

VIRGINIA: AT THE REGULAR MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 4th DAY OF APRIL, 2001, AT 7:30 P.M.

PRESENT: HARRISON A. MOODY, CHAIRMAN ELECTION DISTRICT #1
EDWARD A. BRACEY, JR. VICE-CHAIR ELECTION DISTRICT #4
DONALD L. HARAWAY ELECTION DISTRICT #2
ROBERT L. BOWMAN, IV ELECTION DISTRICT #3
AUBREY S. CLAY, ELECTION DISTRICT #5

OTHER: PHYLLIS KATZ COUNTY ATTORNEY

IN RE: INVOCATION – PLEDGE OF ALLEGIANCE – AND CALL TO ORDER

Mr. Harrison Moody, Chairman, called the regular meeting to order at 7:30 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

Mr. Moody asked if there were any amendments to the agenda.

Mr. Long stated there were two changes under Agenda Item # 5 – Claims – Approval for a Manual Check; Immediately after Agenda Item # 6 Citizen Comments add a Closed Session before Item # 7 to discuss Personnel; Sheriff's Office; and then come out and discuss the grant for the School Resource Officer.

Upon Motion of Mr. Bracey, Seconded by Mr. Clay, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, Mr. Moody voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the above amendments to the Agenda are hereby approved.

IN RE: MINUTES

Upon Motion of Mr. Clay, Seconded by Mr. Bracey, Mr. Haraway, Mr. Bowman, Mr. Clay, Mr. Bracey, Mr. Moody voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the minutes of the March 21, 2001 Continuation Meeting, and the March 21, 2001 Regular Meeting are approved in their entirety.

IN RE: CLAIMS

Upon Motion of Mr. Haraway, Seconded by Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Clay, Mr. Bracey, Mr. Moody voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following claims are approved and funds appropriated for same using checks numbered 1024844 through 1025024 (void check(s) numbered 1024844, 1023530, 1025009, 1025011 and 105025 (never issued)); for:

Accounts Payable:

(101) General Fund	\$ 329,225.74
(103) Jail Commission	\$.00
(104) Marketing Fund	\$.00
(222) E911 Fund	\$ 1,100.20
(223) Self Insurance Fund	\$ 12,381.75
(225) Courthouse Maintenance	\$.00
(226) Law Library	\$ 134.96

(228) Fire Programs & EMS	\$ 6,298.74
(229) Forfeited Asset Sharing	\$ 356.26
(304) CDBG Grant Fund	\$.00
(305) Capital Projects Fund	\$ 206,413.72
(401) County Debt Service	\$ 2,906.15

TOTAL	\$ 559,435.27
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PAYROLL 03/30/2001

(101) General Fund	\$ 373,355.20
(222) E911 Fund	\$.00
(304) CDBG Fund	\$ 3,180.80

TOTAL	\$ 376,536.00; and
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BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for Accounts Payable to issue a manual check to Crime Solvers for three Board members and the County Administrator to attend the yearly banquet in the amount of \$72.00

IN RE: CITIZEN COMMENTS

Mr. Moody asked if there were any citizens signed up to speak or present who wished to address the Board during this portion of the meeting.

The following citizens signed up to address the Board:

1. Mr. Jo Hoggood, 4306 Sunset Drive, Petersburg, VA 23803, came forward asking the Board for some tax relief. He said he had been to the Equalization Board and they stated as long as everyone around him was being shafted there was nothing they could do. Mr. Hoggood stated, you the Board, are the only ones that can give the citizens some relief. He continued you, the Board, are the only people that can control this situation. You call the shots, he asked the Board to lower the tax rate on real estate so the property owners in this County are not the ones carrying the burden of supporting the Government in this County. He continued, I have a dog and have to buy tags for him, taxes, buy rabies tags for that dog, taxes. He said he had to fence his yard in because the leash law won't allow his dog to roam the neighborhood; He had to buy that fence, then the County taxes him for the fence to keep the dog in. He stated he wanted an ordinance on cats that roam the neighborhood and tear his property up. The cats owners don't buy tags, don't have to buy rabies tags, and their owners aren't required to keep them leashed. The animal control folks don't have the authority to control these cats because there is no ordinance to ban cats from roaming the neighborhood. He asked the Board to pass an ordinance to control roaming cats.
2. Mr. Alvin Blaha, 10149 Squirrel Level Road, Petersburg, Virginia, came before the Board stating he was here to talk about the School Resource Officer. He said he didn't have any children in the Middle School but he has a Granddaughter there and one on the way. He stated he is concerned about what is happening in our schools today. Continuing he stated he is the past president of Dinwiddie County Farm Bureau. He came here tonight as a concerned citizen and also speaking in behalf of the Farm Bureau. As a resident of the county for 55 years, the youth of Dinwiddie County has been the number one priority for the Bureau. Funds have been contributed to various activities involving the youth since the time he came on the Board 15 years ago. These activities include the 4-H, FFA, the Dinwiddie Library, and the Dare programs. He stated the Farm Bureau strongly urges the Board to approve the School Resource Officer at the Middle

School. Mr. Blaha continued and quoted an evaluation report of the SRO Program, 76 of the 90 Counties and 34 of the 40 Cities in Virginia have the program. 94% of the people interviewed on the evaluation of the program approved and supported it. Not a single school who has tried the program has dropped out it. He cited several cases where the SRO provided protection to the children and prevented death in some cases. He continued, for the argument, when the grant runs out most of you are businessmen and so am I he stated. He said he would love to have someone to fund $\frac{3}{4}$ of a program or piece of equipment so he could try it for one year to see if you liked it or not. He said we owe our youth every tool and opportunities they need to make it possible for them to successfully complete their education. Remember our youth are the future of Dinwiddie County and without them everything else we do is for nothing. He reiterated, the Farm Bureau hopes that the Board will fund the SRO Program and apply for the grant.

3. Mrs. Joyce Harvell, 5620 Trinity Church Road, Church Road, Virginia, representing the Safe and Drug-Free Schools Advisory Council, appeared before the Board and stated she was here tonight about the School Resource Officer at the Middle School again. She asked Mr. Moody, Chairman of the Board, if she could share some handouts with the Board. Ms. Harvell stated she wanted to highlight some of the important points. Issues relating to the proposed SRO in Dinwiddie Middle School vs. High School. Last school year (1999-2000), the number of incidents resulting in suspensions were: 170 at the High School; 367 at the Middle School – more than twice as many. This is in with what our committee believed to be true, based on what we hear from parents and students – the problems are more numerous at our middle school. The report of the Virginia Department of Criminal Justice Services (DCJS) cites a survey of school districts having SRO's. The SRO's kept records of incidents that violated the Code of Virginia, everything from vandalism to bomb threats to disorderly conduct. The average share of incidents per grade at the middle schools in Virginia was greater than the average share of incidents per grade at the high schools. Statistics on the Effectiveness of SRO's, from the DCJS report, the surveys of 2,067 school staff members (at schools that have SRO's) – 90% checked that they strongly support having an SRO at their school. 6% support having an SRO. 4% were neutral, because they had had only limited contact with the SRO. (When contact increased, such as having the SRO do a presentation in their classroom, support for the SRO increased.) Were the SRO's able to resolve some situations before they became "reportable incidents"? Yes – the SRO's surveyed referred to threats of violence, arguments, racial slurs, bullying, the reported building of a bomb, suicide attempts, attempted larceny, pornography, and sexual harassment. The SRO's in Virginia cited the number of times they intervened in situations like these, preventing violence or crime before it occurred. On the average, each SRO in Virginia was able to prevent an average of 19 incidents per quarter, many which could have led to violence in the schools. In summary the last line of the DCJS report reads: "In sum, Virginia's grant-funded, state-administered SRO programming was found to be increasingly professional, strongly endorsed by students and staff, and vitally active as a force against school-based crime." Mrs. Harvell stated the comments of the SRO's really made her think about some of the things she has heard about our Middle School. A parent came to a committee meeting lately and shared about the fighting that goes on at the Middle School. The parent's son came home and told about a recent day in which fights were breaking out all around him, in the cafeteria, as he attempted to eat his lunch. He thought the whole place was going to end up in one big riot. Continuing she stated, now you and I don't want to eat our lunch in that kind of environment and we shouldn't expect our children to do that either. Ms. Harvell said if the Board does not see fit to vote for the

