

# County of Dinwiddie Board of Supervisors

## MINUTES

**Regular Meeting – October 18, 2016, 3:01 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

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**

W. Kevin Massengill, County Administrator, asked that Action Item H, Resolution: Commitment to Fund Local Share of Projects Under Agreement with the Virginia Department of Transportation and Provide Signature Authority, be added to the agenda.

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

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

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

5. **CONSENT AGENDA**

**A. SUMMARY AND CLAIMS**

CLAIMS	September 8, 2016	September 8, 2016	September 26, 2016	September 30, 2016	September 30, 2016	September 30, 2016	September 30, 2016	September 30, 2016	October 8, 2016	TOTALS
	1099598-1099610	1099611-1099653	1099654-1099719	1099720-1099733 Payroll	1099734-1099734	1099735-1099771	1099772-1099799	1099800-1099856		
101 - General Fund	\$36,450.00	\$217,766.17	\$157,124.83	\$1,070,994.78	\$74,687.89	\$33,080.92	\$840.00	\$1,053,714.57		\$2,644,659.16
103 - Jail Commission					\$75.93					\$75.93
105 - Recreation										\$0.00
209 - Litter Grant Fund					\$5.00					\$5.00
210 - Economic Developmt				\$2,409.66						\$2,409.66
211-Community Service					\$34.31					\$34.31
219 - CSA										\$0.00
226 - Law Library			\$166.64							\$166.64
228 - Fire Programs & EMS					\$1,223.86					\$1,223.86
229 - Forfeited Asset Sharing Program								\$6,859.85		\$6,859.85
305 - Capital Projects Fund		\$140,465.79	\$18,981.30		\$237.41	\$187,487.00		\$38,532.73		\$385,704.23
401 - County Debt Service			\$9,151.75					\$43,980.20		\$53,131.95
402 - School Debt Service										\$0.00
724 - Abraham Scholarship										\$0.00
	\$36,450.00	\$358,231.96	\$185,424.52	\$1,073,404.44	\$76,264.40	\$220,567.92	\$840.00	\$1,143,087.35		\$3,094,270.59

**B. MINUTES: SEPTEMBER 20, 2016 REGULAR MEETING, OCTOBER 4, 2016 SPECIAL MEETING**

**C. VRA 2016 BOND REQUISITION #4**

**BACKGROUND**

VRA 2016B Requisition #4 is ready for submission to US Bank for payment to Cardno for well evaluation; DJG Inc for A&E consulting services and Hefty Wiley & Gore PC for legal services on the government complex project. The requisition and invoices are attached for review.

**REQUESTED ACTION**

We are asking for approval of the following resolution.

**RESOLUTION**

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Dinwiddie County, Virginia, does hereby authorize payment of VRA 2016B Requisition # 4 to the various vendors for \$11,599.75.

SCHEDULE 1  
Form to Accompany Requisition

Requisition #: **4**  
 Recipient: Dinwiddie County - VFPF Series 2016B  
 Local Representative: Anne R Howerton  
 Title: Deputy County Administrator  
 Date: 18-Oct-16

Cost Category	Total Project Costs	Previous Disbursements	Disbursement This Period	Disbursements to Date	Remaining Balance
Construction	\$ 25,000,000.00	260,224.11	11,599.75	271,823.86	24,728,176.14
Local Costs of Issuance	130,000.00	129,784.80		129,784.80	215.20
Contingency / Additional Proceeds	415.52	-	-	-	415.52
<b>TOTALS</b>	<b>\$ 25,130,415.52</b>	<b>\$ 390,008.91</b>	<b>\$ 11,599.75</b>	<b>\$ 401,608.66</b>	<b>\$ 24,728,806.86</b>

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

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

**6. REPORTS:**

**A. VIRGINIA DEPARTMENT OF TRANSPORTATION**

DINWIDDIE COUNTY  
October 18, 2016 - Monthly Report

MAINTENANCE				
<b>Dinwiddie Area Headquarters for the month of September 2016</b>				
<ul style="list-style-type: none"> <li>• Performed debris cleanup and repaired signs along various primary and secondary roads.</li> <li>• Removed trash bags picked up by Adopt -A- Highway citizens and Dinwiddie Sheriff's Department inmates on secondary roads.</li> <li>• Mowing completed on Primary and Secondary Roads</li> <li>• Surface Treated various secondary roads.</li> <li>• Swept loose gravel from recently surface treated Secondary roads.</li> <li>• Repaired pipe joint and shoulder on Route 600 (Ferndale Road).</li> <li>• Delivered cones and set up message boards and signs to assist Dinwiddie County with traffic control for Fair Event.</li> <li>• Cleaned ditches along various Primary and Secondary roads.</li> <li>• Cleaned out culverts and pipes along various Primary and Secondary roads throughout the county.</li> <li>• Removed tree blocking roadway on Route 611 (Exeter Mill Road) between Rte. 706 (Old Cox Road) &amp; 623 (Sutherland Road), and along Route 659 (Bain Road).</li> <li>• Trimmed trees for sight distance at various intersections.</li> <li>• Repaired shoulders and erosion along various secondary roads.</li> <li>• Machined unpaved roads and applied water to alleviate dust on various secondary roads throughout the county.</li> <li>• Repaired potholes along various Primary and Secondary roads.</li> <li>• Replaced pipe at 646 (Glebe Road) &amp; 660 (Quaker Road) and replaced cross over pipe on Route 670 (Old Stage Road).</li> <li>• Paved Route 666 (Baugh Road).</li> </ul>				
LAND DEVELOPMENT & PERMITS				Paul Hinson, P.E.
<b>Dinwiddie County</b>				
<b>Plans with outstanding comments or under review (Activity within last 90 days)</b>				
<ul style="list-style-type: none"> <li>• None</li> </ul>				
<b>Plans approved</b>				
<ul style="list-style-type: none"> <li>• None</li> </ul>				
<b>Other</b>				
<ul style="list-style-type: none"> <li>• CTB approved County's Economic Development Access Road Grant request on 9-21-16.</li> </ul>				
<b>LUP Permits Issued and Completed</b>				
Permit Number	Permittee	Dinwiddie County	Permit Issuance Date	Permit Completion Date
57951	Comcast Communications	26	8-30-16	
57955	Antonia Carollo	26	9-8-19	
57945	Comcast Communications	26	9-13-16	
57958	David Monto	26	9-13-16	
57964	Slade & Sons Construction, LLC	26	9-16-16	
57960	Herbert N. Cleef, Jr.	26	9-20-16	
57965	Augusta Lumber Company	26	9-20-16	
57970	Par 3 Development, LLC	26	9-23-16	
57971	Restaurant Property Investor II, LLC	26	9-27-16	
57645	Atlantic Stair Crafters	26	8-27-14	8-30-16
57865	County of Dinwiddie	26	3-11-16	9-22-16
57880	Harper Brandon Cole	26	4-15-16	9-21-16
57896	Slade & Sons Construction, LLC	26	5-10-16	9-21-16

