority of Dinwiddie County, Virginia
VPSA 2007 Bonds

TO: PFM Asset Management

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

DATE: January 12, 2010

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>
\$ 20,887.26	Kenbridge Construction Co., Inc.	Application for Payment No. 40
\$ 20,887.26	TOTAL OF THIS REQUISITION	

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

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

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

No. FH-13

REQUISITION FROM THE PROJECT FUND

Note/Bond Account

Industrial Development Authority of Dinwiddie County, Virginia
VPSA 2007 Bonds

TO: PFM Asset Management

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

DATE: January 12, 2010

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>
\$ 5,299.61	Moseley Architects	Architectural Services -Bidding -Reproduction
\$ 5,299.61	TOTAL OF THIS REQUISITION	

5. C. CONSENT AGENDA: VDOT FORM AM-4.3: ADDITION IN SECONDARY SYSTEM OF STATE HIGHWAYS – WATERFORD LANDING SECTION 5

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the resolution of addition of subdivision streets in Waterford Landing Section 5 is approved as presented.

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

By resolution of the Board of Supervisors of Dinwiddie County, Virginia in regular meeting on the 19th day of January, 2010 adopted the following:

RESOLUTION

WHEREAS, the street(s) described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Dinwiddie County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation, and

NOW, T HEREFOR, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form AM-4.3 to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution e forwarded to the Resident Engineer for the Virginia Department of Transportation.

**Additions Form AM-4.3
Report of changes in the Secondary System of State Highways**

Project/Subdivision **WATERFORD LANDING SECTION 5**

Type Change to the Secondary System of State Highways: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested: the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for change: **New subdivision street**
Pursuant to Code of Virginia statute: **§33.1-229**

Street Name and/or Route Number

➤ **Miry Run Road, State Route Number 1207**

Old Route Number: 0

- From: 623 Sutherland Road
To: 1208 Whipponock Way, a distance of: 0.46 miles.
Recordation Reference: Plat Book 17, Page 313, 314
Right of Way width (feet) = 50 Feet

➤ **Whipponock Way, State Route Number 1208**

Old Route Number: 0

- From: 1207 Miry Run Road
To: cul-de-sac, a distance of: 0.12 miles.
Recordation Reference: Plat Book 17, Page 313, 314
Right of Way width (feet) = 50 Feet

➤ **Whipponock Way, State Route Number 1208**

Old Route Number: 0

- From: Intersection of Route 1207
To: Intersection of Route 1210, a distance of: 0.27 miles.
Recordation Reference: Plat Book 17, Page 313, 314
Right of Way width (feet) = 50 Feet

6.A. REPORTS: DEPARTMENT OF TRANSPORTATION

Ray Varney, Resident Administrator, presented the report below. He stated that due to changes at the Residency he will most likely not be presenting a report or appearing before the Board after April 2010.

THE DINWIDDIE MONTHLY

January 2010

The VDOT Petersburg Residency monthly report for Dinwiddie County

Maintenance Items

Accomplished Work Highlights

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

Budget Summary for Church Road and McKenney AHQs covering the period from June 25, 2009 through December 24, 2009:

	FY 10 Budget	Spent YTD (\$)	Budget Remaining (\$)	Spent (%)	Spend Plan (\$)	Spend Plan (%)	Ahead (-) /Behind(+) (\$)
Church Road AHQ	\$1,450,608.17	\$756,878.62	\$693,729.55	52.2	\$819,667.86	92.3	\$62,789.24
McKenney AHQ	\$1,631,281.11	\$784,225.19	\$845,818.60	48.2	\$926,553.26	84.6	\$142,328.07

Construction Projects

Ongoing Projects:

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

Preliminary Engineering Items

Active Project Status (only active projects depicted)

Non-Maintenance Funded Projects:

River Road Intersection Improvements at Ferndale – This project was advertised in November. The bids came in under the engineer's estimate. This project should move forward to construction in early 2010. UPC 61294. Fixed completion date is May 19, 2010.

Mr. Varney stated that the barn is down on Rt. 620 and the road is reopened.

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. Another citizen information meeting is planned for improvements at this intersection. Scheduled advertisement for construction is 4/29/14. UPC 80993

District Maintenance Funded Projects:

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

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

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

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

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

Residency Maintenance Funded Replacement Projects:

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

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

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

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

Route 618 (Halligan Park Road) Culvert Replacement – Rains during the week of November 30 damaged the culvert under Halligan Park Road 0.08 miles south of Baugh Road. The culvert will have to be replaced. We are currently evaluating if it can be replaced by State Forces or if it must be bid to the public. The road is scheduled to reopen the second week in February.

Route 627 (Courthouse Road) Culvert Replacement – Both culverts about 0.8 miles south of Browns Road will be replaced. State Forces began work on December 7 and are scheduled to complete the work by January 19, 2010. As of this meeting the work is complete. The crews have currently moved to Rt. 618 – Halligan Park Road. That should be completed in two weeks (depending on the weather). After that they will move to Rt. 609 with a three week completion date.

Future Funding

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

Items from the Last Board Meeting

A request has been sent to the District to reclassify Boisseau Road from a Rural Minor Collector to a Rural Major Collector.

Mr. Varney stated that all responsibilities regarding a Secondary Six-Year Plan will move to the District Office. He stated that the County gets, at a minimum, approximately \$100,000 per year from telecommunication fees for telecommunication right-of-ways in the county. That money has the potential to be used for rural rustic improvements.

Mr. Talmage asked if the roundabout should come to pass, what would happen to the traffic signals that are there currently. He asked if they could be moved to the intersection of River Road and Ferndale.

Mr. Varney responded that typically the salvage materials go to the contractor. He said if they can be reused at another location, VDOT may say that they have to be taken down, maintained and returned to VDOT at the end of the project. Mr. Varney stated that as far as moving them to River Road and Ferndale, right now they do not have the authority to install them. He said the District Traffic Engineer is convinced that once the turn lane is put in and separates the two movements at that intersection; there is not a warrant for that traffic signal installation.

