

# County of Dinwiddie Board of Supervisors

## MINUTES

**Regular Meeting – February 16, 2016, 3:06 PM**  
 Board Meeting Room, Pamplin Administration Building  
 14016 Boydton Plank Road, Dinwiddie, Virginia

Supervisors Present:

Brenda Ebron-Bonner, *Chair*                      Election District 5  
 Harrison A. Moody, *Vice Chair*                Election District 1  
 Dr. Mark E. Moore                                  Election District 2  
 William D. Chavis                                 Election District 3  
 Daniel D. Lee Election District 4

Administration Present:

W. Kevin Massengill, *County Administrator*  
 Anne Howerton, *Deputy County Administrator,  
 Finance and General Services*  
 Tyler Southall, *County Attorney*

- 1. ROLL CALL**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. AMENDMENTS TO AGENDA**

*Upon motion of Dr. Moore, seconded by Mr. Lee, the agenda was approved as presented.*

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

- 5. CONSENT AGENDA**
  - A. SUMMARY AND CLAIMS**

CLAIMS	January 14, 2016	January 31, 2016	February 3, 2016	February 3, 2016	February 5, 2016	February 5, 2016	TOTALS
	1097816-1097884	1097890-1097904 Payroll	1097905-1097935	1097936-1097942	1097944-1097987	1097988	
101 - General Fund	\$407,513.01	\$1,005,271.18	\$488,447.34	\$210.00	\$91,313.19	\$57,515.51	\$2,050,270.23
103 - Jail Commission						\$137.40	\$137.40
105 - Recreation							\$0.00
209 - Litter Grant Fund							\$0.00
210 - Economic Developmt		\$1,461.42					\$1,461.42
211-Community Service						\$41.70	\$41.70
219 - CSA							\$0.00
226 - Law Library	\$164.99						\$164.99
228 - Fire Programs & EMS	\$172.00		\$388.00			\$1,138.44	\$1,698.44
229 - Forfeited Asset Sharing Program							\$0.00
305 - Capital Projects Fund	\$42,158.86				\$21,280.00	\$589.05	\$64,027.91
401 - County Debt Service			\$39,196.23				\$39,196.23
402 - School Debt Service							\$0.00
724 - Abraham Scholarship							\$0.00
	<b>\$450,008.86</b>	<b>\$1,006,732.60</b>	<b>\$528,031.57</b>	<b>\$210.00</b>	<b>\$112,593.19</b>	<b>\$59,422.10</b>	<b>\$2,156,998.32</b>

**B. MINUTES: JANUARY 19, 2016, FEBRUARY 2, 2016**

*Upon motion of Mr. Moody, seconded by Mr. Chavis, the Consent Agenda items were approved as presented.*

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

- 6. REPORTS**
  - A. VIRGINIA DEPARTMENT OF TRANSPORTATION**

A representative from the Virginia Department of Transportation (VDOT) was unavailable to attend the meeting. Mr. Massengill, County Administrator, advised the Board that the below report is in their packet and if they had any questions or additional concerns, he could relay the information to VDOT. There was discussion regarding the intersection of Claiborne Road and Route 460.

DINWIDDIE COUNTY  
February 16, 2016 – Monthly Report

<b>MAINTENANCE</b>	<b>Crystal Smith</b>																									
<p><b>Dinwiddie Area Headquarters for the month of January 2016</b></p> <ul style="list-style-type: none"> <li>• Performed debris cleanup and repaired signs along various primary and secondary roads.</li> <li>• Repaired pot holes on various primary and secondary roads.</li> <li>• Fixed sink hole on Route 627 (Courthouse Rd.).</li> <li>• Trimmed for sight distance along Routes 626 (Flatfoot Rd.), 612 (Wilkinson Rd.), 650 (Lew Jones Rd.), and 651 (Mason Church Rd.).</li> <li>• Cleaned driveway pipes and cross-drain pipes throughout the county.</li> <li>• Machined various unpaved roads throughout the county.</li> <li>• Performed maintenance on beaver dams along Routes 613 (Dabney Mill Rd.), 646 (Glebe Rd.), and 672 (Weakley Rd.).</li> <li>• Cleaned ditches along various secondary roads.</li> <li>• Performed snow and ice removal on primary and secondary roads.</li> </ul>																										
<b>LAND DEVELOPMENT &amp; PERMITS</b>	<b>Paul Hinson, P.E.</b>																									
<p><b>Dinwiddie County</b></p> <p><b>Plans with outstanding comments or under review (Activity within last 90 days)</b></p> <ul style="list-style-type: none"> <li>• None</li> </ul> <p><b>Plans approved</b></p> <ul style="list-style-type: none"> <li>• Star Factory Addition – Site plan application submitted on 1-21-16 for addition to existing building off of Airpark Road. No new entrances are proposed. VDOT found plan acceptable on 2-1-16.</li> </ul> <p><b>Other</b></p> <ul style="list-style-type: none"> <li>• Patton Commerce Park – Rezoning application submitted for approximately 95 acres to rezone from A-2 to M-1 near intersection of Routes 1 and 460 (Airport Rd.). Project has been approved by localities PC and BOS. Project included potential economic development access road.</li> </ul> <p><b>LUP Permits Issued and Completed</b></p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 15%;">Permit Number</th> <th style="width: 40%;">Permittee</th> <th style="width: 10%;">Dinwiddie County</th> <th style="width: 15%;">Permit Issuance Date</th> <th style="width: 20%;">Permit Completion Date</th> </tr> </thead> <tbody> <tr> <td>57845</td> <td>Verizon Virginia, LLC</td> <td>26</td> <td>1-8-16</td> <td></td> </tr> <tr> <td>57846</td> <td>Verizon South, Inc.</td> <td>26</td> <td>1-8-16</td> <td></td> </tr> <tr> <td>57848</td> <td>Jennifer and Eddie Grant</td> <td>26</td> <td>1-13-16</td> <td></td> </tr> <tr> <td>57828</td> <td>Dinwiddie Chamber of Commerce</td> <td>26</td> <td>11-10-15</td> <td>1-9-16</td> </tr> </tbody> </table>		Permit Number	Permittee	Dinwiddie County	Permit Issuance Date	Permit Completion Date	57845	Verizon Virginia, LLC	26	1-8-16		57846	Verizon South, Inc.	26	1-8-16		57848	Jennifer and Eddie Grant	26	1-13-16		57828	Dinwiddie Chamber of Commerce	26	11-10-15	1-9-16
Permit Number	Permittee	Dinwiddie County	Permit Issuance Date	Permit Completion Date																						
57845	Verizon Virginia, LLC	26	1-8-16																							
57846	Verizon South, Inc.	26	1-8-16																							
57848	Jennifer and Eddie Grant	26	1-13-16																							
57828	Dinwiddie Chamber of Commerce	26	11-10-15	1-9-16																						
<b>CONSTRUCTION</b>	<b>Ron Hobson, P.E.</b>																									
<p><b><u>UPC 104466 / Order D39 /Project: (NFO) 0085-026-263, N501</u></b></p> <p>Contractor: Adams Construction Co.  Name: I-85 SB Restore Existing Pavement  CM: Smith  Fixed Completion Date: 11-15-2017  Description: On-going concrete patching with 2 crews. Main line paving to continue</p> <p><b><u>UPC 89379 / Order G26 /Project: (NFO) 0226-026-573,B606, C501 (Dinwiddie)</u></b></p> <p>Contractor: Bryant Contracting  Name: Route 226 Cox Road Bridge over NSRR  CM: Miller  Fixed Completion Date: 8/1/16  Description: Superstructure replacement and Substructure repairs  Comments: Phase I is complete. Contractor has completed demolition of the remaining existing superstructure. Contractor plans to complete remaining demolition over the next month.</p> <p><b><u>UPC 80993 / Order G95 /Project: (NFO) 0001-026-107,C501 (Dinwiddie)</u></b></p> <p>Contractor: Branscome  Name: Route 226 and Route 1 Roundabout and Intersection Improvements  CM: Miller  Fixed Completion Date: 10/14/16  Description: Intersection improvements at Routes 1 and 226, and Roundabout at Routes 600 and 226.  Comments: Contractor is working on installing water line, storm drain and to begin grading operations.</p>																										
<b>TRAFFIC STUDIES/SPECIAL REQUESTS</b>	<b>Mary Chorzempa</b>																									
<ul style="list-style-type: none"> <li>• Routes 460 (Cox Rd.) and 708 (Namozine Rd.) - Intersection Safety Review: Analysis complete, report sent, minor signing changes recommended to Residency.</li> <li>• Route 600 (Ferndale Rd.) - Speed Zone Study: Field data has been collected, office analysis is underway. Results are pending.</li> </ul>																										

**7. ACTION ITEMS**

**A. CONTRACT AWARD: FIBER OPTIC CABLE AND CONDUIT INSTALLATION**

Norman Cohen, Director of Information Technology, presented the following memo to the Board for their approval. He noted that there is an opportunity to include 48 pairs instead of 12 pairs of cables in the conduit for an additional \$12,000. This would allow for future growth and provide an opportunity for the schools to connect in the future. Mr. Massengill asked the Board to approve this contract in an amount up to \$80,894 and stated that he would speak to the School Superintendent to discuss the additional pairs and decide which option is best.

**BACKGROUND**

As the Government Facilities project progresses, it is necessary to install a new fiber optic infrastructure to replace the public safety radio system's microwave transmitter located on the old Health Department building that is scheduled for demolition and to insure continuation of information technology operations at the county government complex. The fiber will create system redundancy at the government complex and connect the radio system to the antenna located at the Dinwiddie Volunteer Fire Station tower. Funding for the fiber installation will come from a transfer to the CIP fund from vacancy savings in the General Fund.

**CONTRACT NEGOTIATIONS**

We released an RFP for fiber optic conduit and cable installation on December 18, 2015. A pre-proposal conference was attended by 7 vendors, and four of those vendors responded to the RFP on January 29, 2016. The proposals were evaluated based on the criteria set out in the RFP, and two firms were interviewed with The Fishel Company selected as providing the best solution. This company has been involved with several municipal fiber optic projects, and is located in Richmond, VA. Under the terms and conditions of the RFP, work is to begin within ten days after receipt of the County's Notice to Proceed and is to be completed within 30 days thereafter. Further details on this procurement can be found on the County website at [www.dinwiddieva.us](http://www.dinwiddieva.us), under the Purchasing tab.

**REQUESTED ACTION**

We are requesting approval of the following resolution.

**RESOLUTION**

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, does hereby authorize and direct the County Administrator to execute the necessary documents to award a contract for fiber optic conduit and cable installation and any related work to The Fishel Company for an amount not to exceed \$68,894.

*Upon motion of Dr. Moore, seconded by Mr. Lee, the request was approved as amended in the amount of \$80,894.*

AYES: Mr. Chavis, Mr. Lee, Mr. Moody, Dr. Moore, Ms. Ebron-Bonner

NAYS: None

**B. CONTRACT AWARD: MONITOR/DEFIBRILLATOR EQUIPMENT**

Dawn Titmus, EMS Manager presented the following for the Board's approval.

## **BACKGROUND**

Almost a year ago, Dinwiddie County Division of Fire & EMS began a project to replace current monitor/defibrillators that are outdated in our system. These units have been classified as unable to be certified for medical use, or lacking the technology for the current standards for EMS services. To accomplish this task, the division has worked on the following:

1. Requested Board approval for funding for the purchase of 4 monitors in our current budget year 2015-16 in the amount of \$70,930; and,
2. Sought 50% funding from the Rescue Squad Assistance Fund grant program through the Virginia Office of Emergency Medical Services.

On January 1<sup>st</sup>, 2016, our department was awarded the 50% matching grant for the purchase of the monitor defibrillators.

