

# County of Dinwiddie Board of Supervisors

## MINUTES

Workshop Meeting – March 6, 2018, 4:00 PM

Multipurpose Meeting Room, Pamplin Administration Building  
14016 Boydton Plank Road, Dinwiddie, Virginia 23841

### Supervisors Present:

Dr. Mark E. Moore, *Chair*                      Election District 2  
William D. Chavis, *Vice Chair*              Election District 3  
Daniel D. Lee                                      Election District 4  
Brenda Ebron-Bonner                          Election District 5

### Administration Present:

W. Kevin Massengill, *County Administrator*  
Anne Howerton, *Deputy County Administrator,*  
*Finance and General Services*  
Tammie Collins, *Deputy County Administrator,*  
*Planning and Community Development*  
Tyler Southall, *County Attorney*

### 1. ROLL CALL

### 2. AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

### 3. VDOT SECONDARY SIX YEAR PLAN

Dianna Bryant, Assistant Residency Administrator, presented the following presentation to the Board.

**VDOT**  
Virginia Department of Transportation

**BOS Work session for SSYP update for FY19-FY25**

March 6, 2018

**Cryetal Smith**  
Residency Administrator

**Dianna Bryant**  
Asst. Residency Administrator

**Scott Thornton**  
Asst. Residency Administrator

**VDOT**

**Funds available for adding new projects**

**DINWIDDIE COUNTY**

PROJECTED Secondary Six Year Plan Funding for FY19 - FY24

Alloc Code	Fund	FY2018	FY2019	FY2020	FY2021	FY2022	FY2023	FY2024	Total
3903300	CTR Marmora - Unimproved State	\$183,277	\$136,052	\$0	\$0	\$0	\$0	\$0	\$319,329
6626000	Traffic Fee	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
6973300	Dispersed Grant - Unreserved	\$0	\$0	\$1,827,348	\$1,071,985	\$1,461,940	\$1,461,940	\$1,461,940	\$5,824,201
<b>FY TOTALS</b>		<b>\$183,277</b>	<b>\$136,052</b>	<b>\$1,827,348</b>	<b>\$1,071,985</b>	<b>\$1,461,940</b>	<b>\$1,461,940</b>	<b>\$1,461,940</b>	<b>\$7,465,483</b>

**GRAND TOTAL AVAILABLE TO ADD NEW PROJECTS**  
Total funds that can be used for adding unimproved roads: **\$696,945**

All new telefee money will be allocated to the projects for the Fernside roundabout and the intersection improvements at Route 460/226.

**VDOT**

**Route 757 - Marmora Drive**

Facts about Marmora Drive ~

From: Namozine Road  
To: End of state maintenance  
Length: 0.63 miles  
Traffic count: 100 vehicles per day  
Estimated cost for rural rustic construction: \$102,000

There are 4 private entrances, 3 field entrances, and 1 cross pipe located along this road.  
The route has a good stone base and is an ideal candidate for Rural rustic construction.

**VDOT RECOMMENDATION #1**

**VDOT**

**Aerial location map of Marmora Drive**

**VDOT**

**Pictures of Marmora Drive**

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**VDOT**

**Pictures of Marmora Drive**

Marmora Pictures - Page 2 of 3

**VDOT**

### Pictures of Marmora Drive



End of State maintenance

Marmora Pictures - Page 2 of 3

**VDOT**

### Route 709 – Shippings Road

Facts about Shippings Road ~

From: Route 40 – McKenney Highway  
 To: Route 609 – Cherry Hill Road  
 Length: 2.61 miles  
 Traffic count: 60 vehicles per day  
 Estimated cost for complete plan construction: \$313,000

There are 7 private entrances, 7 farm entrances, and 6 cross pipes located on this section of roadway. There is a 21' x 42' timber deck, and obvious wetlands also located along this route.

