

County of Dinwiddie Board of Supervisors

MINUTES

Regular Meeting – May 17, 2016, 3:05 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 Mr. Chavis, seconded by Mr. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the agenda was adopted as presented.

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

5. CONSENT AGENDA

A. SUMMARY AND CLAIMS

CLAIMS	April 15, 2016	April 29, 2016	April 28, 2016	April 29, 2016	April 29, 2016	May 9, 2016	May 9, 2016	TOTALS
	1098415-1098458	1098459-1098472	1098473-1098526	1098528-1098532	1098533-1098539	1098540-1098590	1098591	
101 - General Fund	\$107,703.48	\$1,011,708.51	\$207,303.00	\$6,101.48	\$210.00	\$65,741.90	\$53,246.74	\$1,452,015.11
103 - Jail Commission							\$147.15	\$147.15
105 - Recreation								\$0.00
209 - Litter Grant Fund	\$6,000.00							\$6,000.00
210 - Economic Develpmt		\$1,463.38	\$264.23			\$1,596.00	\$1,817.88	\$5,141.49
211-Community Service							\$33.17	\$33.17
219 - CSA								\$0.00
226 - Law Library	\$164.99							\$164.99
228 - Fire Programs & EMS		\$1,092.65	\$1,023.83			\$3,107.17	\$298.24	\$5,521.89
229 - Forfeited Asset Sharing Program								\$0.00
305 - Capital Projects Fund	\$47,735.00		\$11,415.42			\$111,488.28	\$390.52	\$171,029.22
401 - County Debt Service	\$20,739.05							\$20,739.05
402 - School Debt Service								\$0.00
724 - Abraham Scholarship								\$0.00
	\$182,342.52	\$1,014,264.54	\$220,006.48	\$6,101.48	\$210.00	\$181,933.35	\$55,933.70	\$1,660,792.07

B. MINUTES: APRIL 19, 2016 BUDGET WORKSHOP, APRIL 19, 2016 REGULAR MEETING, MAY 3, 2016 SPECIAL MEETING

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

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

6. REPORTS:

A. VIRGINIA DEPARTMENT OF TRANSPORTATION

Crystal Smith, Residency Administrator, presented the following report to the Board.

DINWIDDIE COUNTY
May 17, 2016 – Monthly Report

MAINTENANCE	Crystal Smith			
Dinwiddie Area Headquarters for the month of April 2016				
<ul style="list-style-type: none"> • Performed debris cleanup and repaired signs along various primary and secondary roads. • Repaired pot holes on various primary and secondary roads. • Clean debris, leaves and trash from ditches on Route 632 (Butterwood Rd.) • Spring Clean-Up Week April 18-22; removed trash from various primary and secondary roads. Removed trash bags picked up by Adopt -A- Highway citizens and Dinwiddie Sheriff's Dept. inmates on secondary routes. • Repaired potholes and added surface treatment on Routes 1211 (Laurel Brook Dr.), and 1212 (Wilderness Dr.). • Hydro-seeded areas ditched on Routes 226 (Cox Rd.), 624 (Coleman Lake Rd.), 1375 (Sequoia Ct.), and 1510 (Chesdin Blvd.). • Worked to remove beaver dams on Routes 613 (Squirrel Level Rd.), 632 (Butterwood Rd.), 646 (Glebe Rd.), 667 (Malone Rd.), 672 (Church Rd.), and 741 (Fort Emory Rd.). • Patched shoulder and roadway on Route 644 (Brills Rd.). • Patched crossover pipe on Route 660 (Quaker Rd.) • Cleaned curb and gutter in town of McKenney along Route 40. • Machined various unpaved roads throughout the county. • Cut and removed dead trees that had fallen on secondary roads. • Performed maintenance on beaver dams along Routes 613 (Dabney Mill Rd.), 646 (Glebe Rd.), 672 (Weakley Rd.), 741 (Fort Emory Rd.) and 667(Malone Rd.). 				
LAND DEVELOPMENT & PERMITS	Paul Hinson, P.E.			
Dinwiddie County				
Plans with outstanding comments or under review (Activity within last 90 days)				
<ul style="list-style-type: none"> • Airpark Drive – Road plans submitted for review for needed improvements to bring remainder of Airpark Road to the county convenience center into state system. Plans received on 3-31-16 and comments issued on 4-19-16. • Taco Bell at Dinwiddie – Site plan submitted for review for a proposed Taco Bell at the intersection of Ritchie Road, SR 1320, and US 1. Plan received on 3-10-16 and comments issued on 3-22-16. • Hofheimer Way Retail Site – Site plan submitted on 3-22-16 for a proposed Dollar General store at the intersection of Hofheimer Way, SR 775 and US 1. Comments issued on 4-6-16. 				
Plans approved				
<ul style="list-style-type: none"> • None. 				
Other				
<ul style="list-style-type: none"> • Preliminary ROW dedication plat submitted for review and approval for Chesdin Pointe Section 2. Comments have been issued for 1st and 2nd submission of the plat. 				
<ul style="list-style-type: none"> • Vaughan Road Estates – Final Plat Review – Plat received on 4-6-16 and found acceptable on 4-17-16 				
LUP Permits Issued and Completed				
Permit Number	Permittee	Dinwiddie County	Permit Issuance Date	Permit Completion Date
57871	Dominion VA Power	26	3-30-16	
57873	Watkins Farm	26	4-5-16	
57879	Bostic Real Estate Properties, LLC	26	4-13-16	
57880	Harper Brandon Cole	26	4-15-16	
57883	Nelson E. Allgood	26	4-21-16	
57885	DanRich Homes	26	4-22-16	
57886	Dominion VA Power	26	4-22-16	
57888	David L. Hinson	26	4-26-16	
57890	William F. Maywalt	26	4-27-16	
57891	William F. Maywalt	26	4-28-16	
57787	Arthur D. Bostic IV	26	7-13-15	4-22-16
57808	Big Bethel Baptist Church	26	9-4-15	4-13-16
57821	Southside Electric Cooperative	26	10-20-15	4-1-16
CONSTRUCTION	Ron Hobson, P.E.			
UPC 104466 / Order D39 /Project: (NFO) 0085-026-263, N501				
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				
UPC 89379 / Order G26 /Project: (NFO) 0226-026-573,B606, C501 (Dinwiddie)				
Contractor: Bryant Contracting				
Name: Route 226 Cox Rd Bridge over NSRR				
CM: Miller				
Fixed Completion Date: 8/1/16				
Description: Superstructure replacement and Substructure repairs				
Comments: Phase I is complete. All structural steel has been installed. Contractor plans to form and pour deck in the upcoming month. Project is on schedule to meet fixed completion date.				
UPC 80993 / Order G95 /Project: (NFO) 0001-026-107,C501 (Dinwiddie)				
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 Round About at Route 600 and Route 226.				
Comments: Contractor has completed water line installation and tie-ins. Contractor will continue with storm drain installation and begin grading operations in the upcoming month.				

UPC 107812 / Order 404 / Project: ST4D-026-F16 (Dinwiddie)	
Contractor: Whitehurst	
Name: Surface Treatment Schedule	
CM: Bondurant	
Fixed Completion Date: 10/28/16	
Description: Resurfacing of various routes in Dinwiddie County.	
Comments: Contractor will begin surface treatment operations in late to mid-June. Patching is complete.	
TRAFFIC STUDIES/SPECIAL REQUESTS	
<ul style="list-style-type: none"> • Route 670 (Duncan Road) – Request to extend the 35 mph zone, that was recently approved. Traffic Engineering completed speed study on Route 670 in Dinwiddie County and recommended to retain the existing speed limit. • Route 606 (Reams Dr.) – Requested a posted speed limit. A traffic study has been initiated. • Route 623 (Sutherland Drive) – The study for a speed change has been completed. Traffic Engineering completed speed study on Route 623 in Dinwiddie County and recommended to retain the existing speed limit and add warning signs. • Route 756 (Slates Rd) – Citizen is requesting a No Thru Trucks sign. Residency is reviewing area. 	

B. BROADBAND UPDATE

Norman Cohen, Director of Information Technology, provided an update on the County’s Broadband Initiative and the Request for Proposals that is out for Broadband.

C. MEALS TAX ORDINANCE REVISION

Tyler Southall, County Attorney, presented the following to the Board.

To: Board of Supervisors

CC: Jennifer C. Perkins, Treasurer
Lori K. Stevens, Commissioner of the Revenue
W. Kevin Massengill, County Administrator
Anne Howerton, Deputy County Administrator

From: Tyler Southall, County Attorney

Date: May 17, 2016

Subject: Meals Tax Ordinance Revision

Background: On September 16, 2014, Section 19-134 of the Dinwiddie County Code, which governs the payment and collection of the meals tax, was amended. It was hoped at that time that the changes would streamline the process for calculating late meals tax payments. Unfortunately, in practice this hope has not fully materialized. As a result, the Treasurer and the Commissioner of the Revenue have requested the attached changes.

Under the 2014 ordinance, a penalty of ten percent is assessed on late payments and filings with an additional five percent penalty applied for each additional 30 days that the payment or filing is late with a maximum penalty of 25%. Pursuant to the current Section 19-134, the Commissioner is technically responsible for administering these penalties.

With the proposed ordinance the Treasurer would become responsible for adding the penalty for the late payments of 25% as outlined in the 2014 ordinance, and the Commissioner of the Revenue would be responsible for assessing an additional ten percent penalty for late filers.

Although the new language cannot eliminate all of the administrative difficulties that arise in addressing late payments and filings, the intent is to more clearly define the roles of the Commissioner and Treasurer to allow for more efficient administration of the Code section.

The two different penalties to be administered by the Treasurer and the Commissioner are enabled by Virginia Code Section 58.1-3916.

Requested Direction: If the Board is desirous, staff will advertise the ordinance for a public hearing and action at the June 21 Board of Supervisors meeting.

**AN ORDINANCE TO AMEND
THE CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED
BY AMENDING SECTION 19-134. PAYMENT AND COLLECTION OF TAX
CHAPTER 19, TAXATION
ARTICLE XII. MEALS TAX**

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. 19-134. - Payment and collection of tax.

(a) Every seller of food with respect to which a tax is levied under this article shall collect the amount of tax imposed under this article from the purchaser on whom the same is levied at the time payment for such food becomes due and payable, whether payment is to be made in cash or on credit by means of a credit card or otherwise. The amount of tax owed by the purchaser shall be added to the cost of the food by the seller who shall remit the taxes collected to the county in accordance with section 19-135. Taxes collected by the seller shall be held in trust by the seller for the benefit of the county until remitted to the county.

(b) If any person, whose duty it is so to do, shall ~~fail to file a report or refuse to remit the tax required to be collected and paid under this article, within the time and in the amount specified in this article, there shall be added to such tax by the commissioner of revenue~~ treasurer a penalty in the amount of ten percent, if the failure is for not more than 30 days, with an additional five percent for each additional 30 days or fraction thereof during which the failure continues, not to exceed 25 percent in the aggregate, with a minimum penalty of \$10.00, but in no event shall the penalty exceed the amount of the tax assessable. In addition, interest at the rate of ten percent per annum may be computed and collected upon the taxes and penalty by the treasurer beginning from the date such taxes were due and payable.

~~(c) If any person, whose duty it is to do so, shall fail to file a report required to be filed under this article within the time specified in this article, there shall be added to such tax by the commissioner of the revenue a penalty in the amount of ten percent with a minimum penalty of \$10.00.~~

(Ord. of 10-7-92; Ord. of 12-7-94; Ord. of 9-16-14 [A-14-3], § 1; ~~Ord. of [Month]-[Day]-[Year]~~)

(2) That this ordinance shall take effect immediately.

The Board agreed to add the Public Hearing on the Meals Tax Ordinance to the June 21st Board of Supervisors Meeting.

D. ADULT ABUSE AWARENESS MONTH AND FOSTER CARE MONTH

Ms. Rose Mastracco, Director of Social Services, spoke to the Board about May being Adult Abuse Awareness Month as well as Foster Care Month. She included statistics relative to Dinwiddie County and the State of Virginia.

7. ACTION ITEMS:

A. CONTRACT AWARD: CAMERAS, TASERS, AND RELATED EQUIPMENT

Major William Knott presented the following to the Board for their approval.

TO: Dinwiddie County Board of Supervisors

FROM: Sheriff D. T. "Duck" Adams

DATE: May 17, 2016

SUBJECT: Implementation of Taser International "Officer Safety Plan" to include Body Worn Cameras, In-Car Cameras, Video Evidence Storage and Taser Weapons

BACKGROUND

The actions of law enforcement officers across the nation have come under ever increasing scrutiny by the public. With several highly publicized incidents where officers have used deadly force against a suspect, there has been an outcry for increased transparency in documenting the everyday activities of law enforcement officers and their contact and interaction with the public. Law enforcement agencies, in hopes of becoming more transparent, reducing the instances of uses of force as well as citizen complaints on officers have transitioned to the utilization of body worn camera technology. This technology has become widely accepted and recommended by local, state and federal law enforcement agencies.

RESEARCH

Dinwiddie County Sheriff's Office has recognized the need to document the interaction between deputy sheriffs and the public they serve. With the increased use of body worn camera technology by law enforcement agencies nationwide and anticipating the development of a body worn camera program within our agency, vendors of body worn cameras were contacted. Demonstrations and field tests were conducted with several body worn camera products. Storage and maintenance of archived video evidence was also considered. Discussions were had with Dinwiddie IT Department as to in-house and cloud based video evidence storage solutions were also considered. Considerations included cost, storage needs, ease of operation and security concerns.