grant, we will apply for the grant again next year and hopefully receive it. If for some reason we don't, then we will have to start looking for different options about funding. She stated she would be interested in doing some research this year and find out what the other counties do when grant money runs out, what they do for funds. She said there is no need in reventing the wheel, when 76 other counties are already dealing with this issue. If they are handling it successfully and she believed the other counties are; then Dinwiddie can do it as well.

4. Mr. F. W. Abernathy, Jr., 18616 McKenney Highway, told the Board he had spoken to Steve Muscarello about the possibility of putting a tower on his property. Mr. Muscarrello informed him that if the conditional use permit did not pass at the AME Zion Church he would submit his property as a location. Mr. Abernathy stated he has lived in the county all his life with the exception of 2 ½ years when he was in Georgia working for the Brown and Williamson Tobacco Company. He left them after 15 ½ years of service and came back to Dinwiddie County to live. He expressed his concern about extending the height of the existing tower at Zion Church. At the present time, he continued the tower is not illuminated. But if it is extended it will be lighted, plus you will be opening Pandora's box. He asked the Board if they wanted to be remembered for approving one of the tallest illuminated towers in Dinwiddie. Mr. Abernathy stated in the Planning Commission meeting Mr. Gilbert Wood made a statement that you had to look hard to find a tower along I-85. He admonished the Board to do it again and let's not hit that sore thumb and make it bigger and brighter.
5. Mrs. Anne Scarborough stated she was here tonight to address two issues; taxes and some additional information that was in the Wall Street Journal about Adelphia. She stated she wanted the Board to think about reducing our taxes for 4 or 5 reasons. She reminded the Board that last year they balanced the budget and increased our tax rate 5 cents and said you did not need 5 cents to balance the budget. She said she felt that was an overcharge. So the Board should reduce it this time. Industry should reduce taxes; we have WalMart and Chaparral Steel two good ones, but have the citizens seen any reduction. No. Reassessment, the newspaper said it was increased approximately 18% and that is ridiculous. She stated she looked it up last night, of the 95 counties in Virginia there are only 22 counties with tax rates higher than 79 cents. There is something wrong if 4/5 of the counties can operate on less. Dinwiddie must be spending too much or we have something we want to do and we are trying to pad the kitty. So the Board should think about it, according to the tax book that was just mailed to her this year 22 counties are above 79 cents. Mrs. Scarborough stated the airplane tax. It is unfair when you tell me that if I own a plane in this county my tax rate is 50 cents. But if someone needs a roof over their head you want them to pay 79 cents. She asked the Board which is more important, flying around in a luxury craft or living in a home. Continuing she stated that the Board could raise airplane taxes some and she felt no one would leave because of it. Mrs. Scarborough stated the Commissioner of the Revenue told her today there were approximately 102 planes at the airport. She asked the Board to decrease the 79 cent real estate tax rate because they owed it to the citizens. Adelphia, she admonished the Board not to sign a long-term contract with them. Do it semiannually or yearly. Ms. Scarborough said most of the people would agree that the Wall Street Journal is a very respected newspaper. This week in the digest of corporate earnings report, dated April 3, 2001, income from operations, and this is in the millions, for the December quarters it was 244.1. Just a year ago it was 547.6 in the millions. Per share the December quarter the previous year was a 1.05 loss; the current 1.03 loss, you can see the increase for the year. The previous quarter this year 3.88; last it is now 4.55. Lastly, Adelphia fell 2.81 to 3769 on NASDAQ's posted figure. 4th quarter results warn that it's fiscal 1st quarter results

may show pressure on its margins. She stated she did not know many people who traded in the stock market that if you talk about margins you could lose your shirt sometime. But this was also in the Wall Street Journal so if you think about it how is Adelphia going to improve anything in Dinwiddie County. She asked the Board to find out what they are going to do. How soon they are going to do it; because if someone is losing money like that it certainly can't do much for expansion in Dinwiddie. Mrs. Scarborough asked the Board not to sign a five-year contract. Make Adelphia produce first.

6. Mrs. Angelia Orrell, 16563 Tree Road McKenney, appeared before the Board to comment on the SRO. She stated she supported the hiring of the SRO for the Dinwiddie Middle School for the 2001-2002 school year. She stated the Middle school is a community of 1,000 students and over 100 staff. According to a Virginia State Police School Safety Program school safety is public safety. School safety leads to greater community progress. School safety relates to higher student achievement. Student and Staff deserve to be free from the intimidation of crime and violence in schools. The SRO provides security, acts as a mentor, model and teacher. Mrs. Orrell requested a committee be formed consisting of school, community and law enforcement experts in regard to the hiring of SRO's because she believes this process will require unique consideration. Our children are our greatest resource and she respectfully asked the Board to fully support applying for the grant.

IN RE: CLOSED SESSION

Mr. Clay moved that the Board now convene in a closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act:

- **Personnel Matters, § 2.1-344 A - 1 of the Code of Virginia,** (candidates for employment OR the assignment, appointment, promotion, performance, demotion, discipline, salaries, compensation, resignation of employees) Personnel of Sheriff's Department to discuss performance of certain County employees regarding the handling of official duties specifically the School Resource Officer application process.

Mr. Haraway seconded the motion. Mr. Bracey, Mr. Haraway, Mr. Bowman, Mr. Bracey, Mr. Moody voting "Aye" the Board moved into the Closed Meeting at 7:55 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 8:20 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the Virginia Freedom of Information Act;

Whereas, Section 2.1-344.1 of the Code of Virginia requires a certification by the board that such closed meeting was conducted in conformity with Virginia law;

Now, therefore be it resolved that the Board hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies; and (2) only such public business matters as were

identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

Upon Motion of Mr. Clay, Seconded by Mr. Haraway, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, Mr. Moody voting "Aye". This Certification Resolution was adopted.