CONSTRUCTION	Ron Hobson, P.E.
<p><b><u>UPC 104466 / Order D39 /Project: (NFO) 0085-026-263, N501</u></b>  Contractor: Adams Construction Co.  Name: I-85 SB Restore Existing Pavement  CM: Smith  Fixed Completion Date: 11-15-2017  Description: Main line paving to continue.</p>	
<p><b><u>UPC 105287 / Order I65 /Project: (NFO) 0085-026-609, N501</u></b>  Contractor: Denton Construction Co.  Name: I-85 NB Restore Existing Pavement  CM: Smith  Fixed Completion Date: 11-15-2016  Description: Underdrain currently being installed. Paving operations to follow.</p>	
<p><b><u>UPC 89379 / Order G26 /Project: (NFO) 0226-026-573,B606, C501 (Dinwiddie)</u></b>  Contractor: Bryant Contracting  Name: Rte. 226 Cox Rd Bridge over NSRR  CM: Miller  Fixed Completion Date: 8/1/16  Description: Superstructure replacement and Substructure repairs  Comments: Project Complete. Accepted on 7.12.16.</p>	
<p><b><u>UPC 80993 / Order G95 /Project: (NFO) 0001-026-107,C501 (Dinwiddie)</u></b>  Contractor: Branscome  Name: Rte. 226 and Rte. 1 Roundabout and intersection Improvements  CM: Miller  Fixed Completion Date: 10/14/16  Description: Intersection Improvements at Rte. 1 and 226, and Round About at Rte. 200 and Rte. 226.  Comments: Contractor has completed storm drain installation project wide. Continuing grading/widening operations to include installation of curb &amp; gutter, entrances, and sidewalk on Cox Rd Eastbound. Contractor plans to begin paving operations on Cox Rd Eastbound in the next 2 weeks and anticipates a traffic switch to place traffic in circular pattern mid-October.</p>	
<p><b><u>UPC 107812 / Order404 /Project: ST4D-026-F16 (Dinwiddie)</u></b>  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 early August. Patching is complete.</p>	
<p><b><u>UPC 107844 / Order409 /Project: PM4D-026-F16 (Dinwiddie)</u></b>  Contractor: Allan Myers  Name: Plant Mix Schedule  CM: Bondurant  Fixed Completion Date: 12/02/16  Description: Resurfacing of various routes in Dinwiddie County.  Comments: Contractor will begin paving operations in late September to mid October.</p>	
<p><b>TRAFFIC STUDIES/SPECIAL REQUESTS</b></p> <ul style="list-style-type: none"> <li>• A request for speed study to reduce speed limit on Route 460 (Cox Rd/Airport St.) between Route 1 (Boydton Plank Rd.) and Route 769 (RB Pamplin Dr.) is currently being reviewed by Traffic Engineering.</li> <li>• A request for no thru truck restriction for Route 603 (Weakley Rd.) and 604 (Halifax Rd.) is currently being reviewed.</li> </ul>	

**B. PROFESSIONAL DEVELOPMENT RECOGNITION**

The Honorable Barrett Chappell, Circuit Court Clerk, recognized Chief Deputy Clerk Pam Goldsmith for earning the certification of Master Deputy Circuit Court Clerk through the Virginia Court Clerk’s Association.

**C. CHRISTMAS SHARING PROGRAM – INTRODUCTION OF THE CHRISTMAS MOTHER**

Mr. and Mrs. Hooker, the 2015-2016 Christmas Parents, introduced Mrs. Ann Barnes Clay as the 2016-2017 Christmas Mother.

**D. DEPARTMENT AND AGENCY UPDATES**

Each of the following provided updates to the Board on their respective department or agency:

1. Dinwiddie County Parks and Recreation, Andrew Hardy and J. Rayfield Vines;
2. The James House, Jane Claiborne;

**7. ACTION ITEMS:**

**A. RESOLUTION: DOMESTIC VIOLENCE AWARENESS MONTH**

W. Kevin Massengill presented the following to the Board for their approval.

**RESOLUTION DECLARING OCTOBER AS  
DOMESTIC VIOLENCE AWARENESS MONTH**

WHEREAS, domestic violence is widespread and affects millions of Americans each year; and

WHEREAS, children who grow up in violent homes are abused and neglected at a rate higher than the national average; and

WHEREAS, domestic violence costs the nation billions of dollars annually in medical expenses, police and court costs, shelters, foster care, sick leave, absenteeism, and non-productivity; and

WHEREAS, only a coordinated community effort will put a stop to this crime; and

WHEREAS, Domestic Violence Awareness Month provides an excellent opportunity for citizens to learn more about preventing domestic violence and to show support for James House, the accredited, non-profit crisis center that provides cost-free, confidential support, advocacy, and education for people in Dinwiddie County affected by domestic violence,

NOW, THEREFORE, the Chairman and Board of Supervisors of Dinwiddie County proclaim the month of October as Domestic Violence Awareness Month and urge the citizens of Dinwiddie to work together to eliminate domestic violence from our community.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the County of Dinwiddie to be affixed on this 18th day of October, 2016.

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

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

NAYS: None

**B. CONTRACT AWARD: CIRCUIT COURT AUDIO VISUAL UPGRADES**

The Honorable Barrett Chappell, Circuit Court Clerk, presented the following for the Board's approval.

**BACKGROUND**

In April 2015, the County issued an RFP to provide complete AV Upgrades to the Courtroom in Circuit Court. A contract was awarded to BIS Digital Inc. for \$29,999.00 plus an annual maintenance of \$3,750.00. The upgrades allowed for new recording and room control programs with enhanced recordings and audio video presentation. The installation was completed in July 2015.

Due to budgetary restrictions the switch that distributes audio and visual to other outputs in the courtroom was not replaced during the initial upgrade last year. The switch is not working properly and needs to be replaced.

**CONTRACT NEGOTIATIONS**

Since BIS Digital Inc. installed and maintains the current system, the County requested a quote to replace the switch and to upgrade cabling in the courtroom to HDMI connections in order to accept new technology. Since this contract amendment causes the total to exceed \$50,000, we are seeking Board approval.

**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 and direct the County Administrator to execute the attached Contract Amendment with BIS Digital Inc.

**CONTRACT AMENDMENT #1**

**Date:** October 18, 2016

**Issued by:** County of Dinwiddie

**Vendor:** BIS Digital, Inc.

**Contract:** AV Upgrades, Circuit Court

This Supplemental Agreement is entered into pursuant to the provision of the original contract.

Description of Modification: Replacement of hardware that distributes audio and video in courtroom, as well as upgrade lines to HDMI, per quote Q-8011046-9.29.2016.

**Costs.** Contractor agrees to provide hardware, installation, training and support services pursuant to this Contract for a sum no greater than NINE THOUSAND NINE HUNDRED NINETY-EIGHT AND 85/100 DOLLARS (\$9,998.85) (the "Contract Price").

Except for the changes provided herein, all other terms and conditions of this contract remain unchanged and in full force and effect.

Dinwiddie County, Virginia

BIS Digital, Inc.

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

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

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

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

Approved as to form:

Department Approval:

\_\_\_\_\_  
County Attorney

\_\_\_\_\_  
Barrett Chappell, Circuit Court Clerk

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

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

**C. CONTRACT AWARD: BROADBAND**

Norman Cohen, Director of Information Technology, presented the following to the Board for their approval.

**BACKGROUND**

In the 2015 CIP, the County of Dinwiddie approved funding for a Broadband Services Project. In November 2015, the County of Dinwiddie entered into a Contract with Atlantic Technology Consultants, Inc. to provide data collection services on existing communication towers and other infrastructure in order to assess the feasibility of a County-wide Broad Project.

**CONTRACT NEGOTIATIONS**

In May, the County issued an RFP for Broadband Services. One proposal was received. The County has been in negotiations with SCS Broadband to provide a multi-phase solution for the County. The County wishes to enter into an agreement with SCS Broadband to provide the initial phase of this project.

The term of the agreement, per the RFP would be for five years. The initial services would be completed within 90 days include a detailed requirements analysis and broadband network design for a cost of \$42,000. The scope, as set out in the RFP would also include the potential for SCS Broadband to deploy on county property to provide services to residents and businesses as well as provide services to the county and its departments. Those terms would have be negotiated and approved after this initial phase is completed, and the county would be under no obligation to proceed beyond this first phase.

**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 and direct the County Administrator to execute the necessary documents to award a contract to SCS Broadband with any changes, substantive or otherwise as may be approved by the County Administrator.

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

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

**D. CONTRACT AWARD: OPERATIONS MEDICAL DIRECTOR**

Dawn Titmus, EMS Manager, presented the following to the Board for their approval.

**BACKGROUND**

Our current Operational Medical Director, Dr. Boyd Wickizer, will not be renewing his contract which expires 12/31/16. Per 12VAC5-31-590, Virginia requires licensed EMS agencies to obtain and maintain an agreement with a physician to continue operations.