FUNDING

In anticipation of implementing a body worn camera program, grant funding was sought. Grant applications were submitted to the United States Department of Justice and Virginia's Highway Safety Program. A total award between the two grants of \$18,144

(\$16,200 USDOJ & \$1,944 Virginia Highway Safety Program) was received for the purchase of equipment associated with implementing a body worn camera program. After conducting testing and research, a proposal by Taser International was considered to be the best suited for the needs of Dinwiddie County Sheriff's Office. The program referred to as the Taser "Officer Safety Program" consists of the purchase of twenty-eight Axon Body Cameras, docking stations for the body cameras, in-car camera systems to outfit fourteen Sheriff's Office vehicles, unlimited video storage in their cloud based solution (Evidence.com), and twenty-eight Taser weapons. The Taser Officer Safety Program is a five year contract program where the initial investment is \$63,476.69. With the grant funding already received to credit towards this program the initial funding amount is \$45,332.69. The video evidence storage and maintenance costs for the following four years of the contract is \$40,214.16 per year. During the life of this contract Taser International agrees to replace all of the body worn and in-car cameras as well as Taser weapons at 2.5 years and again at 5 years with the existing hardware remaining the property of Dinwiddie County Sheriff's Office. The total of the Officer Safety Program over five years is \$224,562.28, less the 2016 grant funds of \$18,144.

REQUESTED ACTION

We ask for approval of the following resolution.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, does hereby authorize the County Administrator and the Sheriff of Dinwiddie County to execute the necessary documents to award the attached contract to Taser International with any changes, substantive or otherwise as may be approved by the County Administrator and the Sheriff of Dinwiddie County.

CONTRACT

DINWIDDIE COUNTY
CAMERAS, TASERS AND RELATED EQUIPMENT

The Agreement is made this 17th day of May 2016, by and between **Taser International**, of 17800 N 85th Street, Scottsdale, Arizona 85255 (party of the first part, and hereinafter known as "Contractor"), and the **County of Dinwiddie, Virginia and Dinwiddie County Sheriff's Office** (parties of the second part which are separate entities but for this agreement shall hereinafter be known as "County").

WHEREAS, pursuant to the Virginia Public Procurement Act, County used cooperative procurement to procure cameras, tasers and related equipment to be used by the Sheriff's Office; and

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

WHEREAS, Contractor was selected to provide equipment and maintenance;

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, (2) Taser's Quote Q-61261-1 dated March 9, 2016, (3) Taser's Quote Q-53836-6 dated March 9, 2016, (4) Taser's Master Services and Purchasing Agreement, and (5) Charlotte Cooperative Purchasing Alliance Contract No. 1400673 including any amendments. 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 provide equipment by September 1, 2016.
3. **Term of Contract.** The term of this contract shall be for five (5) years beginning July 1, 2016 through June 30, 2021. The contract is subject to the availability of funds and annual appropriations by the Board of Supervisors.
4. **Costs.** Contractor agrees to perform all work and provide all equipment pursuant to this Contract for a sum no greater than TWO HUNDRED TWENTY-FOUR THOUSAND THREE HUNDRED THIRTY-FIVE AND 39/100 DOLLARS (\$224,335.39 (the "Contract Price"), broken down as follows:

FY17, 7/1/16 – 6/30/17	\$63,478.75
FY18, 7/1/17 – 6/30/18	\$40,214.16
FY19, 7/1/18 – 6/30/19	\$40,214.16
FY20, 7/1/19 – 6/30/20	\$40,214.16
FY21, 7/1/20 – 6/30/21	<u>\$40,214.16</u>
5 year total	\$224,335.39

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Additional equipment or services needed shall be based on the Charlotte Cooperative Purchasing Alliance Contract pricing schedule.

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.

5. **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:

<u>Notice to County shall be made to:</u>	<u>Notice to Contractor shall be made to:</u>
W. Kevin Massengill	Mary Dunn
County Administrator	Taser International
P. O. Drawer 70	17800 N. 85 th Street
Dinwiddie, Virginia 23841	Scottsdale, Arizona 85255
(804) 469-4500	(800) 978-2737
accounting@dinwiddieva.us	mdunn@taser.com

6. **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.
7. **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.
8. **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 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

Taser International

By: _____
W. Kevin Massengill
County Administrator

By: _____
Title: _____

Attest: _____

Attest: _____

Approved as to form:

Constitutional Officer Approval:

Tyler Southall, County Attorney

D.T. Adams, Sheriff

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

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

B. VRS PHASED IN MEMBER CONTRIBUTION

Anne Howerton, Deputy County Administrator, Finance and General Services, presented the following to the Board for their approval.

TO: Dinwiddie County Board of Supervisors
FROM: Anne Howerton
DATE: May 17, 2016
SUBJECT: VRS Phased In Member Contribution Election Resolution for FY 2017

BACKGROUND & LAST BOARD ACTIONS

In July 1992 the County made the election to pay both the employer's and employee's retirement contributions to VRS. This election was reaffirmed by the Board of Supervisors in August, 2008 and remained effective until the 2010 Virginia General Assembly passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010 – Plan II employees. The County chose on June 15, 2010 to have these Plan II employees pick up the 5% member contribution, with the Plan I employees (those hired before July 1, 2010) still having their member contribution paid by the County as elected in July 1992.

In Chapter 822 of the 2012 Acts of Assembly, the General Assembly mandated that all employees who were not paying their member contribution must begin doing so as of July 1, 2012 with a comparable offsetting salary increase being provided by the County. Since VRS permits the member contribution amount to be phased in over no more than five years with at least 1% contribution per year until the maximum 5% contribution is reached, the Board of Supervisors elected to phase in the member contribution on May 15, 2012. Therefore in FY 2013, the 1% member contribution was paid by all Plan I employees with an offsetting salary increase of 1.070%. In FY 2014 an additional 1% member contribution was paid by all Plan I employees, with an offsetting salary increase of 1.082%. In FY 2015 an additional 1% member contribution was paid by all Plan I employees, with an offsetting salary increase of 1.095%. For FY 2016, an additional 1% member contribution was paid by all Plan I employees, with an offsetting salary increase of 1.106%. The final 1% member contribution will be paid by all Plan I employees, with an offsetting salary increase of 1.118%, beginning July 1, 2016 as required by the General Assembly.

Please note that all employees hired after July 1, 2012 must pay the entire 5% member contribution rate – no phase in is allowed for these new hires.

REQUESTED ACTION

VRS has requested that the County formally approve the phased in member contribution of 5% for FY 2017 by July 1, 2016. We are asking for approval of the attached resolution to comply with their request.



VIRGINIA RETIREMENT SYSTEM
P.O. Box 2500
Richmond, VA 23218-2500

Member Contributions by Salary Reduction for Counties, Cities,
Towns and Other Political Subdivisions
(In accordance with Chapter 822 of the 2012 Acts of Assembly (SB 497))

Resolution

WHEREAS, the *Code of Virginia* § 51.1-144(F)(3) requires that, effective July 1, 2016, all employees of a political subdivision who are VRS members shall contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis; and

WHEREAS, the *Code of Virginia* § 51.1-144(F)(3) permitted a political subdivision to phase in the mandatory five percent member contribution until all employees paid five percent of creditable compensation effective July 1, 2016; and

WHEREAS, the *Code of Virginia* § 51.1-144(F)(3) permitted a political subdivision to pick up a portion of the member contributions only until the completion of the phase-in period on July 1, 2016; and

WHEREAS, the second enactment clause of Chapter 822 of the 2012 Acts of Assembly (SB 497) requires an increase in total creditable compensation, effective July 1, 2016, to each such employee in service on June 30, 2016, to offset the cost of the member contributions, equal to the percentage increase of the member contribution paid by such pursuant to this resolution;

NOW, THEREFORE, BE IT RESOLVED, that the [insert political subdivision name] County of Dinwiddie (the "Political Subdivision"), [insert employer code] 55126, does hereby certify to the Virginia Retirement System Board of Trustees that it shall effect the implementation of the member contribution requirements of Chapter 822 of the 2012 Acts of Assembly (SB 497), codified as *Code of Virginia* § 51.1-144(F)(3), for the fiscal year beginning July 1, 2016, and that Plan 1 and Plan 2 employees shall pay the full five percent member contribution by salary reduction on a pre-tax basis; and

BE IT FURTHER RESOLVED, that no salary increases provided solely to offset the cost of required member contributions to the Virginia Retirement System under the second enactment clause of Chapter 822 of the 2012 Acts of Assembly will be used to certify that any salary increases required by the Appropriation Act have been provided.

NOW, THEREFORE, the officers are hereby authorized and directed in the name of the Political Subdivision to carry out the provisions of this resolution, and said officers are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the Political Subdivision for this purpose.

Governing Body Chairman

VRS Resolution – ELEC5%PU (Rev. 03/16)

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VIRGINIA RETIREMENT SYSTEM
P.O. Box 2500
Richmond, VA 23218-2500

CERTIFICATE

I, [insert name] W. Kevin Massengill, [insert title] Clerk of the Political Subdivision, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Political Subdivision held at [insert county/city/town] Dinwiddie, Virginia at [insert time] 3:00 pm on [insert date] May 17, 2016. Given under my hand and seal of the Political Subdivision this 17 day of May, 2016.

(signature)

**This resolution must be passed on or before July 1, 2016 and
mailed to VRS postmarked no later than July 5, 2016.**

Upon motion of Mr. Moody, seconded by Mr. Lee, the resolution was approved as presented.

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

8. CITIZEN COMMENTS

Ms. Katherine Mayton inquired on the existence of a County Code regarding pond maintenance.
Ms. Chana Ramsey provided an update on the Dinwiddie County Chamber of Commerce.

9. COUNTY ADMINISTRATOR COMMENTS

W. Kevin Massengill, County Administrator, began his comments by thanking Ms. Mastracco for her report. He also shared that the County offices raised over \$300 on Denim Day, April 27th, benefitting the James House. Mr. Massengill then spoke about the newly formed Kiwanis Club in Dinwiddie County that meets on the second and fourth Tuesdays of each month at 6:30 PM in the Eastside Enhancement Center.

In addition, Mr. Massengill announced that Dinwiddie Animal Control will be hosting an open house on Saturday, May 23rd. He also spoke of the ribbon cutting event that he and Mr. Chavis attended for the newly opened Carson Volunteer Fire Department.

Mr. Massengill subsequently addressed the Broadband initiative and his desire for the citizens to have a better understanding of the options the County faces. Dinwiddie County could play a more active role in becoming an internet service provider. The County has a Water Authority and some localities have an Internet Service Authority. He indicated that the decision becomes a definition of policy for the Board as to what level of involvement they want to have. He expressed his concern regarding government over extending its welcome into the private sector. Mr. Massengill stated that this opportunity to evaluate proposals will be a critical moment in deciding future actions. He expressed his gratitude to Mr. Cohen for his help and expertise in this initiative.

Mr. Massengill spoke highly of the annual Fallen Officers Memorial Breakfast hosted by the Dinwiddie Sheriff's Office on Wednesday, May 11th, at the Hopewell Moose Lodge. The annual event recognizes fallen officers from around the region. There were 23 fallen officers honored dating back to the late 1800's. Mr. Massengill explained that his father was the key note speaker. He also shared how important the event is to him, as he was a child of a law enforcement officer who knew that his father could leave and never come back. Mr. Massengill recognized the Sheriff, Major Knott, and other staff for doing a wonderful job putting this together. He also recognized Andrew Hardy, as he designed the new emblem in which the other jurisdictions have adopted.

Finally, Mr. Massengill provided an update on the building project, including demolition and the interviews of the teams who submitted proposals for the new buildings. He shared that the Dinwiddie Masons will host their annual Memorial Day Ceremony at the Historic Courthouse at 10:00 AM on May 30th and a ribbon cutting ceremony for Treasures Too in the old Ace Hardware building will occur on Saturday, May 21st. Mr. Massengill ended his comments by mentioning Katy Daniels' accident and how the community is rallying behind her and thus asked for prayers for her and her family.

10. BOARD MEMBER COMMENTS

Mr. Chavis thanked Marie Grant for helping with his speech this past Sunday at the Carson Volunteer Fire Department ribbon cutting event. He told a story about Hurricane Isabel and Carson Volunteer Fire Department's help during that time. Mr. Chavis acknowledged Ms. Mastracco and the loneliness of elderly people in nursing homes. He expressed that companions would be wonderful for the elderly.

Dr. Moore acknowledged Ms. Mayton, stating that he looks forward to working with her on her issues going forward. He shared that it was Senior Adult Day at his church this past Sunday and the oldest member is 95 years old and has one of the prettiest yards in Colonial Heights. He thanked Ms. Mastracco and her staff for their efforts. Dr. Moore announced that he will be meeting with some constituents this weekend regarding the advancements in Broadband. Finally, he stated that the Dinwiddie Teen Expo had 130 youth and 36 adult participants and expressed thanks to Cierra Goode for her efforts toward the future leaders of Dinwiddie County.

Mr. Moody, expressed his appreciation to the Social Services office for their efforts. He then announced that House Bill 537 was passed and court fees and fines collected by the general district or juvenile and domestic relations courts will be coming back to the localities.

Ms. Ebron-Bonner thanked Ms. Mastracco and expressed her happiness that people are making an effort to be there for the elderly as people are living longer and the senior population is growing. She shared that she attended a District 19 training day this past Friday at St. Paul's Church in Petersburg. At this event awards were given to workers and a patient art gallery was on display. Patients gave testimonials on how the painting helps them in their everyday lives. Ms. Ebron-Bonner said that one of her former patients has come a long way, putting all energies into painting, and is doing very well. She stated that just helping one person along the way is a great feeling.