IN RE: SCHOOL RESOURCE OFFICER – GRANT APPLICATION

Mr. Long informed the citizens that the Board is very supportive of doing everything possible to make our schools more safe and effective in the County. In all fairness, however, the Board is very concerned by the way the request to apply for the grant funding for the SRO has been handled. The request did not come through the established procedure as other departments and agencies had to follow this past January. Therefore, the Board did not have complete information nor did it have time to sit down with the Sheriff, the safety committee or school administration to have a detailed discussion so they could understand the need as well as the functions of the position. The Sheriff came before the Board at one meeting and they were asked to look at it and come back to the next meeting and vote on it. Never the less, the citizens of this county have signed a petition requesting that the Sheriff be allowed to apply for this grant and that the County provide a 25% match. If this grant application is authorized tonight, and if the grant is awarded to the Sheriff, the Board of Supervisors would like for the citizens to understand the following: This is a grant funded position and when the grant funds are no longer provided, this issue will need to be reevaluated. The Sheriff and the School system are totally responsible for the grant, its requirements, and its financial reporting and accountability. The Sheriff is totally responsible for the requirements for hiring the individual, and most of all, for the actions of this individual in fulfilling the job duties of the position. Continuing, he stated since there has been some questions about the need for a Dare Officer as well as the Resource Officer both. The School Administration is directed to conduct a through review of the effectiveness of the Dare Officer position during the first year of this School Resource Officer position. Based upon those results, the Board will determine whether both positions will continue to be funded when the grant is considered for renewal. Any approval given tonight is only to authorize submission of an application and that was one point that the Board feels is necessary to make very clear. This is in fairness to the citizens. Sometimes when information gets shared with folks they get very interested and rightfully so; then they get excited about a position like this. But, he wanted to make certain that the public understands this is authorization to apply for a grant to get the position. If the position is obtained, the announcement would be for the July 1, 2001 new fiscal year. Acceptance of the grant, appropriation of funds and final approval of the individual that will be placed in the position requires further action by the Board of Supervisors.

Mr. Moody asked if the Board members had any questions or comments before making a decision on this issue.

Mr. Haraway stated he felt the Board had supported the School Resource Officer position from the start. But there has been some concern about the high price tag associated with the position. With the price tag being \$48,000 he stated he realized the County's cost is only \$14,000 as long as the grant is in force. But we all know that the grant will probably only last one or two years. At that time, the County will be forced to handle the whole tab once the grant is no longer afforded to us by the State. With this in mind, he stated he would make the motion that the amount be reduced from \$48,000 to \$36,300 in the grant and go ahead and apply for the grant with that price stated on the application.

The motion was seconded by Mr. Bracey.

Mr. Bracey asked for clarification on the motion.

Mr. Moody responded the motion was to apply for the grant with a cap of \$36,300 and it would be a mid-level type position. Mr. Moody called for the vote.

Mr. Bowman, Mr. Clay, Mr. Haraway, Mr. Bracey, Mr. Moody voting "Aye",

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia hereby grants authorization for the Sheriff's Department to apply for the grant with the above stipulations.

**IN RE: EMERGENCY ORDINANCE - EXTENSION OF CABLE
 TELEVISION**

Mrs. Ralph advised the Board that an emergency ordinance dealing with the extension of the cable television franchise needed to be adopted. The staff is negotiating on some very valid points that were brought up at the public hearing, one that was repeated here tonight; and there has been some language resubmitted to Adelphia's attorney's to consider. Therefore the Board needs to adopt another emergency ordinance that would extend the current franchise for 60 days from the date of adoption, which would be tonight and the ordinance would be effective immediately until this language can be finalized. No public hearing is required.

**AN EMERGENCY ORDINANCE TO PROVIDE FOR THE EXTENSION
OF CHAPTER 7 OF THE DINWIDDIE COUNTY CODE GOVERNING
CABLE TELEVISION SYSTEMS**

WHEREAS, Chapter 7 of the Code of Dinwiddie County governs the operation of a cable television system in Dinwiddie County (**the "County"**) by SVHH Cable Acquisitions, LP d/b/a Adelphia Cable Communications (**the "Company"**); and

WHEREAS, representatives of the County have negotiated for months with representatives of the Company concerning the terms of an ordinance to renew the Company's cable television franchise in the County; and

WHEREAS, the Company has agreed to the short-term extension of the present ordinance pending the completion of such negotiations and adoption by the County of a new ordinance, and the Board of Supervisors of the County (**the "Board"**) has held a public hearing on the same on March 7, 2001; and

WHEREAS, the Board of Supervisors has determined that a short-term extension of the present ordinance should be adopted on an immediate and emergency basis pending the consideration of a new ordinance, in order to promote the health, safety and welfare of County citizens.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF
SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA:**

1. The terms of Chapter 7 of the Dinwiddie County Code governing cable television systems in the County shall remain in effect sixty days from the date of adoption of this emergency ordinance.
2. This ordinance is effective immediately, is adopted on an emergency basis, and the terms of this ordinance shall not be enforced for more than sixty days from the date of adoption without re-adoption in conformity with the provisions of the Code of Virginia.

Upon Motion of Mr. Bracey, Seconded by Mr. Clay, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, Mr. Moody voting "Aye", the emergency Ordinance to provide for the extension of Chapter 7 of the Dinwiddie County code governing cable television systems as stated above is hereby adopted.

IN RE: PUBLIC HEARING -C-00-06-MID-ATLANTIC TOWERS

Mr. Long stated the public hearing for this case was heard at the March 7, 2001 Board meeting. Therefore action to approve or disapprove conditional use permit # C-00-6 is all that is required.

Summary Staff Report

File: C-00-6

Applicant: Mid Atlantic Tower

Property Address: Hamilton Arms Road, DeWitt, VA

Acreage: 152 acres (a 6.8 acre part thereof)

Tax Map Parcel: 70-2

Zoning: Agricultural, general A-2

The applicant, Mid Atlantic Tower LLC, is seeking a conditional use permit to construct a 330' tall guyed wire telecommunications tower on the north side of Route 650, Hamilton Arms Road, approximately ¼ mile east of I-85. The Commissioner of the Revenue designates the parcel as Tax Map/Parcel 70-2. The applicant will be leasing approximately 6.8 acres of the 152.7-acre tract of land. The land is generally located in the DeWitt area and is in the James A. Boisseau Estate.

The Planning Commission reviewed this case at their December 13, 2000 meeting. The Commission expressed several concerns regarding this request. There were citizens in attendance in opposition to the issuance of the conditional use permit. On a vote of 6-1 (Mr. Titmus voting nay), the Planning Commission recommended to the Board of Supervisors disapproval of the conditional use permit C-00-6.

This case was scheduled to be heard by the Board of Supervisors at your February 7th meeting. Upon the request of the applicant, the case was rescheduled to be heard by the Board at the March 7th public meeting. The Board deferred action on the case to the April 4, 2001 meeting.