These new monitors will be the start of a replacement project for the ambulances and first responder vehicles throughout the system. The X series monitors will be placed on the ambulances, the monitors that are on the ambulances will be replacing the current monitors on the first responder units. This allows for the newest technology to be utilized for patient transports and first responder vehicles will be given the current monitors on the ambulance. The oldest of the monitors from the first responder vehicles will be taken out of service or turned in to Zoll as part of a trade, per the contract, or used in training exercises for new personnel.

## **CONTRACT NEGOTIATIONS**

Since the approval of the budget and the receipt of the grant the Division of Fire & EMS has evaluated our options for the purchase of these monitor/defibrillators. The decision that most benefits the EMS system is to purchase the new monitors from Zoll Medical Corporation. These monitors are the same brand of monitors that are in current use. For several reasons the Division is inclined to continue to use Zoll monitors. Therefore, a sole source request was made to the Director of Finance, which has been approved.

## **REQUESTED ACTION**

Approval of the purchase of four (4) Zoll X Series monitors from Zoll Medical Corporation.

## **RESOLUTION**

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors does hereby authorize the County Administrator to execute the contract presented to the Board with such changes substantive or otherwise as he may approve, which approval shall be conclusively evidenced by his execution of the contract.

**CONTRACT**

**DINWIDDIE COUNTY**  
**ZOLL EQUIPMENT**

The Agreement is made this 16<sup>th</sup> day of February 2016, by and between **Zoll Medical Corporation**, of 269 Mill Road, Chelmsford, Massachusetts 01824-4105 (party of the first part, and hereinafter known as "Contractor"), and the **County of Dinwiddie**, Virginia (party of the second part, and hereinafter known as "County").

**WHEREAS**, pursuant to the Virginia Public Procurement Act, County solicited a quote for Zoll Monitor Defibrillators and accessories for use by Dinwiddie Fire & EMS; and

**WHEREAS**, Contractor submitted a quote, consistent with the County's needs; and

**WHEREAS**, Contractor was selected as the Sole Source Provider; and

**WHEREAS**, County has selected Contractor to provide equipment;

**NOW THEREFORE**, in consideration of the mutual benefits, promises, and undertakings, the sufficiency and receipt of which are acknowledged, the following terms and conditions are agreed to by the parties to this Contract:

1. **Incorporation by Reference.** The following are made a part hereof as if the same were fully set forth herein, and if any discrepancies arise between the documents, they will prevail in the following order: (1) this Contract including the General Terms and Conditions, and (2) Contractor's quote dated January 21, 2016. This procurement is governed by the Virginia Public Procurement Act and the Dinwiddie County Purchasing Policies and Procedures. All terms and conditions of the Act and the Policies and Procedures are hereby adopted and incorporated by reference herein.
2. **Time of Performance.** Contractor agrees to deliver equipment within ninety (90) calendar days of receipt of County's Written Purchase Order.
3. **Costs.** Contractor agrees to provide all equipment pursuant to this Contract for a sum no greater than ONE HUNDRED THIRTY-FOUR THOUSAND TWO HUNDRED NINETY-THREE AND 04/100 DOLLARS (\$134,293.04) minus equipment trade-in of FOUR THOUSAND ONE HUNDRED SEVENTEEN AND 05/100 DOLLARS (\$4,117.05) **for a total of ONE HUNDRED THIRTY THOUSAND ONE HUNDRED SEVENTY-FIVE AND 99/100 DOLLARS (130,175.99) (the "Contract Price")**. Trade-in value may vary based on condition of equipment. Payment shall be made to Contractor within thirty (30) days after receipt of invoice and after County has inspected and tested the work and notified Contractor of its acceptance of same.
4. **Notices.** Any notices required shall be in writing, unless otherwise permitted hereunder, and shall be deemed received five (5) days after mailing of same in the U. S. Mail with postage prepaid at the addresses set forth below or upon actual receipt:

Notice to County shall be made to:  
W. Kevin Massengill  
County Administrator  
P. O. Drawer 70  
Dinwiddie, Virginia 23841  
(804) 469-4500  
accounting@dinwiddieva.us

Notice to Contractor shall be made to:  
Suzanne Freedman  
Zoll Medical Corporation  
269 Mill Road  
Chelmsford, MA 01824-4105  
(800) 242-9150 x 9778  
esales@zoll.com

5. **General Terms and Conditions.** During the term of this Contract, Contractor agrees to procure and maintain insurance which meets all County's requirements in the Terms and Conditions.
6. **Counterparts.** This Agreement may be executed in one or more counterparts each of which shall be deemed an original but all of which together shall constitute one and the same instrument. Signed signature pages may be transmitted by facsimile or as an attachment to an email, and any such signature shall have the same legal effect as an original.
7. **Miscellaneous.** This Contract shall be governed by the laws of the Commonwealth of Virginia. Jurisdiction and venue for any litigation arising out of or involving this Agreement shall lie in the General District or Circuit Court of the County of Dinwiddie, Virginia or the United States District Court for the Eastern District of Virginia, and such litigation shall be brought only in such courts. All pronouns used herein shall refer to every gender. Headings or titles in this Contract are only for convenience and shall have no meaning or effect upon the interpretation of the provisions of this Contract. This Contract is the entire agreement between the parties and may not be amended or modified, except by writing, signed by each party. If any provision of this Contract is determined to be unenforceable, then the remaining provisions of this Contract shall be interpreted as in effect as if such unenforceable provision were not included therein.

**IN WITNESS WHEREOF**, the parties hereto have executed this Contract as of the day first written above.

County of Dinwiddie, Virginia

Zoll Medical Corporation

By: \_\_\_\_\_  
W. Kevin Massengill  
County Administrator

By: \_\_\_\_\_

Title: \_\_\_\_\_

Attest: \_\_\_\_\_

Attest: \_\_\_\_\_

Approved as to form:

Department Approval:

\_\_\_\_\_  
Tyler Southall, County Attorney

\_\_\_\_\_  
Dennis Hale, Chief of Fire & EMS

*Upon motion of Mr. Moody, seconded by Mr. Chavis, the contract was approved as presented.*

AYES: Mr. Chavis, Mr. Lee, Mr. Moody, Dr. Moore, Ms. Ebron-Bonner

NAYS: None

### **C. LEASE AND SUBLEASE FOR OFFICE SPACE FOR THE DINWIDDIE HEALTH DEPARTMENT**

Tyler Southall, County Attorney, presented the following memo as well as lease and sublease documents to the Board for their approval.

**To:** Board of Supervisors of Dinwiddie County, Virginia

**CC:** W. Kevin Massengill, County Administrator  
Anne Howerton, Deputy County Administrator for Finance and General Services  
Gene Jones, Director of Public Works

**From:** Tyler Southall, County Attorney

**Date:** February 16, 2016

**Subject:** Lease and Sublease for Office Space in Annex of Historic Southside High School and Education Center

---

### **Background**

In a report dated February 1, 2013, Baxter Bailey & Associates stated that the old Dinwiddie County Health Department Building was “not habitable” and that the old Dinwiddie County Social Services Building could “no longer meet habitable standards without major enhancements.” Since that time, the Dinwiddie County Social Services Department has been relocated to the Historic Southside High School and Education Center. Prior to that report, the Health Department was relocated to modular units behind the old Dinwiddie County Health Department Building. The County has been working towards constructing a new government center, which would include an office building for the Health Department and the Dinwiddie County Department of Social Services as well as the county administrative offices. A new public safety building is also envisioned.

Prior to construction of the new government center, the Health Department needs to be relocated from its current offices in the modular units, which are in the project footprint for the new government center. With the consent of Dinwiddie County Public Schools (“DCPS”) administration, the Commonwealth of Virginia, Department of General Services (“DGS”) and the Virginia Department of Health have been working with the County to move the Health Department to the annex of the Historic Southside High School and Education Center.

The County is negotiating a sublease with DGS, and in order to enter into that sublease, it needs to enter into a lease with the Dinwiddie County School Board (the “School Board”). Included with this memo is a resolution for the Board of Supervisors to approve such a lease and sublease, which are attached to this memo as **Appendix A** and **Appendix B**, respectively.

Some key points on the arrangement are below:

- The initial term of the lease, which is subject to extension, ends April 30, 2019, although it may be terminated prior to that in the event that the new government center is completed.
- The County would make payments to the School Board in the amount of money that the County receives from DGS. This amount is expected to be \$1,362.03 per month, although the payments will not start until after the Health Department moves in. Thus, payments should be expected until June, assuming the Health Department moves in during May.
- Pursuant to Section 6, the County may make alterations to the annex. The County will take responsibility for snow removal and making certain alterations for the annex to be used by the Health Department. These obligations will be outlined in the sublease between DGS and the County.
- Pursuant to Sections 7 and 10, as well as Exhibit D, the School Board has the responsibility to provide certain utilities and services, including janitorial services. The School Board also has the responsibility to keep the building insured.

### **Resolution**

For your consideration, below please find a resolution that would authorize Mr. Massengill to enter into the lease and sublease with such changes as he may approve:

WHEREAS, the Board of Supervisors of Dinwiddie County, Virginia is desirous of leasing office space from the Dinwiddie County School Board as set forth in the lease attached as **Appendix A** (the “Lease”), and subleasing such office space to the Commonwealth of Virginia, Department of General Services as set forth in the sublease attached as **Appendix B** (the “Sublease”).

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to Virginia Code Section 15.2-1800, the Board does hereby authorize and direct the County Administrator to execute the Lease and Sublease with such changes substantive or otherwise as the County Administrator may approve, which approval shall be conclusively evidenced by the County Administrator’s execution of the Lease and Sublease.

BE IT FURTHER RESOLVED that the County Administrator be authorized to take any other actions that may be necessary to carry out the intent of this resolution.

*Upon motion of Mr. Moody, seconded by Dr. Moore, the lease and sublease were approved as presented.*

AYES: Mr. Chavis, Mr. Lee, Mr. Moody, Dr. Moore, Ms. Ebron-Bonner

NAYS: None

## **8. CITIZEN COMMENTS**

Mr. Robert Shannon commented on Stony Creek and inquired about the anticipated recovery timeline.

Ms. Chana Ramsey introduced herself as the new president of the Dinwiddie Chamber of Commerce and urged the Board Members to attend meetings and events hosted by the Chamber.

## **9. COUNTY ADMINISTRATOR COMMENTS**

Mr. Massengill addressed Mr. Shannon and shared that Mr. Winter of the Department of Environmental Quality stated at the previous Board meeting that bug life is starting to recover in the creek and it is a slow and steady recovery process.

Next, he informed the Board of a conversation he had with Ms. Ramsey regarding the Chamber of Commerce and encouraged greater involvement of the governing body with the Chamber by pledging his time and hopes the Board will become more involved as well.

Mr. Massengill acknowledged the maintenance staff's snow removal efforts, especially for the removal at the fire stations. In addition, he shared that the Dinwiddie County Economic Development Department partnered with the Dinwiddie County Public Schools in hosting Industry Day on February 11<sup>th</sup>. He also announced that the Dinwiddie County Youth Workforce Initiative will host the 2016 Teen Expo on Saturday, April 23<sup>rd</sup> at Richard Bland College.

Finally, Mr. Massengill stated that he and Mr. Lee presented at the VACo New Chair Institute about effective relationships between Board members and County Administrators in which there were 25 participants from various localities in Virginia.

## **10. BOARD MEMBER COMMENTS**

Mr. Moody shared that the Governor addressed the attendees of the VACo Legislative Day. One of the topics discussed was the starting pay of cyber security jobs in Northern Virginia and Mr. Moody stated that he has contacted Eric Johnson regarding possible telecommuting opportunities.