**CONTRACT NEGOTIATIONS**

The County issued a Request for Unsealed Proposals on September 15, 2016, with one proposal received from MTF Contracting, LLC (Dr. Brendan McCay). Public Safety staff interviewed Dr. McCay and felt that he would be a good fit for the County. They also negotiated an annual fee of \$10,000 for OMD services, which is higher than the current contract but should be covered by savings in other expenditure lines in the Fire & EMS department budget.

**REQUESTED ACTION**

We are asking for approval of the following resolution.

**RESOLUTION**

**BE IT RESOLVED** that the Board of Supervisors of Dinwiddie County, Virginia, does hereby authorize and direct the County Administrator, W. Kevin Massengill, to execute the attached contract for Operational Medical Director services with MTF Contracting, LLC.

**CONTRACT**  
**DINWIDDIE COUNTY**  
**OPERATIONAL MEDICAL DIRECTOR**

The Agreement is made this 18<sup>th</sup> day of October 2016, by and between **MTF Contracting, LLC**, of 200 Medical Park Boulevard, Petersburg, VA 23805 (party of the first part, and hereinafter known as “Contractor”), and the **County of Dinwiddie**, Virginia (party of the second part, and hereinafter known as “County”).

**WHEREAS**, pursuant to the Virginia Public Procurement Act, County solicited proposals for an Operational Medical Director for the County’s emergency medical services; and

**WHEREAS**, Contractor submitted a proposal for same, consistent with the specifications in the Request for Unsealed Proposals; and

**WHEREAS**, Contractor was selected as having the best proposal; and

**WHEREAS**, County has selected Contractor to serve as the County’s Operation Medical Director, according to the specifications in the Request for Unsealing Proposals;

**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, (2) Request for Unsealed Proposals # 16-091516 including any addenda and (3) Contractor’s proposal dated September 8, 2016. This procurement is governed by the Virginia Public Procurement Act and the Dinwiddie County Purchasing Policies and Procedures. All terms and conditions of the Act and the Policies and Procedures are hereby adopted and incorporated by reference herein.
2. **Term of Contract.** The term of this contract shall be for one (1) year with the option of renewals under the terms, conditions and unit pricing of the original contract for up to four (4) additional years, unless either party gives written notification to the other party sixty (60) days prior to expiration of the then-current term that they do not wish to renew. The contract and any renewals are subject to the availability of funds and annual appropriations by the Board of Supervisors. Price increases, if any, shall be in accordance with the original contract or negotiated at time of renewal.
3. **Costs.** Contractor agrees to perform all work pursuant to this Contract for a sum no greater than TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00) per year (the “Contract Price”). Quarterly payments shall be made to Contractor within thirty (30) days after receipt of invoice.
4. **Notices.** Any notices required shall be in writing, unless otherwise permitted hereunder, and shall be deemed received five (5) days after mailing of same in the U. S. Mail with postage prepaid at the addresses set forth below or upon actual receipt:

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

Notice to Contractor shall be made to:  
Brendan D. McCay, CO  
MTF Contracting, LLC  
200 Medical Park Boulevard  
Petersburg, VA 23805  
(804) 765-6694  
bdmccay19@gmail.com

5. **General Terms and Conditions.** During the term of this Contract, Contractor agrees to procure and maintain insurance which meets all County's requirements in the Request for Unsealed Proposals documents.
6. **Counterparts.** This Agreement may be executed in one or more counterparts each of which shall be deemed an original but all of which together shall constitute one and the same instrument. Signed signature pages may be transmitted by facsimile or as an attachment to an email, and any such signature shall have the same legal effect as an original.
7. **Severability.** If any provision of this Agreement is determined to be unenforceable, invalid or illegal, then the enforceability, validity and legality of the remaining provisions will not in any way be affected or impaired, and such provision will be deemed to be restated to reflect the original intentions of the parties as nearly as possible in accordance with applicable law.
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 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

MTF Contracting, LLC

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

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

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

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

Approved as to form:

Department Approval:

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

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

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

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

**E. SURPLUS OF COUNTY PERSONAL PROPERTY**

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

**BACKGROUND**

With the purchase of five replacement law enforcement vehicles as approved in the FY 2017 operational budget, the Sheriff has selected the attached list of vehicles for surplus based on their age, mileage and overall mechanical condition. It has been determined that these vehicles are no longer mechanically sound enough to function as daily law enforcement vehicles for the County.

The remaining vehicles on the attached list have been used most recently by Buildings and Grounds, and have been recently identified as mechanically unsound and unusable for County operations.

**REQUESTED ACTION**

We are requesting approval of the following resolution.

**RESOLUTION**

WHEREAS, the personal property on the attached listing ("Surplus Property") has become obsolete and unusable by Dinwiddie County ("County"); and

WHEREAS, in accordance with Section 15.2-951 of the Code of Virginia, as amended, localities may dispose of personal property, and in accordance with Section 15.2-1236 of the Code of Virginia, as amended, all sales of personal property which has become obsolete and unusable shall be based wherever feasible on competitive bids; and

WHEREAS, the Board of Supervisors is of the opinion that it is in the best interests of the County to dispose of the Surplus Property through public auction on an on-line government auction website and through highest bid on sale of scrap metal; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the Surplus Property as listed above is declared obsolete and unusable and is authorized for disposal as noted above.

<b>FY 2017 SURPLUS PROPERTY LIST</b>				
<b>YEAR</b>	<b>MAKE</b>	<b>MODEL</b>	<b>VIN</b>	<b>MILEAGE</b>
2011	Dodge	Charger	0648	174,582
2011	Dodge	Charger	0649	139,749
2010	Dodge	Charger	7871	172,124
2010	Dodge	Charger	8283	170,242
2010	Dodge	Charger	8280	140,256
2009	Dodge	Charger	3921	147,721
2007	Ford	Crown Victoria	4885	174,652
2006	Ford	Ambulance	7616	127,999
1984	GMC	Tandem Truck	2211	55,825

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

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

**F. VACO ANNUAL MEETING VOTING CREDENTIALS**

Mr. Massengill stated that the Board of Supervisors is required to elect a voting member and alternate for the Virginia Association of Counties’ Annual Meeting.

*Upon motion of Mr. Chavis, seconded by Dr. Moore, Mr. Daniel Lee was selected as the voting member and Mr. Harrison Moody as the alternate.*

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

**G. RESOLUTION: RURAL IMPACT COUNTY CHALLENGE**

Mr. Massengill presented the following to the Board for their approval.



**WHEREAS**, small towns and rural communities are home to millions of Americans and are a vibrant part of our nation’s economy; and

**WHEREAS**, in 2014, approximately 1.4 million children in rural areas were poor and over 700,000 children lived in rural families with cash incomes that fell below half of the poverty line; and

**WHEREAS**, high rates of poverty have persisted for generations, including over 300 rural counties with poverty rates of over 20 percent in every Census since 1980; and

**WHEREAS**, investing in poor children and their families not only reduces poverty in the near term, but also improves children’s education, health, and earnings outcomes later in life; and

**WHEREAS**, rural and tribal communities face distinct challenges, including limited access to critical services, fewer job prospects, and in some places, relative lack of institutional capacity; and

**WHEREAS**, no matter where they live, all families aspire for the cornerstones of economic security: a well-paying job, child care, a college education, health care, a home, and retirement; and

**WHEREAS**, Dinwiddie County and all counties recognize that a child’s zip code should not determine her destiny, and that every child should have the opportunity to succeed; and

**WHEREAS**, Dinwiddie County is working to develop innovative strategies to increase access to essential health and human services through physical colocation, as well as breaking the cycle of intergenerational poverty; and

**WHEREAS**, through *The Rural Impact County Challenge*, the National Association of Counties and the White House Rural Council are encouraging public, private and nonprofit leaders to reduce the number of children living in poverty in rural areas;

**NOW, THEREFORE, LET IT BE RESOLVED, the Board of Supervisors of Dinwiddie County**, do hereby sign on to the Call to Action to reduce the number of children living in poverty, commit to sharing lessons learned with other counties in my state and across the country to support a national initiative and encourage all county officials, employees and residents to participate in *The Rural Impact County Challenge*. We resolve to utilize the resources available through *The Rural Impact County Challenge* to:

- Convene or draw on a diverse team of leaders and decision makers from multiple agencies committed to reducing the number of children and families in rural areas living in poverty.
- Develop a plan with measurable outcomes that improves access, participation, and/or impact of evidence-based and other promising practices in one or more of the following areas: early childhood education, nutrition, workforce development, and health and human services.
- Implement research-based approaches that advance the plan.
- Create a process to track progress using data and information systems, and to report on successes.