NOTE: On February 14th the Planning Commission heard a conditional use permit request submitted by NTELOS for an extension of the existing Sprint tower located at the A.M.E. Zion site in the Dinwiddie Courthouse area. The existing tower is at a height of 192'. The request of NTELOS is to extend the height of this tower to 250'. A memo written by Joseph Tauchen, an RF Manager with NTELOS, dated 11/20/00, states "The Sprint tower located on Lundy's Road was evaluated at the available height of 169'. The CW drive test showed broken coverage to the north and poor coverage beyond 2 miles to the south. This location is desirable, however, the available height of 169' will not provide connecting coverage to the adjacent sites. ...If Sprint extends this tower and NTELOS places its antennae higher than 200', this location will satisfy the coverage requirement." The Planning Commission conducted the public hearing but, with the consent of NTELOS, delayed a vote on the request until the March 14th meeting in order to review information presented at the meeting. A statement was made at this meeting that could have a bearing on C-00-6. Mr. Muscarella stated that if NTELOS could locate their antennae at a height greater than 200' in the Dinwiddie Courthouse area under consideration, then NTELOS could use the Alltel site located south of DeWitt to cover I-85 in the DeWitt area. This would eliminate their need to locate antennae on the Mid Atlantic Tower site proposed adjacent to Hamilton Arms Road.

Mr. Moody asked the Board if there were any questions or comments.

Mr. Moody called for a motion from the Board.

Mr. Bracey moved to deny the conditional use application (C-00-6) for the following reasons:

1. Many of the residents in the area spoke out against the construction of another tower in the DeWitt area. There is a telecommunications tower less than $\frac{3}{4}$ miles from the proposed site and there is space available on the tower.
2. The area to be served by the proposed tower is already served by other wireless service providers.
3. None of the providers who have signed leases for space on the proposed tower have demonstrated a need for this new tower.
 - a. The Telpage and Telpage Internet propagation maps provided to the Planning Department show that these providers already serve the area.
 - b. The County just approved a 330" tower in McKenney. All three providers have entered into leases for this facility. Telpage and Telpage Internet will be able to serve the DeWitt area from this location.
 - c. NTELOS has stated that the DeWitt tower will not be necessary if the AME Zion tower is approved.
 - d. NTELOS has other sites on which to co-locate. Alltel, AME Zion, and McKenney towers have available spots for co-location that are in the 150'-175' height range.

Seconded by Mr. Bowman.

Mr. Clay made the statement he didn't know if the existing tower in the DeWitt area would be tall enough to handle all the stuff that we need. That is a small tower not like the one down here at AME Zion; he said he looked at it tonight.

Mr. Moody stated this is tough when these things come up, and he as a landowner personally would like to have a tower on his land because they do pay rent and it would help pay the taxes on the property. But when it comes to the situation where there is a tower in the area; and there are residents who have voiced opposition to it, the Board has to look at these issues, before a decision is made.

Mr. Moody called for the vote.

Mr. Bowman, Mr. Haraway, Mr. Bracey, Mr. Moody voting "Aye", Mr. Clay voting "Nay" conditional use permit C-00-06 is denied as listed above.

IN RE: STATEMENT PRIOR TO PUBLIC HEARING

Mr. William C. Scheid, Planning Director, came forward to make the following statement prior to the Public Hearings.

"As previously requested by the Board of Supervisors, Draft copies of the Planning Commission Meeting minutes have been made available to the public prior to this meeting as well as copies on the table at the rear of this meeting room. The purpose of doing so is to expedite the hearing process without compromising the publics' access to pertinent information. It is noted that the Board has been given various information on all of the hearing(s) to include, the application, zoning map, adjacent property owner list, locational map(s), proffers (if applicable), soils data, comprehensive land use maps and references, etc. With this information noted, I will proceed with the case(s)."

IN RE: PUBLIC HEARING – C-01-1- NTELOS/SPRINT PCS

This being the time and place as advertised in the Dinwiddie Monitor on March 21, 2001 and March 28, 2001, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comment on and to propose for the issuance of a conditional use permit submitted by NTELOS and Sprint PCS to increase the height of the existing telecommunications tower located on the A. M. E. Zion Church property from 192' to 250'.

Mr. Guy Scheid, Director of Planning read the following excerpts summary.

Planning Summary Report

File: C-01-01

Applicant: NTELOS and Sprint PCS

Property Address: 18626 Lundy's Road, Dinwiddie, VA 23841

Acreage: 113 acres

Tax Map Parcel: 57-83

Zoning: Agricultural, general A-2

The applicant, NTELOS and Sprint PCS, have requested a modification of the conditional use permit C-98-6 in order to increase the height of the existing telecommunications tower located on the A. M. E. Zion Church property from 192' to 250'. NTELOS wishes to provide telecommunications services along the I-85 corridor. They have reviewed the available height on the existing A.M.E. Zion site and determined that they needed to extend the tower if they are to obtain the coverage they seek in the Dinwiddie Courthouse area.

The Planning Commission heard this case at their February 14th and March 14th public meetings. After the staff report and the presentation by NTELOS, the Chairman opened the meeting for citizen comment. No one in attendance spoke on this request. The Chairman closed the public hearing portion of this case. After discussion among the Commissioners, action on this case was tabled until the March 14th meeting since a few questions and/or statements were made that required additional action. This action was acceptable to the applicant. The concerns were: follow-up on contacts made by NTELOS regarding neighborhood response to their request; and further contact with the Public Safety Director regarding future need for the tower. At the March 14th meeting, it was reported that Mr. Wood contacted several neighbors and they did not object to the tower extension. Mr. Scheid stated that his conversation with the Public Safety Officer revealed that this tower was not presently needed but could be needed in the future. If such a need arose, the tower height needed would be at 300'. It was noted previously that the study conducted by NTELOS engineers revealed that a height of 200' or greater would satisfy the communications needs for them in the Dinwiddie Courthouse area. With the above in mind, the Planning Commission voted (5-1) to recommend approval of the conditional use permit subject to the conditions previously imposed and the following conditions attached:

1. The tower height shall be limited to two hundred ten (210) feet; The extension of the tower will be such that it will be able to support the weight, wind and ice loads associated with the extension to three hundred (300) feet and carrying at least three (3) other antenna arrays; and
 2. NTELOS will provide dual lighting which consists of red lights at night and flashing white lights during the day. Additional, NTELOS will install a lighting system which uses fresnel lenses designed to focus approximately 90% of the light generated towards the horizon and upward to minimize the amount of light visible from the ground.
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Mr. Moody asked if the Board had any questions for Mr. Scheid.

Mr. Bracey asked in this request was there any other parcels of land presented or sites presented to these individuals to be looked at?

No Sir, replied Mr. Scheid, none were presented to the Planning Commission.

Mr. Long informed the Board that Mr. Scheid had gotten some information late yesterday. He stated the request came from NTELOS and the original application requested an extension of the existing 192' tower to a new height of 250' above ground level. At the March 14, 2001 public hearing the Planning Commission approved a motion to increase the tower to 210' above ground level, based on additional information developed and presented by NTELOS. The request from NTELOS is to extend the tower an additional 10' which would bring the tower height to 220'.