Dr. Moore expressed his delight in the paving and lights at the Eastside Enhancement Center. He also thanked the School Board and Administration for the cooperation and teamwork in allowing the Health Department to move into the Annex of the Historic Southside High School Education Center. Dr. Moore expressed that the VACo Legislative Day was good, as was the Governor's speech and that he is impressed by the numerous trips the Governor has made on behalf of Virginia for economic development. Finally, Dr. Moore stated that it is good to see Ms. Ramsey and that he looks forward to the relationship with the Chamber.

Ms. Ebron-Bonner commented on the New Chair Institute and the District 19 meeting which she attended. She also stated that she is looking forward to the 2016 Teen Expo.

## **11. CLOSED SESSION**

*At 4:01 PM, upon motion of Mr. Chavis, seconded by Dr. Moore, the Board convened into closed session under:*

### **A. Section 2.2-3711 (A) (1) Personnel:**

- County Administrator Evaluation
- County Attorney Evaluation
- Appointments:
  - Dinwiddie Airport and Industrial Authority
  - Resource Conservation and Development Council

**B. Section 2.2-3711 (A) (3) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiation strategy of the public body:**

- Acquisition of specific land for economic development.

**C. Section 2.2-3711 (A) (5) Business and industry development:**

- Prospective business and industry.

**D. Section 2.2-3711 (A) (7) Consultation with legal counsel employed or retained by public body:**

- Regarding specific legal matters requiring the provision of legal advice by such counsel.

AYES: Mr. Chavis, Mr. Lee, Mr. Moody, Dr. Moore, Ms. Ebron-Bonner

NAYS: None

*At 7:00 PM, upon motion of Dr. Moore, seconded by Mr. Chavis, the Board reconvened into open session.*

AYES: Mr. Chavis, Mr. Lee, Mr. Moody, Dr. Moore, Ms. Ebron-Bonner

NAYS: None

**CERTIFICATION**

**Whereas**, this Board convened in a closed meeting under:

**A. Section 2.2-3711 (A) (1) Personnel:**

- County Administrator Evaluation
- County Attorney Evaluation
- Appointments:
  - Dinwiddie Airport and Industrial Authority
  - Resource Conservation and Development Council

**B. Section 2.2-3711 (A) (3) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiation strategy of the public body:**

- Acquisition of specific land for economic development.

**C. Section 2.2-3711 (A) (5) Business and industry development:**

- Prospective business and industry.

**D. Section 2.2-3711 (A) (7) Consultation with legal counsel employed or retained by public body:**

- Regarding specific legal matters requiring the provision of legal advice by such counsel.

**And whereas**, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or of the matters identified in the motion 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. Chavis, seconded by Mr. Lee, the Certification Resolution was adopted.*

AYES: Mr. Chavis, Mr. Lee, Mr. Moody, Dr. Moore, Ms. Ebron-Bonner

NAYS: None

**12. HOMETOWN HEROES: BLACK HISTORY MONTH RECOGNITIONS**

In honor of Black History Month, the Board recognized the following individuals for their contributions to Dinwiddie County: Mr. Jesse Blackwell, Jr. for his contributions in Civil Rights; Mrs. Pauline Bonner for her contributions to the Community; Mr. Edward Bracey, Jr. for his contributions in Government; Mrs. Yvonne Myrick for her contributions in Business; and Mrs. Geraldine Spicely for her contributions in Education.

**13. PUBLIC HEARINGS**

**A. CASE AC-16-1**

Mark Bassett, Planning Director, presented the below to the Board for public hearing and their approval.

**MEMORANDUM**

**To: W. Kevin Massengill, County Administrator and Board of Supervisors**  
**From: Mark Bassett, Planning Director**  
**Date: February 9, 2016**  
**Subject: February 16, 2016 Board of Supervisors Public Hearing for AC-16-1**

---

Please find the attached Planning Commission meeting summary report for Conditional Use Permit (CUP) Amendment request, AC-16-1. The applicant, Iluka Resources Inc., acting on behalf of the property owners Harry J. Edwards Jr. or Frances Rose Edwards and Robert C. Perkins Farms, LLC, is seeking an amendment to remove two parcels from Conditional Use Permit (CUP), C-13-2, which was approved on July 16, 2013 to utilize the following described properties as a mineral sands mine with a new wet concentrator plant and initial tailings area.

After the Planning Commission heard the request at their January 13, 2016 meeting, the Planning Commission recommended approval with conditions to the Board of Supervisors of the request for an amendment to the original conditional use permit to remove the two aforementioned properties by a vote of 7-0.

**Planning Commission Mtg. Summary Report**

File #: AC-16-1  
Applicants: Iluka Resources Inc., acting on behalf of the property owners Harry J. Edwards Jr. or Frances Rose Edwards and Robert C. Perkins Farms, LLC  
CUP Amendment: To remove the subject property from the original CUP, C-13-2, that was approved by the Board of Supervisors on July 16, 2013 to operate an open pit mineral sands mining operation with a wet mill concentrator site, and an initial tailings area  
Property Location: South of McKenney Hwy. (Hwy. 40) at the intersection of Jones Road (Route 659) and Walker’s Mill Road (Route 665) one having frontage on the northwest side of Jones Road and north side of Walker’s Mill Road and the other having frontage on the north and south sides of Walker’s Mill Road  
Tax Map Parcel #'s: 94-14 and 94-26  
Property Size: Approximately 341.0 acres  
Current Zoning: Agricultural, General, A-2  
Magisterial District: Sapony  
Planning Commission Mtg.: January 13, 2016

---

**CUP REQUEST**

The applicant, Iluka Resources Inc., acting on behalf of the property owners Harry J. Edwards Jr. or Frances Rose Edwards and Robert C. Perkins Farms, LLC, is seeking an amendment to remove the following parcels from Conditional Use Permit (CUP), C-13-2, which was approved on July 16, 2013 to utilize the following described properties as a mineral sands mine with a new wet concentrator plant and initial tailings area. The two properties being removed total approximately 341.0 acres and are located to the south of McKenney Hwy. (Hwy. 40) at the intersection of Jones Road (Route 659) and Walker’s Mill Road (Route 665) one having frontage on the northwest side of Jones Road and north side of Walker’s Mill Road and the other having frontage on the north and south sides of Walker’s Mill Road. The properties are designated as Tax Map Parcels 94-14 and 94-26, and the properties are zoned A-2, Agricultural General, which allows such use upon receiving a Conditional Use Permit. Tax Map Parcels 94-14 and 94-26, totaling approximately 341.0 acres, were to house the wet concentrator plant and tailings area. The County’s Comprehensive Land Use Plan places this property within the Rural Conservation Area which allows limited commercial, industrial development at the Ordinance defined density.

**RELATED ATTACHMENTS**

- CUP Amendment Application and Location Map

**OVERVIEW OF THE ORIGINAL/APPROVED MINING OPERATION**

The proposed open pit mineral sands mining operation is a continuation of the existing mineral sands mining that has taken place in the Stony Creek area in the southeastern portion of the County under the existing Conditional Use Permit (CUP), C-95-2, that was approved by the Board of Supervisors on October 4, 1995. This existing mining operation is known as “Old Hickory” and encompasses approximately 1,700 acres located near and to the south of State Route 40 between I-95 and I-85 (please see Table 2 and Figure 4 in the CUP Support Document for the parcels approved under CUP, C-95-2). The mineral sands that are mined as part of this operation contain titanium and zircon.

The mineral sands are found in this general area of the County west of Interstate 95. Currently in Virginia, there is a mineral separation plant in Stony Creek and two active mine sites, one in Greensville County and one in Dinwiddie/Sussex Counties which include a wet concentrator plant at each site. Reclamation, mining, and related operations are ongoing under the Virginia Department of Mines, Minerals and Energy (VDMME) permit, and the operations are in accordance with conditions of the existing CUP, C-95-2, and the conditions of the appropriate state and federal permits.

As indicated in the CUP Support Document, Iluka is proposing to continue the mining and reclamation operation for mineral sands in Dinwiddie County area on parcels located within the previously approved CUP, C-95-2, as well as on the additional parcels made part of this application. As indicated in the CUP request summary support document, Iluka is proposing to construct a new wet concentrator plant and initial tailings area on Tax Map Parcels 94-14 and 94-26 for which Iluka is the contract purchaser (please see Figures 5 and 6 in the CUP Support Document).

The actual mining method to be implemented on the subject parcels is similar to what was used at the existing Old Hickory operations, and if the CUP request is approved the current VDMME permit and operations plan is to be expanded to include the proposed new mine parcels. The mining process begins on a parcel by first installing the erosion and sediment control devices which include silt fencing, hay bales, diversionary berms, and sediment traps around the individual mine cells. The next step in the mining process involves clearing of vegetation with crops or timber harvested, followed by root-raking to expose the topsoil. The topsoil is then removed and used to create the required berms around the mine cells. The berms are also used for visual screening, noise attenuation, and dust suppression. The mining preparation activities are generally initiated from six to 24 months prior to excavation and the size of these mine cells varies based on the localized ore body. The ore body is a mixture of mineral sands (up to 5%), quartz sand (approx. 65%) and kaolinite clay (approx. 30%). The depths of the mining in a cell average from 30 to 35 feet, with maximum depths of 50 to 60 feet.

The ore material is mined using an excavator (no blasting is used to extract the material) and the material is then placed into the mobile mining unit which mechanically breaks up clay and adds water to create slurry. The mining unit hydraulically pumps the slurry via HDPE piping system to a mobile trommel to screen out roots and oversized materials. Any water that is captured will be utilized for make-up water in the mining process. At this mobile-field trommel, rocks, gravel, roots, and clay balls are removed. Upon completion of the screening in the trommel, the ore is transported as slurry to the wet concentrator plant for final processing. Ultimately, after processing at the wet concentrator plant, the processed mineral sand is loaded onto trucks and hauled for processing at the dry-mill facility located in Stony Creek, and it is estimated that there will be 20-30 truckloads per day leaving the concentrator site. The tailing sands (tailings) are pumped back to the mine cells for use in reclamation activities. All water used in these processes is returned to the clarifying pond for reuse, with make-up water coming from capture of stormwater in the mine cell, surficial water table dewatering in the mine cell, decanting from reclamation activities, and other sources such as groundwater wells and surface water bodies.

The post mine land use will return to the pre-mine agricultural use. The mine cell sites are to be reclaimed by revegetating the site using the methods described in the reclamation methodology report as set forth in the CUP Support Document provided by the applicant.

#### **ZONING ANALYSIS**

The properties surrounding the subject property include single-family residential dwellings, farms, crop land, and forestal land uses, and the properties are currently zoned A-2, Agricultural, General. The proposed mineral sands mining operation is to no longer occur on the subject parcels and is to remain in place on the parcels listed in CUP Application, Exhibit A and as shown on the map in Exhibit B.

The surrounding properties are zoned Agricultural, General, A-2, and Zoning Ordinance Section 22-75, Permitted Uses, (49) allows open pit mining with a conditional use permit. As designated by the Comprehensive Land Use Plan, the subject property is within the Rural Conservation Area. As such, the Comprehensive Plan states that this general area of the County is expected to accommodate limited commercial and industrial development at the Zoning Ordinance defined density.

### **REVIEW OF ORIGINAL OVERVIEW OF IMPACTS**

The Virginia Department of Mines, Minerals, and Energy (VDMME) will issue and oversee the required permit/license to operate the proposed mine. The mining operation will be subject to the conditions of the permit/license. Safety and reclamation practices are made a part of the permit as are periodic inspections by the operator and VDMME inspector.

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

The utilities are handled on-site with a well and septic system for the wet concentrator site located at the property located on Jones Road. There are no impacts to the school system with the proposed mining operation. There are public safety issues involved with the proposed use, and the CUP conditions address the safety related impacts of the mining operation as do the Federal and State guidelines for mining operations. Dinwiddie Public Safety did not identify any specific public safety impacts that needed to be covered by specific conditions directly relating to Dinwiddie County Public Safety operations.