**VDOT RECOMMENDATION #2**

**VDOT**

### Route 709 – Shippings Road



Begin Project

Route 40

End Project

To Cullbrent Rd

**VDOT**

### Pictures of Shippings Road



Shippings Road

McKenney Hwy

Shippings Road Pictures - Page 1 of 6

**VDOT**

### Pictures of Shippings Road



Shippings Road Pictures - Page 2 of 6

**VDOT**

### Pictures of Shippings Road



Shippings Road Pictures - Page 3 of 6

**VDOT**

### Pictures of Shippings Road



Shippings Road Pictures - Page 4 of 6

**VDOT**


### Pictures of Shippings Road



Shippings Road Pictures - Page 5 of 6

**VDOT**

### Pictures of Shippings Road



Cherry Hill Road

Shippings Road Pictures - Page 6 of 6

**VDOT**

### Route 735 – Goose Pond Road

Facts about Goose Pond Road ~

From: Route 619 – Courthouse Road  
 To: End of state maintenance  
 Length: 1.27 miles  
 Traffic count: 60 vehicles per day  
 Estimated cost for complete plan construction: \$154,000

There are 6 private entrances and 8 farm entrances and 6 cross pipes located on this section of roadway.

**VDOT RECOMMENDATION #3**



**VDOT**

### Route 735 – Goose Pond Road

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**VDOT**

### Pictures of Goose Pond Road

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**VDOT**

### Pictures of Goose Pond Road

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**VDOT**

### Pictures of Goose Pond Road

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**VDOT**

### Route 699 – Horsetail Road

Facts about Horsetail Road ~

- From: 1.89 MN of Route 611 – Wilkinson Road
- To: Route 708 – Namozine Road
- Length: 1.26 miles
- Traffic count: 50 vehicles per day
- Estimated cost for complete plan construction: \$154,000

There are 2 private entrances, 2 farm entrances and 2 cross pipes located on this section of roadway.

**VDOT RECOMMENDATION #4**

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**VDOT**

### Route 699 – Horsetail Road

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**VDOT**

### Pictures of Horsetail Road

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**VDOT**

### Pictures of Horsetail Road

Horsetail Road Pictures – Page 2 of 5

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**VDOT**

### Pictures of Horsetail Road

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**VDOT**

### Pictures of Horsetail Road

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### Pictures of Horsetail Road



End of unpaved section of road. Remaining 150' to the intersection will receive tar and gravel as well, to ensure uniformity once the unpaved portion is complete and surface treated.

Horsetail Road Pictures - Page 5 of 5

### Route 628 - Tranquility Road

#### Facts about Tranquility Road ~

From: White Oak Road  
To: Bobcat Road  
Length: 2.95 miles  
Traffic count: 70 vehicles per day  
Estimated cost for complete plan construction: \$1,000,000  
(Excludes right of way and construction engineering cost)

There are 3 dwellings on the Bobcat Road side of Tranquility and there are 9 dwellings on the White Oak Road side. The existing timber deck bridge is 19.5' x 35'.

VDOT RECOMMENDATION #5

### Route 628 - Tranquility Road

To Route 460



Tranquility Pictures - Page 1 of 7

### Pictures of Tranquility Lane



Tranquility Pictures - Page 1 of 7

### Pictures of Tranquility Lane



Tranquility Pictures - Page 2 of 7

### Pictures of Tranquility Lane



Tranquility Pictures - Page 3 of 7

### Pictures of Tranquility Lane



Tranquility Pictures - Page 4 of 7

Existing rock riding surface in this hill. This stone will have to be blasted and removed during construction.

### Pictures of Tranquility Lane



Tranquility Pictures - Page 5 of 7

### Pictures of Tranquility Lane



Tranquility Pictures - Page 6 of 7

### Pictures of Tranquility Lane



End of unpaved route. Route 689 - Bob Cat Road

Tranquility Pictures - Page 7 of 7



The Board stated that they preferred to add a road which was a connector versus a road that leads to another unpaved portion. They would like to think about adding Shippings Road or Horsetail Road and will let Ms. Bryant know at the March 20<sup>th</sup> Regular Meeting.

#### 4. **FY 2019 BUDGET DISCUSSION**

##### **A. Other Funds**

Rose Mastracco, Director of Social Services provided a description of her department's budget request.

Anne Howerton, Deputy County Administrator, Finance and General Services, presented the proposed budget for Special Revenue Funds, funds other than the General Fund, as well as a debt service analysis.