Ms. Roma Sein, Attorney, stated she was here on behalf of the applicant NTELOS. She stated she was here to request approval of NTELOS conditional use permit application request for an extension of the existing Sprint tower at the AME Zion Church property. She explained to the Board that the reason for the original request for the 250' height was to provide for co-location opportunity to the County as well as space on that extended tower for two additional wireless providers. In order for NTELOS to provide acceptable PCS coverage along the I-85 and Route 1 corridor in this portion of the County, NTELOS needs to mount its antennae on a structure at a minimum height of 210' to provide connecting coverage to the planned NTELOS adjacent sites to the North and the closest one to the South. After the Planning Commission meeting on March 14, 2001, NTELOS learned that due to the structure of the tower it is not designed to be extended precisely to 210' in height. So to provide a usable space on the tower, if extended, and to maintain the structural integrity of the tower as required by the development conditions, NTELOS must extend the structure by two tower sections. The actual tower is 190' with a lightening rod that extends 2' so that is why it is considered a 192' structure. The next two sections of the tower are designed for a 10' and 20' section bringing the total tower height to 220' for a total of a 30' extension. For this reason she requested that the Board approve at least a minimum extension of the tower to 220' and then NTELOS could mount their antennae at a minimum height of 215'. She stated that the proposal presents a good opportunity for co-locations on an existing structure as encouraged by the County's Ordinance. Continuing she said when choosing new site co-location it is always of course the first and best method or option for NTELOS. Ms. Sein continued with details of why co-location is preferred rather than building new towers. Stating it would have less impact on the surrounding community and adjacent property owners than would locating a second new tower on another parcel in this same neighborhood. It would also satisfy the goals of the County Zoning Ordinance. NTELOS does agree to the development conditions set forth at the Planning Commission. Ms. Sein stated the adjacent property owners were contacted and no one had any objections. Ms. Sein stated Mr. Abernathy's objection to the lighted tower at the AME Zion Church site was possibly because their alternate selection was his property and he would not benefit financially if they co-located at AME Zion. Also, his land is fairly close to the existing tower and it would still have to be lighted. She respectfully requests that the Board approve NTELOS conditional use permit to extend the tower by at least 30' or as originally requested up to 215' in height.

Mr. Steve Muscarella representing NTELOS stated he would like to clarify the height of the tower. When NTELOS did the network design and tested the area with the foliage along I-85, it was determined that the optimal height for the mounting of the antenna for the best coverage of the signal would propagate most efficiently with the most distance would be around 250'-275'.

This gives the maximum footprint without losing signal before handing off to the next site. So when they looked at this structure that is where the 250' came from. There were discussions with the County about their needs and your height requirements so that was considered also. NTELOS put in the application to mount our antenna slightly below 250' to allow room for the County to mount its antenna at that level; or if the tower needed to be extended in the future NTELOS would not have to relocate its antenna. At this height it would allow future extensions without disrupting service. At 210' NTELOS's coverage is compromised and in-building service here at the Courthouse might be unobtainable particularly in the back building at the lower heights. Continuing he stated because of the structural design of the tower the sections are preplanned to go up in segments. The next section of the extension to be attached to the tower is a 10' section. This would bring the actual tower to a height of 200'. That does not give enough separation from Sprint's antenna mounted at the top at 192'. If NTELOS mounted its antenna at 200' the distance between the two antennae wouldn't be great enough to keep from having interference; thus, the reason for the minimum separation from their antenna. The next section planned for this tower is a 20' section that would bring the tower height to 220'. NTELOS is requesting to mount their tower slightly below that to allow space for working on the tower extensions in the future without disruption of service. Mr. Muscarella stated the alternate location if unable to use the AME Zion tower would be the Abernathy property. The scenario might be the opposite of the decision that the Board just made. There is a structure here and a structure at the other location denied; if we proposed another structure at this location he felt the Board's decision would be the same. He stated that NTELOS is not in the business to build towers when there is a structure already in place and it would be much more economical to use it and it would serve the County's best interest to utilize those structures.

Mr. Moody stated he had a couple of questions. How many feet is the span or section at the top on the present tower?

Mr. Muscarella stated it appears to be a 10' section and the next section to go above that is a 10' section also.

Mr. Moody asked could you take off a 10' and add a 20' or something to make it work?

Mr. Muscarella responded the way these towers are structurally designed the flanges and bolting plates for one section, which is bolted to the next section, there is certain amount of strength and calculations that go into each section as they bolt up. If NTELOS were to try to redesign it, the whole tower would have to be redesigned. In order to take that 10' section off both carriers below it would have to be displaced.

Mr. Moody said what is the tax revenue to the County?

Mr. Muscarella stated a full sector site as proposed here ranges somewhere around \$200,000 to \$225,000 for the cabinets, radios, and the antennae. That does not cover the tower section which is minimal and run probably around \$25,000 to \$30,000.

Mr. Moody asked who is responsible for paying the taxes?

Mr. Muscarella stated Sprint is. The carriers lease space from them and foot the bill for their equipment and then it is turned over to the builder. Sprint has a lease-hold interest on that property and is responsible for the personal property taxes.

Mr. Bracey asked approximately how much money is this tower going to put in the Treasurer's Office?

Mr. Muscarella replied I am not qualified to answer that question.

Mr. Bracey asked about the safety of this tower. He said he was surprised that the people in the Church would even allow NTELOS to put the tower so close to the Wellness Center being built. Mr. Bracey stated he would not like to see the tower extended because of safety reasons. Mr. Bracey asked if there is a storm and the tower fell down, who is responsible for the damages?

Mr. Muscarella replied that the all of carriers have to carry up to \$2 million dollars worth of insurance, per occurrence, on their equipment.

Mr. Bracey said this tower is not isolated and you can see it. What's your next request?

Mr. Muscarella responded 250'.

Mr. Bracey stated the people in the community are not important to you but they are to me. Will there be problems with the folks in the neighborhood using their radios that they have thousands of dollars tied up in. Let's clear the situation up now he said.

Mr. Muscarella stated if they aren't having any problems now the height would not affect it later.

Ms. Sein stated she would like to address Mr. Bracey's concern about the tower being too close to the Wellness Center. The tower when it was originally approved the height was for 300', and the zoning ordinance set-back requirements are 200% of the height of the tower to the nearest residential structure; and in no case less than 400'. So the Wellness Center would not actually qualify as a residential structure.

Mr. Bracey stated he thought the Wellness Center was there first and you define it. Persons are going to be there that take care of themselves. He said he felt the County should look at it again. He continued I am the one who has to look at it every day and when the light starts blinking, we are the ones who have to live with the light. The Church collects their money and you collect your money from the cell phones.

Mr. Bowman stated he had a question for the Safety Director. Would it be a benefit for the County to extend that tower versus the other tower being built?

Mr. Jolly stated to answer the question the Planning Commission asked the same question. If and when the County was to improve their radio system to the 800 megahertz band the need would be to extend that tower to what was proposed back in 1998. But he did not foresee that happening within the next five years. Currently today there is not an advantage to raise that height.

Mr. Bowman said that when we do put in our new system then we would need that height.

Mr. Jolly replied no sir, when we put that in we will only improve our current high-end radio system. At some point from what is happening regionally though the County will have to go to the 800 megahertz band possibly five to ten years out. At that time that site will be looked at for possible extension. The County requested that design of the tower to allow us to extend it to 300'; or we could possibly look for another site that would better suit our needs. However that tower is strategically located in the center of the County and it is a prime site. But again not for the next five years.