11. CLOSED SESSION

At 4:20 PM, upon the motion of Dr. Moore, seconded by Mr. Chavis,

The Board convened into a closed meeting under:

A. §2.2-3711 (A) (1) Personnel:

- County Attorney Evaluation
- Appointments
 - Resource Conservation and Development Council

- B. **§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 negotiating strategy of the public body:**
 - Acquisition of specific land for economic development
- C. **§2.2-3711 (A) (5) Business and industry development:**
 - Prospective business and industry
- D. **§ 2.2-3711(A) (7). Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel:**
 - Matter requiring the retention of outside counsel

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

At 6:23 PM, upon motion of Mr. Lee, 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 section

- A. **§2.2-3711 (A) (1) Personnel:**
 - County Attorney Evaluation
 - Appointments
 - Resource Conservation and Development Council
- B. **§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 negotiating strategy of the public body:**
 - Acquisition of specific land for economic development
- C. **§2.2-3711 (A) (5) Business and industry development:**
 - Prospective business and industry
- D. **§ 2.2-3711(A) (7). Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel:**
 - Matter requiring the retention of outside 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 Dr. Moore, the Certification Resolution was adopted.

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

Recess was taken until the 7:00 PM portion of the meeting.

12. PUBLIC HEARINGS:

A. TRANSFER OF A PORTION OF TAX MAP PARCEL 93-38D TO THE COMMONWEALTH OF VIRGINIA

Tyler Southall, County Attorney, presented the following for public hearing and Board approval.

To: Board of Supervisors of Dinwiddie County, Virginia

CC: W. Kevin Massengill, County Administrator
 Anne Howerton, Deputy County Administrator
 Tammie J. Collins, Deputy County Administrator
 Dennis Hale, Division Chief, Fire and EMS
 Mark Bassett, Planning Director

From: Tyler Southall, County Attorney

Date: May 17, 2016

Subject: Public Hearing Re: Transfer of 1313 Square Feet of Real Property to the Commonwealth of Virginia for Right of Way Purposes

Background:

In connection with planned improvements at the intersection of Route 619, Courthouse Road, and Route 617, Bolsters Road, the County needs to dedicate approximately 1313 square feet to VDOT.

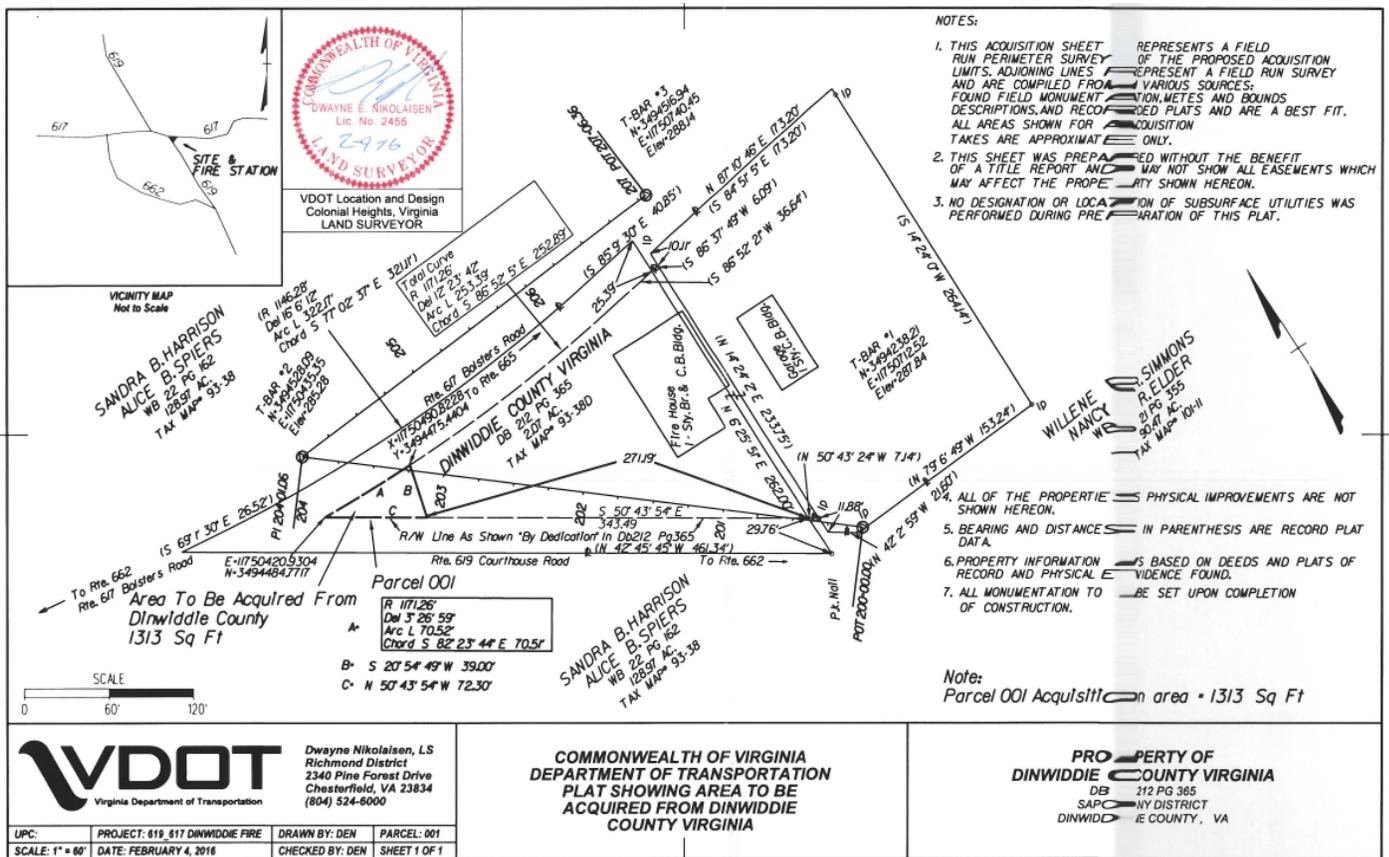
Pursuant to Virginia Code Section 15.2-1800, the County is required to hold a public hearing prior to conveying land. There are certain exceptions to this rule, but none seems applicable in this case. Thus, a public hearing is required to be held before the 1313 square feet can be conveyed to VDOT.

After the public hearing, the Board may choose to adopt the resolution that staff has prepared to assist. Staff does recommend adopting the below resolution.

Resolution:

BE IT RESOLVED THAT pursuant to Virginia Code Section 15.2-1800, a public hearing having duly been held, the County Administrator is authorized and directed to execute the deed attached as **Exhibit A** hereto with such changes, substantive or otherwise as he may approve, which changes shall be evidenced conclusively by the County Administrator's signature of said deed.

Exhibit A
 [See other attachment]



Ms. Ebron-Bonner opened the public hearing portion of the meeting.

As there was no one signed up to speak, Ms. Ebron-Bonner closed the public hearing portion of the meeting.

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

BE IT RESOLVED THAT pursuant to Virginia Code Section 15.2-1800, a public hearing having duly been held, the County Administrator is authorized and directed to execute the deed attached as Exhibit A hereto with such changes, substantive or otherwise as he may approve, which changes shall be evidenced conclusively by the County Administrator's signature of said deed.

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

B. DINWIDDIE COUNTY SECONDARY SIX YEAR PLAN

Dianna Bryant, Assistant Residency Administrator, Virginia Department of Transportation Petersburg Residency presented the following for public hearing and Board approval.

Secondary System
Dinwiddie County
Construction Program
Estimated Allocations

Fund	FY2017	FY2018	FY2019	FY2020	FY2021	FY2022	Total
CTB Formula - Unpaved State	\$99,729	\$117,598	\$135,277	\$130,012	\$0	\$0	\$482,616
Secondary Unpaved Roads	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TeleFee	\$88,546	\$88,546	\$88,546	\$88,546	\$88,546	\$88,546	\$531,276
Residue Parcels	\$0	\$0	\$0	\$0	\$0	\$0	\$0
STP Converted from IM	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Federal STP - Bond Match	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Formula STP	\$0	\$0	\$0	\$0	\$0	\$0	\$0
MG Formula	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BR Formula	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other State Match	\$0	\$0	\$0	\$0	\$0	\$0	\$0
State Funds	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Federal STP	\$0	\$0	\$0	\$0	\$0	\$0	\$0
District Grant - Unpaved	\$0	\$0	\$0	\$0	\$182,548	\$182,548	\$365,096
Total	\$188,275	\$206,144	\$223,823	\$218,558	\$271,094	\$271,094	\$1,378,988

Board Approval Date:

Residency Administrator

Date

County Administrator

Date

District: Richmond
County: Dinwiddie County
Board Approval Date:

2017-18 through 2021-22

Route	Road Name	Estimated Cost	Traffic Count
PPMS ID	Project #		Scope of Work
Accomplishment	Description		FHWA #
Type of Funds	FROM		Comments
Type of Project	TO		
Priority #	Length	Ad Date	
0600	FERNDALE ROAD	PE \$686,230	10640
80993	0600026268	RW \$793,175	Reconstruction w/ Added Capacity
RAAP CONTRACT	RTE 600 - ROUNDABOUT	CN \$2,380,508	1H003
STP	ON RTE 226, 0.105 MI W RTE 600	Total \$3,859,913	MPO Project. Balance of funding to be provided by MPO.
Single Hearing	ON RTE 226, 0.041 MI E RTE 600		
0001.00	0.3	12/9/2014	
0628	TRANQUILITY LANE	PE \$7,786	70
106199	0628026615	RW \$0	Resurfacing
STATE FORCES/HIRED EQUIPMENT	RTE 628 - RURAL RUSTIC	CN \$58,292	16005
No Plan	RTE 613 (WHITE OAK RD)	Total \$66,078	
0002.01	END STATE MAINTENANCE	6/30/2016	
0692	SAPONY CHURCH ROAD	PE \$2,000	60
106200	0692026616	RW \$0	Resurfacing
STATE FORCES/HIRED EQUIPMENT	RTE 692 - RURAL RUSTIC	CN \$70,000	16005
No Plan	SHIPPINGS RD	Total \$72,000	
0002.02	END STATE MAINTENANCE	9/1/2017	
0756	SLATES ROAD	PE \$2,000	60
106202	0756026617	RW \$0	Resurfacing
STATE FORCES/HIRED EQUIPMENT	RTE 756 - RURAL RUSTIC	CN \$33,000	16005
No Plan	TRANQUILITY LN	Total \$35,000	
0002.03	END STATE MAINTENANCE	9/1/2017	
0700	HAWKINS ROAD	PE \$2,000	60
106203	0700026618	RW \$0	Resurfacing
STATE FORCES/HIRED EQUIPMENT	RTE 700 - RURAL RUSTIC	CN \$76,000	16005
No Plan	WHITE OAK RD	Total \$78,000	
0002.04	END STATE MAINTENANCE	7/9/2018	
0616	RIDGE ROAD	PE \$3,000	70
106204	0616026619	RW \$0	Resurfacing
STATE FORCES/HIRED EQUIPMENT	RTE 616 - RURAL RUSTIC	CN \$222,000	16005
No Plan	BOLSTERS ROAD	Total \$225,000	
0002.05	SUSSEX CL	9/3/2018	

0736 107407 STATE FORCES/HIRED EQUIPMENT Tier 1 - Simple Maintenance (PE & CN) 0002.06	BARNES ROAD 0736026628 RTE 736 - RURAL RUSTIC RTE 659 (BAIN RD) END STATE MAINTENANCE 0.5	PE RW CN Total	\$2,500 \$0 \$62,000 \$64,500	60 Resurfacing 16005	8/11/2020
0745 107408 STATE FORCES/HIRED EQUIPMENT Tier 1 - Simple Maintenance (PE & CN) 0002.07	FISHER ROAD 0745026629 RTE 745 - RURAL RUSTIC RTE 651 (MANSON CHURCH RD) END STATE MAINTENANCE 0.2	PE RW CN Total	\$2,500 \$0 \$30,000 \$32,500	60 Resurfacing 16005	8/11/2020
0620 107409 STATE FORCES/HIRED EQUIPMENT Tier 1 - Simple Maintenance (PE & CN) 0002.08	WHITE OAK CHURCH ROAD 0620026630 RTE 620 - RURAL RUSTIC RTE 460 (COX RD) 0.54 MI N RTE 460 (COX RD) 0.5	PE RW CN Total	\$2,500 \$0 \$62,000 \$64,500	60 Resurfacing 16005	7/13/2021
0658 -18080 STATE FORCES/HIRED EQUIPMENT State forces/Hired equip CN Only 0002.09	BRANCHS ROAD 0658026635 RTE 658 - Rural Rustic From Route 656 (Branchs Rd) Route 619 (Courthouse Rd) 2.7	PE RW CN Total	\$0 \$0 \$270,000 \$270,000	70 Resurfacing 16005	
4005 100093 S 8888.01	1204005 COUNTYWIDE ENGINEERING & SURVEY VARIOUS LOCATIONS IN COUNTY VARIOUS LOCATIONS IN COUNTY	PE RW CN Total	\$0 \$0 \$250,000 \$250,000	0 Preliminary Engineering 16015 MINOR SURVEY & PRELIMINARY ENGINEERING FOR BUDGET ITEMS AND INCIDENTAL TYPE WORK.	3/1/2011
0708 93092 RAAP CONTRACT BR Single Hearing 9999.99	NAMOZINE ROAD 0708026577 RTE 708 - REPLACE BRIDGE (FED ID 6112) 0.252 MI. W. ROUTE 746 (BIRD NEST RD) 0.186 MI. W. ROUTE 746 (BIRD NEST RD) 0.1	PE RW CN Total	\$793,231 \$0 \$2,434,527 \$3,227,758	14011 Bridge Replacement w/o Added Capacity 14011	1/10/2017

SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)

District: Richmond
County: Dinwiddie County
Board Approval Date:

2017-18 through 2021-22

Route	Road Name	Estimated Cost	Previous Funding	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS						Balance to Complete	Traffic Count	Scope of Work	PHWA #	Comments	
					2016-17	2017-18	2018-19	2019-20	2020-21	2021-22						
PPMS ID	Project #															
Accomplishment	Description															
Type of Funds	FROM		SSYP Funding													
Type of Project	TO		Other Funding													
Priority #	Length	Ad Date	Total													
R10600 80993 RAAP CONTRACT STP Single Hearing 0001.00	PERDALE ROAD 0600026268 RTE 600 - RD UNDA BOUT ON RTE 226, 0.105 MI W RTE 600 ON RTE 226, 0.041 MI E RTE 600 0.3	PE \$686,230 RW \$793,175 CON \$2,380,508 Total \$3,859,913	\$919,421	\$2,657,624	\$82,868	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	10640	Reconstruction w/ Added Capacity 14003 MPO Project. Balance of funding to be provided by MPO.
R10628 106199 STATE FORCES/HIRED EQUIPMENT No Plan 0002.01	TRANQUILITY LANE 0628026615 RTE 628 - RURAL RUSTIC RTE 613 (WHITE OAK RD) END STATE MAINTENANCE 0.3	PE \$7,786 RW \$0 CON \$58,292 Total \$66,078	\$66,078	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	70	Resurfacing 16005
R10692 106200 STATE FORCES/HIRED EQUIPMENT No Plan 0002.02	SAPONY CHURCH ROAD 0692026616 RTE 692 - RURAL RUSTIC SHIPPINGS RD END STATE MAINTENANCE 0.7	PE \$2,000 RW \$0 CON \$70,000 Total \$72,000	\$72,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	60	Resurfacing 16005
R10756 106202 STATE FORCES/HIRED EQUIPMENT No Plan 0002.03	SLATES ROAD 0756026617 RTE 756 - RURAL RUSTIC TRANQUILITY LN END STATE MAINTENANCE 0.3	PE \$2,000 RW \$0 CON \$33,000 Total \$35,000	\$35,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	60	Resurfacing 16005
R10700 106203 STATE FORCES/HIRED EQUIPMENT No Plan 0002.04	HAWKINS ROAD 0700026618 RTE 700 - RURAL RUSTIC WHITE OAK RD END STATE MAINTENANCE 0.8	PE \$2,000 RW \$0 CON \$76,000 Total \$78,000	\$78,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	60	Resurfacing 16005
R10616 106204 STATE FORCES/HIRED EQUIPMENT No Plan 0002.05	RIDGE ROAD 0616026619 RTE 616 - RURAL RUSTIC BOLSTERS ROAD SUSSEX CL 2.2	PE \$3,000 RW \$0 CON \$222,000 Total \$225,000	\$121,283	\$103,717	\$102,882	\$835	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	70	Resurfacing 16005

Rt.0736 107407 STATE FORCES/HIRED EQUIPMENT Tier 1 - Simple Maintenance (PE & CN) 0002.06	BARNES ROAD 0736026628 RTE 736 - RURAL RUSTIC RTE 659 (BAIN RD) END STATE MAINTENANCE 0.5 8/11/2020	PE \$2,500 R/W \$0 CON \$62,000 Totals/ \$64,500	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$64,500 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	50 Resurfacing 16005
Rt.0745 107408 STATE FORCES/HIRED EQUIPMENT Tier 1 - Simple Maintenance (PE & CN) 0002.07	FISHER ROAD 0745026629 RTE 745 - RURAL RUSTIC RTE 651 (MANSON CHURCH RD) END STATE MAINTENANCE 0.2 8/11/2020	PE \$2,500 R/W \$0 CON \$30,000 Totals/ \$32,500	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$32,500 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	50 Resurfacing 16005
Rt.0620 107409 STATE FORCES/HIRED EQUIPMENT Tier 1 - Simple Maintenance (PE & CN) 0002.06	WHITE OAK CHURCH ROAD 0620026630 RTE 620 - RURAL RUSTIC RTE 460 (COX RD) 0.54 MIN RTE 460 (COX RD) 0.5 7/13/2021	PE \$2,500 R/W \$0 CON \$62,000 Totals/ \$64,500	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$64,500 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	50 Resurfacing 16005
Rt.0658 -18080 STATE FORCES/HIRED EQUIPMENT State forces/hired equip CN Only 0002.09	BRANCHS ROAD 0658026635 RTE 658 - Rural Rustic From Route 656 (Barnes Rd) Route 619 (Courthouse Rd) 2.7	PE \$0 R/W \$0 CON \$270,000 Totals/ \$270,000	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$30,000 \$0 \$0 \$0	\$223,023 \$0 \$0 \$0	\$16,977 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	70 Resurfacing 16005
Rt.4005 100093 S 8888.01	1204005 COUNTYWIDE ENGINEERING & SURVEY VARIOUS LOCATIONS IN COUNTY VARIOUS LOCATIONS IN COUNTY 3/1/2011	PE \$0 R/W \$0 CON \$250,000 Totals/ \$250,000	\$107 \$0 \$107	\$0 \$0 \$249,893	\$13,809 \$0 \$0	\$800 \$0 \$800	\$201,581 \$0 \$201,581	\$271,094 \$0 \$271,094	\$271,094 \$0 \$271,094	0 Preliminary Engineering 16015 MINOR SURVEY & PRELIMINARY ENGINEERING FOR BUDGET ITEMS AND INCIDENTAL TYPE WORK
Rt.0708 93092 RAAP CONTRACT BR Single Hearing 9999.99	NAMOZINE ROAD 0708026577 RTE 708 - REPLACE BRIDGE (FED ID 6112) 0.252 M. W. ROUTE 746 (BIRD NEST RD) 0.186 M. W. ROUTE 746 (BIRD NEST RD) 0.1 1/10/2017	PE \$793,231 R/W \$0 CON \$2,434,527 Totals/ \$3,227,758	\$151,683 \$781,016 \$932,699	\$0 \$0 \$2,295,059	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	Bridge Replacement w/o Added Capacity 14011

Ms. Ebron-Bonner opened the public hearing portion of the meeting.

As there was no one signed up to speak, Ms. Ebron-Bonner closed the public hearing portion of the meeting.

Upon motion of Mr. Moody, seconded by Dr. Moore,

**RESOLUTION: VIRGINIA DEPARTMENT OF TRANSPORTATION SIX-YEAR PLAN FOR
DINWIDDIE COUNTY SECONDARY ROADS IMPROVEMENT FOR FISCAL YEARS 2017
THROUGH 2022 AND SECONDARY ROADS CONSTRUCTION BUDGET FOR FISCAL
YEAR 2016/17 FOR DINWIDDIE COUNTY**

WHEREAS, Section 33.2-331 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan,

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan 2016/17 through 2021/22 as well as the Construction Priority List 2016/17 on May 17, 2016 after an advertised public hearing so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List,

WHEREAS, the, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan for Secondary Roads 2016/17 through 2021/22 and the Construction Priority List 2016/17 for Dinwiddie County,

NOW, THEREFORE, BE IT RESOLVED that since said Plan appears to be in the best interests of the Secondary Road System in Dinwiddie County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan 2016/17 through 2021/22 and Construction Priority List 2016/17 and Construction Budget for Fiscal Year 2016/17 for Dinwiddie County are hereby approved as presented at the public hearing.

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

C. CASE P-15-3, BUFFA ENTERPRISES, LLC

Mark Bassett, Director of Planning, presented the following for public hearing and Board recommendation.

MEMORANDUM

To: W. Kevin Massengill, County Administrator and Board of Supervisors
From: Mark Bassett, Planning Director
Date: May 12, 2016
Subject: May 17 Board of Supervisors Public Hearing for Rezoning, P-15-3

Please find the attached Planning Commission meeting summary materials for rezoning Case, P-15-3. The applicant, Buffa Enterprises, LLC, and its agent, Michael P. Lafayette, Esq., is requesting to rezone with proffers property containing approximately 3.51 acres from R-1, Residential Limited to B-2, Business General. The property is located on the south side of Cox Rd. (Rt. 226) approximately 600 feet west of Westgate Drive at 25715 and 25717 Cox Road, and is further defined as Tax Map Parcel Nos. 9-37 and 9-38. The B-2, Business General, zoning classification allows for certain commercial uses pursuant to the Zoning Ordinance allowed density, and the applicant/owner has proffered to limit the use of the property to certain uses. After the Planning Commission heard the rezoning request at their April 20 meeting, the Planning Commission unanimously recommended approval of the rezoning request with proffers to the Board of Supervisors by a vote of 5-0.

Planning Commission Meeting Summary Report

File #:	P-15-3
Applicant:	Buffa Enterprises, LLC and agent, Michael P. Lafayette, Esq.
Rezoning Request:	Residential, Limited, R-1 to Business, General, B-2
Property Location:	25715 and 25717 Cox Rd. (Rt. 226)
Tax Map Parcel #'s:	9-37 and 9-38
Property Size:	3.51 acres
Magisterial District:	Rohoic District
Planning Commission Mtgs.:	December 9, 2015, Amended Application April 20, 2016
BOS Mtg./ Public Hearing:	May 17, 2016

CASE OVERVIEW

At the December 9, 2015 Public Hearing the rezoning request was deferred by the applicant, Buffa Enterprises, LLC, and its agent, Michael P. Lafayette, Esq., in order to allow for time for the applicant and agent to work with the adjoining property’s owner and their attorney to discuss access easement issues related to the rezoning of the original rezoning request for Tax Map Parcel # 9-37. Since the December meeting, the applicant and agent have amended the original rezoning request to include the subject adjoining property, Tax Map Parcel # 9-38 to rezone with proffers property containing approximately 3.51 acres from R-1, Residential Limited to B-2, Business General. The B-2, Business General, zoning classification allows for certain commercial uses pursuant to the Zoning Ordinance allowed density.

ATTACHMENTS

- Attachment A – Amended Rezoning Application
- Attachment B – Statement of Proffers
- Attachment C – Property Location Map
- Attachment D – Temporary Power of Attorney

LAND USE/ZONING ANALYSIS

The properties in the immediate area surrounding the subject property, Tax Map Parcel Nos. 9-37 and 9-38, which is currently utilized residentially, include commercial land uses to the east (Brothers restaurant, the insurance agency and additional office space), single-family residential to the south and west, and commercial land uses to the north across Cox Road. The commercial property to the north, the Cedarheart Market convenience store and restaurant, is zoned B-2, Business, General. The property to the east is also zoned B-2, Business, General R-1, Residential, Limited. The property to the south which fronts on Franklin Street is zoned R-1, Residential, Limited, and the property to the west on Cox Road is also zoned R-1, Residential, Limited.

As the subject property and surrounding property to the west, north and east fronts on the Route 226 corridor where commercial development is located, this general area is appropriate for future commercial development. As identified in the Comprehensive Land Use Plan the subject property is located within the Urban Area, which recommends commercial and service development for this general area.

The Business, General, B-2 zoning district is intended for areas within the community that are appropriately located for the conduct of general business to which the public requires direct and frequent access. Given the location of the subject property fronting on Route 226 and adjacent to the new roundabout at Cox road and Ferndale Road as well as not being far from the Route 1 and Cox Road interchange, and also being located adjacent to other existing commercial businesses and B-2 zoned property, the subject property is well suited for certain proffered general business uses.

As additional information, the original Deed to the subject property as recorded in November 1958 indicates “that said property shall be used for residential purposes only”. The County of Dinwiddie cannot enforce any Deed restrictions or covenants. Now that the applicant controls both properties, the subject property, the applicant and its agent will handle the Deed restrictions and any restrictive covenants as it pertains to utilization of the subject property.

OVERVIEW OF IMPACTS

Land Use, Public Utilities, School System, & Public Safety Impacts

The impacts related to the rezoning of the subject property are minimal given that a portion the surrounding area has already been developed commercially. There is a 50-foot landscaped buffer required by the Zoning Ordinance to buffer the residentially zoned property to the west/northwest and the Route 226 (Cox Rd.) right-of-way from the proposed parking areas and any proposed commercial building(s).

Currently, there is no impact to the public utility system and future impacts will be minimal as a proposed use will be connecting to the existing sanitary sewer and public water system.

There is no impact on the public school system with the proposed rezoning. As the Namozine Fire and EMS Station is just east of the subject property, the location of the property is well suited if there is a need to respond to public safety related calls.

Transportation Impacts

The subject property has direct and shared access to Route 226 (Cox Road). At this point with the proposed development of the subject property, VDOT has indicated that the Cox Road entrance is to be a right-in and right-out only entrance. Any additional transportation related improvements within the Route 226 right-of-way will be based on future development and will have to be designed and planned by the property owner and reviewed and approved by VDOT during the site plan review and approval process.

PROFFER STATEMENT

The applicant did submit the following proffer conditions as part of the rezoning request (please see Attachment B for the complete Proffer Statement).

Building Materials:

The exterior of any building(s) shall be constructed with a brick, vinyl, or wood front façade with the two sides being brick, stucco, vinyl or wood and the rear of the building having block, brick, metal, stucco, vinyl or wood siding. The exterior of any accessory building or structure shall be compatible in architectural style, material and color with the principal building(s).

Lighting:

No security, loading and parking area, signage and site lighting installed on the Property shall be directed downward and inward to the site to avoid casting lighting on the adjacent properties and into the night sky.

B-2 Use Restrictions:

The uses on the Property will be limited to Retail stores and shop, Bakeries, Restaurants, Wearing apparel stores, Drugstores, Barbershops and beauty shops, Office buildings, Churches, Libraries, Dry cleaners, Off-street parking as required by this chapter, Business signs, General advertising signs, and Location signs, Governmental offices, Veterinary hospital with a conditional use permit, Wholesale business and storage warehouse with conditional use permit, Financial institutions, Computer software development firms to exclude the manufacturing of such software, screened from view and 200 feet from the state road right of way, Day care center and Family Day care large.

Staff Recommendation:

The Planning staff has reviewed the rezoning request and is satisfied that the applicant has addressed the impacts of rezoning the subject property.

