

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 2ND DAY OF MAY, 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. He stated he would like to have a moment of silence in memory of Jimmy Stidham a student at Dinwiddie County High School who was killed in a car accident last Friday. This was 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 was a need to have a closed session for Consultation with Legal Counsel, Section 2.1-344 A.7 under Agenda Item # 11.

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 the above amendment to the Agenda is hereby approved.

IN RE: MINUTES

Ms. Russell stated there is a correction needed under the Planning Department Comments for the April 18, 2001 meeting and she asked Mr. Scheid to clarify the discrepancy. Mr. Scheid stated the comment should be; "on Thursday David Thompson and I went to the A.M.E. Zion Church site to measure the distance from the tower to the pool and the Health Center. They found the distance from the center of the tower base to the pool to be approximately 200' and the Health Center approximately 400'."

Upon Motion of Mr. Clay, Seconded by Mr. Haraway, 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 April 18, 2001 Regular Meeting are approved, with the above stated change, 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 1025253 through 1025438 (void check(s) numbered 102478; and 1025216 - 1025332) for:

Accounts Payable:

(101) General Fund	\$ 163,037.15
(103) Jail Commission	\$.00
(104) Marketing Fund	\$.00
(222) E911 Fund	\$.00
(223) Self Insurance Fund	\$.00
(225) Courthouse Maintenance	\$.00
(226) Law Library	\$ 677.02
(228) Fire Programs & EMS	\$.00
(229) Forfeited Asset Sharing	\$.00
(304) CDBG Grant Fund	\$.00
(305) Capital Projects Fund	\$ 1,006.77
(401) County Debt Service	\$.00

TOTAL	\$ 164,720.94
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PAYROLL 03/30/2001

(101) General Fund	\$ 366,416.45
(222) E911 Fund	\$.00
(304) CDBG Fund	\$ 3,180.80

TOTAL	\$ 369,597.25
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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. Mrs. Betty Jeter, Registrar, came before the Board with a request for additional funding for voting machines for the required Democratic primary on June 12, 2001; and the special election for the Fourth Congressional District seat on June 19, 2001. By law, the voting machines must be locked and not used for fifteen (15) days after an election. Therefore, we will not have enough machines for the second election in June. We will need to rent four (4) machines. We have located machines of the type that we use and they are available for rental at the cost of \$425.00 each. Thus, an additional allocation of \$1,700.00 for the current budget year is needed.

IN RE: ELECTORAL BOARD – REQUEST FOR ADDITIONAL FUNDS FOR RENTAL OF VOTING MACHINES

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 request for the rental of voting machines is hereby approved with funding in the amount of \$1,700.00 to be appropriated from the undesignated fund balance.

IN RE: REGISTRAR – REQUEST FOR ADDITIONAL FUNDS FOR PART-TIME HELP

The Registrar also requested an additional \$2,160 for extra help through June 29, 2001 including two (2) Saturdays for Absentee Ballot voting. There will be two elections in June, the 12th for the Democratic Primary for state-wide offices and the 19th for the 4th Congressional District seat to replace Mr. Sisisky.

Upon Motion of Mr. Clay, 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 request is hereby approved with funding in the amount of \$2,160 to be appropriated from the undesignated fund balance.

IN RE: CITIZEN COMMENTS CONTINUED

2. Don Morgan appeared before the Board stating he had received a letter from McGuire Woods, Attorney, for NTELOS regarding the application to extend the tower on Lundy's Road. Mr. Muscarella had informed him at the public hearing that the frequency that they operated on was 1.9 gigabytes. In the letter from the attorney the frequency was listed as 20MHz. Mr. Morgan stated that that frequency would interfere with his equipment and he would like some clarification on this issue. Mr. Moody stated they would ask Mr. Muscarella before they took action on that conditional use permit.
3. William Jones appeared before the Board stating he wanted to re-open Lake Jordan and also have two events on May 27th and June 2nd. Part of the proceeds from these events will be donated to the Fire Departments in the County. Continuing he stated he would re-open the Lake for swimming in the future. The concerts/beach blast would host national artists and over the summer there would be 5 – 6 events with between 5,000 to 6,000 people in attendance.