Mr. Haraway said that at the intersection of Rt. 460 and Namozine Road – in front of Olgers Museum - when taking a right hand turn off of Rt. 460 (westbound) there is a drop-off of from 8 to 10 inches. He stated that he had received several complaints regarding that drop-off.

Mr. Varney stated that VDOT would take care of it.

Mr. Haraway said that regarding a letter Mr. Massengill received several months ago regarding the State taking over Bolsters Road; it must be a top authority for Mr. Hawthorne to get the rest of the roads in Dinwiddie County into the State system since he expressed such a desire to get that one into the system. He said he knew there was one in his district that had been out of the system for at least ten years. He asked Mr. Varney for a report of all the roads in Dinwiddie County that have applied to be accepted into the State system but have been turned down. (It was clarified this applied to roads that have been paved and

application has been made to have them taken into the system but for various reasons they have been rejected.)

Ms. Moody asked if there was a fee for VDOT to install pipe in a new driveway.

Mr. Varney responded that in October 2009 there was a change in the policy. VDOT used to install private driveway entrances but that is no longer the case. Currently, the owner either has to pay the Department to put it in, or a contractor to put it in. There is a fee and typically the homeowner would pay the fee regardless of whether VDOT did the work or the homeowner had a contractor do the work. If the contractor does the work, the contractor has to have a bond. There would be a permit fee and a bond fee that would be required.

Mr. Stone stated that on I-85 Southbound within the last 2/10 of a mile before you get to mile marker 59 the recent snow/ice has created havoc on pothole repairs. Also on I-85 Southbound just before mile marker 45 there is the same problem (both examples are in the right-hand lane). Mr. Stone stated that at last month's meeting he had requested a list of all county bridges and the priority ranking for repairs. He asked that the list be emailed to him, the County Administrator or the Clerk to the Board. Lastly, Mr. Stone stated that regarding the Baltimore Road issue he had contacted Mr. Varney about, he has a resident who would like to meet with one of the VDOT workers to show that individual exactly where the problem is.

Mr. Varney stated they would check the pothole problems. He expressed apologies for not getting the bridge information to Mr. Stone and stated he would take care of it. Mr. Varney stated that Mr. Stone could just forward the contact information of the resident who wanted to meet with someone regarding Baltimore Road and he would have someone call that resident.

Mr. Moody stated that he appreciated the time Mr. Varney has served the County.

Mr. Massengill, County Administrator, stated that a lot of concerns over the years have regarded communication. He stated that at a meeting several months ago which he had with Mr. Varney and Mr. Hawthorne of VDOT, it was expressed that a memo would be sent out to County Administrators and City Managers regarding reorganization of the Department. He said that communication is critical to the relationship, and the information as to how the changes at VDOT are going to play out is needed at the locality level. He stated that it concerns him that plan review will probably be extended for most developers when at the same time the County is trying to get the economy rolling and fast-track new construction.

Mr. Haraway stated that he is being told that when residents call the Residency and request that work be done – very seldom is it actually being done. He added that when the Board requests something of Mr. Varney that he either gets it done or comes back and tells them it can't be done.

Mr. Varney stated he would follow up on why work was not getting done.

**7.A. ACTION ITEM: RESOLUTION REAFFIRMING THE COUNTY OF DINWIDDIE
ENDORSEMENT OF AN INDEPENDENT POLICY BOARD FOR THE JOHN
TYLER ALCOHOL SAFETY ACTION PROGRAM**

The Board received the letter below from Maureen Earley, Executive Director of John Tyler Alcohol Safety Action Program (ASAP).

In 1979, the County of Dinwiddie passed a resolution to participate in what is now called the John Tyler Alcohol Safety Action Program (ASAP). For the past 30 years we have been serving the citizens of your area.

In an effort to adhere to the Commission on VASAP policies, we have been asked to update the current resolution dated August 1979. In addition, the Commission on VASAP also requires that the locality appoint a member to the John Tyler ASAP Policy Board. At this time, you have officially appointed Marie Grant.

I have included a sample resolution that includes correct code sections and the request for an appointed board member. If you would like an electronic copy of the resolution, please

email me at mearley@vaasap.org. John Tyler ASAP continues to operate off of client fees, and we request no funding from the locality.

If you have any questions, please do not hesitate to call. John Tyler ASAP looks forward to continuing to serve the County of Dinwiddie.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Resolution Reaffirming the County of Dinwiddie Endorsement of an Independent Policy Board for the John Tyler Alcohol Safety Action Program as presented.

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

Nays: None

RESOLUTION REAFFIRMING THE COUNTY OF DINWIDDIE ENDORSEMENT OF AN INDEPENDENT POLICY BOARD FOR THE JOHN TYLER ALCOHOL SAFETY ACTION PROGRAM.

WHEREAS, the Commonwealth of Virginia, in the interest of highway safety, has enacted laws to create programs for probation, education, and rehabilitation of persons convicted of driving motor vehicles under the influence of alcoholic beverages and other self-administered drugs. These programs are known as Alcohol Safety Action Programs or ASAPs; and

WHEREAS, since 1979, the local program "John Tyler Alcohol Safety Action Program" has been serving the Cities of Colonial Heights, Emporia, Hopewell, Petersburg and the Counties of Chesterfield, Dinwiddie, Greensville, Henrico, Powhatan, Prince George, Surry and Sussex, providing probation, education, and rehabilitation of persons charged in violation of Virginia Code Section 18.2-266, and providing other services approved by the Commission on VASAP; and