#### **Transportation Impacts**

The impacts on the transportation network are being addressed by VDOT through the commercial entrance permit process for the entrance to the proposed concentrator site as well as for any other mining related entrances that may require a VDOT entrance permit, and for any pipeline road crossings that may require permitting by VDOT. VDOT is reviewing the request to allow for a separate entrance and exit to the concentrator site. It is estimated that there will be a maximum of 90 vehicle trips per day at the concentrator site which include employee vehicle trips and hauling truck trips. Prior to commencement of the mining operation and during the operation of the mine the applicant will comply with all VDOT permitting requirements and entrance design and construction requirements and specifications, including but not limited to driveway entrance alignments and design standards, sight line requirements including sight easements, and tapers and/or turning lanes.

Other potential impacts are outlined in the applicant's CUP Support Document and include measures for protecting wetlands, upland communities, protected species, biological features, prime farmland, archeological/historical sites, and quality of life impacts such as site lighting, dust and noise. Staff has included related CUP conditions for addressing the impacts of the mining operation under the Staff Recommendation.

#### **Planning Staff Recommendation:**

The staff reviewed the request for the amendment to the original conditional use permit, C-13-2, and recommends approval of the request to remove the two subject parcels from the original CUP, C-13-2, with the understanding that the following Board of Supervisors approved conditions under C-13-2 remain in full effect:

#### **C-13-2 Approved Conditions:**

1. **Generally.** The use of the property shall be limited to the open pit mineral sands mining operation to include the wet concentrator plant, tailings storage areas and associated transportation and which shall be subject to this conditional use permit. Open pit mineral sands mining and the associated processing and storage may occur only on Tax Map Parcels 93-21F, 93-36, 93-34A, 84-21, 94-21, 94-15, 93-31D, 94-16B, 94-16, 94-26, 94-7, 84-23, 84-23A, 84-24, 94-11, 94-14, and 84-26, as identified in the CUP application. The wet concentrator plant and tailings storage areas are to be located only on Tax Map Parcels 94-14 and 94-26.

2. Time and manner of operation. The days and hours of operation for mining and transportation to and from the mining sites and concentrator and tailings sites shall be 365 days per year and 24 hours each day.
3. Mining pits/cells; depths. The maximum depth of the mine pit/cells shall not exceed seventy five (75) feet as measured from the initial ground elevation above the bottommost point of the mining pit/cells although greater depth shall be permitted for reclamation purposes.
4. No blasting allowed. No blasting shall be allowed on the mine sites as part of the mining operation. All mining shall be done utilizing earth moving equipment.
5. No public access. No public access shall be permitted to the mining, wet concentrator and tailings storage sites unless approved and accompanied by the mining operator.
6. Berms for mine sites/cells close to property lines. Mining sites/cells in close proximity to an adjacent property line that is not part of a parcel approved to be mined under this CUP and/or CUP, C-95-2, shall have an earthen berm buffer at or in close proximity to the mine pit/cell or mined site a minimum of three (3) feet in height and a minimum of four (4) feet in width at the top of the berm. Each berm shall be seeded.
7. Setbacks. Setbacks from road right-of-ways, property lines and residences will be based on Dinwiddie County Zoning criteria and VDMME criteria.
8. Hauling operations. A maximum monthly average of fifty (50) product truckloads of mining material per day to include sand, gravel, topsoil, overburden, spoils, and tailings shall be hauled from the concentrator and tailings sites each day (in a 24-hour period). The operator shall be required to make a daily inspection of the road within 200 hundred feet of any entrance to the mine, concentrator, and tailings storage sites and shall be required to sweep any debris within 200 hundred feet of any entrance to the aforementioned locations placed on the road by the hauling of sand, gravel, top soil, overburdens, oil, tailings, and other materials associated with the operation of the mining operation. The general haul route from the wet concentrator plant to the dry mill shall be as set forth in Figure 7 of the CUP Support Document that is made a part of the CUP request. Hauling operations shall be confined to the period from 6 a.m. to 7 p.m. daily.
9. VDOT and/or County road maintenance issues. Coordination with the VDOT and Dinwiddie County shall be a continuous effort in order to preclude and/or correct any road problems arising from the mining operation.
10. VDOT entrance standards. The operator shall comply with all VDOT permitting requirements including entrance design and construction requirements and specifications, including but not limited to driveway entrance alignments and design standards, sight line requirements including sight easements, and tapers and/or turning lanes.
11. Soil productivity and soil stabilization. The mining operator shall consult with Virginia Tech or other soil and farming experts to address issues related to soil productivity and soil stabilization.
12. Wetlands. All wetland impacts will be properly permitted with the Virginia Department of Environmental Quality and U.S. Army Corps of Engineers with appropriate mitigation provided, if warranted.
13. 100-year floodplain. The mining operator shall strive to avoid impacting and strive to preserve the 100-year floodplain areas and shall use riparian buffers which are 50 feet wide along all sides of stream and wetland resources.
14. Animal habitats. Shall be restored in accordance with approved post-mining land use by the Virginia Department of Mines, Minerals and Energy.
15. Well and well-field impacts. The mining operator shall develop a well mitigation plan to mitigate any impacts to adjacent property owners who are well water users, which shall include well repairs and well replacement with an equivalent or better well where any such issues are directly attributable to the mining operator's operations.
16. Quality of life impact reduction measures. Dust from the mining operations shall be suppressed using BMP's such as watering of roadways and open areas. Berms and vegetative buffers shall be incorporated into the wet concentrator plant site for aesthetics and noise attenuation including but not limited to a berm ten (10) feet tall with landscaping on the Jones Road side shall be constructed between the two truck entrances at the concentrator site. Flashing or strobe lights as well as directional back-up alarms shall be used during evening hours instead of omni-directional back-up alarms to reduce evening noise. Directional lighting shall be used during evening hours and shall be directed inward and downward to the site to minimize off site glare to the greatest extent possible.
17. Signage. The applicable signage must be maintained on all four sides of the property being mined.
18. Permits, reports, etc.
  - a. All applicable federal, state, and local permits shall be obtained and filed with the Dinwiddie County Planning Department prior to commencing operations. This conditional use permit is effective only upon receipt by the Dinwiddie County Planning Department of all such permits.
  - b. All applicable federal, state, and local permits shall be maintained in good standing by owner/operator. Upon request the Owner/operator shall provide copies of such permits to Dinwiddie County Planning Department. Failure to maintain all applicable permits shall be grounds for revocation of this conditional use permit.
  - c. Copies of violations and/or reports to or from applicable federal and state agencies shall be made available to Dinwiddie County upon request of the County.

19. Compliance with laws. All operations pursuant to this conditional use permit shall be conducted in compliance with all applicable federal, state and local laws and regulations.
20. Annual review. This conditional use permit shall be reviewed by the Planning Director or his designee a minimum of once per calendar year to evaluate compliance with conditions contained herein.

**PLANNING COMMISSION RECOMMENDATION**

At the January 13, 2016 Planning Commission meeting, the Planning Commission held the Public Hearing for the subject CUP request and took the following action on the request:

After hearing the Planning Staff Report, the Chairman asked the members if they had any questions for Mr. Bassett. He said if not would the applicant or their representative like to come forward and add anything additional.

Mr. John Frazier, a representative of Kleinfelder Inc., located at 3500 Gateway Centre Blvd, Suite 200, Morrisville, NC, the agent for Iluka Resources, Inc., said he didn't have anything else to add but would answer any questions the Planning Commissioners would have.

The Chairman said if there are no questions for Mr. Frazier he was opening the public hearing portion of the case and asked if there was anyone signed up to speak. Hearing that there was no one he closed the public hearing. He told the Commissioners he would entertain a motion if they had nothing else to add.

Mr. Blaha made a motion and read the following: BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) it is stated 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, I move that conditional use permit amendment, AC-16-1, as presented be recommended for approval with conditions to the Board of Supervisors. It was seconded by Mr. Tucker and with Mr. Blaha, Mr. Cunningham, Mr. Tucker, Mr. Hayes, Mr. Simmons and Dr. Prosis voting "AYE" the Amendment to Conditions was approved.

**BOARD ACTION**

Since this is a zoning matter, the standard statement regarding Board action on this zoning matter must be read. In order to assist, staff prepared the following Resolution:

**BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) it is stated 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, I move that conditional use permit amendment, AC-16-1, as presented be (approved, approved with conditions, or disapproved) by the Board of Supervisors.**



Dinwiddie County  
 Planning Department  
 P. O. Drawer 70  
 Dinwiddie, Virginia 23841  
 (804) 469-4542 ext 117  
 (804) 469-5322 /fax

AC-16-1

Rec'd 12/11/15	Case No.: 15-491
Date Rec'd	Fee Amount: 1500
Time Rec'd	Receipt No: 28531
Pre-Application Conference Date:	
This application has been amended: YES NO	
Reviewed by: [Signature]	

**LAND USE AMENDMENT APPLICATION**

*Information must be typed or printed and completed in full.  
 Attach additional pages where necessary.*

<b>1) LAND USE INFORMATION</b>	
(Circle): <u>BOS</u> PC / BZA	New/Renewal Previous/Renewed Case#: <u>C-2-13</u>
Amend Previous Case: <u>Y</u> N Land Use Taxation: Y / N	
Application Type: (Circle One): <input type="checkbox"/> Variance <input type="checkbox"/> Administrative Variance <input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> Rezoning <input type="checkbox"/> Street Vacation <input type="checkbox"/> Special Exception <input checked="" type="checkbox"/> Amendment	
Description of Request: <u>Amend CUP C-2-13 to remove parcels 94-26 and 94-14</u>	
Existing Zoning: <u>A-2</u>	Existing Acreage: <u>2248.47</u>
Proposed Zoning: <u>A-2</u>	Proposed Acreage: <u>1907.47</u>
Total Acreage: _____	
Water (Circle One): Public Well	
Sewer (Circle One): Public On-site Well and Septic	
Attached: (circle): <u>Miscellaneous Information</u> Master Plan/Textual Statement/Proffered Conditions	
<b>2) APPLICANT/AGENT INFORMATION</b>	
Applicant(s): <u>Iluka Resources Inc.</u>	Home/Cell# _____
Address: <u>12472 St. John Church Road, Stony Creek, VA 23822</u>	Work# <u>434-348-4300</u>
Agent(s): <u>Kleinfelder, Inc.</u>	Home/Cell# _____
Address: <u>3500 Gateway Centre Blvd, Suite 200, Morrisville, NC 27560</u>	Work# <u>919-755-5011</u>

3) PROPERTY OWNER INFORMATION	
Property Owner's Name and address (see note on last page): <small>See Exhibit A</small> _____ _____ _____	Property Owner's Mailing Address (If this address is different from that listed in the Assessor's Office.): <small>See Exhibit A</small> _____ _____
Property Tax Parcel Number: <span style="border: 1px solid black; padding: 2px;">See Exhibit A</span>	Phone# _____
Is the applicant: <input type="checkbox"/> Property Owner <input type="checkbox"/> Contract Purchaser <input checked="" type="checkbox"/> Other: <u>Mineral Lease</u>	

4.) SUBJECT PARCEL INFORMATION

**General Location of Project:** The parcels requested for removal are located to the south of McKenney Hwy (VA Hwy 40) on Walkers Mill Rd (SR 655). Please refer to Exhibit B for a map depicting the CUP parcels and those requested for removal.