Mr. Bowman reiterated but within the next five to ten years the County will have to have a tower of at least up to 300'.

Mr. Bowman questioned is the existing tower 400' from a dwelling. He asked if the tower was there first or the Wellness Center.

Mr. Bracey stated the Wellness Center.

Mr. Moody opened the public hearing.

Mr. Don Morgan, 15116 Courthouse Road, Dinwiddie, Virginia, came before the Board stating he had two concerns. In 1998 he met with the Board and his concerns are the same. He was unable to make the March 14th meeting but in the minutes for the meeting on page 6, it states the applicant discussed the tower with adjacent property owners. He said he is an adjacent property owner and he did not recall being contacted. He said he didn't have a problem with towers, he has one in his back yard, but he does have a cell phone. His concern is frequency. What is the frequency?

Mr. Muscarella replied 1900 megahertz.

Mr. Morgan stated with a frequency that high it would not affect him and he had no problem with the height of the tower. He said he wished he could have a tower that high. He commented he did not speak for the other people in the community.

Mr. Moody closed the public hearing.

Mr. Bracey stated he would like to have some professional review the location and distance of the tower. He requested that the Administrative staff follow up on the County's requirement for design and set back requirements.

Mr. Moody stated he felt that it is important that we take care of the landowners in the County who have been here for years to make sure that there is something in the conditional use permit to make sure the landowner is not responsible for the taxes that are due.

Mr. Bracey questioned if the church could be taxed. He stated this would not be used for the Church so he felt they would be taxable.

Mrs. Katz, County Attorney, stated she would have to see if there was a separate parcel, but the law basically says that "for religious purposes only" would they be exempt from paying the taxes. She stated she would report back to the Board.

Mr. Moody called for a motion.

Mr. Long stated the Board of Supervisors decided to defer voting on any application for a conditional use permit for a telecommunications tower until at least the next Board meeting. This is done in order to afford the board members time to consider the technical and planning aspects of the permit.

Upon Motion of Mr. Bracey, Seconded by Mr. Clay, Mr. Haraway, Mr. Clay, Mr. Bowman, Mr. Bracey, Mr. Moody voting "Aye", the conditional use permit C-01-01 is deferred until May 2, 2001.

IN RE: RECESS

Mr. Moody called for a ten- (10) minute recess at 9:24 P.M.

The meeting reconvened at 9:36 P.M.

IN RE: PUBLIC HEARING – C-01-3 – NTELOS/EASTSIDE
PROPERTIES

This being the time and place as advertised in the Dinwiddie Monitor on March 21, 2001 and March 28, 2001, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comment on and to propose for the issuance of a conditional use permit submitted by NTELOS and Eastside Properties (Harrison), are seeking a conditional use permit to construct and maintain a one hundred forty six (146') monopole telecommunications tower, related equipment and improvements for the purpose of mounting wireless telecommunications antennae.

Planning Staff Summary

File: C-01-3

Applicant: NTELOS/Harrison Conditional Use Permit

Property Address: 7407 Boydton Plank Road, Petersburg, VA

Acreage: 23 acres (leased portion, thereof)

Tax Map Parcel: 21-72

Zoning: Business, general B-2

The applicants, NTELOS and Eastside Properties (Harrison), are seeking a conditional use permit to construct and maintain a one hundred forty six (146') monopole telecommunications tower, related equipment and improvements for the purpose of mounting wireless telecommunications antennae. The proposed site is located on the east side of Route 1 in the general vicinity of the new recreation center located at 7301 Boydton Plank Road. The site is identified as Tax Map 21, Parcel 72 by the Commissioner of the Revenue's office and is owned by Eastside Properties (Mr. Herman Harrison). The property is used for commercial purposes with the rear portion undeveloped.

The Planning Commission reviewed this case at their March 14th meeting and voted 6-0 to recommend approval to the Board of Supervisors of the conditional use permit with conditions attached. The conditions to be imposed are those found in section 22-274, General Standards, of the Zoning Ordinance with additional conditions enumerated in the extract of the Planning Commission meeting which reads as follows:

1. The tower proposed by NTELOS shall not exceed one hundred forty six (146') feet AGL in height or penetrate the Dinwiddie County Airport horizontal surface restriction of three hundred forty three (343') feet above mean sea level (AMSL) for the location shown on the construction plans.
2. While this tower is less than 200', if the FAA makes a determination that requires lighting, NTELOS will request dual lighting, which consists of red lights at night and flashing white lights during the day. Additionally, NTELOS will install a lighting system, which uses fresnel lenses designed to focus approximately 90% of the light generated towards the horizon and upward to minimize the amount of light visible from the ground.
3. The applicant, NTELOS, shall allow at least two (2) other wireless telecommunications providers to locate on the tower and site; and shall provide the County, upon request, verifiable evidence of having made a good faith effort to allow such location.
4. NTELOS shall develop the proposed tower site as detailed in the site plan submitted with this application and becoming a part of the conditional use permit.
5. The conditional use permit must be reviewed at least every two (2) years for compliance with stated conditions.
6. Before obtaining a building permit, the applicant shall submit to the Planning Department the Determination of No Hazard to Air Navigation permit issued by the FAA. The following statements must be contained in the permit: the tower shall have no substantial adverse effect on the safe

and efficient utilization of the navigable air space by aircraft or on the operation of air navigation facilities; the structure would not adversely impact any present or future VFR or IFR terminal procedure; and the structure would not have a cumulative impact on any existing or planned airport

7. NTELOS will provide space to Dinwiddie County, at no cost to the County, to co-locate County communications equipment, if co-location space is available at the time of the County's request.
8. Before obtaining a building permit, the applicant shall post a bond equivalent to the cost of removal of the tower with the Director of Planning.

Mr. Bowman stated it was his understanding on these conditional use permits there is 2 year review requirement, was that correct?

Mr. Scheid responded yes.

Mr. Bowman said what if the review showed that the tower is too close to a residence?

Mr. Scheid replied that the Board would have to amend the conditional use permit. But if they are in violation of the permit, they would be required to bring it into compliance, or remove it. Mr. Scheid interjected that when the Board approved this tower originally having it designed so that it could go to 300'; they knew that were granting an exception under the exceptions provision that they already provide for in any telecommunications ordinance.

Mr. Bowman asked what about the 6 acre parcel at AME Zion Church where the tower may be too close to the property line.

Mr. Scheid stated that the people who build the towers know what the requirements are and know where the location of the towers will be. The code is represented as this and these are the standards they have to abide by. If for some reason, the County does not catch it or it was deliberately shifted, then they would be in violation of the conditional use permit.

Mrs. Katz asked for Mr. Bowman to put in the record which tower he was referring to? Whether it is the present one or the AME Zion one?

Mr. Bowman stated it was just general information he was trying to be clear on both locations what exactly would happen if the towers are located too close to the property line or a residence.

Mrs. Katz stated which tower was the previous question referring to, when he was talking about the property lines she said she believed it was the AME Zion; and she just wanted that to be identified in the records. Just to make sure the records for the current conditional use permit request does not get confused.

Mr. Bowman asked about the present conditional use permit how far does it have to be set back from the property?

Mr. Scheid replied 200% of the height.