Mr. Moody responded that the special permit application for the event had not been completed. He stated that the forms for the ABC License, Sheriff, nor the Health Department had been signed off on when the application was given to the County Administrator.

Mr. Jones replied that he had problems getting the signatures from the Commissioner of the Revenue's Office and the Sheriff's Department even though he had made several trips to their departments to get signatures.

The Board voiced their concerns about swimming being allowed.

Mr. Jones stated there would be no swimming allowed at this event.

Mr. Bowman voiced his concerns about what would be in the water and the liability if someone were hurt.

Mr. Bracey voiced his concern about the portable toilets and what the Health Department requirements might be. Continuing he told Mr. Jones he felt he was opening a business that's open all of the time for this type of entertainment. Which at any day any month you can have people and that he didn't know if the Health Department would allow porta-johns for this type of business. Mr. Bracey stated that this permit he is applying for is for "special events" for an occasional event not for a regular business.

Mr. Jones stated the portable johns are only temporary and after every event they are cleaned.

Mr. Moody recapped and stated the Department Heads under the Board's supervision had completed their forms and he felt the applicant should get the forms signed off by the other Offices and

turn the application in to the County Administrator by Friday. Mr. Moody called for a motion.

**IN RE: SPECIAL ENTERTAINMENT PERMIT – LAKE JORDAN --
WILLIAM JONES**

Mr. Haraway moved to approve the application if all of the documents are submitted and signed by the Sheriff and local Health Department by the close of the business day on Friday, May 4, 2001 and the ABC license board by May 11th. The Board told the County Administrator to draft a letter with all the needed requirements and instructed Mr. Jones to pick the letter up at the Administration Office.

The motion was 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 Special Entertainment Permit request for the two events on May 27, and June 2, 2001 are hereby approved if the above stipulations are met.

IN RE: FY 2002 BUDGET – 2001 TAX RATES

Mr. Long stated this has been an extremely uncertain year as far as getting numbers from anywhere to be honest. But despite everything the State has not adopted a budget and the County has to move on. The Administration Staff has put together scenarios that the Board could take into account this evening for the budget. The budget has currently about \$400,000 in revenues over expenditures in the budget proposal.

IN RE: DISCLOSURE STATEMENT

Mr. Bracey read the following statement prior to action being taken on the proposed 2001-2002 Budget:

"I, Edward A. Bracey, Jr., "In accordance with Section 2.1-639-14, paragraph (g) of the Code of Virginia, wish to disclose that my wife (Bernice Bracey) is employed by the Dinwiddie County School system. Employment of my wife occurred several years prior to my election to the Board of Supervisors and the results of any decision by this Board will affect my wife to no greater or less extent than other school employees with similar credentials and experiences. Therefore, I feel that I am able to participate in the actions of the Board concerning the 2001-2002 budget effectively, fairly and in the public interest."

IN RE: 2001 TAX RATES – ADOPTION

Mr. Long reviewed the proposed tax rates for those citizens in attendance as follows:

• TAX RATES AS PROPOSED

■ Real Estate	\$.79
■ Mobile Homes	.79
■ Mineral Lands	.79
■ Public Services	.79
■ Personal Property	4.90
■ Personal Property - Volunteers	.25
■ Machinery & Tools	3.30
■ Heavy Construction Equipment	3.30
■ Airplanes	.50

Mr. Moody stated he wants to drop the rate 4 cents but he felt like with the uncertainty that we are having I think we need to maybe drop back a little bit. He said he also feels that the School System is possibly going to need some of that increase. We are hoping that they could give the teachers a 5% increase but they are level funding everything else and I have a feeling that that's going to be hard to have a level funded budget. So his feelings personally, would be to drop the rate 2 cents and hold that \$200,000 until we see what the State does with the uncertainty and go from there.

Mr. Clay agreed. We do need to cut the rate but with the situation being what it is he said he didn't feel the Board could cut the whole 4 cents but was ok with the 2 cents.

Mr. Bracey directed his comment to the Chairman. If the State funds as they usually do or come up to their part of this bargain then the County will drop our rate 2 cents, is that correct? Mr. Moody mentioned something about the School System that he felt their money might be short. If the State did come up with the funding could the County lower their rate later?