\_\_\_\_\_

\_\_\_\_\_

**1. Explain fully the proposed use, type of development, operation program, reason for this request, etc.:**

Iluka Resources, Inc. (Iluka) is requesting removal of parcels 94-26 and 94-14 from CUP C-2-13.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**2. State how this request will not be materially detrimental to adjacent property, the surrounding neighborhood or county in general. Include, where applicable, information concerning: Use of public utilities; effect of request on public schools; effect on traffic, to include means of access to nearest public road; effect on existing and future area development; etc.:**

Other than removal of the parcels, there is no change to the previously approved CUP C-2-13.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**3. List case numbers and explain any existing use permit, special exception, conditional use or variance previously granted on the parcels in question:**

The parcels requested for removal from CUP C-2-13 were included in CUP C-2-13, which was approved on July 16, 2013.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**4. If requesting a variance or special exception, explain the unique physical hardship or extraordinary situation that is justification for the request:**

No variance or special exception is being requested as part of this application.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**5. Complete names and address (including Zip codes) of all owners adjacent, across the road or highway from the property and across any railroad right-of-way, creek, river, from such property must be obtained by the applicant from the Commissioner of the Revenue, Pamplin Administration Building. If such property lies in another county or city, the respective jurisdiction will provide this information to the applicant. Applications with incomplete parcel information will not be accepted.**

Please see Exhibit C.

6. The required fee must accompany this application. A fee schedule is available from the Planning Department, 14016 Boydton Plank Road, Pamplin Administration Building, Dinwiddie Virginia. Checks must be made payable to: "Treasurer, County of Dinwiddie".

7. Enclosed with the application, a copy of the appropriate county tax map with the property marked (provided at pre-application conference) and, if available, a surveyed plat of the entire parcel.

8. Enclose with this application any required plans or plats (plans must be folded).

9. I/We hereby certify that to the best of my/our knowledge all the above statements and the statements contained in any exhibits transmitted are true and that the adjacent property owners listed herewith are the owners of record as of the date of the application:

Date: 11 December, 2015

SIGNATURE OF AGENT\*

(Name of person other than, but acting for, the property owner and responsible for this application.)

AGENT'S NAME

(Typed or printed)

SIGNATURE OF APPLICANT\*\*

(Same name as used in Item 2, Page 1)

APPLICANT'S NAME

Shane Tilka General Manager US Operations  
(Typed or printed)

Notes: Incomplete application will not be accepted. Any request that requires plans must be accompanied by those plans at the time submission of the application.

\*Agent must file power of attorney from the property owner(s) giving the agent authority to submit this application.

\*\* If the applicant is not the owner of the property, the applicant must file power of attorney from the property owner(s) giving the applicant authority to submit this application.

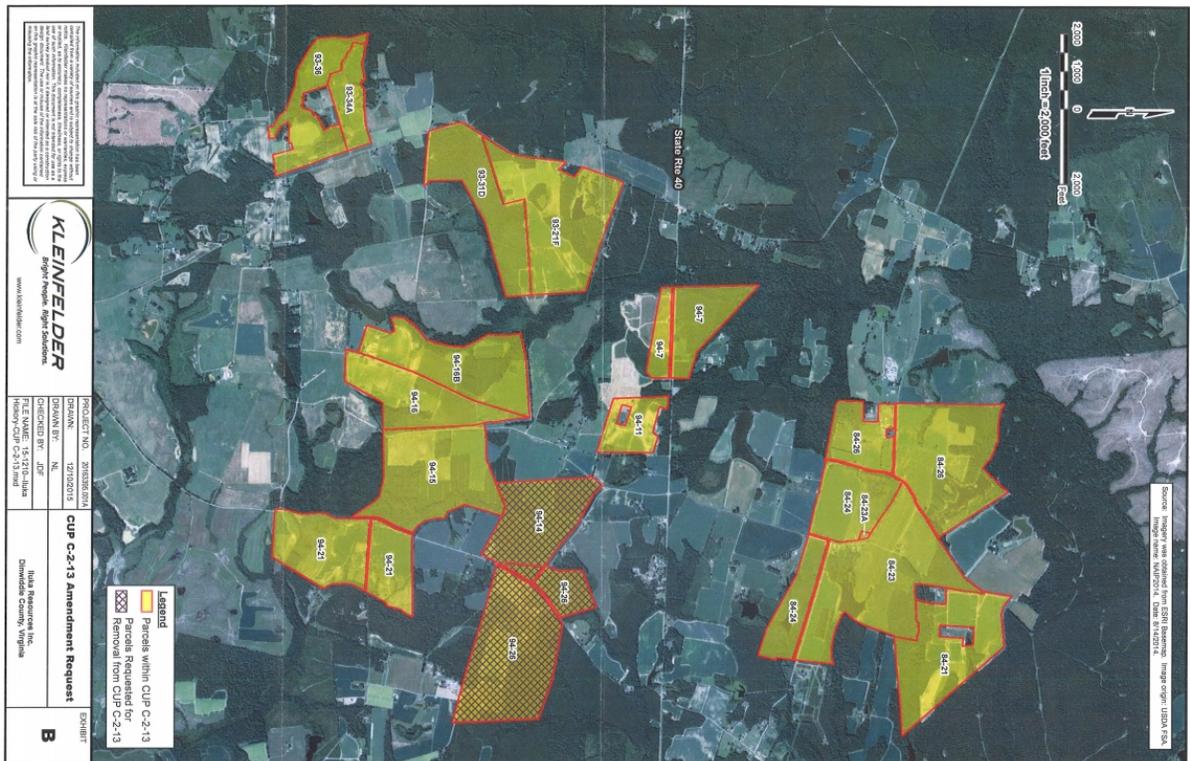
Exhibit A

Request of Parcel Removal from CUP C-2-13

Existing CUP C-2-13 Parcels			
Property Owner Name	Property Owner Mailing Address	Tax Parcel #	Acres
ABERNATHY JAMES DONNON	24101 COURTHOUSE ROAD, STONY CREEK, VA 23882	93-21F	174.40
ABERNATHY RONALD C	25308 COURTHOUSE RD, STONY CREEK, VA 23882	93-36	84.39
ABERNATHY RONALD CLYDE &	25308 COURTHOUSE ROAD, STONY CREEK, VA 23882	93-34A	45.92
BARNES ROBERT STANLEY	24511 LAKE DRIVE, PETERSBURG, VA 23803	84-21	141.51
BARNES VIRGINIA BAIN & OWEN	P O BOX 384, JARRATT, VA 23867	94-21	159.00
BASS WILLIAM CARLTON	24236 MILL RUN ROAD, STONY CREEK, VA 23882	94-15	160.00
BUTLER LUMBER CO INC	1504 SANTA ROSS RD STE 100, RICHMOND, VA 23229	93-31D	157.00
CLARKE C RAY	25408 MILL RUN ROAD, STONY CREEK, VA 23882	94-16B	108.28
CLARKE C RAY & LINDA P	25408 MILL RUN ROAD, STONY CREEK, VA 23882	94-16	140.50
EDWARDS FRANCIS ROSE LIFE &	1009 BALDWIN ROAD, RICHMOND, VA 23229	94-26	230.90
HARRISON SANDRA B &	6205 COURTHOUSE RD, CHURCH ROAD, VA 23833	94-7	97.50
JOHN ROBERT FRASER TRUSTEE OF JOHN	20400 BAIN RD, STONY CREEK, VA 23882	84-23	289.37
JOHN ROBERT FRASER TRUSTEE OF JOHN	20400 BAIN RD, STONY CREEK, VA 23882	84-23A	2.13
JOHN ROBERT FRASER TRUSTEE OF JOHN	20400 BAIN RD, STONY CREEK, VA 23882	84-24	73.00
JOHNSON THOMAS E	19975 MCKENNEY HIGHWAY, STONY CREEK, VA 23882	94-11	44.18
ROBERT G PERKINS FARMS LLC	21809 RAINEY RD, DINWIDDIE, VA 23841	94-14	110.10
THOMPSON BONNIE SUE BAIN & BAIN	19605 BAIN RD, DINWIDDIE, VA 23841	84-26	236.29
Total			2248.47

CUP C-2-13 Parcels Requested for Removal			
Property Owner Name	Property Owner Mailing Address	Tax Parcel #	Acres
EDWARDS FRANCIS ROSE LIFE &	1009 BALDWIN ROAD, RICHMOND, VA 23229	94-26	230.9
ROBERT G PERKINS FARMS LLC	21809 RAINEY RD, DINWIDDIE, VA 23841	94-14	110.10
Total			341.00

Proposed CUP C-2-13 Parcels			
Property Owner Name	Property Owner Mailing Address	Tax Parcel #	Acres
ABERNATHY JAMES DONNON	24101 COURTHOUSE ROAD, STONY CREEK, VA 23882	93-21F	174.40
ABERNATHY RONALD C	25308 COURTHOUSE RD, STONY CREEK, VA 23882	93-36	84.39
ABERNATHY RONALD CLYDE &	25308 COURTHOUSE ROAD, STONY CREEK, VA 23882	93-34A	45.92
BARNES ROBERT STANLEY	24511 LAKE DRIVE, PETERSBURG, VA 23803	84-21	141.51
BARNES VIRGINIA BAIN & OWEN	P O BOX 384, JARRATT, VA 23867	94-21	159.00
BASS WILLIAM CARLTON	24236 MILL RUN ROAD, STONY CREEK, VA 23882	94-15	160.00
BUTLER LUMBER CO INC	1504 SANTA ROSS RD STE 100, RICHMOND, VA 23229	93-31D	157.00
CLARKE C RAY	25408 MILL RUN ROAD, STONY CREEK, VA 23882	94-16B	108.28
CLARKE C RAY & LINDA P	25408 MILL RUN ROAD, STONY CREEK, VA 23882	94-16	140.50
HARRISON SANDRA B &	6205 COURTHOUSE RD, CHURCH ROAD, VA 23833	94-7	97.50
JOHN ROBERT FRASER TRUSTEE OF JOHN	20400 BAIN RD, STONY CREEK, VA 23882	84-23	289.37
JOHN ROBERT FRASER TRUSTEE OF JOHN	20400 BAIN RD, STONY CREEK, VA 23882	84-23A	2.13
JOHN ROBERT FRASER TRUSTEE OF JOHN	20400 BAIN RD, STONY CREEK, VA 23882	84-24	73.00
JOHNSON THOMAS E	19975 MCKENNEY HIGHWAY, STONY CREEK, VA 23882	94-11	44.18
THOMPSON BONNIE SUE BAIN & BAIN	19605 BAIN RD, DINWIDDIE, VA 23841	84-26	236.29
Total			1907.47