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

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

NAYS: None

**H. RESOLUTION: COMMITMENT TO FUND LOCAL SHARE OF PROJECTS UNDER AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION AND PROVIDE SIGNATURE AUTHORITY**

Mr. Massengill presented the following to the Board for their approval.

RESOLUTION  
AFFIRMING COMMITMENT TO FUND THE LOCALITY SHARE OF PROJECTS  
UNDER AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION  
AND PROVIDE SIGNATURE AUTHORITY

**WHEREAS**, the County of Dinwiddie may enter into agreements with Virginia Department of Transportation for transportation-related projects; and

**WHEREAS**, the Virginia Department of Transportation requires each locality, by resolution, to provide assurance of its commitment to funding; and

**WHEREAS**, the County has committed \$150,000.00 by previous resolution to the repair and upgrade of Airpark Drive, as reflected in a proposed agreement with the Virginia Department of Transportation;

**THEREFORE, IT IS HEREBY RESOLVED**, that the County of Dinwiddie, hereby commits to funding up to \$150,000 for preliminary engineering, right-of-way, and construction (as applicable and as indicated in each individual agreement) for the project(s) under agreement with the Virginia Department of Transportation in accordance with each project agreement(s), including but not limited to the Airpark Drive agreement; and

**BE IT FURTHER RESOLVED**, that the (County Administrator and/or his designees) is authorized to execute all agreements and/or addendums for any approved projects with the Virginia Department of Transportation.

**In witness whereof, the forgoing was adopted by County of Dinwiddie, Virginia on October 18, 2016.**

\_\_\_\_\_  
Brenda Ebron-Bonner  
Chair, Dinwiddie County Board of Supervisors

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

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

NAYS: None

**8. CITIZEN COMMENTS**

Ms. Lisa Wajick provided an update to the Board on the upcoming Dinwiddie Chamber of Commerce events.

**9. COUNTY ADMINISTRATOR COMMENTS**

Mr. Massengill gave an overview of State budget cuts. He then shared upcoming community events.

**10. BOARD MEMBER COMMENTS**

Mr. Chavis thanked the James House and Christmas Sharing. He also recognized the Parks, Recreation, and Tourism Department for their hard work.

Dr. Moore recognized the James House, the new Christmas Mother, and the Parks, Recreation, and Tourism Department. He informed the Board that Sidney Baxter, a 2016 graduate of Dinwiddie High School, has deferred her admission to Virginia State for a year to serve on the FFA State Council. She

will be helping FFA groups around the state, travelling almost 200 days in the year. Finally, Dr. Moore congratulated Lori Stevens for taking over as President of the Commissioner of the Revenue Association.

Mr. Moody stated that by looking at this agenda you can see that humanity is important in Dinwiddie County. He also shared that VACo fights hard for aid to localities and funding for K-12. Mr. Moody added that the State always encourages localities to participate in regional authorities, but if one member isn't paying their share, he feels the State should help in that situation.

Ms. Ebron-Bonner commended the Parks, Recreation, and Tourism department on the fair and the Ragsdale Community Center. She thanked the James House and said that she is looking forward to Casino Night. Ms. Ebron-Bonner shared that she went to Fort Lee when the President came and she was afforded the opportunity to shake his hand. She stated that President Obama is the first sitting President to visit Fort Lee. She congratulated Mrs. Clay on becoming the Christmas Mother and thanked Mr. and Mrs. Hooker for their year of service. Finally, Ms. Ebron-Bonner encouraged everyone to exercise their right to vote.

## **11. CLOSED SESSION**

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

The Board convened into closed a closed meeting under:

**A. §2.2-3711 (A) (1) Personnel:**

- County Attorney Contract
- Appointments
  - Appomattox Regional Library Board
  - Appomattox River Water Authority
  - Crater Planning District Commission
  - Dinwiddie County Water Authority
  - Dinwiddie County Planning Commission
  - Virginia's Gateway Region

**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 public utilities

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

- Prospective business and industry

**D. §2.2-3711(A) (29). Discussion of the award of a public contract involving the expenditures of public funds, including the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body:**

- New Government Facilities Comprehensive Agreement

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

NAYS: None

*At 7:04 PM, upon motion of Mr. Chavis, seconded by Dr. Moore, the Board reconvened into open session.*

AYES: Mr. Moody, Dr. Moore, Mr. Chavis, 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 Contract
- Appointments
  - Appomattox Regional Library Board
  - Appomattox River Water Authority
  - Crater Planning District Commission
  - Dinwiddie County Water Authority
  - Dinwiddie County Planning Commission
  - Virginia's Gateway Region

**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 public utilities

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

- Prospective business and industry

**D. §2.2-3711(A) (29). Discussion of the award of a public contract involving the expenditures of public funds, including the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body:**

- New Government Facilities Comprehensive Agreement

**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. Moody, seconded by Mr. Chavis, the Certification Resolution was adopted.*

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

**12. SUMMER WORK BASED LEARNING RECOGNITIONS**

Cierra Goode, Marketing and Youth Workforce Development Coordinator recognized the following students and employers who participated in the Career Launch Program and 2016 Summer Work Based Learning Program.

**Career Launch 2015-2016**

Instructor: John Nuby  
Aaron Johnson  
Christopher Burrow  
Colby Hall  
Cierra Marker  
Camille Tucker  
Dominick Yates  
Jason Brown  
Jerry Harding  
James "AJ" Herrin  
Michael Brandon Lee

**2016 Summer Work Based Learning**

**Students**

Thomas Chappell III  
Jason Brown  
Chelsea Davis  
Gregory Elder  
Kelly Hamilton  
Ke'Shaun Hartsfield  
Teondra Hawkins  
  
Taraessha Henderson  
Jennifer Huang  
Aaron Johnson  
SeQuoya Joyner  
Alexis Lasher  
Michael Lee  
Demonte Parham  
Olivea Plant  
Stephen Pugh  
Haley Regal  
Sadiq Rhone  
Aniya Robinson  
Jaylon Roney  
Alexis Taylor  
Tylora Tonge  
Brianna Wyche  
  
Dominick Yates

**Employers**

Crater Vision Center  
Crater Planning District  
Dinwiddie County Commissioner of Revenue  
Dinwiddie County Parks, Recreation, Tourism  
DCPS Transportation- Direct Hire  
Dinwiddie County Public Schools - Dinwiddie Middle School  
Petersburg Trading Company  
  
Dinwiddie County Parks, Recreation and Tourism  
Dinwiddie County Public Schools - Midway Elementary  
DCPS Transportation- Direct Hire  
Dinwiddie County Public Schools - Dinwiddie High School  
Dinwiddie County Fire & EMS  
Dinwiddie County Public Schools - Dinwiddie Middle School  
Dinwiddie County Public Schools - Dinwiddie Middle School  
Greenhouse Daycare Center  
DCPS Transportation- Direct Hire  
Dinwiddie County Public Schools - Southside Elementary  
Dinwiddie County Parks, Recreation, and Tourism  
Dinwiddie County Public Schools - Dinwiddie Elementary  
Dinwiddie County Parks, Recreation and Toursim  
Stepping Stone Academy  
DCPS Transportation- Direct Hire  
DCPS Transportation- Direct Hire  
  
Dinwiddie County Public Schools - Dinwiddie Middle School

**PUBLIC HEARINGS:**

**A. CASE P-16-7, ASSOCIATED CONTRACTING SERVICES, INC. M-2 TO B-2 REZONING REQUEST**

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

**MEMORANDUM**

**To: W. Kevin Massengill, County Administrator and Board of Supervisors**  
**From: Mark Bassett, Planning Director**  
**Date: October 11, 2016**  
**Subject: October 18 Board of Supervisors Public Hearing for Rezoning, P-16-7**

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Please find the attached Planning Commission meeting summary materials for rezoning application, P-16-7. The applicant, Associated Contracting Services, Inc., is requesting to rezone with proffers property containing approximately 4.138 +/- acres from M-2, Industrial General, to B-2, Business General with proffers. The subject property is located on the north side of Hofheimer Way (Route 775) approximately 1,200 feet east of the Route 1 and Hofheimer Way intersection. After the Planning Commission heard the rezoning request at their June 8 meeting, the Planning Commission recommended approval with proffers of the rezoning request to the Board of Supervisors by a vote of 3-2.