Mr. Moody stated we are setting the rate tonight for the year. But he would like to see the teachers get a 5% increase in salaries. But if they do that then they will be level funded with the rest of their budget. Mr. Moody said that is pretty hard to do and he wanted to make sure what the State is going to do. That would also give the School Board an opportunity to reiterate or re-explain how much of that money they do need.

Mr. Bowman stated he agreed with Mr. Bracey he would like to drop the rate by 4 cents but with the uncertainty of the State if they come through with extra money for the schools system, wonderful! If there is anyway that the Board can he felt it should give the 2 cents to the School System.

Mr. Haraway said, if I understand what we are saying, we have said a 2 cent reduction from .79 cents to .77 cents on real estate and due to the School System not knowing what the State is going to provide to them in funds; once that decision is made, we will reevaluate funding to the School System. He moved to adopt the 2001 Tax Rates as stated with the 2 cent reduction on real estate.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following tax rates be hereby adopted for the year 2001:

TAX RATES ADOPTED

■ Real Estate	\$.77
■ Mobile Homes	.77
■ Mineral Lands	.77
■ Public Services	.77
■ Personal Property	4.90
■ Personal Property - Volunteers	.25
■ Machinery & Tools	3.30
■ Heavy Construction Equipment	3.30
■ Airplanes	.50
■ Certified Pollution Control	3.30

IN RE: FY 2001-2002 BUDGET -- ADOPTION

Mr. Long stated the FY 2001-2002 budget needed to be adopted.

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 the following budget for FY 2001-2002 is adopted:

DINWIDDIE COUNTY, VIRGINIA

BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2001

INCOME ESTIMATES

July 1, 2001

GENERAL FUND:

Revenue from Local Sources:

General Property Taxes	\$5,436,650
Other Local Taxes	2,758,000
Permits, Privilege & Regulatory Licenses	193,700
Fines and Forfeitures	254,244
Revenue from Use of Money & Property	464,000
Charges for Services	429,586
Miscellaneous Revenue	<u>285,100</u>

TOTAL	\$19,821,280
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Revenue from the Commonwealth	2,689,344
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Revenue from the Federal Government	-0-
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Non-Revenue Receipts	-0-
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TOTAL GENERAL FUND	\$22,510,624
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LAW LIBRARY FUND	6,500
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SCHOOL TEXTBOOK FUND	260,925
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SCHOOL CAFETERIA FUND	1,269,807
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SCHOOL FUND:

Revenue from Local Sources	40,500
Revenue from the Commonwealth	17,239,615
Revenue from the Federal Government	1,098,192
Transfers from Other Funds	<u>8,870,897</u>

TOTAL SCHOOL FUND	\$27,249,204
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VA PUBLIC ASSISTANCE FUND	2,557,216
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E911 FUND	264,000
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SELF-INSURANCE FUND	-0-
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GENERAL CAPITAL PROJECTS FUND	-0-
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OYCS FUND	88,348
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CDBG/VJCCCA FUND	205,570
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FIRE PROGRAMS FUND	42,262
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FORFEITED ASSET SHARING	6,000
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MEALS TAX	320,000
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SCHOOL CAPITAL PROJECTS	100,000
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CSA FUND	685,423
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JAIL COMMISSION FUND	7,500
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COURTHOUSE MAINTENANCE FUND	23,000
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COUNTY DEBT SERVICE	2,003,660
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SVRTC	-0-
HEAD START FUND	146,018
SCHOOL DEBT SERVICE	2,918,043
GRAND TOTAL – ALL FUNDS	\$60,664,100
LESS INTERFUND TRANSFERS	<u>13,637,830</u>
TOTAL INCOME	47,026,270
FUND BALANCES, JULY 1	<u>13,727,957</u>
CASH RESOURCES	60,554,227

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CONTEMPLATED EXPENDITURES

GENERAL FUND:

Board of Supervisors	67,138
County Administrator	301,614
County Attorney	67,700
Independent Auditor	32,000
Commissioner of the Revenue	250,214
Business License	20,346
General Reassessment	-0-
Land Use	19,946
Treasurer	261,188
Data Processing	83,465
Electoral Board and Officials	114,249
Circuit Court	23,250
County Court	6,230
Special Magistrates	600
Clerk of the Circuit Court	82,040
Commonwealth's Attorney	134,661
Sheriff-Law Enforcement	2,476,934
Victim Witness	48,653
Volunteer Fire Departments	286,600
Ambulance & Rescue Service	47,700
Forestry Service	11,718
Dinwiddie EMS	618,936
Sheriff—Correction & Detention	371,430
Probation Office	4,000
Other Correction & Detention	110,507
Building Inspection	196,043
Animal Control	106,631
Medical Examiner	500
Public Safety/Civil Defense	123,807
Street Lights	35,000
Refuse Disposal	1,191,514
Public Nuisance	5,000
Public Utilities	109,280
Maintenance of Buildings & Grounds	474,674
Water Service	276,000
Health	189,385
Mental Health	52,484
Other Social Services	23,134
Community College	4,789
Recreation	213,342
Lake Chesdin	1,500
Regional Library	199,207
Planning	202,439

Economic Development	11,600
Other Planning & Community Develop.	75,964
Regional Planning Commission	16,055
Soil and Water Conservation	12,500
Advancement of Agric & Home Economics	71,443
Internal Services	108,025
Insurance	<u>125,000</u>
Subtotal	9,266,435
Transfers to Other Funds	<u>12,838,288</u>
 TOTAL GENERAL FUND	 \$22,104,723
 HEAD START	 146,018
SVRTC FUND	-0-
LAW LIBRARY FUND	6,500
SCHOOL TEXTBOOK FUND	275,925
SCHOOL FUND	27,249,204
SCHOOL CAFETERIA FUND	1,269,807
VA PUBLIC ASSISTANCE FUND	2,557,216
E911 FUND	429,849
SELF INSURANCE FUND	-0-
OYCS FUND	98,348
GENERAL CAPITAL PROJECTS	500,000
SCHOOL CAPITAL PROJECTS	100,000
CDBG FUND/VJCCCA	205,570
FIRE PROGRAMS FUND	42,262
FORFEITED ASSET SHARING	6,000
MEALS TAX FUND	400,000
CSA FUND	685,423
JAIL PHONE COMMISSION FUND	3,864
COURTHOUSE MAINTENANCE	-0-
DEBT SERVICE	2,003,660
SCHOOL DEBT SERVICE	2,990,150
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GRAND TOTALS – ALL FUNDS	61,074,519
LESS INTERFUND TRANSFERS	<u>13,637,830</u>
 TOTAL EXPENDITURES	 47,436,689
FUND BALANCES – JUNE 30	<u>13,317,538</u>
 TOTAL REQUIREMENTS	 \$60,754,227
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IN RE: ACTION ONLY – C-01-1- NTELOS/SPRINT PCS

Mr. Moody stated the County has been contacted by the owners of A.M.E. Zion Church, and they were unaware that there was a conditional use permit in place. Mr. Moody stated he would like to defer action until the owners of A.M.E. Zion can catch up with what is going on with the permit.

Mr. Bracey moved that action be tabled for C-01-01 at least 60 days until A.M.E. Zion and the tower people can get together and bring the Board something; because it appears that someone has made an application on someone else's property that they were not aware of.

Seconded by Mr. Clay, Mr. Haraway, Mr. Clay, Mr. Bowman, Mr. Bracey, Mr. Moody voting "Aye", the conditional use permit C-01-01 is tabled for 60 days pending communication between the two parties, the property owners of A.M.E. Zion and Sprint/Ntelos.

IN RE: ACTION ONLY – C-01-3 – NTELOS/EASTSIDE
PROPERTIES

Ms. Russell stated this is an action item only because the public hearing had already taken place.

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.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that conditional use permit C-01-01 submitted by NTELOS/Harrison Conditional Use Permit, as stated above, is hereby approved with the conditions recommended by the Planning Commission.

Ms. Ralph asked if Mr. Clay would amend his motion to add the compliance statement.

Upon Motion of Mr. Clay, Seconded by Mr. Bowman, Mr. Haraway, Mr. Clay, Mr. Bowman, Mr. Bracey, Mr. Moody voting "Aye", the following amendment statement is included.