WHEREAS, Sections 18.2-271 and 18.2-271.2 of the Code of Virginia require establishment of a Commission on VASAP; said Commission to establish procedures for the operation of local ASAP programs; and April 3, 1987, said Commission issued directives that all local ASAP programs would establish and implement an independent Policy Board, representative of localities served, to operate the program; and

WHEREAS, by resolution previously adopted by this Council on August 15, 1979, the County of Dinwiddie became part of the John Tyler Alcohol Safety Action Program pursuant to Section 15.2-1300 of the Virginia Code;

NOW, THEREFORE, BE IT RESOLVED that, the County of Dinwiddie hereby reaffirms its position as a participating locality in the John Tyler Alcohol Safety Action Program, herein called the Program, endorses the continuation of an independent Policy Board, and agrees to the following:

1. The Policy Board consists of at least seven (7) but not more than fifteen (15) members.
2. Each city and county governing body shall appoint one (1) member to serve as a representative to the John Tyler ASAP Policy Board for a term of three (3) years; and additional Policy Board members shall be elected according to the Policy Board's by-laws. Membership not appointed by the governing bodies of represented jurisdictions, at the discretion of the Board, shall be selected or elected from but not limited to the judiciary, the bar, law enforcement, education, treatment professionals and other interested groups such as local transportation safety commissions. Vacancies which occur on Board shall be filled by majority vote of the remaining Board Members from nomination of other Board Members and participating governing bodies of the jurisdiction.
3. A Chair, Vice Chair and Secretary shall be elected in accordance with the by-laws. The Program's Executive Director shall serve an ex-officio member without voting power.
4. The Policy Board shall hire and supervise the Program's Executive Director. The Executive Director shall be responsible to implement operational policies for the Program, hire and supervise staff for the Program and control all revenues and

expenditures. The Executive Director shall serve at the pleasure of the Policy Board.

5. The program shall be operated by the Board in compliance with the VASAP Commission Policies and Procedures and in conjunction with requirement of the local administrative and fiscal agency;
6. Each fiscal year, the Executive Director shall prepare a budget and submit it for approval to the John Tyler ASAP Policy Board the Commission on VASAP. The VASAP Commission shall be responsible for funding any deficit occurring in the operation of John Tyler ASAP;
7. An annual report shall be prepared under the supervision of the Policy Board indicating the activities of John Tyler ASAP;
8. This agreement shall remain in effect continuously from year to year until termination either by the John Tyler ASAP Policy Board, local jurisdiction, or the Commission on VASAP. Participating cities or counties may withdraw at any time by official action of its governing body and appropriate notice to the John Tyler ASAP Policy Board. If a locality withdraws, its representatives shall no longer serve on the John Tyler ASAP Policy Board; and
9. The Program may acquire and own real property and personal property as approved by the Policy Board for the Program's operation. Title to such property shall be vested in the Program. Should the Program cease to operate, all property shall be disposed of pursuant to applicable provisions of the Virginia Code. The Policy Board may seek the advice of the Commission on VASAP and the Attorney General. It is the intent of this resolution that the Program's assets, upon either partial or complete dissolution of the Program, shall be divided amongst the participating localities at the time of dissolution in the same proportion as the clients served from that locality.

Harrison A. Moody, Chairman

Attest:

W. Kevin Massengill, County Administrator
Clerk to the Board

Adopted by the Board of Supervisors of Dinwiddie County, Virginia, this 19th day of January 2010.

7.B. ACTION ITEM: CRATER YOUTH CARE COMMISSION – SERVICE AGREEMENT AMENDMENT

W. Kevin Massengill, County Administrator, presented the information below.

Please find attached to this memorandum the first amendment to the Crater Youth Care Commission Service Agreement. The member jurisdictions of the cities of Petersburg, Emporia, Hopewell and the Counties of Dinwiddie, Prince George, Surry, and Sussex entered into a service agreement in 2002. Pursuant to this agreement, the member jurisdictions agreed to adjust per diem amounts throughout the fiscal year to reflect current enrollment numbers.

Since the 2002 service agreement was enacted, the usage numbers of the Commission have been within a consistent and predictable range. However, since the spring of 2009, the overall Commission numbers have been dropping; thus causing per diem amounts to be significantly increased. Although the overall enrollment numbers have dropped, Dinwiddie County detainee numbers have been increasing. In response to this unforeseen overall decreasing population, the Commission has made many prudent cuts to diminish the impact.

At the October meeting of the Commission, a finance subcommittee was formed to look closely at the operations of the Commission and its fiscal wellbeing. As a result of this subcommittee, the recommendation was made to amend the current service agreement to reflect a usage charge for each member jurisdiction that would be calculated by using the

percentage of detainees held at the detention center from each member jurisdiction over the preceding three calendar years. This recommendation was approved by the full commission at their November meeting.

By adopting the proposed amendment to the service agreement three major advantages are realized.

1. The amendment provides a consistent cash flow for the detention center and its operations.
2. The amendment provides a fixed budgeted dollar amount for all member jurisdictions for the entire fiscal year.
3. The amendment reduces the possibility for per diem increases during the budgeted fiscal year.

Like most regional service agreements, amendments and modifications have to be adopted with unanimous approval by all the member jurisdictions' governing bodies. Presently, the City of Hopewell, City of Petersburg, City of Emporia, and the County of Prince George have approved the amendment. The Counties of Surry, Sussex, and Dinwiddie remain to be approved.

Administration recommends approval of the amendment.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia hereby approves the first amendment of the Crater Youth Care Commission Service Agreement and approves the Resolution as presented within.