Staff recommends APPROVAL WITH PROFFERS of the request to rezone the subject property given that:

1. The zoning classification requested, B-2, Business, General with proffers is compatible with the surrounding zoning pattern and surrounding land uses;
2. The requested zoning classification with proffers conforms to those uses recommended in the Urban Area in the Comprehensive Land Use Plan for this general area.

PLANNING COMMISSION RECOMMENDATION

The following comments were made by the Planning Commission, Planning staff, and the applicant's agent at the April 20, 2016 Planning Commission Public Hearing:

The Chairman asked the members if they had any questions for Mr. Bassett. He said if there are none the applicant or his agent may come forward at this time.

Mr. Michael Lafayette, 10160 Staples Mill Road, Suite 105, Glen Allen VA, who is the agent for Mr. Buffa said since the last meeting all the issues with the deed and adjoining property concerning our case before you have been resolved. We are ready to move forward and will answer any questions the Commissioners would have.

The Chairman asked the members if they had any questions for the applicant or his agent.

Mr. Cunningham asked if there are any plans for buffering his parking lot addition from the surrounding residential area.

Mr. Lafayette said yes there is, but they were going to handle that concern when they turn in their site plan paperwork.

Mr. Bassett said that the Zoning Ordinance required landscaping/buffering standards require a 25-foot buffer between the property line and any proposed development.

The Chairman opened the public hearing portion of the meeting and asked if there was anyone signed up to speak. He said since there is no one he was closing the public hearing. He said if there are no more questions from the Commissioners he would entertain a motion.

Mr. Cunningham 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 rezoning, P-15-3 as amended, be recommended for approval with proffers as presented to the Board of Supervisors. It was seconded by Mr. Blaha and with Mr. Blaha, Mr. Cunningham, Mr. Tucker, Mr. Hayes and Mr. Prosis voting "AYE" P-15-3 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 statement:

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 rezoning, P-15-3, as amended be (approved, approved with proffers, or disapproved) by the Board of Supervisors.

Dinwiddie County Planning & Zoning Department
LAND USE AMENDMENT APPLICATION



Dinwiddie County
 Planning Department
 P. O. Drawer 70
 Dinwiddie, Virginia 23841
 (804) 469-4500 ext 2117
 (804) 469-5322 /fax

Rec'd April 4, 2016 Case No.: P-15-3
 Date Rec'd _____ Fee Amount: _____
 Time Rec'd _____ Receipt No: _____
 Pre-Application Conference Date: _____
 This application has been amended: YES NO
 Reviewed by: Mark Bassett

Information must be typed or printed and completed in full.
 Attach additional page(s) where necessary.

1) LAND USE INFORMATION	
(Circle): <u>BOS/PC</u> BZA	New/Renewal Previous/Renewed Case#: <u>P-15-3</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 checked="" type="checkbox"/> Rezoning <input type="checkbox"/> Street Vacation <input type="checkbox"/> Special Exception <input type="checkbox"/> Amendment	
Description of Request: <u>Rezone Tax Parcels 9-37 and 9-38 from R-1 to B-2</u>	
Existing Zoning: <u>R-1</u>	Existing Acreage: <u>3.43</u>
Proposed Zoning: <u>B-2</u>	Proposed Acreage: <u>3.43</u>
Total Acreage: <u>3.43</u>	
Water (Circle One): Public Well	
Sewer (Circle One): Public On-site Well and Septic	
Attached: (circle): Miscellaneous Information/Master Plan/Textual Statement/Proffered Conditions	
2) APPLICANT/AGENT INFORMATION	
Applicant(s): <u>Buffa Enterprises, LLC</u>	Home/Cell# <u>804-731-5497</u>
Address: <u>848 Hunters Run, Petersburg, VA 23805</u>	Work# _____
Agent(s): <u>Michael P. Lafayette, Esquire</u>	Home/Cell# _____
Address: <u>10160 Staples Mill Road, Suite 105, Glen Allen, VA 23060</u>	Work# <u>804-545-6253</u>
<input checked="" type="checkbox"/> Property Owner	<input type="checkbox"/> Contract Purchaser <input type="checkbox"/> Other: _____
3) PROPERTY OWNER INFORMATION	
Property Owner's Name and address (see note on last page): <u>Buffa Enterprises, LLC</u> <u>848 Hunters Run, Petersburg, VA 23805</u>	Property Owner's Mailing Address (If this address is different from that listed in the Assessor's Office.): _____
Contact# <u>804-731-5497</u>	_____
Property Tax Parcel Number(s): <u>9-37 and 9-38</u>	Contact# _____

4.) SUBJECT PARCEL INFORMATION

General Location of Project: 25717 Cox Road and 25715 Cox Road, Petersburg, VA 23803
 Located along the southern right of way line of Cox Road, east of its intersection with Sunset Drive and west of its intersection with Westgate Drive.

Tax Map # 9-37
 Subdivision Name: N/A
 Section: N/A Block N/A
 Address: 25717 Cox Road
 Zoning: _____ Acreage 1.74
 Existing Use: Residential
 Conditions: _____

Tax Map # 9-38
 Subdivision Name: N/A
 Section: N/A Block N/A
 Address: 25715 Cox road
 Zoning: _____ Acreage 1.78
 Existing Use: Residential
 Conditions: _____

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

The property is proposed to be rezoned to a commercial use to support the future development of a retail building and the existing restaurant located on Tax Parcel 9-38A.

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.:

This property is located along a major road, which VDOT has intentions of improving in the near future. Discussions with VDOT have occurred and a "right in, right out" entrance will be provided as far as possible to the west of the site along Cox Road. Furthermore, this property is being rezoned to a commercial use, which will not impact the school system. Public utilities are available to the site and will be utilized. The site is small, so a High Water user cannot be accommodated.

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

N/A

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

N/A

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.

Property Owner Name	Property Owner <u>Mailing Address</u>	Tax Parcel #
Jose Luis Pedraza-Martinez	25800 Franklin Street Petersburg, VA 23803	9B-6-1,2A
Herbert W. & Jean M. Peters	25804 Franklin Street Petersburg, VA 23803	9B-6-2
Herbert W. & Jean M. Peters	25804 Franklin Street Petersburg, VA 23803	9B-6-3
John T. & Sharon I. Russell, Jr.	24513 Russell Lane Petersburg, VA 23803	9B-6-4
Edgehill Plaza, LLC c/o Deborah R. Chappell	11700 Shallow Cove Drive Chester, VA 23836	9-38B
Edgehill Plaza, LLC c/o Deborah R. Chappell	11700 Shallow Cove Drive Chester, VA 23836	9-38C
Buffa Enterprises, LLC	848 Hunters Run Petersburg, VA 23805	9-38A
Buffa Enterprises, LLC	848 Hunters Run Petersburg, VA 23805	9B-12-2

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: April 4, 2016

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

Antonio S. Buffa, Manager Buffa Enterprises, LLC
(Typed or printed)

I authorize you, the merchant, to initiate an electronic debit to my account for the amount rendered on this check plus the legal limit returned check fee if the item is dishonored. The use of a check for payment is my acceptance of this policy. Signature _____

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.

Tax Parcel Nos. 9-37 and 9-38

PROFFERS

THESE PROFFERS are made this 31st day of March, 2016, by Buffa Enterprises, LLC, a Virginia limited liability company, together with its successors and assigns (the "Owner").

RECITALS

- A. Owner legally possesses two tracts or parcels of land located in Dinwiddie County, Virginia, (the County) located on the south side Cox Road 0.088 mile west of the intersection of Cox Road and Westgate Drive, North Dinwiddie, Virginia, and being Tax Parcel No. 9-37 (containing approximately 1.73 acres as more fully shown on that certain plat by Charles C. Townes, II dated October 2, 2015 and entitled "Plat Showing 1.73 Acres To Be Rezoned From R-1 to B-2 for Buffa Enterprises, LLC"), and Tax Parcel No. 9-38 (containing approximately 1.7 acres as more fully shown on that certain plat by E. O. Wilkerson, C.L.S., dated May 14, 1958 and entitled "Property Surveyed for L. L. Medlin"), which parcels are located on the south side of Route 226, in the Rohoic District, Dinwiddie County, Virginia (collectively the "Property").
- B. The Property is within the Urban Area on the County's Comprehensive Plan and is zoned Residential, Limited, R-1. An application has been made to rezone the Property from Residential, Limited, R-1 to Business, General, B-2 with proffers.
- C. The Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned Business, General, B-2.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2298 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these proffers shall be null and void. The following proffered conditions are stated as follows:

CONDITIONS

Building Materials:

The exterior of any building(s) shall be constructed with a brick, vinyl, or wood front facade with the two sides being brick, stucco, vinyl, or wood and the rear of the building having block, brick, metal, stucco, vinyl or wood siding. The exterior of any accessory building or structure shall be compatible in architectural style, material and color with the principal building(s).

Lighting:

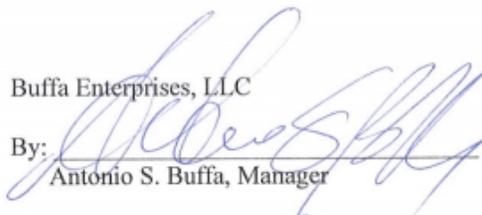
Any security, loading and parking area, signage and site lighting installed on the Property shall be directed downward and inward to the site to avoid casting lighting on to the adjacent properties and into the night sky.

B-2 Use Restrictions:

The uses on the Property will be limited to Retail stores and shops, Bakeries, Restaurants, Wearing apparel stores, Drugstores, Barbershops and beauty shops, Office buildings, Churches, Libraries, Dry cleaners, Off-street parking as required by this chapter, Business signs, General advertising signs, and Location signs, Governmental offices, Veterinary hospital with a conditional use permit, Wholesale business and storage warehouse with conditional use permit, Financial institutions, Computer software development firms to exclude the manufacturing of such software, screened from view and 200 feet from the state road right of way, Day care center, and Family day care large.

WITNESS the following signature:

Buffa Enterprises, LLC

By: 
Antonio S. Buffa, Manager

COMMONWEALTH OF VIRGINIA

County of Henrico, to-wit:

The foregoing was acknowledged this 4th day of ^{April} ~~March~~, 2016 by Antonio S. Buffa, Manager, on behalf of Buffa Enterprises, LLC.

My commission expires/Notary Reg. No.: 4/30/2020 241067.

 (SEAL)
Notary Public

SANDRA R. MILBURN
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES APRIL 30, 2020
ID# 241067

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): Antonino S. Buffa and Buffa Enterprises, LLC (Telephone): 804-731-5497

(Address): 848 Hunters Run Road, Petersburg, VA 23805

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. 12-2571 & 16-765, on Page _____, and is described as Tax Map Parcel #. 9-37 and 9-38 do hereby make, constitute and appoint

(Name): Michael P. Lafayette, Esq. (Telephone): 804-545-6253

(Address): Lafayette, Ayers & Whitlock, PLC, 10160 Staples Mill Rd, Ste 105, Glen Allen, VA 23060

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 checked="" type="checkbox"/> Rezoning Request (including proffers) | <input type="checkbox"/> Building Permit(s) | |
| <input 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:

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 4th day of April, 2016.

Signature(s) _____

State of Virginia, City/County of Henrico, To-wit:

I, Sandra R. Milburn, 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 4th day of April, 2016.

My commission expires: 04/30/2020

Notary Public

SANDRA R. MILBURN
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES APRIL 30, 2020
ID# 241067

Ms. Ebron-Bonner opened the public hearing portion of the meeting.

As there was no one signed up to speak, Ms. Ebron-Bonner closed the public hearing portion of the meeting.

Upon motion of Dr. Moore, seconded by Mr. Chavis,

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 rezoning, P-15-3, as amended be approved with proffers by the Board of Supervisors.

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

D. CASE AP-16-1, REQUEST TO AMEND PROFFERS

Mark Bassett, Director of Planning, presented the following for public hearing and Board recommendation.

MEMORANDUM

To: W. Kevin Massengill, County Administrator and Board of Supervisors
From: Mark Bassett, Planning Director
Date: May 12, 2016
Subject: May 17, 2016 Board of Supervisors Meeting for AP-16-1

Please find the attached Planning Commission meeting summary report for Proffer Amendment request, AP-16-1. The applicant amended the original proffer amendment request that the Planning Commission considered at their April 20 meeting, and as of April 25 the applicant is seeking proffer amendments to remove proffer conditions eleven (11) and twelve (12) to remove the \$5,629.00 per unit cash proffer amount and to reduce the minimum number of square feet for a residence from 2,000 square feet to 1,700 square feet for a two-story residence and to 1,300 square feet for a one-story residence as set forth under original proffer condition four (4).

After the Planning Commission heard the request at their April 20, 2016 meeting, the Planning Commission recommended disapproval of the proffer amendment request to the Board of Supervisors by a vote of 5-0.

Planning Commission Meeting Summary Report

File: AP-16-1
Applicant/Owner: Mr. Patrick Casale
Request: Amended April 25: Remove proffer conditions eleven (11) and twelve (12), which require a per lot contribution of \$5,629.00 adjusted annually on each January 1 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84=100) prepared by the U.S. Bureau of Labor Statistics of the U.S. Department of Labor; and by amending condition four (4) reducing the minimum number of square feet for a residence from 2,000 square feet to 1,600 square feet for a two-story residence and to 1,200 square feet for a one-story residence.