**Planning Commission Meeting Report**

File #: P-16-7  
Applicant: Associated Contracting Services, Inc.  
Rezoning Request: Rezone from M-2, Industrial General, to B-2, Business General, with Proffers  
Property Location: North side of Hofheimer Way (Route 775) approximately 1,200 feet east of the Route 1 and Hofheimer Way intersection  
Tax Map Parcel Info: Portion of 21-7-5B  
Property Size: Approximately 4.138 +/- acres  
Magisterial District: Rohoic District  
Planning Commission Mtg.: September 14, 2016  
Board of Supervisors Mtg.: October 18, 2016

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**CASE OVERVIEW**

The applicant, Associated Contracting Services, Inc., is requesting to rezone with proffers property containing approximately 4.138 +/- acres from M-2, Industrial General, to B-2, Business General. The B-2, Business General, zoning classification allows for certain commercial uses pursuant to the Zoning Ordinance allowed density. The property is located on the north side of Hofheimer Way (Route 775) approximately 1,200 feet east of the Route 1 and Hofheimer Way intersection, and is further defined as Tax Map Parcel No. 21-7-5B. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Urban Area, which allows limited commercial and industrial uses for this general area.

**ATTACHMENTS**

Rezoning Application, Location Map, Concept Plan, and Statement of Proffers

**LAND USE/ZONING ANALYSIS**

The properties in the immediate area surrounding the subject property include commercial land uses to the west and north along Route 1 and at both southern quadrants at the intersection of Hofheimer Way and Route 1, which property is zoned business/commercial. There is an approved site plan for a retail development for the portion of property located at the southeastern quadrant of the Hofheimer Way and Route 1 intersection, and the property to the immediate west was recently rezoned to B-2, Business General, with proffers. North of the subject property is the Agri-Nutrients fertilizer plant, which is zoned industrial, and to the west is the driveway/entrance at Hofheimer Way for the aforementioned fertilizer production facility. To the east of the subject property is the historic Banks House, which is part of Pamplin Park. To the south across Hofheimer Way is undeveloped property which is zoned M-1, Industrial Limited, and this property is owned by Roslyn Farm Corporation. The requested zoning, B-2, Business General, acts as a transitional Zoning District as the uses and zoning in the area transition from commercial to the existing Pamplin Park Banks house property and the existing industrial uses in this general area along Hofheimer Way.

In addition to the Zoning Ordinance requirements for development in the B-2 Business General, Zoning District, the applicant has proffered to limit the uses on the subject property to general retail and office uses, and hotels and motels; to limit the architectural materials used in constructing the building(s) on the property to the exterior finish of any building(s) shall be as follows: brick, vinyl and/or wood on the front; brick, vinyl, wood and/or stucco on the sides, and brick, vinyl, wood, stucco and/or metal on the rear.

The exterior of any accessory building or structure shall be compatible in architectural style, material and color with the principal building(s); and to maintain site lighting so as to not cast off onto the surrounding property or into the night sky. Rezoning the property with the aforementioned proffer conditions is compatible with the surrounding Zoning pattern.

The subject property is located within the Urban Area as defined by the Comprehensive Land Use Plan. This portion of the Urban Area indicates that limited commercial and industrial development is appropriate within this general area of the Route 1 and Hofheimer Way intersection. As such, the requested B-2, Business General, District with the proffered uses is compatible with the surrounding commercial and industrial zoning districts as defined in the Zoning Ordinance.

### **OVERVIEW OF IMPACTS**

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

With the proposed rezoning to B-2, Business General with proffers which limit the permitted uses on the subject property the potential impact on public safety will be minimal with the rezoning of the subject property with the proposed building(s) having developed fire protections as required by the applicable Fire Code and Building Code. In addition as part of the rezoning, public utilities namely natural gas, public sanitary sewer and water are accessible along Hofheimer Way to serve the subject property and property in this general area.

#### **Transportation Impacts**

The impacts on the existing transportation network are minimal with the trips generated by the proposed use. The road system in this particular area, namely Route 1 and Hofheimer Way, is adequate to handle the employee and truck traffic generated by the proposed use. When the subject property is developed, all future transportation related improvements for access to the subject property will have to meet VDOT entrance design and construction requirements and standards as part of the site plan review process.

### **PROFFER STATEMENT**

The applicant did submit proffers as part of the rezoning request (please see Attachments). The following proffer conditions address potential impacts and uses on the subject property.

#### Conditions

1. The uses on the Property shall be limited to general retail and office uses, except that the Property also may be used for hotels and motels. The Property will not be developed for the following uses: a discotheque, dance hall or night club; a massage parlor; or any establishment selling or exhibiting paraphernalia for use with illicit drugs; any establishment selling or exhibiting materials or devices which are adjudicated to be pornographic by a court of competent jurisdiction; and any adult bookstore, adult video store or adult movie theatre.
2. The exterior finish of any building(s) shall be as follows: brick, vinyl and/or wood on the front; brick, vinyl, wood and/or stucco on the sides, and brick, vinyl, wood, stucco and/or metal on the rear. The exterior of any accessory building or structure shall be compatible in architectural style, material and color with the principal building(s).

3. Except for the lighting inside building(s), any lighting installed on the Property shall be directed downward and inward to the site to avoid casting lighting on adjacent properties or into the night sky.

**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 to Business General, B-2, based on:

1. The zoning classification requested, B-2, Business General, with the proffers limiting the use of the property to the conditioned uses and additional proffer conditions is compatible with the surrounding zoning pattern.; and
2. The requested zoning classification with the proffered use limitation and additional proffer conditions conforms to the underlying uses outlined in the Urban Area in the Comprehensive Land Use Plan for this general area of the County.

**PLANNING COMMISSION RECOMMENDATION**

The following comments were made by the Planning Commission, Planning staff, property owner, applicant, and an adjoining property owner at the September 14, 2016 Planning Commission Public Hearing:

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

Mr. Titmus asked if the Hillcrest Transportation site is zoned M-1 and he asked if they owned both parcels.

Mr. Bassett said their property is zoned M-1 and they own both parcels.

Mr. Prorise asked what the zoning was for the Agri-nutrients site and what the zoning was for the Banks house, which is located next to this property.

Mr. Bassett said the Agri-nutrients site was zoned M-2 and Mr. Banks house is zoned A-2.

Mr. Prorise asked what is the zoning of the western most portion of the property across from Ron's Muffler, and what did we (the Planning Commission) rezone the piece connected to it.

Mr. Bassett said the western most piece was originally zoned B-2 and the piece connected to it was rezoned from M-1 to B-2. The "connected property", which was recently rezoned to B-2, went to the Board of Supervisors in August and they recommended approval of that rezoning by a 4 to 1 vote.

Mr. Prorise asked if it is too early to discuss traffic impacts.

Mr. Bassett said we talked about possible traffic impacts at our Land Development Committee (LDC) meeting and VDOT staff did not indicate that the traffic generated would have any significant impacts.