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

Nays: None

RESOLUTION

WHEREAS, the Crater Youth Care Commission has voted to recommend to the Member Jurisdictions that the Service Agreement dated July 1, 2002 be amended to reflect that the usage portion of the charge to the Member Jurisdictions for operating the Commission be based on a three year calendar average of juveniles committed to the Detention Center from each jurisdiction, rather than on the basis of a per diem charge for each juvenile committed during the current fiscal year; and

WHEREAS, this amendment, if adopted, will prevent a Member Jurisdiction from having to pay an increased usage charge from that originally budgeted due to an increase in juveniles committed from that Member Jurisdiction during the fiscal year; and

WHEREAS, the amendment, in order to be adopted, must be approved by each of the seven governing bodies of the Member Jurisdictions.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Dinwiddie County that the First Amendment to the Crater Youth Care Commission Service Agreement is hereby agreed to by the Board of Supervisors, and the County Administrator is authorized to execute the document on behalf of the County.

Adopted this 19th day of January, 2010.

FIRST AMENDMENT TO CRATER YOUTH CARE COMMISSION SERVICE AGREEMENT

THIS FIRST AMENDMENT to the Crater Youth Care Commission Service Agreement dated July 1, 2002 (the "Service Agreement") is entered into by and among the CRATER YOUTH CARE COMMISSION (the "Commission"), the CITIES OF EMPORIA, HOPEWELL AND PETERSBURG and the COUNTIES OF DINWIDDIE, PRINCE GEORGE, SUSSEX AND SURRY (collectively the "Member Jurisdictions"), each of which is a political subdivision of the Commonwealth of Virginia.

WHEREAS, the Commission was created as the Crater Juvenile Detention Home Commission in 1972 by resolutions of the governing bodies of the Member Jurisdictions, for

the purpose of owning, maintaining and operating a regional facility for the secure detention of juvenile offenders; and

WHEREAS, the Member Jurisdictions adopted the current version of the Service Agreement dated July 1, 2002; and

WHEREAS, the Member Jurisdictions desire to amend the Service Agreement to change the method of calculation of the usage based portion of the formula which determines the cost to each Member Jurisdiction to operate the Commission from a current year usage formula to one based on the usage during the prior three calendar years of operation, which change will eliminate major variances in one Member Jurisdiction's usage charge due to a significant increase in juveniles committed to the Commission during any one year.

NOW THEREFORE, IT IS AGREED by the Commission and the Member Jurisdictions that the Service Agreement be amended as follows:

1. The definition of "Per Diem Charge" in Article I, Definitions, shall be amended to read as follows, and all references in the Agreement to "Per Diem Charge" shall be changed to "Usage Charge":

"Usage Charge" means the usage-based portion of the charge to Member Jurisdictions for each Detainee held in the Detention Center, as set forth in Section 4.2.

2. The definition of "Basic Monthly Charge" in Article I, Definitions, shall be amended to read as follow, and all references in the Agreement to "Basic Monthly Charge" shall be changed to "Population Charge":

"Population Charge" means the population-based portion of the charge to Member Jurisdictions, as set forth in Section 4.2.

3. Section 3.7 shall be amended to read as follows:

Section 3.7. Annual Budget. On or before March 1, or such later date as the Commission members may agree upon, the Commission shall provide to each Member Jurisdiction the Commission's Annual Budget for the next Fiscal Year, including any proposed capital expenditures. For each Fiscal Year, such Annual Budget shall set forth the amount to be paid by each of the Member Jurisdictions, including the amount of the Population Charge and the amount of the Usage Charge, with the latter determined by the percentage of Detainees from each Member Jurisdiction over the past three calendar years. This method shall be effective for the Annual Budget for the Fiscal Year beginning July 1, 2010.

4. Section 4.2 (b) and (e) shall be amended to read as follows:

Section 4.2. Calculation and Billing of Charges to Members.

- (b) The Usage Charge for each Member Jurisdiction shall be calculated by multiplying 50% of the Commission's budgeted Net Expenses for Secure Detention by the percentage of Detainees held at the Detention Center from each Member Jurisdiction over the preceding three calendar years (e.g. the Usage Charge for the 2010 Fiscal Year would be based on the percentage of Detainees from each Member Jurisdiction for calendar year 2007, 2008 and 2009). This change shall be effective for the Fiscal Year beginning July 1, 2010.

- (e) Deleted.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed by their duly authorized officers and pursuant to the approval of the respective governing bodies, as of the date of the last approval of the parties.

CRATER YOUTH CARE COMMISSION

By: _____
Chairman

CITY OF EMPORIA

By: _____
City Manager

CITY OF HOPEWELL

By: _____
City Manager

CITY OF PETERSBURG

By: _____
City Manager

COUNTY OF DINWIDDIE

By: _____
County Administrator

COUNTY OF PRINCE GEORGE

By: _____
County Administrator

COUNTY OF SUSSEX

By: _____
County Administrator

COUNTY OF SURRY

By: _____
County Administrator

8. CITIZEN COMMENTS

Before the citizen comments period, the Chair stated the following.

The Board of Supervisors desires to provide an opportunity for citizens to express their views on matters pertaining to Board issues that are not listed under the Public Hearings portion of this meeting. It is for that purpose the citizens comment period is provided. This time is not intended to be a question and answer period or time for dialogue with Board members or staff. Citizens desiring to address the Board must sign up prior to the commencement of the meeting. Comments must be confined to matters germane to the business of the Board. Citizens should address the Board with decorum. Loud, boisterous

or disruptive behavior, obscenity and vulgarity should be avoided; as well as other words or acts tending to invoke violence or deem to be a breach of the peace. Please do not forget that all comments shall be directed to the Board Chair.

The Chair opened the citizen comments period.