**Exhibit C**  
**CUP C-2-13 Adjacent Parcels List**

Property Owner Name	Property Owner Mailing Address	Tax Parcel #
ABERNATHY DWAYNE H	24022 COURTHOUSE ROAD, STONY CREEK, VA 23882	93-21B
ABERNATHY DWAYNE H	24022 COURTHOUSE ROAD, STONY CREEK, VA 23882	93-21D
ABERNATHY DWAYNE H	24022 COURTHOUSE ROAD, STONY CREEK, VA 23882	93-21D
ABERNATHY DWAYNE H	24022 COURTHOUSE ROAD, STONY CREEK, VA 23882	93-21
ABERNATHY FLOYD W JR	16215 MCKENNEY HWY, MCKENNEY, VA 23872	94-6
ABERNATHY J D &	24101 COURTHOUSE ROAD, STONY CREEK, VA 23882	94-8B
ABERNATHY RYAN C OR LINDLEY W	25506 COURTHOUSE RD, STONY CREEK, VA 23882	93-36A
AMERICAN TIMBERLAND LLC	1180 W PEACHTREE ST STE 1200, ATLANTA, GA 30309	84-21A
AMERICAN TIMBERLAND LLC	1180 W PEACHTREE ST STE 1200, ATLANTA, GA 30309	85-2
ARNOTT JONI CARRAWAY	20020 HORSESHOE ROAD, CARSON, VA 23830	95-24
AVERY RICHARD H JR	5558 LENNIE ROAD, MCKENNEY, VA 23872	94-28E
BAIN GLORIA S	22012 BARNES ROAD, DINWIDDIE, VA 23841	84-25A
BAIN JOHN F JR	19605 BAIN RD, DINWIDDIE, VA 23841	95-1
BAIN JOHN F JR	19605 BAIN RD, DINWIDDIE, VA 23841	95-1
BAIN JOHN F JR	19605 BAIN RD, DINWIDDIE, VA 23841	95-1
BAIN JOHN F JR	19605 BAIN RD, DINWIDDIE, VA 23841	95-1
BAIN JOHN F JR & DEBORAH L	19605 BAIN RD, DINWIDDIE, VA 23841	84-29
BAIN JOHN F JR & DEBORAH L	19605 BAIN RD, DINWIDDIE, VA 23841	84-26B
BAIN PRESTON C EST	19208 BAIN ROAD, DINWIDDIE, VA 23841	84-27
BAIN RUBY A LIFE RIGHT	15003 NASH ROAD, DEWITT, VA 23840	84-26C
BAIN WARREN C & NANCY B	14512 SLEEPY HOLLOW RD, DINWIDDIE, VA 23841	84-22
BAIN WARREN C & NANCY B	14512 SLEEPY HOLLOW RD, DINWIDDIE, VA 23841	85-11
BAIN WILLIAM BUNN	19509 BAIN ROAD, DINWIDDIE, VA 23841	84-25
BAIN WILLIAM BUNN	19509 BAIN ROAD, DINWIDDIE, VA 23841	84-28
BARNES DAVID MICHAEL	272 TWIN PONDS RD, LAWRENCEVILLE, VA 23868	100-25A
BARNES DAVID MICHAEL	272 TWIN PONDS RD, LAWRENCEVILLE, VA 23868	93-2-3
BARNES JASON R	2311 MCKENNEY HWY, STONY CREEK, VA 23882	93-36B
BARNES WILLIAM A JR TRUSTEE	9713 HOLLYWOOD DRIVE, DISPUTANTA, VA 23842	94-20
BASS WILLIAM C & KENNEDY SUE ELLEN	24232 MILL RUN RD, STONY CREEK, VA 23882	94-25
BASS WILLIAM CARLTON & THELMA C	24236 MILL RUN ROAD, STONY CREEK, VA 23882	94-13B
BASS WILLIAM CARLTON & THELMA C LE	24236 MILL RUN ROAD, STONY CREEK, VA 23882	94-13
BOLSTER H L MRS	17719 BOLSTERS ROAD, STONY CREEK, VA 23882	93-37
BOLSTERS GROVE FARM LLC	17716 BOLSTERS RD, STONY CREEK, VA 23882	100-23
BONNER HATTIE D	23322 WALKERS MILL ROAD, STONY CREEK, VA 23882	95-2-1
BRANCH MAGGIE ESTATE	20517 MCKENNEY HWY, STONY CREEK, VA 23882	94-5
BROWN CYNTHIA S & HOWARD A JR	20517 MCKENNEY HWY, STONY CREEK, VA 23882	94-5B
CARRAWAY CLYDE F & EDITH C	17979 FLATFOOT ROAD, DINWIDDIE, VA 23841	94-28F
CARRAWAY RANDOLPH G	12328 POLE RUN RD, DISPUTANTA, VA 23842	94-25A
CLARKE C RAY &	25408 MILL RUN ROAD, STONY CREEK, VA 23882	94-16A
CLARKE CARL R JR & CHRISTIE D	15077 SANDY FIELD RD, STONY CREEK, VA 23882	94-16C
CLAY ALEX ABERNATHY OR JESSICA C	24712 COURTHOUSE ROAD, STONY CREEK, VA 23882	93-21G1
CLAY DEBORAH A	25110 COURTHOUSE ROAD, STONY CREEK, VA 23882	93-34
CLAY DEBORAH A	25110 COURTHOUSE ROAD, STONY CREEK, VA 23882	93-21G
COUNTY OF DINWIDDIE	P O BOX 70, DINWIDDIE, VA 23841	94-6B
EASTERN WOODLANDS CORP	P O BOX 1570, PETERSBURG, VA 23805	95-3A1
GRIFFIN HENRY D	19398 MCKENNEY HIGHWAY, STONY CREEK, VA 23882	94-2B
GRIFFIN PATRICK HENRY &	19404 MCKENNEY HIGHWAY, STONY CREEK, VA 23882	94-2A
GRIFFIN PATRICK HENRY &	19404 MCKENNEY HWY, STONY CREEK, VA 23882	94-6A
GUNN DAVID A & SARAH C	25350 MILL RUN ROAD, STONY CREEK, VA 23882	94-18D
HAMILTON BILLY RAY SR & KAREN L	23009 JONES ROAD, STONY CREEK, VA 23882	94-34A
HARRISON SANDRA B &	6205 COURTHOUSE RD, CHURCH ROAD, VA 23833	93-3B
HARRISON SANDRA B &	25713 COURTHOUSE ROAD, STONY CREEK, VA 23882	93-38C
HARRISON SANDRA B &	6205 COURTHOUSE RD, CHURCH ROAD, VA 23833	94-24
HARRISON SANDRA B &	6205 COURTHOUSE RD, CHURCH ROAD, VA 23833	94-8
HAZLE DANIEL W & MYRA P	24350 COURTHOUSE RD, STONY CREEK, VA 23882	93-21C
JACOB SHARON	22209 BARNES ROAD, DINWIDDIE, VA 23841	84-21D
JOHNSON JAMES E	24 BLOOMER DR, BURLINGTON, NJ 8016	94-11B
JOHNSON JAMES N LIFE ESTATE	19717 MCKENNEY HIGHWAY, STONY CREEK, VA 23882	94-11A

Property Owner Name	Property Owner Mailing Address	Tax Parcel #
JONES ANANIAS T	24205 JONES RD, STONY CREEK, VA 23882	94-28
JONES ANANIAS T	24205 JONES RD, STONY CREEK, VA 23882	94-28H
JONES ANANIAS T	23819 JONES RD, STONY CREEK, VA 23882	94-28L
JONES ANANIAS T	23819 JONES RD, STONY CREEK, VA 23882	94-18A
JONES JAMES	24205 JONES ROAD, STONY CREEK, VA 23882	94-30
JONES KATE F	23921 JONES ROAD, STONY CREEK, VA 23882	94-30B
JONES MELVIN	20011 BAIN ROAD, DINWIDDIE, VA 23841	94-3
JORDAN SYBIL O	20906 MCKENNEY HWY, STONY CREEK, VA 23882	94-35
KENNEDY SUE B LEWIS	24232 MILL RUN ROAD, STONY CREEK, VA 23882	94-9
KVASNICKA MICHAEL DAVID	20745 DOUBLE BRANCH ROAD, STONY CREEK, VA 23882	94-23
MCNEALY CAROLE T	508 QUACKENBOS ST N W, WASHINGTON, DC 20011	94-10
MOORE JERRY D & DONNA SUE A &	25111 COURTHOUSE ROAD, STONY CREEK, VA 23882	93-39
MOORE JOHN C & SARAH H	25301 COURTHOUSE ROAD, STONY CREEK, VA 23882	93-39B
NORWOOD JAMES & MICHELLE	22205 BARNES ROAD, DINWIDDIE, VA 23841	84-21B
PAINE ALICE F P	808 CHERRYWOOD ROAD, SALEM, VA 24153	95-26
PEEL ANNIE M & BRANCH JOHN M	2702 FINCHUM CT, CHESAPEAKE, VA 23324	94-28A
PEGRAM ERNEST D ET ALS	17115 BOLSTERS ROAD, STONY CREEK, VA 23882	94-17
PROSISE VIOLA W	24228 JONES ROAD, STONY CREEK, VA 23882	94-28G
REYNOLDS SHARON M	20741 DOUBLE BRANCH RD, STONY CREEK, VA 23882	94-23
RIDEOUT AMOS S JR & CHAPPELL	18144 HARDWOOD CREEK RD, STONY CREEK, VA 23882	100-24
RIDEOUT CHARLES W & JOHN T & SPIERS	18803 HARDWOOD CREEK ROAD, STONY CREEK, VA 23882	94-19A
ROBERT G PERKINS FARMS LLC	21809 RAINEY RD, DINWIDDIE, VA 23841	94-34
RONEY DOROTHY B & ERNEST F	20007 MCKENNEY HWY, STONY CREEK, VA 23882	94-12
SPIERS ROBERT H JR & FAYE C	21018 DOUBLE BRANCH ROAD, STONY CREEK, VA 23882	94-24A
SPIERS ROBERT H JR & FAYE C	21018 DOUBLE BRANCH ROAD, STONY CREEK, VA 23882	95-27
TAYLOR DELORES M	2421 PORTER AVENUE, SUITLAND, MD 20746	94-2
TIAA TIMBERLANDS 1 LLC	13950 BALLANTYNE CORP PL #150, CHARLOTTE, NC 28277	93-33
TILLER CHRIS P OR SUZANNE R	22203 BARNES RD, DINWIDDIE, VA 23841	84-21C
WINN NANCY C	244 WINNWAY LN, RICH SQUARE, NC 27869	101-11

**DINWIDDIE COUNTY PLANNING  
&  
ZONING DEPARTMENT  
SPECIAL LIMITED POWER OF  
ATTORNEY APPLICATION**



Planning Department – Post Office Drawer 70 – Dinwiddie, Virginia 23841  
Phone (804) 469-4500 ext. 2117 Fax (804) 469-5322

Know all men by these presents: That I (We)

(Name): Frances Rose Edwards & Harry J. Edwards, Jr. (Telephone): (804) 288-0657

(Address): 1009 Baldwin Rd., Richmond, VA 23229

The owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Dinwiddie, Virginia, by

Instrument No. 120002168, on Page 94-26, and is described as Tax Map Parcel #.

(Name): Iluka Resources Inc. (Telephone): \_\_\_\_\_

(Address): 12472 St. John Church Rd., Stony Creek, VA 23882

To act as my true and lawful attorney-in-fact and in my (our) name, place and stead with full power and authority I (we) would have if acting personally to file planning applications for my (our) above described Property, to include (put a checkmark next to the appropriate action that applies(y):

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Rezoning Request (including proffers) | <input type="checkbox"/> Building Permit(s)       |   |
| <input checked="" type="checkbox"/> Conditional Use Permit     | <input type="checkbox"/> Subdivision Exception    |   |
| <input type="checkbox"/> Preliminary Subdivision Plat          | <input type="checkbox"/> Site Plan of Development | <input type="checkbox"/> Landscape Plan       |
| <input type="checkbox"/> Final Subdivision Plat                | <input type="checkbox"/> Site Plan Modification   | <input type="checkbox"/> Lighting Plan        |
| <input type="checkbox"/> Subdivision Construction Plans        | <input type="checkbox"/> Variance Request         | <input type="checkbox"/> Transfer of Approval |

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

Anything except release of property from the existing CUP.

This authorization shall expire one year from the day it is signed, or unto it is otherwise rescinded or modified in witness thereof, I (we) have hereto set my (our) hand and seal this 8 day of December, 2015.