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: 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-01-5- AMERICAN TOWERS/NTELOS

This being the time and place as advertised in the Dinwiddie Monitor on April 18, 2001 and April 25, 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 American Tower. They are seeking a conditional use permit to establish a two hundred fifty (250') foot wireless telecommunications tower on a 100' X 100' compound.

Mr. Scheid presented the following conditional use permit application.

Planning Summary Report

File: C-01-5

Applicant: NTELOS and American Tower

Property Address: 12300 Quaker Road, Dinwiddie, VA 23841

Acreage: 38 acres (a 100' x 100' portion leased)

Tax Map Parcel: 46-9B

The applicants, NTELOS and American Tower, are seeking a conditional use permit to construct, operate and maintain a two hundred fifty (250) foot lattice telecommunications tower, related equipment and improvements for the purpose of mounting wireless telecommunications antennas. NTELOS wishes to provide telecommunications services along the I-85 corridor. They have reviewed the available height of other structures along the corridor in this area and determined that they needed to construct a tower if they are to obtain the coverage they seek. The property is cut over timberland and is located north of the northbound rest stop on I-85. The nearest residence is approximately 950' from the tower and is owned by Wynonah Wesson Thomas. It is estimated that 13 residences are located within ½ mile of the tower of which 2 residences are owned by members of the Thomas family. The nearest point of Quaker Road to the tower is approximately 1450 feet.

The Planning Commission heard this case at their April 11th public meeting. After the staff report and the presentation by NTELOS, the Chairman opened the meeting for citizen comment. Mrs. Linda Hensley of 12612 Quaker Road and Mr. Arthur Green, Jr. of 12112 Quaker Road spoke in opposition to the request. The Chairman closed the public hearing portion of this case after receiving their testimony. After discussion by the Planning Commissioners, the Planning Commission voted 6-0 (Mr. Moody absent) to recommend approval of the conditional use permit subject to the following conditions:

1. The tower proposed by American Tower shall not exceed two hundred fifty (250) feet in height;
2. Lighting will be accomplished as noted on the plans (dual-flashing system with red at night and white during the day utilizing fresnel lenses as noted);
3. The applicant, American Tower, 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. American Tower shall construct the tower as shown in the plans prepared by Matrix Engineering, entitled Gravelly Run, 12300 Quaker Road, Dinwiddie, Virginia, VA-F814-4 which was submitted by the applicant with the application;
5. Language shall be added to the application stating that the County shall have co-location rights on the tower at no cost to the County; and
6. The conditional use permit must be reviewed at least every two (2) years for compliance with stated conditions.

Since this is a zoning matter, the standard statement regarding your motion must be read. In order to assist you in this matter, the statement is attached and reads as follows: 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.

Mr. Moody asked if the Board members had any questions for Mr. Scheid.

Mr. Bracey inquired about the relationship to the nearest tower already on Quaker Road.

Mr. Scheid replied that this existing tower can't be extended any higher due to the airspace requirement for the airport. Also he could not tell how far air wise this location is from the airport. The existing tower is on the opposite side of I-85 and the proposed location of this request.

Ms. Roma Sein, Attorney, stated she was here on behalf of the co-applicant NTELOS. NTELOS is the trade name for the Corporation, Richmond