1. Robert O'Day – 9202 Gibson Dr. – Sutherland – said Rohoic manned site was locked up when he went to it on the morning of December 24th. He stated that the County phone system is either outdated or nonfunctional and should be replaced. He stated that a major problem exists for the county, which should be addressed prior to the next election of all Board of Supervisor members and the Constitutional Officers regarding terms of office. He suggested staggered terms.
2. Anne Scarborough – Dinwiddie County – spoke about the County telephone service and the need to make sure the message is changed. She agreed that the County needs a new phone system. She also expressed the need for staggered terms for Board members and Constitutional Officers.
3. John Wamsley – 2619 Oxford Drive – Sutherland – asked that UVOTID be included in working on the budget process. He stated that on Sunday and Saturday mornings at the bridge on Ferndale Road trailer loads of trash come into Dinwiddie from Chesterfield County residents. He asked that UVOTID be able to sit down with the Board to have a meeting. He said it would be good if that could take place on the Tuesday nights right after the Board's workshop meeting. He stated that this would eliminate a lot of misunderstandings with UVOTID, and would get them on the right track to understand what the Board is doing; as well as to give them an opportunity to let the Board know what they think about it.

Mr. Haraway asked if he meant for each of the Board members to meet with their district constituents; or would they like to meet with them as a Board.

Mr. Wamsley answered that they would like to meet with the Board as a group when they are discussing the issues and concerns at the workshops to be presented at the next Board meetings. They would like to be able to talk with the Board at that time and discuss those issues and concerns rather than come in to the regular meeting during the citizen comment period and try to get their concerns across at that time. He said they would be better able to express themselves and maybe the Board could understand them a little more. Also maybe they could understand the Board as well.

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 made a couple of comments in regards to the citizen comments. He stated that he and Mr. O'Day had a previous conversation about the County phone system. He expressed that the system was put in many years ago and is outdated. There have been numerous problems that have heightened in the last several months. Currently the IT Director has put together an Invitation to Bid that should be going out soon. They have been meeting with the School system and are considering piggy-backing with the Schools, Social Services through some State funds, and left over funds from some IT projects in order to replace the phone system. If all goes well, implementation may take place early Spring of this year.

Mr. Massengill stated that regarding staggered terms, staff stands ready to offer any additional information that may be needed. He said that regarding the waste disposal issue, he did not doubt that residents of other localities were bringing trash into the county. This has been a concern and the County is trying to acquire land for additional manned sites. He asked that the Board let him know their choice regarding Mr. Wamsley's request.

Mr. Massengill went over his schedule. On Thursday, January 21st he will be meeting with all the constitutional officers. This is a meeting that takes place monthly on the morning after the Board of Supervisors meeting. He asked that the Board let him know of any items they wish included for discussion at those meetings. On January 25th the Board will have a special meeting at 4:00 p.m. regarding the Cluster Ordinance (which is a Virginia Code requirement). The organizational meeting of the IDA is directly following the January 25th meeting at 7:00 p.m. The Rohoic Future Use Committee is meeting January 27th at 3:00 p.m. in the multi-purpose room. February 2nd the Board of Supervisors workshop agenda

will be discussing waste management ordinance change. The entire County Code section has been rewritten by County Attorney Blair and his staff; and the changes will be discussed. On February 4th there is a Meherrin River Jail Authority meeting. Virginia Gateway Region is having their annual meeting that same date. Finally, Mr. Massengill stated that on February 11th there is an all day legislative day at the General Assembly through the Virginia Association of Counties. Mr. Massengill encouraged as many Board members as possible to attend.

Mr. Massengill welcomed Dollar General in McKenney to the Dinwiddie County community. They officially opened the day of this meeting.

Mr. Massengill stated that he had asked Ms. Collins, Division Chief of Planning and Community Development to give him an update on ridership for the year end on the Dinwiddie bus. Starting from April to December was about 2,462.

He stated that last week he attended a meeting of the Virginia Department of Planning and Budget. They gave City Managers and County Administrators a review of the Caboose Bill and the amendments associated with it. Also, the proposed budget cuts for the biennial budget were given. The majority of cuts to the County will be to the Constitutional Officers' funding from the State. He said that Delegate Carr has put forth House Bill 839 regarding those localities that use selective enforcement.

Mr. Massengill stated that he wanted to reassure the Board and the citizens at this meeting that the County has had good communication with staff that if something is not absolutely needed it is not to be purchased. Also some items will need to be approved through Division Chiefs, the Director of Finance or himself. Vacancies as they occur, not only under County control but also under the Constitutional Officers' staff, require guidance as to whether those vacancies should be filled.

He discussed the Ft. Lee hotel and also Dinwiddie County's transient occupancy tax rate.

Mr. Massengill asked Ms. Collins, Division Chief Planning and Community Development, to speak to the Board regarding her work with the medical services industries in seeking physicians who will be willing to locate in Dinwiddie.

Ms. Collins discussed her conversations with Bon Secours. Originally, they had several plans they wanted to evaluate to begin to potentially integrate themselves into the Dinwiddie market. Ms. Collins stated she had discussion with Herbert Cummings, Director of the Bon Secours medical arm, regarding Bon Secours Caravan that they would like to bring in Dinwiddie. The Caravan is a full service medical unit. It is an approximately 40 foot RV and comes with all the medical services that would be needed. The one component about this that is a little different than what the County has been considering comprehensively, is that the Caravan provides free service primarily to individuals who are uninsured. However, it is the mission of Bon Secours to provide medical services, so they will not turn away anyone who is in need. However, their primary focus as a non-profit is to provide free service through this particular Caravan. However, this is also a precursor to what they've used in other jurisdictions before they bring a more long-term type of service to a community. They would use this as a tool to determine what the needs are in the County. At this point it is being considered as to where that Caravan would be parked. The follow-up meeting is January 21st. The northern end of the county is a possibility – the Caravan would normally be parked in a church parking lot or on County owned property. Ms. Collins stated that communications have continued with two of the three entities the County has been working with (one of the three has pulled back due to budgetary constraints).

10. BOARD MEMBER COMMENTS

Mr. Stone stated that he plans to attend the Legislative Day. He also stated that he thought the Board should consider a resolution for Judge Warren regarding his recent retirement.