Property Address: Archangel Place, Dewitt, VA; Queen of Angels Estates
Tax Map & Parcel #: 54-30
Property Size: 54.5 acres
Existing Zoning: Residential, Rural, RR-1
Magisterial District: Darvills
Previous Cases: P-98-3 (BOS Approved Rezoning to RR-1 May 6, 1998 Queen of Angels Estates Sec. 1, Nine (9) lots); P-05-11 (BOS Approved Rezoning to RR-1 Queen of Angels March 21, 2006 Estates Sec. 2, Fifteen (15) lots)
Planning Commission Mtg.: April 20, 2016; BOS Mtg.: May 17, 2016

CASE OVERVIEW

The applicant's, Mr. Patrick Casale's, original proffer amendment request that was heard by the Planning Commission at their April 20 meeting was to amend the original zoning proffers originally approved on March 21, 2006 by the Board of Supervisors as part of rezoning case P-05-11 for the development of Sec. 2 as part of Queen of Angels Estates subdivision by removing proffer conditions eleven (11) and twelve (12), which require a per lot contribution of \$5,629.00 adjusted annually on each January 1 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84=100) prepared by the U.S. Bureau of Labor Statistics of the U.S. Department of Labor; by amending condition two (2) to reduce the pavement radius in the cul-de-sac of the main road from 45 feet to 35 feet; and by amending condition four (4) reducing the minimum number of square feet for a residence from 2,000 square feet to 1,600 square feet for a two-story residence and to 1,200 square feet for a one-story residence. Case P-05-11 rezoned with proffers approximately 54.5 acres located on the north side of Scotts Road at the terminus of Archangel Place. The original proffers allowed for 15 lots as part on said land. The property is zoned RR-1, and is further defined as Tax Map parcel 54-30. The County Comprehensive Land Use Plan places the property with the Rural Conservation Area which allows for limited residential development for this general area of the County.

Since the April 20 Planning Commission meeting, the applicant, Mr. Casale, has amended the proffer amendment request to only include removing original proffer conditions eleven (11) and twelve (12), which require a per lot contribution of \$5,629.00 adjusted annually on each January 1 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84=100) prepared by the U.S.

Bureau of Labor Statistics of the U.S. Department of Labor; and by amending original proffer condition four (4) reducing the minimum number of square feet for a residence from 2,000 square feet to 1,700 square feet for a two-story residence and to 1,300 square feet for a one-story residence.

INFORMATION INCLUDED

The following information is included for your review:

- Proffer Amendment Application
- Attachment A – Location Map
- Attachment B – Tentative Plan, Queen of Angels Estates Sec. 2
- Attachment C – Original Proffers, Adopted March 21, 2006 and Amended Proffers dated April 18, 2016 and heard by the Planning Commission on April 20
- Attachment D – Amended Proffers dated April 25, 2016 for the May 17 BOS Meeting

BACKGROUND INFORMATION

The subject property was rezoned to Rural, Residential, RR-1, with proffers in March 2006 (please see the attached Original Proffers adopted March 21, 2006) as an extension of the existing subdivision, Queen of Angels Estates, to add fifteen (15) lots to the existing nine (9) lots that are part of Sec. 1, and it is connected to the State maintained road, Scotts Road (Route 645), by the existing subdivision road, Archangel Place. As part of the development of the subdivision, the owner/developer requested the following special exceptions related to the road pavement width: the existing pavement width for Scotts Road is eighteen (18) feet and the pavement width for Archangel Place is eighteen (18) feet. In June of 1998, the applicant requested a four (4) foot reduction in the minimum pavement width reducing the pavement width from twenty-two (22) feet to eighteen (18) feet, and the Planning Commission denied that request. The applicant appealed the decision to the Board of Supervisors and the Board did approve the applicant's request for a special exception at their July 1, 1998 Board meeting. Again in November 2006, the applicant requested a reduction in the pavement with from twenty-two (22) feet to eighteen (18) feet for the extension of Archangel Place as part of the development of Sec. 2 of the subdivision, and it was approved by the Planning Commission. At this time, Queen of Angels Estates Sec. 1 is developed and built out while Sec. 2 is in the planning phase/construction plan phase and under review by the Land Development Committee (LDC).

AMENDED PROFFERS (heard by the Planning Commission on April 20)

Cash Proffer Amendment:

The applicant has submitted Amended Proffers to amend (remove) original proffer condition eleven (11) to reduce the cash proffer from \$5,629.00 as adjusted each year for inflation to \$0.00 per lot/unit and to amend (remove) original proffer condition twelve (12) which calls for the cash proffer amount to be adjusted annually based on the previous year's Consumer Price Index (CPI). As background, in 2004, with the County's "Growth Committee" recommending amending the Zoning Ordinance to include provisions to allow for voluntary proffer conditions to include cash proffers, the Planning Commission did recommend to the Board of Supervisors that the Zoning Ordinance be amended to include the aforementioned provisions for voluntary proffer conditions. As such, in 2005, after a cash proffer study was completed by the County's consultant, Robinson, Farmer, Cox Associates, the Planning Commission recommended a cash proffer policy with a cash proffer of \$5,629.00 per residential lot/unit, and the Board of Supervisors did adopt this recommended cash proffer policy that same year. In 2008, the Board of Supervisors updated the cash proffer policy again utilizing the County's consultant, Robinson, Farmer, Cox Associates, increasing the cash proffer amount to \$9,688.00. The cash proffer policy in place at the time of the original zoning approval (BOS approved P-05-11 w/proffers on March 21, 2006) included the capital impacts on schools, government facilities and equipment, public works, public safety equipment and facilities, and parks and recreation with the recommended \$5629.00 cash proffer amount to cover the impact that a household would have on the aforementioned capital items.

The intent of the cash proffer component of the voluntary proffer conditions is intended to help with the impact of proposed residential developments on public facilities and the need for capital improvements. When the subject residential rezoning was originally considered by the Planning Commission, in addition to the non-cash proffer conditions, the cash proffer conditions were voluntarily proffered by the applicants to help to ameliorate the impacts on related public facilities and services by aiding in the funding of necessary capital improvements in the County. The subject request to remove the voluntary cash proffer amount does have an impact on the effectiveness of the proffer conditions on diminishing the overall impact of the residential development on public facilities and services. As was previously done in 2005 and 2008, the impact of residential development on public facilities and services was re-examined in the spring of 2014 utilizing the County's consultant, Robinson, Farmer, Cox Associates, to re-examine the cash proffer computations to update the Board on the recommended cash proffer amount. The "cash proffer computations" study included an updated residential cash proffer amount of \$1,953.00 per residential lot/unit.

Reduction in number of square feet for a dwelling/residence:

In addition to the request to remove the cash proffer, the proffer amendment request includes amending proffer condition four (4) reducing the minimum number of square feet for a residence from 2,000 square feet to 1,600 square feet for a two-story dwelling/residence and to 1,200 square feet for a one-story dwelling/residence.

Reducing the pavement radius in the cul-de-sac from 45 feet to 35 feet:

The other requested proffer amendment involves amending original proffer condition two (2) to reduce the pavement radius in the cul-de-sac for Archangel Place from 45 feet to 35 feet.

Planning Staff Recommendation:

The Planning staff has reviewed the requested proffer amendments (Please see Attachment D - Amended Proffers) and with the subject residential development, there are impacts and the Planning Commission ultimately must weigh those impacts against the benefits of the development. To note: at this time, Queen of Angels Estates Sec. 1 is developed and built out while Sec. 2 is in the planning phase/construction plan phase and under review by the Land Development Committee (LDC). As with previous cash proffer amendment requests, the Planning Commission retains the ability to recommend to the Board of Supervisors to maintain the original cash proffer amount, \$5,629.00, or it may choose to recommend to the Board of Supervisors the request to remove; thus, recommending eliminating the voluntary cash proffer. An additional option includes the Planning Commission recommending that the cash proffer be reduced to \$1,953.00, which is the "2014 study" cash proffer amount.

Concerning the request for a reduction in the minimum allowable size for a dwelling/residence, in general, the residences constructed in Section One on the nine (9) lots meet or exceed 2,000 square feet minimum. The subject request to reduce the proffered minimum square footage for each dwelling/residence does change the overall character of the existing subdivision. In 2006, the rezoning of the subject property was based on the original proffers and with the minimum 2,000 square footage condition, and the square footage reduction is a substantial change.

The reduction in the pavement radius for the cul-de-sac of Archangel Place is also a substantial change in the original proffered conditions. The LDC agencies, namely VDOT and Dinwiddie County Public Safety recommend a 45-foot pavement radius for the subject cul-de-sac as part of the extension of Archangel Place to serve Section Two. Fire Code indicates a 96-foot pavement width for the subject cul-de-sac and VDOT standards indicate a 45-foot paved radius for the cul-de-sac. Given that the ultimate number of lots in the subdivision is 24 lots and given the length of the fully developed subdivision road, the original proffered 45-foot pavement radius for the cul-de-sac is appropriate for public safety and school bus access and other service delivery vehicles to the subdivision.

Amended Proffer Conditions (dated April 25, 2016):

With the updated proffers submitted by the applicant following the April 20 Planning Commission meeting, the amended proffer request to be heard by the Board of Supervisors no longer includes the request to reduce the pavement radius for the proposed cul-de-sac from 45 feet to 35 feet. In addition, the applicant has also updated the proffer amendment request by requesting that original proffer condition four (4) be amended by reducing the minimum number of square feet for a residence from 2,000 square feet to 1,700 square feet for a two-story residence and to 1,300 square feet for a one-story residence.

PLANNING COMMISSION RECOMMENDATION (based on Amended Proffers dated April 18, 2016)

The following comments were made by the Planning Commission, Planning staff, and the applicant at the April 20, 2016 Planning Commission Public Hearing:

The Chairman asked the members if they had any questions for Mr. Bassett.

Mr. Tucker asked if the area was in the Route 1 overlay district.
Mr. Bassett said it is not.

Mr. Prorise asked for the results of the last four Amendment to Proffers cases. He also asked how many units or lots still remain in the Queen of Angels subdivision where homes can be built on them.

Mr. Bassett said the proffer amendments for Fort Dushane, Cedar Ridge, and Turkey Run were approved and the proffer amendment request for Chesdin Pointe was denied by the Board of Supervisors and there are fifteen building lots remaining if Queen of Angels Section 2 was developed.

The Chairman said if there are no more questions for Mr. Bassett, the applicant could come forward and add anything if he so chooses.

Patrick Casale – 19862 Archangel Place, Dewitt VA came forward and gave a history on what was said and shared with him by Guy Scheid (former Planning Director) and Debbie Williams (former VDOT Land Use Engineer for Dinwiddie) before Mr. Bassett became the new Planning Director. For the pavement radius of the cul-de-sac, he noted that with the total number of homes that are planned in the subdivision a 35-foot paved radius cul-de-sac is appropriate and acceptable. He also added that there is statistical data to support his request for a 1,200 square foot single story residence and 1,600 square feet two-story residence. According to information provided to him by Timmons Group, the average incomes in Dinwiddie County support houses in the square footage range that he is proposing.

The Chairman asked the members if they had any questions for the applicant.

Mr. Blaha asked Mr. Bassett how many houses have been built in this subdivision that required a cash proffer.

Mr. Bassett said none. The cash proffer only applies to the fifteen lots proposed as part of Section 2 of the subdivision which has not been constructed.

Mr. Cunningham said he is in agreement with having no cash proffer as part of the development of Section 2. He said he is not in agreement with a reduction in the cul-de-sac pavement radius because VDOT and Public Safety both say the 45-foot pavement radius is best. He also added that the size of the homes needs to remain at the original 2,000 square feet for both two story and single story homes.

Mr. Tucker asked Mr. Casale where he got his statistical number on incomes supporting a certain size residence from, because we do not have them in our packet.

Mr. Casale said he paid for a study done by Timmons Group, and it is not included in the packet.

Mr. Prorise asked Mr. Casale if the subdivision turned out the way he envisioned it.

Mr. Casale said yes.

Mr. Hayes said he voted against this phase of the subdivision, Queen of Angels Section 2, when it was requested ten years ago, because I didn't and still don't believe the area is suited for a residential subdivision. He said that the pavement radius for the cul-de-sac should be the higher number, 45 feet radius, as it is in keeping with the surrounding areas, and to be consistent with the other developers the cash proffer amount should be \$1,953.00, which is what they proffered. As to the size of the houses, it should be equal or greater to the smallest house you already have in place in Section 1.

Mr. Prorise said \$1,953.00 should be the amended cash proffer amount. He said he is not in support of a reduction in the square footage for a two-story residence and one-story residence, and the cul-de-sac should be the higher pavement radius number.

Mr. Blaha said he is in agreement with what Dr. Prorise said.

The Chairman opened the public hearing portion of the meeting and asked if there was anyone signed up to speak. He said since there is no one he was closing the public hearing. He said if there are no more questions from the Commissioners he would entertain a motion.

Mr. Tucker 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 the Amended Proffers as part of proffer amendment request, AP-16-1, as amended from those certain proffers made as part of rezoning request, P-05-11, approved on March 21, 2006, which proffers were recorded on September 6, 2006 and duly recorded as instrument number 060004358 at the Clerk's Office of the Circuit Court of Dinwiddie County, Virginia, are recommended for disapproval to the Board of Supervisors which will consider the case pursuant to Section 15.2-2302 of the Code of Virginia, 1950, as amended. It was seconded by Mr. Cunningham and with Mr. Cunningham, Mr. Tucker, Mr. Hayes, Mr. Blaha and Dr. Prosisie voting "AYE" the Amendment to Proffers was disapproved to the Board of Supervisors.

BOARD ACTION

Since this is a zoning matter, the standard statement regarding Board of Supervisors' action on this zoning matter must be read. In order to assist, the following motion is recommended as follows:

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 and pursuant to Section 15.2-2302 of the Code of Virginia, 1950, as amended, I move that the Amended Proffers as part of proffer amendment request, AP-16-1, as amended from those certain proffers made as part of rezoning request, P-05-11, approved on March 21, 2006, which proffers were recorded on September 6, 2006 and duly recorded as instrument number 060004358 at the Clerk's Office of the Circuit Court of Dinwiddie County, Virginia, are (approved or disapproved) by the Board of Supervisors.