Signature(s) Frances Rose Edwards & Harry J. Edwards, Jr.  
State of Virginia, City/County of Henrico, To-wit

I Ann McWilliams Shipstead a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument and who is (are) known to me, personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 8th day of December, 2015

My commission expires: 2/28/2017

Ann McWilliams Shipstead  
Notary Public



**DINWIDDIE COUNTY PLANNING  
&  
ZONING DEPARTMENT  
SPECIAL LIMITED POWER OF  
ATTORNEY APPLICATION**



Planning Department – Post Office Drawer 70 – Dinwiddie, Virginia 23841  
Phone (804) 469-4500 ext. 2117 Fax (804) 469-5322

Know all men by these presents: That I (We)

(Name): Robert G. Perkins Farm, LLC (Telephone): (804) 712-0741  
(Address): 21809 Rainey Rd., Dinwiddie, VA 23841

The owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Dinwiddie, Virginia, by Deed Book Instrument No. 581, on Page 1, and is described as Tax Map Parcel #. 94-14 do hereby make, constitute and appoint

(Name): ILUKA Resources Inc. (Telephone): (434) 348-4300  
(Address): 12472 St. John Church Rd., Stony Creek, VA 23882

To act as my true and lawful attorney-in-fact and in my (our) name, place and stead with full power and authority I (we) would have if acting personally to file planning applications for my (our) above described Property, to include (put a checkmark next to the appropriate action that applies(y):

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Rezoning Request (including proffers) | <input type="checkbox"/> Building Permit(s)       |   |
| <input checked="" type="checkbox"/> Conditional Use Permit     | <input type="checkbox"/> Subdivision Exception    |   |
| <input type="checkbox"/> Preliminary Subdivision Plat          | <input type="checkbox"/> Site Plan of Development | <input type="checkbox"/> Landscape Plan       |
| <input type="checkbox"/> Final Subdivision Plat                | <input type="checkbox"/> Site Plan Modification   | <input type="checkbox"/> Lighting Plan        |
| <input type="checkbox"/> Subdivision Construction Plans        | <input type="checkbox"/> Variance Request         | <input type="checkbox"/> Transfer of Approval |

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

Anything except release of property from existing CUP.

This authorization shall expire one year from the day it is signed, or unto it is otherwise rescinded or modified in witness thereof, I (we) have hereto set my (our) hand and seal this 10th day of December, 2015.

Signature(s) [Signature]  
State of Virginia, City/County of Dinwiddie, To-wit:

I Betty Jo M. Atkinson, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument and who is (are) known to me, personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 10th day of December, 2015.

My commission expires: My Commission Expires November 30, 2017

[Signature]  
Notary Public  
My Commission No. 117695

Embossed Hereon Is My  
Commonwealth Of Virginia Notary Public Seal  
My Commission Expires November 30, 2017  
BETTY M. ATKINSON



Ms. Ebron-Bonner opened the public hearing on this item.

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

*Upon motion of Dr. Moore, seconded by Mr. Lee,*

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) it is stated 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, I move that conditional use permit amendment, AC-16-1, as presented be approved by the Board of Supervisors.

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

**B. PROPOSED AMENDMENT OF CHAPTER 22 OF THE DINWIDDIE COUNTY CODE CONCERNING OFF-STREET PARKING REQUIREMENTS**

Mark Bassett, Planning Director, presented the below to the Board for public hearing and their approval.



## Dinwiddie County Planning Department

14016 Boydton Plank Road

P.O. Drawer 70

Dinwiddie, VA 23841

Phone: (804) 469-4500

### MEMORANDUM

**To:** W. Kevin Massengill, County Administrator and Board of Supervisors  
**From:** Mark Bassett, Planning Director  
**Date:** February 9, 2016  
**Subject:** Proposed Amendments to Article VII, Supplementary District Regulations, Chapter 22, Zoning, Section 22-237 of the Dinwiddie County Zoning Ordinance

#### Background:

The proposed Zoning Ordinance amendments add changes to Article VII, Supplementary District Regulations, Chapter 22, Zoning, Section 22-237 of the Dinwiddie County Zoning Ordinance. The proposed amendments include new minimum number of parking spaces per number of square feet for any commercial building or public facility not otherwise listed in this Section; new minimum number of parking spaces per number of square feet for warehousing/distributing uses; new minimum parking space requirements for mini-storage warehouse or commercial storage locker establishments; and new minimum number of parking spaces per number of employees for other permitted industrial and manufacturing uses. An additional proposed amendment includes changing the minimum width of fire lanes to 20 feet to bring the Zoning Ordinance standard in line with the Fire Code standard. After the public hearing, changes may be made to the Ordinance, as appropriate.

#### Staff Recommendation:

The aforementioned Zoning Ordinance text amendments are the recommended changes to the parking space requirements and parking area design standards that staff has discussed with the Planning Commission at past workshop meetings. Staff recommends approval of the proposed Zoning Ordinance text amendments as presented.

#### Planning Commission Recommendation:

At the January 13, 2016 Planning Commission Public Hearing, Commissioner McCray asked why (Planning) staff was proposing the amendments; is it being done because someone has complained? Planning staff explained that it is twofold; when development projects have come through for review by the Land Development Committee (LDC) staff found that the parking requirements for certain industrial and commercial/service uses were out of date as compared to the national parking standards as well as compared to the parking requirements of the surrounding jurisdictions.

After holding the Public Hearing where no one spoke on the proposed Zoning Ordinance amendments, the Planning Commission unanimously voted to recommend the proposed Zoning Ordinance amendments as presented to the Board of Supervisors.

#### Board Action:

**WHEREAS, in accordance with Va. Code §§ 15.2-2285 and 15.2-2286, the Dinwiddie County Planning Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of the following Zoning Ordinance amendments:**

**NOW, THEREFORE, BE IT RESOLVED that the Dinwiddie County Board of Supervisors does hereby (approve or disapprove) the Zoning Ordinance amendments as presented.**

**AN ORDINANCE TO AMEND  
THE CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED  
BY AMENDING SECTION 22-237. OFF-STREET PARKING AND LOADING  
CHAPTER 22. ZONING,  
ARTICLE V. SUPPLEMENTARY DISTRICT REGULATIONS**

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:*

#### **Sec. 22-237. Off-street parking and loading.**

- (a) In any district, all structures erected or enlarged and all uses established or expanded, shall provide off-street parking and loading in accordance with the requirements established herein.
- (b) Required off-street parking spaces for dwellings shall be a minimum of nine feet by 20 feet in dimensions with a driveway to afford safe and convenient access. Parking spaces shall be on the same lot with the main building. In the case of buildings and uses other than dwellings, spaces may be located up to 600 feet from said building or use, subject to approval of the administrator.

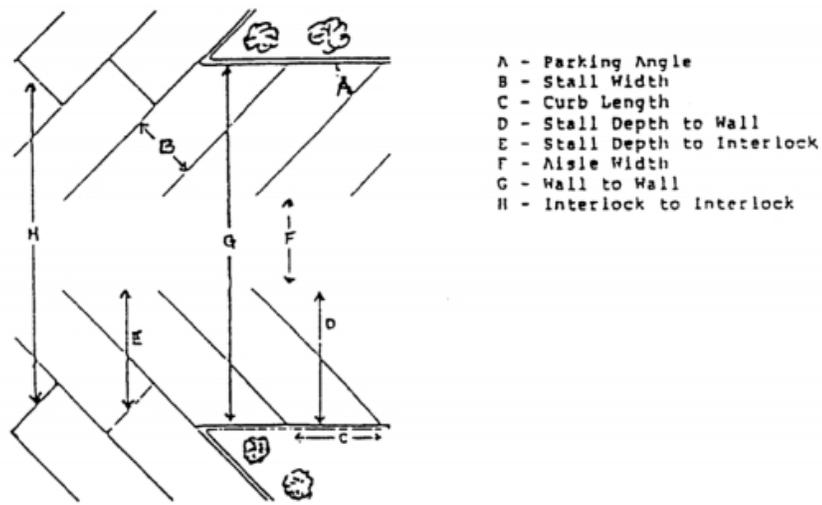
- (c) Any parcel of land used as a public parking area shall be constructed of concrete, asphalt, or other equivalent permanent dustless surface, except that in areas zoned agricultural, churches, civic associations and agritourism activities shall be exempt from this requirement. The administrator may approve the use of cobblestone, Belgian block, brick, grid pavers, interlocking pavers or similar surface material upon specific request at the time of site plan submission. The administrator may also approve unpaved or gravel parking areas for temporary use of less than 90 days provided that a specific request is submitted in writing at the time of plan submission.
- (d) Outdoor lighting shall be provided at appropriate locations in order to adequately illuminate parking areas and pedestrian and vehicular circulation routes to establishments which will be patronized during non-daylight hours. Any lighting equipment should be designed and arranged so as to direct light and glare away from abutting properties and adjacent rights-of-way. Lighting fixtures and intensity levels shall be compatible with both natural and architectural characteristics of the development.
- (e) Such parking spaces shall not be drained onto or across public sidewalks, nor shall they be drained onto adjacent property except when directed into a natural water course or a recognized drainage easement.
- (f) Parking lots shall be designed and constructed so that spaces are grouped into bays separated by landscape traffic islands. Such islands and bays shall be designed to provide a clear delineation of circulation patterns, guide vehicular traffic, break large expanses of pavement into sub-areas to improve both the appearance and climate of the parking lot, minimize glare and noise, and delineate safe pedestrian walkways.
- (g) Where the nature and characteristics of the proposed use dictate, such parking areas shall be designed to include appropriate stopping, parking and circulation areas for alternate modes of transportation such as bicycles, mopeds, motorcycles and buses.
- (h) Sidewalks shall be provided where necessary to facilitate safe and convenient pedestrian movements within and between such parking areas and the establishments which they serve. Sidewalks shall be designed in accordance with all applicable barrier-free access standards as specified by the Virginia Uniform Statewide Building Code.
- (i) Speed bumps, if installed, shall be designed to county criteria, and appropriate signage shall be provided within such parking areas to insure safe and efficient vehicular circulation.
- (j) The minimum dimensions of spaces and aisles within such lots shall be in accordance with the following standards:

A	B	C	D	E	F	G	H
Parking Angle	Stall Width	Curb Length	Stall Depth to Wall*	Stall Depth to Interlock	Aisle** Width	Wall*** to Wall	Interlock*** to Interlock
45°	9'	17.7'	17.5'	15.3'	12'	47'	43'
60°	9'	10.4'	19.0'	17.5'	16'	54'	51'
75°	9'	9.3'	19.5'	19.9'	21'	60'	59'
90°	9'	9.0'	16.5'	18.5'	24'	61'	61'

Notes: \* This measurement used where stalls abut pedestrian walkways.

\*\* Measured between ends of stall lines.

\*\*\* Measured to nearest foot.