20 MHz, LLC the holder of the Federal Communications Commission license to provide digital wireless personal communications services or PCS here in Central Virginia. She introduced Steve Muscarella an agent for NTELOS and Mrs. Dorothy Bernetti, project manager, for American Tower Corporation the co-applicant in this case. They are in the business of constructing towers. She stated she was here to request approval for the conditional use permit application request for the (250') foot self-supporting lattice telecommunications tower, owned by Ms. Thomas. She stated that the proposed facility meets and exceeds all of the requirements of the zoning ordinance and at a height of 250' the proposed tower would accommodate the NTELOS antenna and 4 other wireless providers. She added that the county will be provided the opportunity to co-locate on the tower. Continuing she said she was here requesting approval of the 250' tower proposed for this site west of Quaker Road. She said this parcel was chosen because it is a large acre parcel and situated directly adjacent to Interstate 85. There is an existing tower on Quaker Road, North of this site, and NTELOS did approach them and asked whether co-location was possible. An analysis was done and they already have the number of providers that they can structurally hold and the tower cannot be extended. Therefore NTELOS needed to partner with American Tower to try to find the best site that they could for a new telecommunication tower use in this part of the County. Ms. Thomas's property was chosen because it is a relatively large parcel approximately 38+ acres and adjacent to I-85. It is agriculturally zoned heavily wooded and because the parcel is so large we would be able to meet the setback requirements for the 250' tower. Also the existing mature trees and bushes on the property would be very effective in screening the base of the tower from the adjoining properties. For this reason she asked the Board of Supervisors to waive the requirement for new landscaping around the perimeter of the fenced compound. The proposed facility meets and exceeds all of the requirements of the zoning ordinance and at a height of 250' the proposed tower would accommodate the NTELOS antenna and 4 other wireless providers. American Tower will also provide the County the opportunity to co-locate on the tower at no cost to the County. This is in accordance to the zoning ordinance Section 22-274-7. Ms. Sein stated that with regard to contact with adjacent property owners, the county sent letters to notify adjacent property owners of the application and Planning Meeting. She added that of the persons who had voiced opposition or concerns at the Planning Commission Meeting, none of them had taken her up on an offer to meet with them. One was concerned about radio frequency emissions and the other was concerned about the impact of the tower on property value. She said looking at the site plan the tower is about 800' from the rear property line of the nearest adjacent owner who was concerned about the tower. Also, to follow up on the frequency emission concern she stated that the Telecommunication Act of 1996, Section 704 and also 47UFC332 Subsection C7E4, states that State Local Government cannot "regulate the placement construction and modification of personal wireless service facilities on the basis of the environmental effect of radio frequency emissions to the extent that such facilities comply with the Commissions Regulations concerning such emissions." Ms. Sein stated that this type of radio emissions weaken the further you get from the antennas. Also, the type of emissions emitted are the "non-ionizing radiation" which is not harmful to cell structures. Mrs. Sein stated that NTELOS and American Towers agree with the conditions recommended by the Planning Commission and respectfully requested approval of conditional use permit C-01-05.

Steve Muscarella came forward representing NTELOS presenting an update on the development plan for I-85. This updated map shows some of the applications that have come before the Board along with the existing towers that have been identified along this corridor. He stated that this location and the A.M. E. Zion location are critical to NTELOS since these two facilities would work in conjunction with each other. They need to hand off to each other. The height of 250' is crucial because it will help with the deficiencies of the tower height at that location. However, it can't make it all up. He covered the reasons for not being able to use the existing tower located on Quaker Road. Mr. Muscarella stated

the good news is that this is a good location, has minimal impact, is relatively not visible and it will provide additional co-location opportunities to other carriers along the I-85 corridor. NTELOS will be placing up to 9 (nine) antennae at the 250' tower and locating their supporting radio equipment at the base of the tower within the compound. He said that concluded his presentation.

Mr. Muscarella asked if he could clarify the information for the individual who had the question regarding the megahertz at the A.M.E. Zion location. NTELOS operates at the 1.9 gigahertz frequency level and the confusion might have been in the name Richmond 20 MHz. The 20 MHz is the width of the band that we operate in. So to be exact, it is in the application, our receive frequencies are 1870 to 1880 megahertz. If you convert that back to gigahertz it is 1.87 to 1.88. In the transmit NTELOS is in the 1950 to 1960 megahertz. So if the gentleman is operating at 20 megahertz we are really far apart from him and will not have any interference.

Mr. Moody stated the screening at the bottom of the tower is mature now but it might not be there forever. What would happen if the landowner decided to cut the trees? As far as doing away with the buffer.

Mr. Muscarella said the land has been cut over once before and these are semi-mature trees probably in the 20 – 40 foot range. However the landowner does have the right to cut the trees down at anytime.

Mrs. Burnetti with American Tower stated if necessary she could include a statement or letter to the Board that should the landowner cut down the trees American Tower would provide per the ordinance the appropriate screening or buffer for the cell tower.

Mr. Long stated just to clear up the record, American Tower is the applicant and NTELOS is the co-applicant; is that correct?

Mrs. Burnetti replied that is correct. She stated she represented American Tower who will own and build the tower and Mr. Muscarella represented NTELOS who will place their antennas on the tower.