Mr. Bowman stated he would prefer to see the tower located on County property behind the Eastside Recreational Center generating funds for the County.

Mr. Moody replied he wouldn't mind the County getting more revenue like that but the present request is for the location behind the mini-warehouse storage building.

Mr. Bracey commented this location is way back in the trees, isn't that right?

Mr. Scheid replied yes.

Mr. Bracey asked, can you see it from the road?

Mr. Muscarella responded you can see the top of it but not the bottom. The location of the tower is closer to I-85 than it is to Route 1.

Mr. Moody asked the applicant to come forward.

Ms. Roma Sein, Attorney, stated she was here on behalf of the applicant NTELOS. She asked the Board for approval of the 146' mono pole on the Eastside Properties Incorporated. She stated the tower does meet the requirements for the conditional use permit for this location. The property was chosen because it is a relatively large parcel close to I-85 and also for the placement of the tower on that property. On the 14th of March the Planning Commission did vote unanimously to recommend approval of the tower subject to the development conditions. Letters were sent to the adjacent property owners there were no calls in opposition. One person did want to know where in relation to their property would the tower be located. This owner is located across the road from the tower location and is not an adjacent landowner.

Mr. Steve Muscarella, representing NTELOS, stated this property was selected because it is used for a commercial nature already and its location is just outside the airport's restricted air space. Continuing he stated to answer Mr. Bowman's question regarding using the Eastside property, it could not be done because of the FAA blockage. Mr. Muscarella showed the airport restricted air space map to the Board. NTELOS is proposing to construct a 146' structure, it is a monopole structure in nature and it would be below the total fielding of 343'. The airport requested that they stay 1' below that level and they plan to stay 2' below that at 341'. All of the requirements will be met. He stated they test drove at another location, the Dinwiddie water tank at the race-track property, but the signal strength wasn't sufficient along the I-85 corridor to the northwest. He stated when that site failed he was instructed to look further North and closer to I-85 that is when he found this location.

Mr. Moody asked what would the Fresnel lights do when there is a foggy night?

Mr. Muscarella said it would illuminate the fog from his perception.

Mr. Moody opened the public hearing.

No one signed up to speak.

Mr. Moody closed the public hearing.

Mr. Moody stated the Board of Supervisors decided to defer voting on any application for a conditional use permit for a telecommunications tower until at least the next Board meeting. This is done in order to afford the board members time to consider the technical and planning aspects of the permit.

Upon Motion of Mr. Bracey, Seconded by Mr. Clay, Mr. Haraway, Mr. Clay, Mr. Bowman, Mr. Bracey, Mr. Moody voting "Aye", the conditional use permit C-01-03 is deferred until May 2, 2001.

IN RE: PUBLIC HEARING- C-01-4- CHAPARRAL STEEL –
REQUEST TO AMEND RELOCATION OF PERIMETER
FENCE

This being the time and place as advertised in the Dinwiddie Monitor on March 21, 2001 and March 28, 2001, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comment on and to propose for the issuance of a conditional use permit submitted by Chaparral (Virginia) Inc., is seeking an amendment to the previously issued conditional use permit C-97-7, to install a 6' chain link fence without barbed wire along the exterior property line with the exception of the common property line with the National Park Service.

Planning Summary Report

File: C-01-04

Applicant: Chaparral (Virginia) Inc.

Property Address: 25801 Hofheimer Way, Petersburg, VA 23803

Acreage: 760+ acres

Tax Map Parcel: Multiple parcels

Zoning: Planned Industrial District PMD

The applicant, Chaparral (Virginia) Inc., is seeking an amendment to the previously issued conditional use permit C-97-7. Specifically, condition number 13 states "all areas actively used in the processing, production, or storage of raw materials or finished products, with exception of the area where the spur line enters the property, shall be fenced to a minimum height of eight (8) feet above ground using chain link fencing topped by triple strand barbed wire." The applicant wishes to install a 6' chain link fence without barbed wire along the exterior property line with the exception of the common property line with the National Park Service. After lengthy discussions with the Park Service it was decided that a wire fence similar to the right-of-way fencing found along the Interstate Highway would be most desirable.

The Planning Commission heard this case at their March 14th evening meeting. Mr. Lawrence Heyd, an employee of Chaparral Steel, addressed the Commissioners on their reasons for requesting the change. The Chairman requested comments from any citizen in attendance wishing to speak on this case. Mrs. Susan Mayes, an adjacent property owner, stated that she was in support of the application but would prefer the fencing along Church Road be similar to the fencing proposed adjacent to the Park Service property. There being no further public comments, the Chairman closed the public hearing portion of the meeting for this case. After a brief discussion among the Commissioners, the Planning Commission voted 6-0 to recommend approval of the conditional use permit as requested by Chaparral Steel.

As mentioned in the general introductory statement preceding these cases, an extract from the draft minutes of the March 14th Planning Commission meeting were included in your material for reference purposes.

Mr. Lawrence Heyd, Environmental Manager, representing Chaparral Steel came forward to speak regarding the request to amend the conditional use permit. He stated condition 13 of the conditional use permit addresses fencing and indicates that the fence be 8' tall and have

triple strands of barbed wire. Condition 13 also states that the fence be placed around the active processing areas of the plant. We are now putting the finishing touches on the plant, and one item we want to complete is fencing.

Chaparral Steel is proposing to use a different style of fencing because we think that a tall barbed wire fence will look too institutional. We are proposing to fence the property with chain link and wire fencing that will provide security but be less obtrusive. Six-foot tall chain link fence will be used along Church Road, Squirrel Level Road and along the north side of our property adjacent to the Norfolk Southern railroad tracks. Wire fence, also called right-of-way fence, like the fence commonly used along interstate highways and around farm fields will be used where our property adjoins the Petersburg National Battlefield property along Flank Road.

The fencing we are proposing will surround the plant's active processing areas, as required by the conditional use permit.

We want a fence around our property for two main reasons: to provide security and reduce liability. It is to provide security to protect our employees and our property. We want the fence to prevent a child or other person from entering our property and possibly getting hurt. Although no fence will stop a determined intruder, the fencing we propose will provide adequate security by being a clear barrier at our property line. We want the fence along the perimeter of our property to provide security for the entire property, not just the active processing areas. The fence along Church Road will prevent a person from entering the property on that side. There has been some vandalism along the property line on Squirrel Level Road and the fence will help deter that.

We do have other security measures at the plant, including security personnel and remote cameras. These measures supplement the security provided by the fence.

He stated he would like to mention that we have discussed the fencing issue with the Petersburg National Battlefield and have obtained the Park's input regarding the fence. They have approved the type and location of the fencing and urged us to request a change to the Conditional Use Permit to allow less obtrusive fencing to be used near their property.

He requested that Condition 13 of the Conditional Use Permit be amended to allow the installation of a fence that will provide security without being obtrusive.

Mr. Moody opened the public hearing.

No one came forward to speak.

Mr. Moody closed the public hearing.

Mr. Moody called for a motion.