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The Chairman said if there are no more questions for Mr. Bassett from the members, would the applicant like to come forward and add anything.

Mr. Nicolas Walker who is the land owner with Roslyn Farm Corporation, 320C Charles Dimmock Parkway-Suite 1, Colonial Heights VA said we originally developed the site for industrial purposes, however, do to the wetlands, size, topography, and other natural restrictions of the site, it's very difficult for an industrial business to fit on it. So having an applicant that wanted to use the site and possibly bring in additional development along with them for the area we thought it would be a good business decision to request a commercial rezoning for this site.

Mr. Titmus asked Mr. Walker if a rezoning to B-2 has just been granted to you for a site right next to this site, why doesn't the applicant put his business on it.

Mr. Walker said that is a larger piece of property and we rezoned that piece for two multipurpose buildings. I believe the applicant wanted a smaller site and this site fits what they wanted.

The Chairman said if there are no questions for the applicant he was opening the public hearing portion of the case. He asked if there was anyone signed up to speak.

Dr. Ben Wilson, 23011 Airport Drive, North Dinwiddie the owner of the adjacent (Agri-Nutrients) property said he bought his piece of property with the understanding that it would be in an industrial area. My concern is that a different zoning other than industrial is being proposed. We are going to have heavy truck traffic flowing into and out of this site. We don't want to start receiving notices that the constant flow of trucks are too many and too noisy. That is my main concern.

The Chairman said if there is no one else signed up to speak he was closing the public hearing portion of the case. He asked the Commissioners if they had any additional comments.

Mr. Prosis asked Mr. Bassett if he knew how the prospective business feels about the Agri-Nutrients business with the foreseen noise and truck traffic.

Mr. Bassett said the prospective business owner, the State Parole Board, when they held their Public Hearing after the September Board of Supervisors meeting, did not indicate they had a problem with the truck traffic and possible noise. The State Parole Board spoke favorably about the site.

Mr. Titmus said there are other business properties on Route 1 that could house this business. Also, we just rezoned a property right next to this one for two 9,000 square foot buildings, and I don't understand why they can't utilize one of those buildings. I think we have an industrial area and those remaining properties should stay industrial.

When I was on the Planning Commission before we tried very much to adhere to that part of the resolution that said, it's a public necessity, it's for the convenience of the County, general welfare of its citizens and it's a good zoning practice. I was told that if it doesn't meet all of those criteria then we should not proceed or recommend it for approval. I don't see this rezoning as a public necessity. I don't see it necessarily as a convenience. I definitely don't see it as a general welfare and I think the M-1 Zoning District is a better zoning practice for that location.

Mr. Tucker said we need to be very careful with the decision we make concerning this rezoning. The time for directing a company to a certain site should happen long before it gets to us. By the time it

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gets to us it should almost be a concluded matter. I believe if we start directing prospective business to choose other locations when they come to us we run the risk of losing that business altogether.

Mr. Harvell said we have two desires before us. One is for industrial development and the other is for office space. I'm not quite sure how I would vote because, I'm still hung up on the tax revenue that could potentially be generated from either zoning.

Mr. Southall told Mr. Harvell that from a zoning point of view tax revenue is usually not considered if you have "X" tax revenue in one hand and "Y" tax revenue in the other. But in your Planning Commission's purpose of the Zoning Ordinance Section 15.2-2283 item 7 it says, "To encourage economic development activities and provide desirable employment and enlarge the tax base." That statement allows you to consider something that will quote on quote provide desirable employment and enlarge the tax base. So tax revenue would be within the broad realm of what could be considered. It should be noted, however, that type of comparison is not something that is really considered in Virginia. It's something that traditionally Planning Commissioners are advised not to consider.

Mr. Prosis said all of us want to do what's best for the County as well as the land owner. Every argument tonight has been valid. It is always unfortunate that when we have a case that comes before us and it looks like all the skids have been greased, in other words some things have already happened that seems to make our decision almost a moot point. It would be better if in cases like this, we knew ahead of time they were coming. If we knew we could make the zoning changes then. This would stop us from having to make them after the fact or when the applicant comes before us because someone is interested in buying their property. We have a very good corporate partner with Roslyn Farms and I don't want to do anything that would make them feel the County is unappreciative of their commitment to the County. The comparison case I see is the Luck Stone Quarry case that came before us. They are an excellent company, but the location was not suitable. There is a dilemma that I'm in and that is trying to figure out what's good for the businesses that are already there and are there other options that would give us more office space as well as maintain the commercial flavor of that area.

Mr. Kenneth Jolly, President of Associated Contracting, representing the applicant, 3303 Airline Blvd, Portsmouth, VA said we are the owners of a probation and parole company out of Newport News, VA. The cost of the project is going to be \$2.2 million and currently in Newport News we are located right next to the Port Authority. We have Tractor Trailers by the hundreds coming and going, so truck traffic and the noise it generates will not be problem for us.

**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, I move that rezoning P-16-7 as presented be recommended for approval with proffers to the Board of Supervisors. It was seconded by Mr. Simmons and with Mr. Harvell, Mr. Tucker, Mr. Simmons voting "AYE" and Mr. Prosis, Mr. Titmus voting "NO" the rezoning with proffers was approved to the Board of Supervisors.**

**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-16-7, as presented 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 7-8-16 Case No.: P-16-7  
 Date Rec'd 11 Fee Amount: 1,500.00  
 Time Rec'd PM Receipt No:  
 Pre-Application Conference Date:  
 This application has been amended: YES NO   
 Reviewed by: [Signature]

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

**1) LAND USE INFORMATION**

(Circle): BOS / PC / BZA      New/Renewal      Amend Previous Case: Y /  N  
 Previous/Renewed Case#: \_\_\_\_\_      Land Use Taxation: Y /  N

Application Type: (Circle One):  Variance     Administrative Variance     Conditional Use Permit  
 Rezoning     Street Vacation     Special Exception  
 Amendment

Description of Request: Request to rezone this parcel from M-2 Industrial General to B-2 Business General.

Existing Zoning: M-2      Existing Acreage: 4.138  
 Proposed Zoning: B-2      Proposed Acreage: 4.138  
 Total Acreage: 4.138

Water (Circle One):  Public    Well  
 Sewer (Circle One):  Public    On-site Well and Septic

Attached: (circle): Miscellaneous Information/Master Plan/Textual Statement/Proffered Conditions

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**2) APPLICANT/AGENT INFORMATION**

Applicant(s): Associated Contracting Services, Inc., Attn: James K. Jolley Home/Cell# 757-235-4500  
 Address: 3303 Airline Blvd, Suite 1F Portsmouth VA 23701 Work# 757-465-1440  
 Agent(s): \_\_\_\_\_ Home/Cell# \_\_\_\_\_  
 Address: \_\_\_\_\_ Work# \_\_\_\_\_

Property Owner     Contract Purchaser     Other: \_\_\_\_\_

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**3) PROPERTY OWNER INFORMATION**

Property Owner's Name and address (see note on last page):  
Roslyn Farm Corporation PO Box 727  
320C Charles Dimmock Parkway, Suite 1 Colonial Heights, VA 23834  
 Contact# 804-526-0820  
 Property Tax Parcel Number(s): 21-7-5B

Property Owner's Mailing Address (If this address is different from that listed in the Assessor's Office.):  
 \_\_\_\_\_  
 Contact# \_\_\_\_\_

**4.) SUBJECT PARCEL INFORMATION**

General Location of Project: North side of Hofheimer Way, near the Intersection of with Boydton Plank Road,  
US Route 1.

Tax Map # 21-7-5B  
 Subdivision Name: \_\_\_\_\_  
 Section: Block  
 Address: \_\_\_\_\_  
 Zoning: \_\_\_\_\_ Acreage: 4.138  
 Existing Use: M-2  
 Conditions: Vacant Land

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.:

Proposed use of property will be development of a single story building for lease as office and administrative use with on site parking and stormwater management to serve the development.