Mr. Talmage stated that he was contacted by Delegate Dance's office regarding a bill addressing cell phone usage. She put this bill before the committee last year and it did not make it out of committee. Mr. Talmage said he and Mr. Dudley were asked by Delegate Dance to speak before the House Committee again this year. The bill is House Bill 58. He stated also that he had received a call from a citizen regarding the Rohoic trash collection site. During the holidays he went there one afternoon after dark and was in a vehicle that

was not from the county (although the individual lives in the county). The citizen stated that no one asked him anything. Mr. Talmage said that just to check it out he did the same thing himself at the same time of day and no one challenged him either. He stated that it needs to be reinforced that the workers at these sites need to check to make sure trash is not being illegally dumped. Mr. Talmage also stated that he would be willing to meet with anyone after the workshop meetings who wanted to discuss issues with him.

Mr. Haraway stated that he would agree to stay after the meeting and talk with anyone who wanted to talk with him. He said he was also in favor of rotating terms. He discussed revenue being down and that there will be a shortfall this year in the County's budget. He said that he had come up with a calculation of what he thought the enrollment for Dinwiddie Schools would be. He said he had tried to get an answer as to when the Schools thought that enrollment would reach the point that they would need another facility. He distributed a copy of his calculations that indicate it will be seven to ten years before there will be a need for another elementary school. He said that if it will indeed be seven to ten years (and he will use that calculation until someone can show him something different) then Dinwiddie cannot afford to let Rohoic Elementary sit without using it for something else. He stated that he would have a different opinion if a study showed that the County will need another school in two or three years.

Mr. Moody stated that Senator Quayle of Suffolk County is working with VACo to enact Senate Bill 280 – Equalization of Meals Tax for the counties. This will be heard at the Senate Finance Committee January 20th at 9:00 a.m. He encouraged that Senator Marsh (who is on the committee) be called to express support of this bill. This would give counties equalization with cities. Right now counties have a cap of 4% and cities don't have a cap. Mr. Moody said that on February 10th there is a Rural Caucus dinner meeting sponsored by VACo. He asked that if any of the Board members wished to attend that meeting they let staff know.

11. CLOSED SESSION:

At 4:25 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 Industrial Development Authority
 - Dinwiddie County Planning Commission
 - Personnel
 - County Administrator Evaluation
 - County Attorney Evaluation
 - Office of Economic Development
- b. §2.2-3711 (A) (5) Business and Industry Development:
 - Prospective Business & Industry
- c. §2.2-3711 (A) (7) Legal Consultation:
 - Contract Negotiations

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

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

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

CERTIFICATION

WHEREAS, this Board convened in a closed meeting under:

- a. §2.2-3711 (A) (1) Personnel Matters
 - Appointments
 - Dinwiddie County Industrial Development Authority

- Dinwiddie County Planning Commission
- Personnel
 - County Administrator Evaluation
 - County Attorney Evaluation
 - Office of Economic Development
- b. §2.2-3711 (A) (5) Business and Industry Development:
 - Prospective Business & Industry
- c. §2.2-3711 (A) (7) Legal Consultation:
 - Contract Negotiations

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

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

7:00 P.M.

Mr. John C. Blair II, County Attorney, stated at the beginning of the meeting that he wanted to let the public know that the agenda had been amended earlier in the evening and that Public Hearing 13.A. will not be heard at this meeting. There will probably be a committee formed of both Planning Commissioners and Supervisors to look at issues of growth, and how to stimulate growth within the county.

12. A. PRESENTATION: EMPLOYEE OF THE YEAR, DAWN M. TITMUS

W. Kevin Massengill, County Administrator, asked Ms. Titmus to come before the Board. He highlighted some of her background with the County. Ms. Titmus began employment with the County on January 4, 1994 as a PT Paramedic. She became a full time employee in October 1994. During her tenure with the County she has held many positions – paramedic, supervisor, EMSP, and most recently was promoted to EMS Lieutenant. She is also active in the capacity of EMS Director when needed. Mr. Massengill stated that knowing Ms. Titmus both personally and professionally, she consistently demonstrated her ability to be an effective supervisor in the Division of EMS. He added that she routinely handles issues effectively and without direction. She is extremely dedicated and continuously performs above highest expectations. Mr. Massengill stated that this year the County had done something a little different in awarding Employee of the Year. A panel of County employees chose who they thought should be the Employee of the Year. The individual who nominated Ms. Titmus was Chief Dennis Hale. He was unable to make it to the meeting due to a conflict.

Mr. Massengill read Chief Hale's remarks regarding Ms. Titmus:

“Dawn serves the Division of Fire and EMS as an EMS Lieutenant and Training Officer. In the EMS Department I have all of my employees vote each year for who we put up for this award. Three out of four years Dawn has been our choice and is/was our winner again this year. I think what makes this so outstanding is she is not receiving votes just from her shift, or the people she sees every day. She actually receives the votes from the other three shifts as well. These are people she does not see or work with daily; but are people who recognize what she does for them and for our organization. This just speaks volumes for how she helps our organization and goes about her work. Dawn ensures that all of our staff maintains the highest training levels, and for this is she is not only recognized by our staff but regionally by the EMS agencies as well. She also accepted the challenge this year of filling in as the Acting EMS Director position when I needed it and during challenging times. She stepped right into the organization; never missed a beat; and while she does all of this, she is also a top-notch paramedic delivering services on the street every day.”

Mr. Massengill stated that he was happy to present a check for \$100 on behalf of the Board of Supervisors.

13. A. PUBLIC HEARING: PROPOSED ORDINANCE TEMPORARILY REDUCING CERTAIN SUBDIVISION AND ZONING ADMINISTRATIVE FEES

As the agenda was amended at the 3:00 p.m. portion of this meeting, this matter was not heard at this meeting.