##### **B. Salaries and Benefits**

Ms. Howerton spoke about the current and requested salaries for Fiscal Year 2019 as well as benefit rate changes. W. Kevin Massengill, County Administrator, reiterated that what is being presented at this time has not been evaluated by he or Ms. Howerton, and no cuts have been made.

Mr. Massengill went over Meherrin River Regional Jail funding, as the jail population for Dinwiddie is increasing.

#### 5. **TOURISM ZONE ORDINANCE DISCUSSION**

Morgan Ingram, Economic Development Director, presented the following to the Board to receive guidance as to whether they would like to proceed with a public hearing on the item at the March Regular Meeting.

**AN ORDINANCE TO AMEND  
THE CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED  
BY ADDING SECTIONS  
SECTION 24-1. Statement of Purpose  
SECTION 24-2. DEFINITIONS  
SECTION 24-3. BOUNDARIES OF THE DINWIDDIE COUNTY TOURISM ZONE  
SECTION 24-4. ADMINISTRATION  
SECTION 24-5. QUALIFICATION FOR INCENTIVES  
SECTION 24-6. LOCAL TOURISM ZONE INCENTIVES  
SECTION 24-7. ZONING ORDINANCE NOT AFFECTED  
SECTION 24-8. NONWAIVER  
SECTION 24-9. CONSTRUCTION AND SEVERABILITY  
SECTION 24-10. SUNSET PROVISION  
Chapter 24. BUSINESS  
ARTICLE I. TOURISM ZONE**

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

(1) That the Code of the County of Dinwiddie, 1985, as amended, is amended and re-enacted by inserting the following language shown underlined and deleting the following language shown in strikethrough:

##### **Chapter 24. Business**

##### **Article 1. - Tourism Zone**

##### **Section 24-1. - Statement of Purpose.**

The Virginia Code authorizes Virginia localities to establish, by ordinance, one or more tourism zones for the purpose of granting tax incentives and providing regulatory flexibility to qualified businesses.

The purpose of the Tourism Zone is to promote Dinwiddie County's tourism industry by providing incentives to eligible business entities that will attract visitors, create new employment opportunities and/or promote educational opportunities while increasing travel-related revenue within the county.

##### **Section 24-2. - Definitions.**

For the purpose of this article, the following words and phrases shall have the meanings ascribed to them by this section, unless clearly indicated to the contrary:

*Agricultural tourism.* Means the practice of visiting an agribusiness, horticultural, or agricultural activity, including, but not limited to, a farm, orchard, winery, greenhouse, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as an owner, contractor or employee of the activity.

*Agritourism business.* Any business that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical,

cultural, harvest-your-own activities, natural activities and attractions, or other purposes of agricultural tourism, whether or not the agritourism participant paid to participate in the activity.

*Base year.* The calendar year preceding the calendar year in which the applicant submits the Tourism Zone Program Application to Office of Economic Development.

*Business.* Any corporation, partnership, electing small business (subchapter S) corporation, limited-liability company or sole proprietorship authorized to conduct business in the Commonwealth and subject to the state income tax on net corporate rate income (section 58.1-400, et seq. of the Virginia Code). A business does not include organizations which are exempt from state income tax on all income except unrelated business taxable income as defined in section 512 of the Internal Revenue Code, nor does it include homeowners associations as defined in section 528 of the Internal Revenue Code.

*Capital investment.* Money used by a tourism business to purchase fixed assets and not money used for day-to-day operating expenses.

*Development review fees.* Application and permit review fees assessed by the county building inspections and planning and zoning departments, such as site plan, land disturbance, sign permits, building, and trade permits, excluding any portion of stormwater or erosion and sediment control-related application and permit fees to be received by the Commonwealth of Virginia (or its departments or agencies).

*Existing tourism business.* A tourism business that actively engaged in the conduct of trade or business in the county before being included within a tourism zone pursuant to this article.

*Fixed asset.* A long-lived tangible piece of property owned by a tourism business used by the tourism business in the production of income including real estate and machinery and tools which triggers the payment of taxes to the county.

*Internal Revenue Code.* The Internal Revenue Code of 1986, as amended, Title 26 of the United States Code.