DINWIDDIE COUNTY PLANNING & ZONING DEPARTMENT
LAND USE AMENDMENT APPLICATION



Dinwiddie County
 Planning Department
 P. O. Drawer 70
 Dinwiddie, Virginia 23841
 (804) 469-4500 ext. 2117
 (804) 469-5322 /fax

Rec'd MB Case No.: AP-16-1
 Date Rec'd March 1, 2016 Fee Amount: \$1,500.00
 Time Rec'd _____ Receipt No: 16-066
 Pre-Application Conference Date: _____
 This application has been amended: YES NO
 Reviewed by: MB *Advised for April 20*

Information must be typed or printed and completed in full. *P.C. Mtg. May 11, 2016 7:00 P.M.*
 Attach additional pages where necessary.

1) LAND USE INFORMATION	
(Circle): BOS / PC / BZA	New/Renewal Previous/Renewed Case#: _____
Amend Previous Case: Y / 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>Proffers Amendment Cyl de Sac total/Lots on Road</u> <u>24 Notices should be 35 feet. Remove \$5629.00 Fee per house</u>	
Existing Zoning: <u>RR 1</u>	Existing Acreage: <u>49.2</u>
Proposed Zoning: _____	Proposed Acreage: _____
Total Acreage: _____	
Water (Circle One): Public <input checked="" type="checkbox"/> Well	
Sewer (Circle One): Public <input checked="" type="checkbox"/> On-site Well and Septic	
Attached: (circle): Miscellaneous Information/Master Plan/Textual Statement/Proffered Conditions	
2) APPLICANT/AGENT INFORMATION	
Applicant(s): <u>Patrick Casale</u>	Home/Cell# <u>804 943-9665</u>
Address: <u>14862 Anchorage Place Dinwiddie VA 23040</u>	Work# _____
Agent(s): _____	Home/Cell# _____
Address: _____	Work# _____
<input checked="" type="checkbox"/> Property Owner <input type="checkbox"/> Contract Purchaser <input type="checkbox"/> Other: _____	
3) PROPERTY OWNER INFORMATION	
Property Owner's Name and address (see note on last page): <u>same as above</u>	Property Owner's Mailing Address (If this address is different from that listed in the Assessor's Office.): _____
Contact# _____	_____
Property Tax Parcel Number: <u>54-30</u>	Phone# _____
<u>Cuhillian44@yahoo.com</u>	

General Location of Project: at the end of Archangel Place

Tax Map # 54-30
Subdivision Name: Queen of Angels
Section: _____ Block _____
Address: _____
Zoning: RR1 Acreage _____
Existing Use: _____
Conditions: _____

Tax Map # _____
Subdivision Name: _____
Section: _____ Block _____
Address: _____
Zoning: _____ Acreage: _____
Existing Use: _____
Conditions: _____

1. Explain fully the proposed use, type of development, operation program, reason for this request, etc.:
45' Radius is Larger than the Requirements for 24 houses or less, to remove the proposed fee of \$5,629.00 Reduced sq ft Requirement to 1600' for two story, and 1200sqft for Ranch not including garage sq ft These will be built on site houses
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.:
It will provide housing on vacant land that during hunting season is trespasssed on and some individuals act in an unsafe manner
3. List case numbers and explain any existing use permit, special exception, conditional use or variance previously granted on the parcels in question:
N/A
4. If requesting a variance or special exception, explain the unique physical hardship or extraordinary situation that is justification for the request:
The economy of Dinwiddie County is not full of the High income Required to buy houses under Current Requirements
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.

6. The required fee must accompany this application. A fee schedule is available from the Planning Department, 14016 Boynton 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: 10/15, 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** Patrick Casale
 (Same name as used in Item 2, Page 1)

APPLICANT'S NAME Patrick Casale
 (Typed or printed)

I authorize you, the merchant, to initiate an electronic debit to my account for the amount rendered on this check plus the legal limit returned check fee if the item is dishonored. The use of a check for payment is my acceptance of this policy. Signature _____

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.

Deed #06-4358

Return to: Michael Drewry
 Dinwiddie County Attorney
 P. O. Drawer 70, Dinwiddie, VA 23841

Tax Parcel No. 54-30

COPY

PROFFERS

THESE PROFFERS are made this February 16, 2006, by Patrick W. Casale, together with his successors and assigns, the "Owner".

RECITALS

- A. Owner legally possesses the tract or parcel of land located in Dinwiddie County, Virginia, with an address of Scotts Road, Dewitt, Virginia and being Tax Parcel No. 54-30, containing approximately 54.5 acres, (the "Property"),
- B. The Property is within the Rural Conservation Area on the County's Comprehensive Plan and is now zoned Agricultural, General A-2. Owner has applied to rezone the Property from Agricultural, General A-2 to Residential, Rural RR-1, with proffers as follows.
- C. Owner desires to offer to Dinwiddie County (the "County") certain conditions on the development of the Property not generally applicable to land zoned Residential, Rural RR-1.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, Pursuant to §15.2-2298 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that he shall meet and comply with all of the following conditions in developing the Property. If the rezoning is not granted by the County these proffers shall be null and void.

205-11

CONDITIONS

1. A Dry Hydrant shall be installed into any existing pond with adequate access for fire vehicles, if requested by the County.
2. The radius of pavement in the cul-de-sac of the main road shall be a minimum of 45' radius for school bus and emergency vehicle turn around.
3. No structure shall be erected on any parcel of land in the subdivision other than dwellings for single-family occupancy and necessary appurtenant outbuildings, which said outbuildings may be used only for ancillary residential purposes. No dwellings or buildings will be used for commercial purposes other than home occupations, per approval by the County.
4. All residences shall not contain less than 2,000 square feet exclusive of porches, decks, carport or garage in the subdivision.
5. No trailer, shack, garage, barn or other outbuildings erected on the property shall at any time be used as a residence temporarily or permanently, nor shall any residence of a temporary character be permitted.
6. No manufactured homes, mobile homes or modular homes shall be allowed on any parcel, which such condition shall be included and enforced in the covenants and conditions.
7. No inoperable vehicles or unlicensed vehicles shall be allowed on any lot for over 30 days, unless stored in a fully enclosed garage, subject to applicable sections of the County Code.
8. No livestock or farm animals shall be permitted. However, pets, such as cats, dogs, horses, ponies or the like, shall be permitted, provided they do not constitute a nuisance to the other lot owners.
9. Prior to final County approval of any subdivision plat for the Property, the Owner shall furnish satisfactory evidence to the County Health Department and the County that there exists on each lot an effective site for a well and an effective site for a septic system of sufficient capacity to service the proposed improvements on such lot.
10. All streets in the subdivision shall meet state standards and shall be taken into the state road system.
11. In order to assist the County with mitigation of impacts on the County from the development of the Property, a contribution of \$5,629.00 per lot shall be paid to the County prior to the issuance of each building permit. The County may use these funds for any project in the County's Capital Improvement Plan, the need for which is generated in whole or in part by the physical development and operation of the Property.
12. The per lot contribution paid each year pursuant to §11 shall be adjusted annually beginning January 1, 2007 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84 = 100)(the "CPI") prepared by the U. S. Bureau of Labor Statistics of the U. S. Department of Labor. In no event shall the per lot contribution be adjusted to a sum less than the amount set in §11. In the event the CPI is not available, another reliable government indicator approved by the County may be relied upon in establishing an inflationary factor for purposes of determining the per lot contribution to approximate the rate of annual inflation in the County.

13. The Owner shall limit the total number of lots on the property to a maximum of fifteen (15).

WITNESS the following signatures:


PATRICK W. CASALE, Owner

STATE OF VIRGINIA,
County of Dinwiddie, to-wit:

The foregoing instrument was acknowledged this 16 day of February, 2006 by
PATRICK W. CASALE, Owner.


Notary Public

My commission expires: January 31, 2007

casalePROFFERS

INSTRUMENT #060004358
RECORDED IN THE CLERK'S OFFICE OF
DINWIDDIE ON
SEPTEMBER 6, 2006 AT 11:24AM
ANNIE L. WILLIAMS, CLERK
RECORDED BY: SRC

Tax Parcel No. 54-30

AMENDED PROFFERS

THESE PROFFERS are made this 18 day of April 2016 by Patrick W. Casale,
together with his successors and assigns (the "Owner").

RECITALS

- A. Owners legally possess the tract or parcel of land located in Dinwiddie County, Virginia, (the "County") and being Tax Parcel No. 54-30 containing approximately 54.5 acres (the "Property").
- B. The Property is within the Rural Conservation Area on the County's Comprehensive Plan and is now zoned Residential Rural, RR-1, with proffers.
- C. The original Proffers are dated February 16, 2006 and were signed by Patrick W. Casale, Owner, and the Dinwiddie County Board of Supervisors accepted the Proffers on March 21, 2006. The original proffers were recorded on September 6, 2006 under Instrument #060004358.
- D. The Owner is amending and restating the original Proffers in their entirety to thereby remove the voluntary cash proffers associated with the Property; to reduce the radius of pavement for the cul-de-sac of the main road (Archangel Place) from a 45-foot radius to a minimum of 35-foot radius of pavement; and to reduce the minimum square feet for a two-story dwelling from 2,000 square feet to 1,600 square feet and to 1,200 square feet for a one-story ("ranch style") dwelling.

NOW, THEREFORE, for and in continuation of the approval of the requested Amended Proffers, and pursuant to Section 15.2-2298 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that he shall meet and comply with all of the following conditions in developing the Property. If the requested amendment is not granted by the County, these Amended Proffers shall be null and void. The Amended Proffers are restated in their entirety as follows:

AMENDED CONDITIONS

1. A dry hydrant shall be installed into any existing pond with adequate access for fire vehicles, if requested by the County.
2. The radius of pavement in the cul-de-sac of the main street shall be a minimum 35- foot radius.
3. All streets in the subdivision shall meet state, Virginia Department of transportation (VDOT), standards and shall be taken into the state road system for maintenance.
4. No structure shall be erected on any lot or parcel of land on the Property other than dwellings for single-family occupancy and necessary appurtenant out buildings, which said out buildings may be used for ancillary residential purposes. No dwellings or buildings will be used for commercial purposes other than home occupations, per approval by the County.
5. All dwellings constructed on any lot or parcel of land on the Property shall not contain less than 1,600 square feet for a two-story dwelling and 1,200 square feet for a single-story ("ranch style") dwelling exclusive of porches, decks, carports or garages.
6. No trailer, shack, garage, barn, or other outbuildings erected on any lot or parcel of land on the Property shall at any time be used as a dwelling temporarily or permanently, nor shall any dwelling of a temporary character be permitted.
7. No manufactured homes, mobile homes, or modular homes shall be allowed on any lot or parcel of land on the Property, which such condition shall be included and enforced in the covenants and conditions of the subdivision of the Property.
8. No inoperable vehicles or unlicensed vehicles shall be allowed on any lot or parcel of land on the Property for over 30 days, unless stored in a fully enclosed garage, subject to applicable sections of the County Code.
9. No livestock or farm animals shall be permitted on any lot or parcel of land on the Property. However pets such as cats and dogs shall be permitted provided they do not constitute a nuisance to the other lot owners in the subdivision.
10. Prior to final County approval of any subdivision plat for the Property, the Owners shall furnish satisfactory evidence to the County Health Department and the County that there exists on each lot an effective site for a septic system of sufficient capacity to service the proposed improvements on such lot.
11. The Owner shall limit the total number of lots or parcels of land on the Property to a maximum of fifteen (15).

WITNESS the following signature:

Patrick W Casale
Patrick W. Casale, Owner

STATE OF VIRGINIA

COUNTY OF Dinwiddie, to wit:

The foregoing instrument was acknowledged this 18 day of April
2016, by Patrick W. Casale, Owner.

My commission expires: 4-30-2018

Linda Miller Brandon
Notary Public



Tax Parcel No. 54-30

AMENDED PROFFERS

THESE PROFFERS are made this 25th day of April 2016 by Patrick W. Casale,
together with his successors and assigns (the "Owner").

RECITALS

- A. Owners legally possess the tract or parcel of land located in Dinwiddie County, Virginia, (the "County") and being Tax Parcel No. 54-30 containing approximately 54.5 acres (the "Property").
- B. The Property is within the Rural Conservation Area on the County's Comprehensive Plan and is now zoned Residential Rural, RR-1, with proffers.
- C. The original Proffers are dated February 16, 2006 and were signed by Patrick W. Casale, Owner, and the Dinwiddie County Board of Supervisors accepted the Proffers on March 21, 2006. The original proffers were recorded on September 6, 2006 under Instrument #060004358.
- D. The Owner is amending and restating the original Proffers in their entirety to thereby remove the voluntary cash proffers associated with the Property; to reduce the minimum square feet for a two-story dwelling from 2,000 square feet to 1,700 square feet and to 1,300 square feet for a one-story ("ranch style") dwelling.