12.B. PUBLIC HEARING: CASE P-10-1 REZONING WITH PROFFERS

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

The representative for the applicant, D. Bryant Gammon stated that Smyrna Baptist Church has had this parcel under purchase contract and has spent significant time doing feasibility studies to determine that his parcel will meet both their immediate needs, and also their projected future needs. He said they have been a staple church in the community since 1897. He said that Smyrna exists for the purpose of building up a community of fully equipped believers to give glory to God with every aspect of their lives. He stated that enrollment and attendance has grown to the point that they are conducting two services, and have directly sponsored a new church in the county. For several years the church has searched for a new site to accommodate its growing needs and has now chosen Mr. Bain's property for its new home. He discussed the coordination planned with Southeastern High Speed Rail Commission. Mr. Gammon stated that it was his understanding that Southeastern had already informed the County that the church's plans for the proposed site are not problematic to their rail right-of-way.

Mr. Stone questioned the location of the proposed driveway.

Mr. Gammon distributed a handout with the proposed information.

The Chair opened the public hearing in this matter.

1. Robert Rowland – 7318 Courthouse Road – Church Road – Mr. Rowland is pastor of Smyrna Baptist Church. He stated that he grew up in Dinwiddie County and loves living here and raising his family in the County. He discussed the attributes of Smyrna and their contributions to the community. He requested that the Board give them a chance to expand their facilities at this location so they can continue to reach out into the community.
2. David Hale – 1311 Sutherland Road – Church Road – said he is part of the project development team for this project at Smyrna Baptist Church. He spoke in favor of rezoning.

A.

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

Please find the attached Planning Commission materials for rezoning request, P-10-1, (applicant, D. Bryant Gammon, on behalf of property owners Warren C. and Nancy B. Bain) that has been advertised for Public Hearing at the, January 19, 2010 meeting of the Board of Supervisors. Mr. Gammon is requesting to rezone 20.0 acres of property located on the southern side of Carson Road approximately 1400 feet east of the Route 1 and Carson Road intersection from Industrial, General, M-2 to Agricultural, General, A-2 for a proposed church (Smyrna Baptist Church). After the Planning Commission heard the request and held the Public Hearing at their January 13, 2010 meeting, the Planning Commission recommended approval of the rezoning, P-10-1, to the Board of Supervisors by a vote of 7-0.

Planning Commission Report

File #:	P-10-1
Applicant:	D. Bryant Gammon, on behalf of property owners Warren C. and Nancy B. Bain
Rezoning Request:	Industrial, General, M-2 to Agricultural, General, A-2 to allow for construction of a church
Property Location:	Southern side of Carson Road approximately 1400 feet east of the Route 1 and Carson Road intersection
Tax Map Parcel #:	Portion of 58-7

Property Size: 20 acres
Related Zoning Case: Property zoned M-2, Jan. 1973
Magisterial District: Rowanty District
Planning Commission Mtg.: January 13, 2010

CASE OVERVIEW

The applicant, D. Bryant Gammon, on behalf of property owners Warren C. and Nancy B. Bain, is requesting to rezone approximately 20 acres of Tax Map Parcel 58-7 from Industrial, General, M-2 to Agricultural, General, A-2 to allow for construction of Smyrna Baptist Church. The Agricultural, General, A-2 zoning classification allows for churches at a density of three acres or more for lots with on-site septic and water facilities. The property is located on the southern side of Carson Road approximately 1400 feet east of the Route 1 and Carson Road intersection. The 20 acre property has 260 feet of frontage on Carson Road and a depth of approximately 1600 feet. 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

Attachment A - Rezoning Application

LAND USE/ZONING ANALYSIS

The properties in the immediate area surrounding this land parcel include low density single-family residential, forestal, and open space land uses. To the west the property is bounded by the CSX railroad right-of-way (inactive), which is zoned Business, Limited, B-1. The residential property to the north across Carson Road is zoned Residential, Limited, R-1. The property to the east is zoned Industrial, General, M-2 and Business, General, B-2 and to the south property is zoned Industrial, General, M-2, Business, General, B-2, and Agricultural, General, A-2. Currently these properties are vacant and include forestal and open space land uses.

Churches are a permitted use in the A-2 zoning district and the proposed church use is a compatible use for this low density single-family residential area. The subject property is located within the Planned Growth Area as defined by the Comprehensive Land Use Plan. This portion of the Planned Growth Area is expected to accommodate institutional facilities needed to provide the necessary community services within this general area of the County.

OVERVIEW OF IMPACTS

Public Utilities, School System, and Public Safety Impacts

There are no impacts to the public utility system and the new church is proposing on-site well and septic systems. There is no impact on the public school system. Public safety will not be overly impacted with the rezoning of the property and addition of the proposed church.

Transportation Impacts

The impacts on the existing transportation network will require a VDOT commercial entrance and depending on the traffic generated by the proposed church there may have to be turn lane improvements made at the entrance to the subject property, and these improvements will be subject to VDOT approval as part of the site plan approval process. The subject property has direct access to Carson Road, and this access point will be at a point where there is adequate sight distance which will require an access easement across the a portion of the remainder of the Bain property. The road system in this particular area is adequate to handle the traffic generated by the proposed use. The proposed alignment for the Southeast High Speed Rail (SEHSR) right-of-way is located just east of the subject property with a proposed overpass to be constructed on Carson Road crossing over the future rail bed which will be in cut approximately 30 feet below the existing road grade. Representatives with the SEHSR project indicated that the proposed church site is not problematic for the rail right-of-way, but that the SEHSR project engineer would like to be included in the site plan review process.