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.:

Proposed Use as Office will not be detrimental. This will be a change of use from Light Industrial to the lesser use of B-2 Business General to allow office use. Adequate parking will be provided on site, access will be to Hofheimer Way via previously designated entrance location. Adequate Public Utilities are in place to serve this facility. No additional students will be added to the school system.

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

None.

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

Not Applicable.

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 #
Pamplin Foundation	c/o Pamplin Corporation, 805 SW Broadway, Suite 2400 Portland Oregon 97205	21-7-6
Agri-Nutrients Associates, LLC	23011 Airpark Drive Petersburg VA 23803	21-7-5A
Roslyn Farm Corporation	PO Box 727 Colonial Heights, VA 23834	21-7-5

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: July 7, 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)

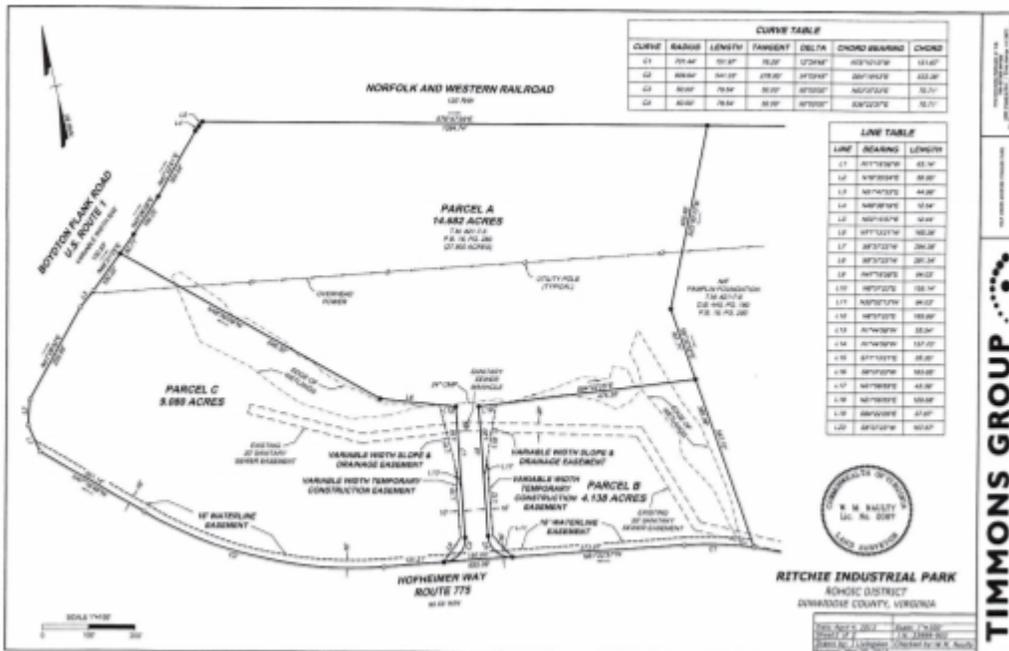
APPLICANT'S NAME \_\_\_\_\_  
(Typed or printed)

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.



**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): Roslyn Farm Corporation (Telephone): 804.526.0820  
(Address): P.O. Box 727 Colonial Heights, Virginia 23834

The owner(s) of all these 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. \_\_\_\_\_, on Page \_\_\_\_\_, and is described as Tax Map Parcel # 21-7-5B do hereby make, constitute and appoint  
(Name): Associated Contracting Services, Inc. (Telephone): 757-465-1440  
(Address): 3303 Airline Blvd, Suite 1F Portsmouth, Virginia, 23701

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):

- Rezoning Request (including proffers)
- Conditional Use Permit
- Preliminary Subdivision Plat
- Final Subdivision Plat
- Subdivision Construction Plans
- Building Permit(s)
- Subdivision Exception
- Site Plan of Development
- Site Plan Modification
- Variance Request
- Landscape Plan
- Lighting Plan
- 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:  
Not Authorized, proffered conditions must be approved by Roslyn Farm Corporation

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 7 day of July, 2016.

Signature(s) \_\_\_\_\_  
State of Virginia, City/County of Colonial Heights, To-wit:  
I Robin Stell Morgan, 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 7 day of July, 2016.

My commission expires: February 28, 2018  
\_\_\_\_\_  
Notary Public



**TIMMONS GROUP**

PROFFERS

THESE PROFFERS are made this 13 day of September, 2016, by ROSLYN FARM CORPORATION, a Virginia corporation, together with its successors and assigns, (the "Owner").