Upon Motion of Mr. Bracey, Seconded by Mr. Clay, Mr. Bowman, Mr. Clay, Mr. Haraway, Mr. Bracey, Mr. Moody voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that conditional use permit C-01-03 submitted by Chaparral Steel, as stated above, is hereby amended and approved with the conditions recommended by the Planning Commission; and

BE IT FURTHER RESOLVED, that in order to assure compliance with the Virginia Code Section 15.2286 (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.

IN RE: AUTHORIZATION TO EXTEND TIMBER AGREEMENT - LANDFILL

Mr. Long stated the timber thinning at the Landfill was postponed until this Spring. He requested authorization to extend the Agreement with the Timber Consultant, Jeffrey Bent, until the end of the year. Mr. Bent is now in the process of soliciting bids for this project.

Upon Motion of Mr. Bracey, Seconded by Mr. Bowman, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, Mr. Moody voting "Aye", authorization to extend the timber thinning Agreement with the Timber Consultant, Jeffrey Bent, until December 31, 2001 is hereby approved.

IN RE: COUNTY ADMINISTRATOR COMMENTS

Mr. Long stated in light of the overwhelming number of issues that the County is facing now, it is time to schedule a retreat. We need to move along with the issues in an expeditious manner; however, he felt it would be prudent to wait until the budget has been completed. Mr. Long recommended scheduling a retreat for May 21st and 22nd for two (2) full days. Continuing, he said this would be the best days for the staff due to the fact that we have an extra week available between regular Board meetings; this would allow us to follow up on issues after the retreat, as well as prepare for the next meeting. He suggested that the retreat be held at the Wakefield 4-H Center. The Board members agreed to check their schedules and let us know if there is a conflict.

IN RE: AUTHORIZATION TO RELEASE TITLE – DVFD 1978 JEEP- VIN # J8M83AA015278

Mr. Long stated that the Dinwiddie Volunteer Fire Department received four sealed bids for the 1978 Jeep. They accepted the high bid at \$2,505.00 but the bidder withdrew their bid. The next highest bid was \$1,505.00 which was accepted by the department. He asked the Board to authorize the release of the title for the 1978 Jeep VIN number J8M83AA015278 and allow the Fire Department to retain the funds.

Upon Motion of Mr. Clay, Seconded by Mr. Haraway, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, Mr. Moody voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to transfer title for the 1978 Jeep VIN number J8M83AA015278 and for the Dinwiddie VFD to retain funds received; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is also granted for Administration to sign for the transfer of title for said vehicle to the successful bidder.

IN RE: BOARD MEMBER COMMENTS

Mr. Moody asked if the Board had any quick comments.

There were no additional comments from the Board.

IN RE: CLOSED SESSION

Mr. Clay moved that the Board now convene in a closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act:

The purpose of the closed meeting is to discuss subject matters identified as Personnel and Consultation with Legal Counsel. Matters to include: Commissioner of the Revenue; Inducement Agreement; Delinquent Land Sale; Consumer Utility Tax.

- **Personnel Matters, § 2.1-344 A - 1 of the Code of Virginia,**
(candidates for employment OR the assignment, appointment, promotion, performance, demotion, discipline, salaries, compensation, resignation of employees)
- **Consultation with legal counsel, § 2.1-344 A.7 of the Code of Virginia,**
(consultation with legal counsel and briefings by staff members and consultants about actual or probable and public discussion would adversely affect the negotiating or litigating posture of the County or Town – OR – consultation with legal counsel regarding specific legal matters that require legal advice)

Mr. Haraway seconded the motion. Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, Mr. Moody voting "Aye" the Board moved into the Closed Meeting at 10:10 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 11:00 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the Virginia Freedom of Information Act;

Whereas, Section 2.1-344.1 of the Code of Virginia requires a certification by the board that such closed meeting was conducted in conformity with Virginia law;

Now, therefore be it resolved that the Board hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

Upon Motion of Mr. Clay, Seconded by Mr. Haraway, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, Mr. Moody voting "Aye". This Certification Resolution was adopted.

**IN RE: COMMISSIONER OF THE REVENUE – REQUEST FOR
ADDITIONAL FUNDS FOR PART-TIME HELP**

Mr. Long stated by letter dated August 3, 2000, the Commissioner of the Revenue was advised that the Board approved \$20,000 for Extra Help for FY2001 even though the Compensation Board allocated \$34,843 of which the County's requirement is 50% or \$17,422. Ms. Marston was advised that any additional funds would have to be requested from the Board before the expenditure was made. At this point, the Commissioner has over expended her

Extra Help Category and is requesting additional funds by her letter of March 30, 2001.

Recommended Action:

1. The Board may appropriate an additional \$14,843 for 12310-1301 Extra Help with the Commissioner's FY2001 budget, on a monthly basis, to match the allocation provided by the Compensation Board.
2. The County's share, \$17,422, is already contained in the budget within the Extra Help and Retirement categories, so there will be no additional appropriation of local funds.
3. Based on expenditures in the Extra Help category through March 31st, there will be a remaining balance of \$6,425 which may be used towards the real estate and personal property job functions as outlined by the Commissioner of the Revenue in her request.
4. The additional monthly appropriation will be contingent upon the following:
 - a. All State reimbursements are to be brought up to date. At the present time, reimbursements for this category have not been submitted since November of 2000.
 - b. Mobile Home Titling Tax reimbursements are to be submitted for the years 1998, 1999, and 2000. That amount is estimated to be \$200,000.
 - c. Public Service Corporation billing is to be provided to the Treasurer. This billing has not been sent out since June of 2000, which is estimated to be \$533,000 for the year.
5. No additional expenditures from the Extra Help category will be approved until the above items are accomplished and evidence is provided to the Board of Supervisors.

Upon Motion of Mr. Haraway, Seconded by Mr. Bowman, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, Mr. Moody voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the above stated recommendations are hereby approved.

IN RE: E.M.S. POSITIONS

Mr. Long stated there is a need to fill two full time and some part time positions on the EMS crew. He requested authorization to proceed with contacting these people to make them an offer. If they accept, Administration will come back and ask for authorization to hire them at the next Board meeting. Mr. Long said he would send the Board members a list of recommendations on Friday. The Board gave its permission to proceed.

IN RE: EASTSIDE TELEPHONE SYSTEM – AUTHORIZATION TO OFFER CONTRACT

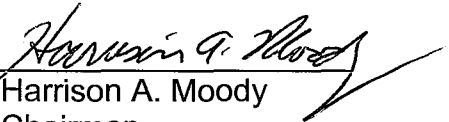
Mr. Donald Faison stated the County had \$6,000 for the cost for the phone system. He presented two bids: Total Office Solutions for \$4,489.00; and Computer Telephone Technologies, Inc. for \$4,561.39. He requested authorization to offer a contract to the low bidder.

Upon Motion of Mr. Bracey, Seconded by Mr. Bowman, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, Mr. Moody voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Administration is hereby authorized to enter into a contract with Total Office Solutions at a sum not to exceed \$4,489.00 for the telephone system at the Eastside Recreation Center.

IN RE: ADJORNMENT

Upon Motion of Mr. Clay, Seconded by Mr. Bracey, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, Mr. Moody voting "Aye", the meeting adjourned at 11:10 P.M.



Harrison A. Moody
Chairman

ATTEST: 

R. Martin Long
County Administrator

/abr