Staff Recommendation

Staff recommends APPROVAL of the request to rezone the subject property based on:

1. The zoning classification requested, A-2, Agricultural, General, is compatible with the surrounding zoning pattern;

2. The requested zoning classification conforms to the underlying uses outlined in the Planned Growth Area in the Comprehensive Land Use Plan for this general area of the County.
-

PLANNING COMMISSION RECOMMENDATION

During the Public Hearing period there was no one who signed up to speak, and no one was present to speak. The agent representing the application, Mr. Bryant Gammon, spoke in favor of the rezoning request and the pastor for Smyrna Baptist Church also spoke in favor of the request. Mr. Gammon spoke to the Commissioners about the proposed church indicating that the entrance to the property would come in at a point further east of the subject 20 acre parcel requiring an access easement across the Bain property. Mr. Gammon also indicated that the proposed alignment for the high speed rail would not hinder development of the site. Planning Commissioner, Dean McCray asked the applicant if the remaining M-2 zoned property to the east of the subject property would impact the proposed church as an industrial use could be noisy and could operate on a 24 hour-a-day basis. Mr. Gammon indicated to the Planning Commission that the adjoining industrial zoned property when developed would be required to have a buffer along the adjoining property line and that the high speed rail would further buffer the property from any activity on the adjoining property. After this discussion with the applicant's agent, the Planning Commission unanimously recommended approval of the rezoning to the Board of Supervisors by a vote of 7-0.

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

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-10-1 is approved by the Board of Supervisors.

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

Nays: None

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

Due to his interest in the matter, Mr. Moody excused himself before the presentation of this case and left the meeting. Vice Chairman, Michael W. Stone, stepped in to facilitate the meeting.

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

The applicant's representative, Larry Hixson, spoke to the Board. He stated that he was Mrs. Moody cousin. He asked Mrs. Moody to be present as well for any questions. The applicant presented a slide show of the property. He said that most likely a lot of church groups will use the facility at the old home place which they are turning into a retreat.

Mr. Stone stated that he had been working with Mr. Bassett and Mr. Blair since the last meeting regarding the several questions he had brought up at the December meeting. He said that when the process started the application was basically for a little over 30 acres and now it has grown to well over 100 acres. His concern was that without a maximum, although he knew that was not the Moodys' intent, it could grow to 5 acres being farmed and 150 acres of camping. Mr. Stone stated that to protect the County, he felt there should be a ceiling on the maximum number of overnight outside campers.

Mr. Hixson stated that the same issue was addressed in the Planning Commission meeting. He added that they are certainly open to placing a maximum on the property. He said they would like to put 100 person maximum for camping on the property.

Mr. Stone said the other concern remaining for him was why there were conditions placed on the old home place, but not on the second rental property on the location.

Mr. Hixson responded that right now that property is rented with a long-term lease. He stated they may want to do that at a later date. He stated they would be fine with having the same restrictions as on the home place.

The Vice Chair opened the public hearing in this matter.

1. Bryant Gammon – 12000 Hawkins Road – Ford – spoke in favor of this matter. He said he thought it was very encouraging to learn what the property would be used for. He said that also the possibility of having the education of being on a working farm was something that he thought was extremely positive.
2. Robert Rowland – 7318 Courthouse Road – Church Road – spoke in favor of this matter. He said at least once a year he tries to take his staff somewhere to plan, rejuvenate, and dream for the future. Every time they have gone somewhere else. He said when he began to read about this retreat possibility, his thought was that they wouldn't have to go very far; they could stay right here in the County.
3. David Hale – 1311 Sutherland Road – Church Road – spoke in favor of this matter.
4. John Wamsley – 2619 Oxford Drive – Sutherland – spoke in favor of this matter. He said that if all the questions that Mr. Stone had at the December meeting had been addressed, then he thought it would be a great idea to go forward with this endeavor.

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

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

Planning Commission Report

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

CASE OVERVIEW

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

CASE ATTACHMENTS

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

LAND USE AND ZONING ANALYSIS

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

As designated by the Comprehensive Land Use Plan, the subject property is within the Rural Conservation Area which allows limited commercial development. The A-2, Zoning District allows an "educational retreat center" as a conditional use, and the uses that are requested under this conditional use permit, the residential retreat center and educational facility are considered educational retreat related uses.

OVERVIEW OF IMPACTS

Public Utilities, & Public Safety Impacts

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

Transportation Impacts

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

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

SITE AND USE ANALYSIS

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

Planning Staff Recommendation:

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

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

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

PLANNING COMMISSION RECOMMENDATION

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

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

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

In addition to the paved parking and entrance requirements, the Planning Commission discussed placing a maximum limit on the number of persons utilizing the home place and the retreat facility. After lengthy discussion, the Commissioners agreed that the Fire Marshall would regulate the appropriate number of occupants for the retreat/banquet facility (converted pool house), and place a limit on the number of overnight guests utilizing the home place in any given twenty-four (24) hour period.

Prior to making its recommendation to the Board of Supervisors, the Planning Commission added the following two additional Conditions to staff's recommended Conditions:

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

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

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

John C. Blair II, County Attorney, stated that based on comments made during the applicant's follow through with Mr. Stone and other board members, he had written up two proposed conditions to be added.

Condition 8- The maximum number of overnight campers or guests on the entire property shall not exceed one hundred (100) for any one (1) 24-hour period.

Condition 9- The maximum number of overnight guests at the second existing single family structure shall be eight (8) for any one (1) 24-hour period.

The applicant stated that they were in agreement with the seven (7) conditions previously presented and the two (2) added at this meeting for a total of nine (9) conditions.

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

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, that conditional use permit, C-09-2, is approved with conditions which include the previous seven (7) conditions as well at the two (2) added at this meeting for a total of nine (9) conditions, by the Board of Supervisors.

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

Nays: None
Absent: Mr. Moody

14. OLD / NEW BUSINESS: APPOINTMENTS

There were no appointments at this meeting.

15. CITIZEN COMMENTS

The Chair opened the citizen comment period.

Mr. Wamsley was signed up but chose not 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. Haraway to adjourn, seconded by Mr. Talmage,

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

The meeting was adjourned at 8:00 p.m.

Harrison A. Moody
Chairman

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

/wjn