Parking spaces diagram

- (k) Parking spaces for the physically handicapped shall be provided and labeled on the plan in accordance with the standards established for the physically handicapped and aged, by the Virginia Uniform Statewide Building Code. Such spaces shall be arranged and dispensed throughout the lot so as to provide convenient access to all major entrances to the proposed establishment.
- (l) There shall be provided, at the time of erection of any main building or at the time any main building is enlarged, minimum off-street parking space, with adequate provision for entrance and exit by standard sized automobiles, as follows:
- (1) In all residential districts, there shall be provided, either in a private garage or on the lot, space for the parking of one automobile for each dwelling unit in a new building, or each dwelling unit added in the case of the enlargement of an existing building.
  - (2) Tourist homes and motels shall provide, on the lot, parking space for one automobile for each accommodation, plus one additional space per employee but in no case less than two additional spaces.
  - (3) For church, high school, college and university auditoriums, and for theaters, general auditoriums, stadiums and other similar places of assembly, at least one parking space shall be provided for every five fixed seats provided in such building.
  - (4) For hospitals, at least one parking space shall be provided for each two patient/occupant beds plus one additional space per employee/staff member on the largest anticipated working shift.
  - (5) For medical and dental clinics, at least ten parking spaces shall be provided. Three additional parking spaces shall be furnished for each doctor or dentist having offices in such clinic in excess of three doctors or dentists.
  - (6) For tourist courts, apartments and apartment motels, at least one parking space shall be provided for each individual sleeping or living unit. For hotels and apartment motels at least one parking space shall be provided for each two sleeping rooms, up to and including the first 20 sleeping rooms, and one parking space for each three sleeping rooms over 20.
  - (7) For mortuaries and liquor stores, at least 30 parking spaces shall be provided.
  - (8) For restaurants, including fast-food restaurants one parking space shall be provided for each 100 square feet of floor space in the building.
  - (9) Any commercial building or public facility not listed above hereinafter erected, converted or structurally altered shall provide one parking space for each ~~200~~ 300 square feet of business floor space in the building.
  - (10) Minimum required parking spaces for industrial, manufacturing and related uses shall be as follows:
    - a. Warehousing, distributing: ~~one space for each 1,000 square feet of floor area plus one space for each 300 square feet of office, sales or similar space, plus one space for each vehicle maintained on the premises. Establishments having not more than 20,000 square feet of gross floor area, on a single parcel of land and/or within a single development, shall provide one space for each 2,000 square feet of gross floor area. Establishments having more than 20,000 square feet but not more than 100,000 square feet of gross floor area shall provide one space for each 2,500 square feet of gross floor area. Establishments having more than 100,000 square feet of gross floor area shall provide one space for each 3,000 square feet of gross floor area.~~
    - b. Mini-storage warehouse, commercial storage locker: ~~One space for each ten cubicles, plus two spaces for the manager's quarters/office, plus one additional space for each 25 cubicles for prospective clients. Mini-storage warehouse or commercial storage locker establishments shall provide off-street parking to the extent required for office space or other uses accessory to the primary use.~~

- c. ~~Other permitted industrial and manufacturing uses: One space for each 500 square feet of floor area or for each three employees on the anticipated largest working shift, whichever is greater, plus one space for each vehicle maintained on the premises. One space per employee for the first 300 employees plus one space per each two employees in excess of 300 (maximum onsite at any one time).~~
- (m) Other provisions of this article notwithstanding, the administrator may waive the requirement that the entire number of parking spaces required by this chapter to be constructed at the time of development, subject to the following:
- (1) Such waiver may be considered only for structures with a gross floor area in excess of 6,000 square feet in the case of public and commercial buildings in excess of 10,000 square feet in the case of industrial buildings. Waiver of construction may be considered only for those spaces required as a result of floor areas in excess of 6,000 or 10,000 square feet, respectively.
  - (2) The decision to grant such waiver from construction shall be based upon evidence supplied by the applicants, observations of similar uses in the region, or standard reference works by qualified officials or competent professional/research associations, which substantiates the projected parking demand of the proposed use and indicates that the site can be adequately served initially by fewer than the full number of required spaces. In no case shall a waiver be considered which would reduce the parking and circulation areas below that required by this article.
  - (3) Such waiver shall not relieve the applicant of responsibility for reserving an adequate area on the site to accommodate the entire member of parking spaces otherwise required by this article.
  - (4) The location, design and other pertinent details of all required parking spaces shall be depicted on the site plan in accordance with all applicable design requirements. At the time of site plan approval, the administrator, in exercising the above described waiver provisions, shall clearly indicate on the face of the site plan those spaces which need not be constructed at the time of initial development.
  - (5) The area which such spaces would otherwise occupy shall be reserved for their future construction should the parking demand characteristics of the original or any subsequent or additional use or uses increase to the extent that the number of spaces actually constructed is no longer adequate. In no case shall any improvements, structural enlargements or additions be made on the site which would encroach on the area so reserved.
  - (6) Monitoring and determination of the adequacy of the existing parking spaces shall be the responsibility of the administrator who shall make periodic inspections of the site. Upon determining that parking demand is in excess of the available supply of spaces the administrator shall order, in writing, the construction of such additional spaces as are necessary to accommodate the demand. In no case shall the applicant be required to provide more spaces than the total number required before waiver.
  - (7) Failure to comply with the administrator's order to construct additional adequate parking areas within 90 days weather permitting, shall be deemed a violation of the ordinance and shall be punishable as prescribed herein.
  - (8) The following statement, to be signed and acknowledged by both the administrator and the applicant, shall be affixed to the approved site plan and shall also be recorded, at the cost of the property owner, in the Clerk's Office of the Circuit Court of Dinwiddie County:

CERTIFIES

THAT \_\_\_\_\_ THE RECORD OWNER(S) OF THE  
 (she) (he) (it) (is) (are)  
 HEREAFTER DESCRIBED PROPERTY.

Pursuant to the terms of the Dinwiddie County Zoning Ordinance, off-street parking space requirements for the proposed use of land identified as parcel(s) \_\_\_\_\_ on the records of the Commissioner of the Revenue of Dinwiddie County and being the same land acquired by \_\_\_\_\_

(Owner's name)

As evidenced by \_\_\_\_\_ duly recorded in the clerk's  
 (deed) (will) (other)

office of the circuit court of Dinwiddie County under instrument no. \_\_\_\_\_ are hereby waived to the extent that \_\_\_\_\_ of the \_\_\_\_\_ total required parking spaces need not be constructed prior to issuance of a certificate of occupancy.

The area which such spaces would otherwise occupy as shown on the approved site plan, dated \_\_\_\_\_, shall be reserved for their future construction should the parking demand characteristics of this or any other use, as determined by the administrator, increase to the extent that the available spaces are not longer adequate. Monitoring and determination of the adequacy of the existing parking spaces shall be the responsibility of the administrator. Upon determining that parking demand is in excess of the available supply of spaces the administrator shall order, in writing, the construction of such additional spaces, up to the minimum required by the zoning ordinance in effect on the date of this agreement, as are necessary to accommodate the demand. Failure to comply with the administrator's order to construct such area within 90 days, weather permitting, shall be deemed a violation of the zoning ordinance and shall be punishable in accordance with the penalties prescribed therein.

The responsibility to comply with these requirements shall run with title to the land and shall not be affected by transfer of lease or ownership as long as the waiver herein described is applicable to the described land or any part thereof. A recorded statement executed by the administrator, indicating that such waiver is no longer applicable, shall be conclusive as to its content insofar as record title to the property may be affected.

\_\_\_\_\_  
 Zoning Administrator

\_\_\_\_\_  
 Property Owner(s)

- (n) All off-street loading areas, including aisles and driveways shall be constructed and maintained with a permanent, dustless surface material, except that in areas zoned agricultural, churches, civic associations and agritourism activities shall be exempt from this requirement. Off-street loading areas may be incorporated into the overall design and layout of parking and circulation systems provided that no individual parking spaces will be encroached upon. Vehicles utilizing such loading spaces will not interfere with vehicular circulation on the site or on adjacent public rights-of-way.
  - (1) Each off-street loading space shall be not less than 12 feet by 50 feet in dimensions with a vertical clearance of not less than 15 feet, including necessary maneuvering space off the street.
  - (2) All lighting fixtures used to illuminate off-street loading areas shall be designed and arranged so as to direct light and glare away from abutting properties and adjacent rights-of-way.
  - (3) No space designated as off-street parking space shall be utilized as an off-street loading space.
- (o) Adequate fire lanes shall be required as deemed necessary by the fire marshal for the access and egress of emergency vehicles. Fire lanes shall be a minimum of ~~18~~ 20 feet in width and shall be marked for ease of visibility as required by the fire marshal. Numbers and placement of fire lanes shall be in accordance with nationally recognized standards.
- (p) Containers, shipping containers, trailers or semi-trailers designed for transport by a tractor trailer, or other portable storage containers are not allowed in any zoning district, except that such containers:
  - (1) Are temporarily allowed as an accessory use for a dwelling in a residential or agricultural zoning district for a 30 day period;
  - (2) Are allowed for permanent storage in connection with a conforming agricultural use or with a legal nonconforming agricultural use existing as of June 18, 2013; and
  - (3) Are allowed in the B-1, B-2, B-3, M-1, and M-2 zoning districts, and in the B-1, B-2, B-3, M-1, and M-2 zoning districts shall be subject to the following standards:
    - a. Screening. Containers must be screened from view of all public streets, public places and adjoining properties, through the use of features such as fences, building walls, opaque fencing and screening, false facades, or dense landscaping (with exception for access to the unit).
    - b. Location. Containers should be located behind the principal building, or at the side if the physical nature of the site renders real placement impossible, as determined by the Zoning Administrator.
    - c. Setbacks. Containers must comply with the principal use building setbacks for the district.
    - d. Containers must meet building code requirements if electrical, HVAC or plumbing is installed.
- (q) The general standards applicable to all recreational vehicles are as follows:
  - (1) Except for recreational vehicles parked in a parking area associated with a multi-family dwelling or parked in the driveway of a principal dwelling or accessory storage building, all recreational vehicles shall be parked behind the front setback line unless such vehicles are parked in a completely enclosed garage or other building.
  - (2) No recreational vehicle shall be used for living purposes in any zoning district, or connected to utility services except for maintenance purposes, except for as follows:

In agricultural zoning districts, a recreational vehicle may be used as a temporary residence during the course of actual construction of a single-family dwelling subject to the following standards:

- a. Only one such temporary residence may be allowed per lot.
- b. No such temporary residence may be allowed if other residences exist on the lot.
- c. All building, health, public works or other required permits for the temporary residence must be obtained, all installations be completed, inspected and approved prior to occupancy of the temporary residence.
- d. The use of the temporary residence may not begin until a building permit for the permanent residence is issued.
- e. Actual construction on the permanent residence must start within 60 days of the issuance of the building permit for the residence or the use of the temporary residence must cease, the unit be vacated and be disconnected from all utilities until actual construction is started.
- f. The use of the temporary residence must cease within 18 months of the date of issuance of the building permit for the permanent residence or occupancy of the permanent dwelling, whichever occurs first. Upon cessation of the use, recreational vehicles serving as a temporary residence pursuant to this section 22-237(q)(2) shall be disconnected from all utilities.

(Code 1970, § 17-96; Ord. of 9-21-94; Ord. of 9-4-96; Ord. of 6-20-06, § 1; Ord. of 11-16-10, § 1; Ord. of 6-18-13 [A-13-2], § 1)

*(2) That such changes take effect immediately.*

Ms. Ebron-Bonner opened the public hearing on this item.

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

*Upon motion of Dr. Moore, seconded by Mr. Lee,*

WHEREAS, in accordance with Va. Code §§ 15.2-2285 and 15.2-2286, the Dinwiddie County Planning Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of the following Zoning Ordinance amendments:

NOW, THEREFORE, BE IT RESOLVED that the Dinwiddie County Board of Supervisors does hereby approve the Zoning Ordinance amendments as presented.

AYES: Mr. Chavis, Mr. Lee, Mr. Moody, Dr. Moore, Ms. Ebron-Bonner

NAYS: None

**14. OLD/NEW BUSINESS**

**A. APPOINTMENTS**

There were no appointments made at this meeting.

**15. CITIZEN COMMENTS**

Mr. Dan Robbins commented on the proposed Southside Electric transmission lines.

Mr. Southall, County Attorney, updated Mr. Robbins on the County's efforts in regard to the proposed Southside Electric Transmission Lines.

**16. BOARD MEMBER COMMENTS**

Mr. Chavis stated that it was a great night and thanked everyone for coming out to support the Hometown Heroes.

Dr. Moore stated that we are a better community because of those five people. He thanked them for their service and thanked those who were here to support them.

Mr. Lee apologized for not responding to Mr. Robbins' recent phone call. He also commented on the proposed transmission lines.

Mr. Moody added that he will be attending the NACo Legislative Conference soon and encouraged the Board and staff to inform him of any issues that he needs to bring forth.

Ms. Ebron-Bonner thanked everyone for coming to the meeting. She expressed to Mr. Robbins that she hopes the issue will be soon resolved.

**17. ADJOURNMENT**

*At 8:10 PM, upon motion of Mr. Lee, seconded by Mr. Moody, the meeting was adjourned.*

AYES: Mr. Chavis, Mr. Lee, Mr. Moody, Dr. Moore, Ms. Ebron-Bonner

NAYS: None

---

Brenda Ebron-Bonner  
Chair

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

/sbw