*New tourism business.* A tourism business not already in existence within the county prior to an area being designated as a tourism zone pursuant to this article.

*Office of economic development (OED).* The Dinwiddie County office of economic development.

*Qualified tourism business.* A tourism business that has met the qualifications set forth in section 24-5 and continues to meet such qualifications as required by this article.

*Tourism business.* A restaurant, cultural or historical site, recreation or athletic facility, family oriented destination, tour, agritourism business, special event within the county, museum, winery or related activity, conference center, or lodging. In each of the aforementioned categories of business, in order to qualify as a tourism business the business must create an environment for visitors that will deliver a memorable experience or promote educational opportunities and increase travel-related revenue in Dinwiddie County.

*Tourism zone.* A specific geographic area or areas created pursuant to Chapter 38, Title 58.1 of the Code of Virginia, 1950, as amended, to foster the development and expansion of tourism businesses in the county.

*Tourism zone administrator.* The tourism zone administrator shall be the county's director of economic development.

Section 24-3. - Boundaries of the Dinwiddie County Tourism Zone.

The entire county shall be designated as a Tourism Zone, which is established in accordance with Chapter 38, Title 58.1 of the Code of Virginia of 1950, as amended.

#### **Section 24-4. - Administration.**

The tourism zone shall be administered by the tourism zone administrator. A tourism business seeking to obtain the benefits of the tourism zone shall hold preliminary discussions with the tourism zone administrator prior to any investment, resulting in a letter form the tourism business describing the project and submittal of a completed tourism zone program qualification application. The form of the tourism zone program qualification application shall be developed by the tourism zone administrator.

The tourism zone administrator shall perform the initial review of the project to determine if the project meets the required criteria for certification as a qualified tourism business. If the initial review indicates that the certification requirements are met, the tourism zone administrator will forward the tourism zone program qualification application and a recommendation to the county administrator. The county administrator, acting as designee of the board of supervisors, shall review the tourism zone program qualification application and, in consultation with the county attorney, make a final determination as to whether the business meets the requirements of this article for designation as a qualified tourism business.

Prior to being designated a qualifying tourism business pursuant to this article, a qualifying tourism business shall execute an agreement with the county outlining the obligations of the qualifying tourism business and agreeing to return to the county the cash value of all benefits received pursuant to this article if the tourism business fails to continue to meet all qualifications for incentives pursuant to this article.

After a business has been designated a qualifying tourism business pursuant to this article, the qualifying tourism business must annually submit a tourism zone program annual review application in order to confirm

compliance with the capital investment and employment requirements of this article to the tourism zone administrator. The form of the tourism zone program annual review application shall be developed by the tourism zone administrator. The tourism zone program annual review application shall be filed for each of the five years following the base year on or before March 1 of the following year.**Section 24-5. - Qualification for incentives.**

For a tourism business to be a qualified tourism business eligible to receive the benefit of tourism zone incentives, it must be located within the boundaries of the tourism zone and meet the following criteria:

- a) **New Tourism Business:** To be eligible for tourism zone incentives a new tourism business must:
  - (1) Create and maintain in Dinwiddie County a minimum of five new full time equivalent jobs which are each compensated at 1½ times the wage rate of the currently-defined federal minimum wage. Such jobs shall be created by January 1 of the calendar year beginning four years after the beginning of the base year and maintained for at least thirty six (36) months.
  - (2) Make a new verified capital investment of no less than \$250,000.00 in a building, building improvements, and/or in machinery and tools. A capital investment does not include the cost to acquire real property. Such capital investment shall be created by January 1 of the calendar year beginning four years after the beginning of the base year.
- b) **Existing Tourism Business:** To be eligible for tourism zone incentives an existing tourism business must:
  - (1) Create and maintain in Dinwiddie County a minimum of three new full time equivalent jobs which are each compensated at 1½ times the wage rate of the currently-defined federal minimum wage. Such jobs shall be created by January 1 of the calendar year beginning four years after the beginning of the base year and maintained for at least thirty six (36) months.
  - (2) Make a new verified capital investment of no less than \$100,000.00 in a building, building improvements, and/or in machinery and tools. A capital investment does not include the cost to acquire real property. Such capital investment shall be created by the calendar year beginning four years after the beginning of the base year.
- c) Submit a tourism zone application and execute an agreement as required in section 24-4.