RECITALS

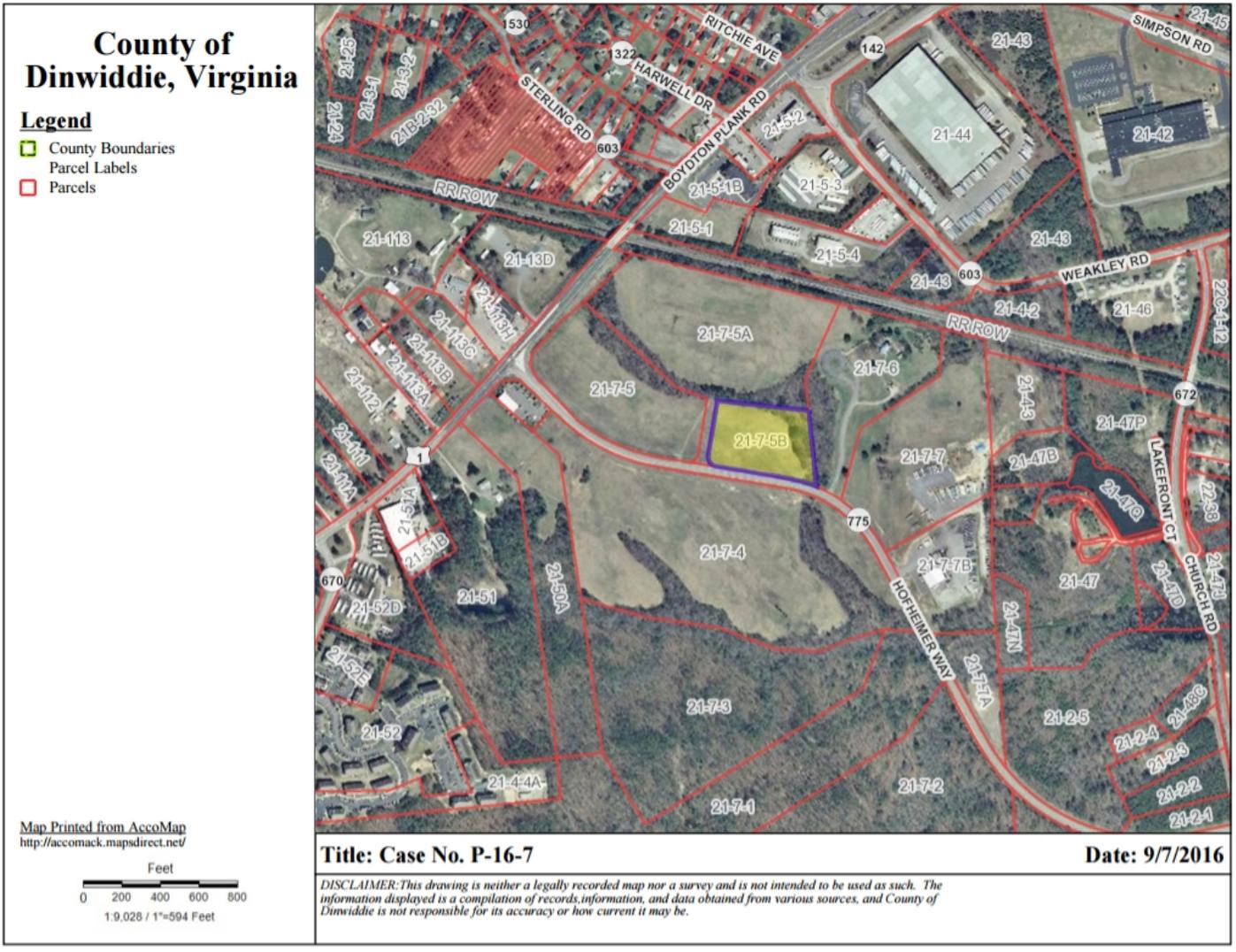
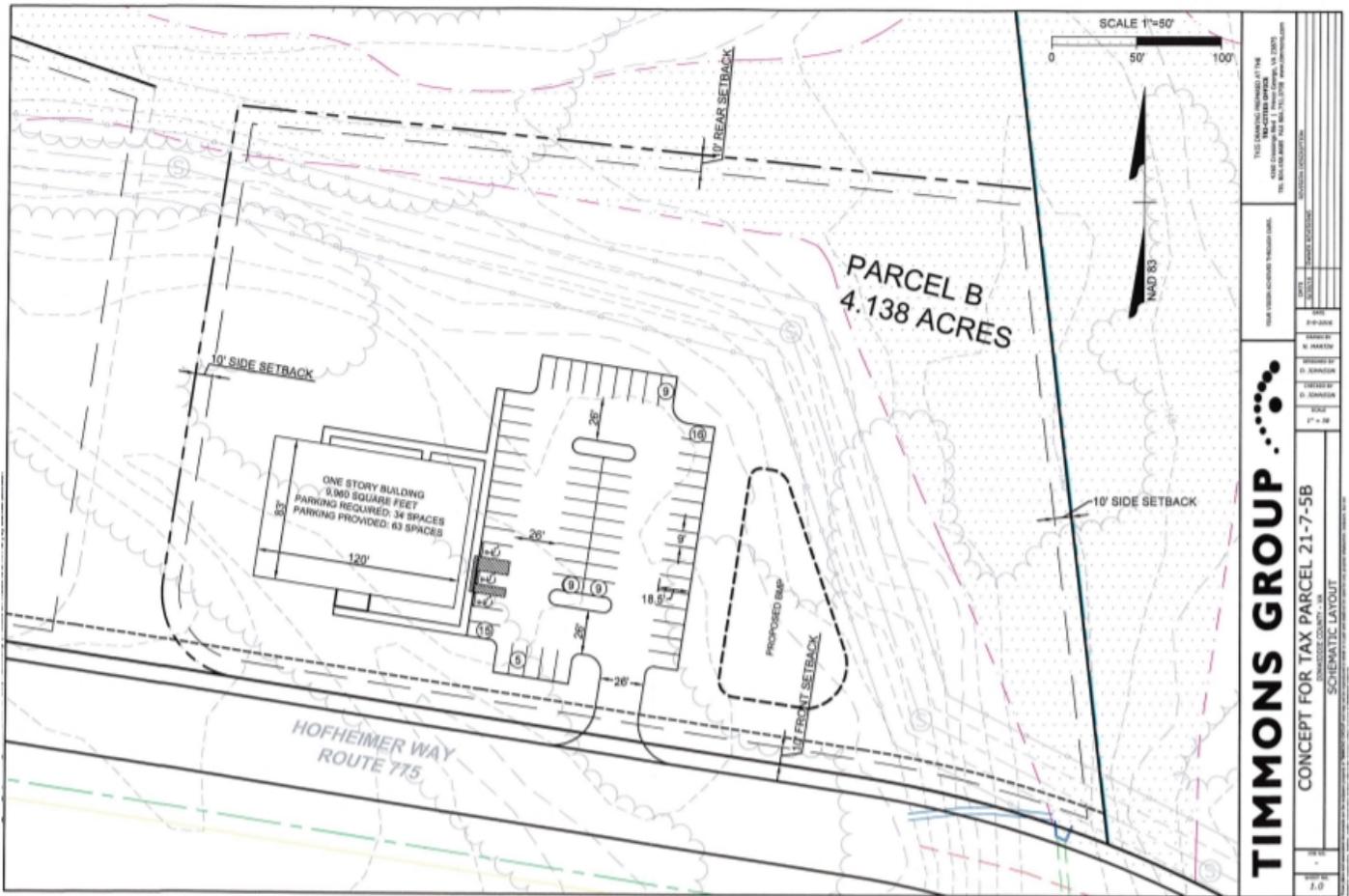
- A. The Owner owns that certain parcel of land located in Dinwiddie County, Virginia (the County), lying on the north side of Hofheimer Way approximately 1,200 feet east of the intersection of Hofheimer Way and Route 1, being a part of Tax Parcel No. 21-7-5B and shown on that certain plat as Parcel B, 4.138 Acres by Timmons Group, dated April 4, 2013 and titled "Ritchie Industrial Park" (the "Property"). A copy of the plat is attached hereto and made a part hereof.
- B. The Property is in the Urban Area on the County's Comprehensive Plan and an application has been made to rezone the Property from Industrial, General, M-2, 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.

CONDITIONS

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, the Owner agrees that, if the requested rezoning is granted by the County, the Owner shall meet and comply with all of the following conditions in developing the Property:

- 1. The uses on the Property shall be limited to general retail and office uses, except that the Property also may be used for hotels and motels. The property will not be developed for the following uses: a discotheque, dance hall or night club; a massage parlor; any establishment selling or exhibiting paraphernalia for use with illicit drugs; any establishment selling or exhibiting materials or devices which are adjudicated to be pornographic by a court of competent jurisdiction; and any adult bookstore, adult video store or adult movie theater.
- 2. The exterior finish of any building(s) shall be as follows; brick, vinyl on the front; brick, vinyl, and/or stucco on the sides; and brick, vinyl, stucco and/or metal on the rear. The exterior of any accessory building or structure shall be compatible in architectural style, material and color with the principal building(s).
- 3. Except for the lighting inside building(s), any lighting installed on the Property shall be directed downward and inward to the site to avoid casting lighting on adjacent properties or into the night sky.





The following individuals spoke on behalf of the applicant: Mr. Nick Walker, Mr. Ken Jolly, Mr. James Thurston, Mr. Ron Revich, and Mr. Bob Walker.

Dr. Prosis spoke on behalf of the Planning Commission.

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.

Mr. Moody stated that industrial access funds were used to put the road in and that he was not in favor of the first rezoning because he thinks the County should try to save as much industrial land as it can. He shared that his feelings have not changed. Although he understands that the small parcel will be hard to develop, Mr. Moody declared that he is not in favor of change.

Mr. Chavis agreed with Mr. Moody and stated that it is a hard decision to make.

Dr. Moore conceded that he knows letters from Angels at Play and the Living Stones Baptist Church were sent to the entities pertaining to the proposed use and they were not in favor of the proposed use. He also stated that it is difficult because the property across the street also M-1 and at some point there needs to be a cutoff. Dr. Moore shared that he feels the previous rezoning should be the cutoff.

Ms. Ebron-Bonner agreed that this is a difficult decision. She explained that she does believe in second chances to become good citizens but there are those in opposition of the proposed use. Ms. Ebron-Bonner stated that she is also not in favor of the rezoning.

Mr. Moody shared his understanding that the proposed tenant wants to be in Dinwiddie or Petersburg due to the percentage of clients residing in the area. He feels that if there is some area in the county that would be suitable, we should help them find it.

Ms. Ebron-Bonner agreed, stating that this Board is willing to help in any way possible to find another location.

*Upon motion of Mr. Moody, 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- 16-7, as presented be disapproved by the Board of Supervisors.

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

**13. OLD/NEW BUSINESS**

**A. APPOINTMENTS**

*There were no appointments made.*

**14. CITIZEN COMMENTS**

*There was no one signed up to speak.*

**15. BOARD MEMBER COMMENTS**

Mr. Moody recognized the participants of the Youth Work-based Learning Program.

**16. ADJOURNMENT**

*Upon motion of Mr. Moody, seconded by Mr. Chavis, the meeting was adjourned at 8:21 PM.*

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

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Brenda Ebron-Bonner  
Chair

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

/sbw