NOW, THEREFORE, for and in continuation of the approval of the requested Amended Proffers, and pursuant to Section 15.2-2298 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that he shall meet and comply with all of the following conditions in developing the Property. If the requested amendment is not granted by the County, these Amended Proffers shall be null and void. The Amended Proffers are restated in their entirety as follows:

AMENDED CONDITIONS

1. A dry hydrant shall be installed into any existing pond with adequate access for fire vehicles, if requested by the County.
2. The radius of pavement in the cul-de-sac of the main street shall be a minimum 45- foot radius.
3. All streets in the subdivision shall meet state, Virginia Department of transportation (VDOT), standards and shall be taken into the state road system for maintenance.
4. No structure shall be erected on any lot or parcel of land on the Property other than dwellings for single-family occupancy and necessary appurtenant out buildings, which said out buildings may be used for ancillary residential purposes. No dwellings or buildings will be used for commercial purposes other than home occupations, per approval by the County.
5. All dwellings constructed on any lot or parcel of land on the Property shall not contain less than 1,700 square feet for a two-story dwelling and 1,300 square feet for a single-story ("ranch style") dwelling exclusive of porches, decks, carports or garages.
6. No trailer, shack, garage, barn, or other outbuildings erected on any lot or parcel of land on the Property shall at any time be used as a dwelling temporarily or permanently, nor shall any dwelling of a temporary character be permitted.
7. No manufactured homes, mobile homes, or modular homes shall be allowed on any lot or parcel of land on the Property, which such condition shall be included and enforced in the covenants and conditions of the subdivision of the Property.
8. No inoperable vehicles or unlicensed vehicles shall be allowed on any lot or parcel of land on the Property for over 30 days, unless stored in a fully enclosed garage, subject to applicable sections of the County Code.
9. No livestock or farm animals shall be permitted on any lot or parcel of land on the Property. However pets such as cats and dogs shall be permitted provided they do not constitute a nuisance to the other lot owners in the subdivision.
10. Prior to final County approval of any subdivision plat for the Property, the Owners shall furnish satisfactory evidence to the County Health Department and the County that there exists on each lot an effective site for a septic system of sufficient capacity to service the proposed improvements on such lot.
11. The Owner shall limit the total number of lots or parcels of land on the Property to a maximum of fifteen (15).

WITNESS the following signature:


Patrick W. Casale, Owner

STATE OF VIRGINIA

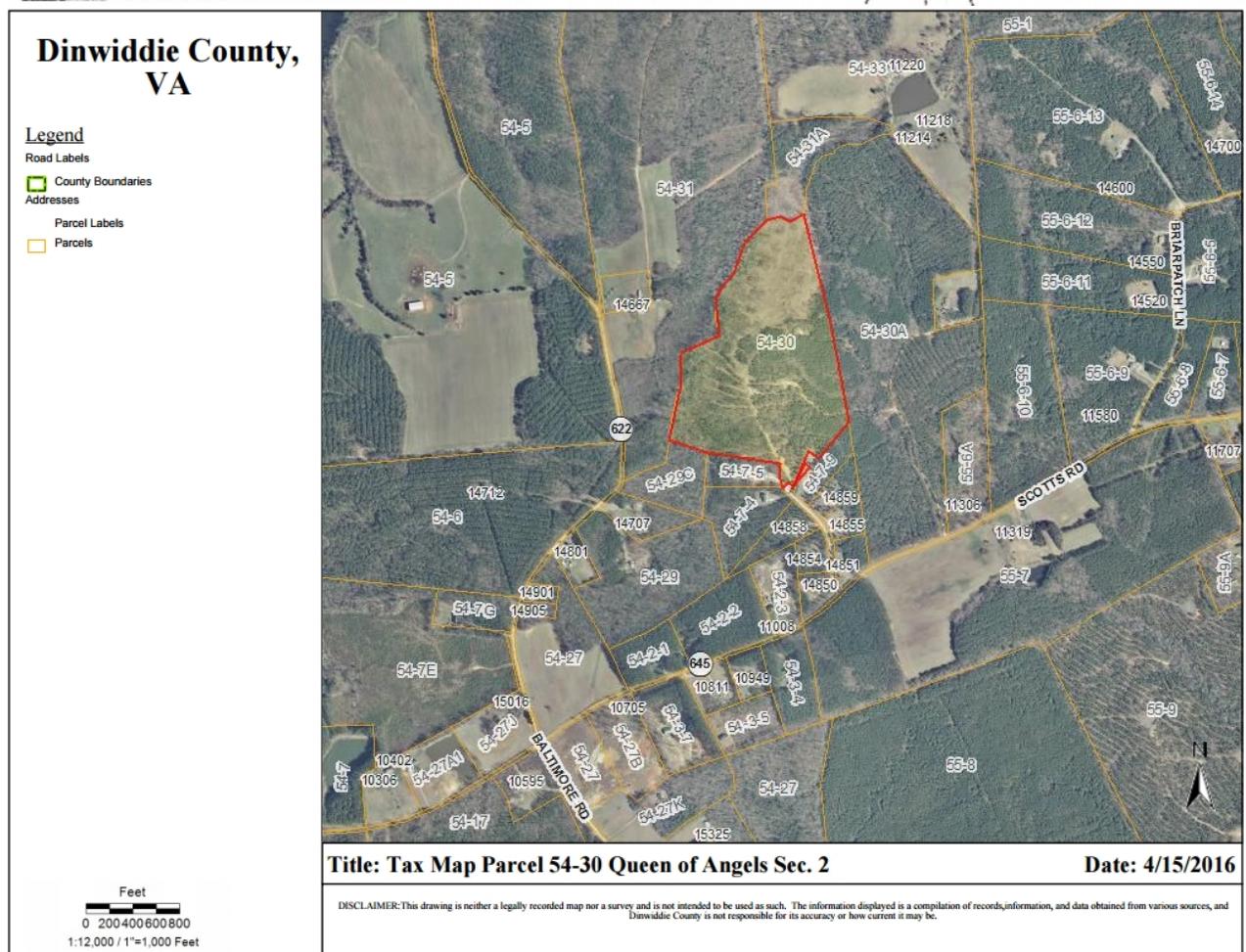
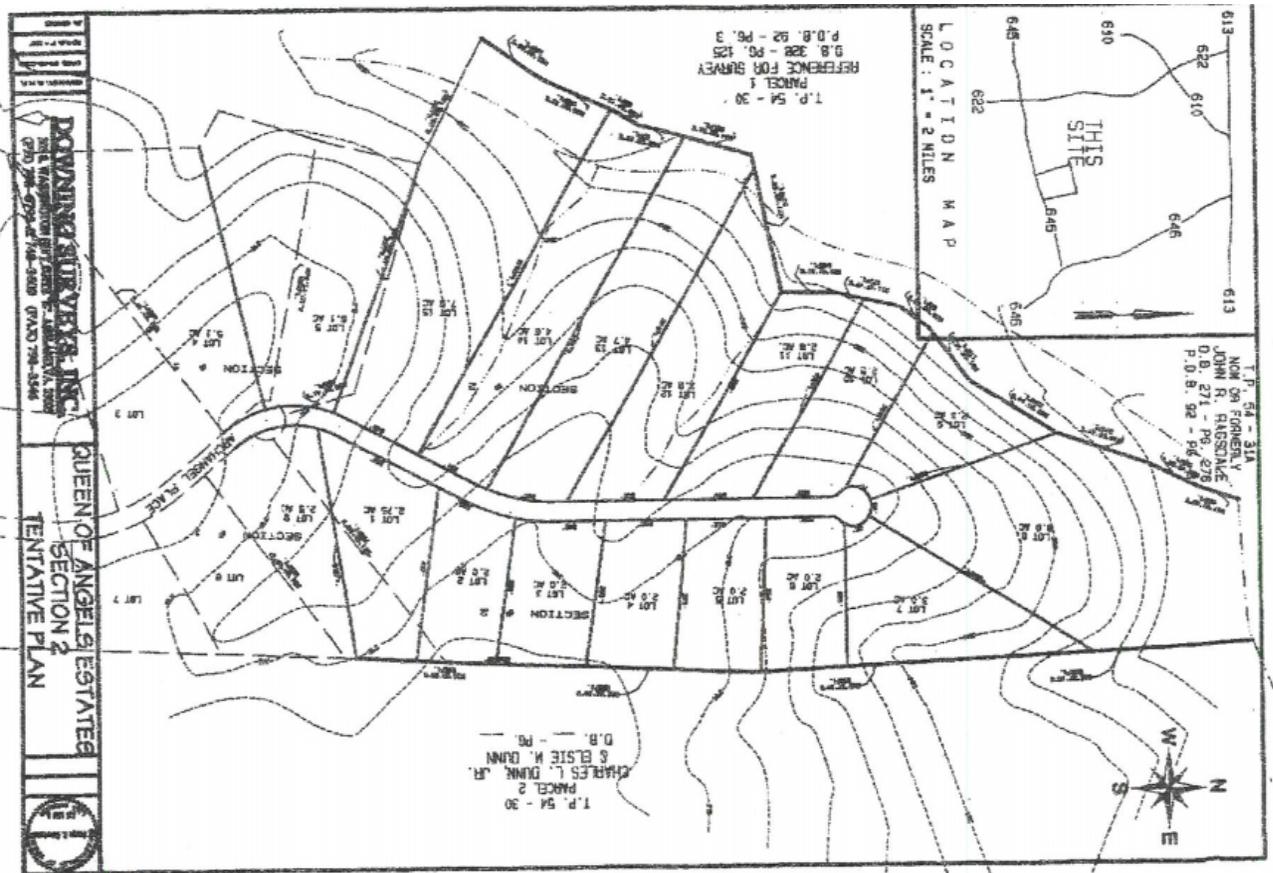
COUNTY OF Davidson, to wit:

The foregoing instrument was acknowledged this 22 day of April
2016, by Patrick W. Casale, Owner.

My commission expires: 4-30-2018


Notary Public





The applicant, Mr. Casale, as well as Dr. Prosis, Chairman of the Dinwiddie County Planning Commission, spoke regarding this case.

Ms. Ebron-Bonner opened the public hearing portion of the meeting.

As there was no one signed up to speak, Ms. Ebron-Bonner closed the public hearing portion of the meeting.

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

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 and pursuant to Section 15.2-2302 of the Code of Virginia, 1950, as amended, I move that the Amended Proffers as part of proffer amendment request, AP-16-1, as amended from those certain proffers made as part of rezoning request, P-05-11, approved on March 21, 2006, which proffers were recorded on September 6, 2006 and duly recorded as

instrument number 060004358 at the Clerk's Office of the Circuit Court of Dinwiddie County, Virginia, are disapproved by the Board of Supervisors.

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

13. OLD/NEW BUSINESS

A. TOURISM ADVISORY COMMITTEE UPDATE

Mr. Andrew Hardy, Recreation Superintendent, Cultural Programs, Special Events, and Tourism, and Ms. Lisa Wajick, Chair of the Tourism Advisory Committee, provided an update on tourism in Dinwiddie County.

B. CONTRACT AWARD: LEGAL SERVICES

Mr. Tyler Southall, County Attorney presented the following contract to the Board for outside legal services for their approval.

CONTRACT

DINWIDDIE COUNTY **LEGAL SERVICES**

This Contract is made this 11th day of May 2016, by and between **Patten, Wornom, Hatten & Diamonstein, L.C.**, of 12350 Jefferson Avenue, Suite 300, Newport News, VA, 23602 (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, County interviewed several law firms to potentially provide certain outside legal services to the County, and pursuant to the Dinwiddie County Purchasing Policies and Procedures and Va. Code Section 2.2-4344(A)(2) selected Contractor;

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: (i) this Contract including the General Terms and Conditions. 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 and Term of Contract.** Contractor agrees to begin legal representation immediately. The term of this contract shall be for the duration of the matter, or until the representation is terminated by one or more of the parties. The County may terminate this Contract at any time upon written notice to Contractor. Likewise, the Contractor reserves the right in appropriate circumstances to resign as counsel upon notice to the County. Unless sooner terminated, Contractor's engagement as counsel will be concluded upon Contractor's sending the County a final statement for services rendered, and thereafter information gained by Contractor in their representation of County will continue to be held in confidence pursuant to the applicable rules of professional conduct.

The Contractor reserves the right to withdraw from representation if differences of opinion or difficulties develop; and the Contractor feels that, upon investigation, the attorney/client relationship has been irreparably compromised. The Contractor also retains the right to withdraw from representation if invoices are not paid in a timely manner. Such withdrawal may be exercised at any time.

At no time shall the cumulative cost of the Contract exceed Fifty Thousand and no/100 dollars (\$50,000) prior to approval and/or ratification of this Contract by the Dinwiddie County Board of Supervisors.

3. **Costs.** Contractor agrees to perform all work and provide all equipment pursuant to this Contract for their customary hourly rates (the "Contract Price"). Any other costs, such as copies, shall be billed to the County at actual cost to the Contractor. 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:

<u>Notice to County shall be made to:</u> W. Kevin Massengill County Administrator P. O. Drawer 70 Dinwiddie, Virginia 23841 (804) 469-4500 accounting@dinwiddieva.us	<u>Notice to Contractor shall be made to:</u> PATTON, WORNOM, HATTEN & DIAMONSTEIN L.C. Attn: Scott Reichle, Esq. or Eleanor W. Brown, Esq. Suite 300 12350 Jefferson Avenue Newport News, Virginia 23602 Email: sreichle@pwhd.com or EWBrown@pwhd.com
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5. **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.
6. **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, 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

PATTON, WORNOM, HATTEN &
DIAMONSTEIN L.C.

By: _____
W. Kevin Massengill
County Administrator

By: _____
Title: _____

Attest: _____

Attest: _____

Approved as to form:

Constitutional Officer Approval:

Tyler C. Southall, County Attorney

Lori K. Stevens, Commissioner of the Revenue

Department Approval

Tyler C. Southall, County Attorney

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

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

C. APPOINTMENTS

There were no appointments made at this meeting.

14. CITIZEN COMMENTS

There was no one signed up to speak.

15. BOARD MEMBER COMMENTS

Mr. Moody thanked Ms. Howerton and finance staff for providing the Board a timely copy of the fiscal year 2017 budget.

Mr. Lee informed the Board about the Environthon Competition in which a Dinwiddie High School team participated. This was the first team Dinwiddie has had in ten years. Mr. Lee shared that the team came in 3rd out of 11 in the local competition, then went to the state tournament in which they came in 9th out of 20. He congratulated the team on their achievements as well as thanked Mr. Massengill and Ms. Ingram for their help in judging and critiquing the team, which in turn, improved their presentation.

16. ADJOURNMENT

Upon motion of Mr. Chavis, seconded by Mr. Lee, the meeting was adjourned at 8:01 PM.

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