Tourism businesses must meet and maintain the minimum qualifying employment and investment levels as set forth above. The qualified tourism business must commit to a performance based agreement guaranteeing certain investments, employment, or other criteria as determined by the county. In any areas designated by multiple incentive zones, a business may receive local incentives from only one.

The following limitations apply:

- a) An existing tourism business shall not qualify for tourism zone incentives by reorganizing or changing its form in a manner that does not alter the basis of the tourism business assets or result in a taxable event.
- b) If a qualified tourism business fails to pay in full any taxes imposed by the county by the due date, this may result in the forfeiture of the tourism zone incentives for that year.
- c) In the event that a qualified tourism business ceases to meet the minimum capital investment or employment criteria or removes itself from operation from within the county at any time within five years of the end of the base year, it shall be required to repay the total amount of the tourism zone incentives received.
- d) If a qualified tourism business leaves the county to conduct business in another location within five years of the end of the base year, it will be required to repay the county the total amount of tourism zone incentives received.

#### **Section 24-6. - Local tourism zone incentives.**

Qualified tourism businesses located within the boundaries of the tourism zone shall be eligible for the following:

- a) Waiver of development review fees. b) Expedited review process. The qualified business may be eligible for the county's expedited review process of 14 business days

Nothing herein shall be construed as limiting the county or the economic development authority from granting any additional incentives as may be permitted by law to tourism businesses on a case-by-case basis including, but not limited to, incentives granted pursuant to performance agreements and individualized arrangements with or without the involvement of the Dinwiddie County Industrial Development Authority.

Section 24-7. Zoning ordinance not affected. This article is an economic development incentive and is not a zoning change. Other than the development review fee waiver incentive provided herein, nothing herein shall be construed to affect any provision or requirement of any county zoning ordinance.

#### **Section 24-8. Nonwaiver.**

Nothing in this article shall be construed to waive the requirement of any ordinance, regulation or policy of the county including, but not limited to, those ordinances, regulations and policies that require permits and approvals for land use and construction. Additionally, nothing in this article shall be construed as waiving the

right of the county to enforce its ordinances, regulations or policies to collect any taxes, fees (other than development review fees), fines, penalties, or interest imposed by law on a qualified tourism business or upon real or personal property owned or leased by a qualified tourism business. The county administrator, acting as designee of the board of supervisors, in consultation with the county attorney may remove qualified tourism business status from any business that is not compliant with any article, regulation, policy or other legal requirement.

**Section 24-9. - Construction and severability.**

This article shall be liberally construed so as to effectuate the purposes hereof. If any clause, sentence, paragraph, section or subsection of this article shall be adjudged by any court of competent jurisdiction to be invalid for any reason, including a declaration that is contrary to the constitution of the Commonwealth or of the United States, or if the application thereof to any government agency, person or circumstance is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, section or subsection hereof, or the specific application hereof, directly involved in the controversy in which the judgment or holding shall have been rendered or made and shall not in any way affect the validity of any other clause, sentence, paragraph, section or subsection hereof, or affect the validity of the application thereof to any other government agency, person or circumstance.

**Section 24-10. - Sunset provision**

The benefits provided under this article shall expire on [March 20, 2028, unless such expiration date is adjusted by ordinance by the Board of Supervisors of Dinwiddie County, Virginia]. Notwithstanding the foregoing, any obligations to the County acquired pursuant to this article shall remain in effect until such obligations are fulfilled.

*(2) That such changes take effect immediately, and for the purposes of avoiding doubt, no fee paid prior to March 20, 2018 shall be refunded pursuant to this ordinance.*

The Board gave consensus to hold a public hearing on this ordinance at the March Regular Meeting.

**6. ADJOURNMENT**

*Upon motion of Mr. Chavis, seconded by Mr. Lee, the meeting was adjourned at 5:21 PM.*

AYES: Ms. Ebron-Bonner, Mr. Chavis, Mr. Lee, Dr. Moore,  
NAYS: None

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Dr. Mark E. Moore  
Chair

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

/sbw