Mr. Moody opened the Public Hearing.

Mr. Horace Farrish adjoining property owner living at 25803 Franklin Street, Petersburg, stated he was not notified by the Planning Commission that there was an application for a tower here. He voiced his concern about the people going in and out of the right-of-way road that they do not damage his property when they are building the tower. He also stated he was getting ready to cut the timber on his approximately 100 acres.

Mrs. Sein stated that American Tower will work with the landowner who has the easement.

Mr. Muscarella stated the easement for the road is presently adequate for the construction and access to the tower. If any damage occurs during the construction it will be repaired and left in its present condition.

Mr. Bowman asked what agreement has been made with the landowner to maintain the road.

Mr. Muscarella stated the terms are spelled out in the agreement and he did not have that with him.

Mr. Long asked Mr. Farrish did you say you did not receive notification of the hearing?

Mr. Farrish replied no he did not.

Mr. Moody closed the Public Hearing.

Mr. Moody asked if any of the Board Members had any questions or comments.

Mr. Bowman asked why the property owners are not being notified.

Mr. Scheid replied that he has documentation as to what the Planning Department did; we complied with the law as to what we sent out and no letters were returned undelivered. So he had no reason to believe that A.M.E. Zion did not receive their letters. Mr. Farrish was in the office the other day and spoke to me about the case being presented tonight.

Mr. Long asked if Mr. Farrish was on the list as an adjoining property owner?

Mr. Scheid replied yes, he is on the list. He did state he could not say whether the letter reaches the destination or not. Continuing he stated he was convinced that the County did everything proper to have that letter delivered to A.M.E. Zion and it was very unusual that two of them just happened to come up at the same meeting.

Mr. Bracey suggested that the letters be sent certified at the owner's expense.

Mr. Moody asked if this was the only site that American Tower looked at for the location of the tower.

Mr. Muscarella stated there were other raw land opportunities. One piece was on the West side I-85 and to the North. It was not as good of a location due to the next proposed tower for the hand-off. The other properties had similar characteristics. They were wooded, some were being cut and cleared and there was some residential development going on at one of the locations. There was no business property in or near the area we needed.

Mr. Moody stated would you have a problem if the trees are cut that the buffer would be put in place. He asked the Planning Director if he would have a problem keeping up with that. If there was a condition put on the permit.

Mr. Scheid replied that there is already a requirement in the permit that requires a review every two years.

Mr. Moody suggested that condition number 7 be added to the application with wording for the buffer in case the trees are ever cut.

Mr. Scheid replied the applicant will be granted a variance from Section 22-274 paragraph 4 of the County Code as long as a mature stand of trees is maintained on the property and at such time as those trees would be cut they would then be bound to be in compliance to the landscaping criteria in the subject paragraph. This paragraph states exactly what they must do to stay in compliance. Mr. Scheid stated the Board has the authority to not to abide by that variance and impose this paragraph right now. You can decide not to grant the variance. Then they would be bound by the landscaping.

Mr. Bracey stated he felt they should be bound by the landscaping.

Mr. Bowman asked if Mr. Farrish would prefer that it be screened.

Mr. Farrish replied yes.

Mr. Bowman said he felt it should be screened for the adjacent property owners.

Mrs. Katz suggested if any other route is taken other than what is on the application now, that the applicant make a proposal to the Planning Director. Then it could be considered when action is taken at the time the permit comes up for adoption. The language can be worked out between the two parties.

Mr. Bowman stated he read that the towers were going to have the capability of locating 911 calls by a certain date and that date is July 1st of next year.

Mr. Muscarella replied yes there is going to be a requirement that a cell user be traced to within a certain proximity and the carriers have that responsibility. NTELOS is looking into that as are all other carriers at this point.

Mr. Jolly replied, July 1, 2002 is the date that we have to be able to accept wireless 911 in the centers. So that ultimately means that the telecommunications industry has to do that for us by that date. The other part of that equation is that by July 1, 2003 they not only have to give the call centers 20 digits which is the 10 digits of the cell number and the 10 digits of the tower they also have to tell us which side of that tower the call is coming in on and the call center has to decide jurisdictionally which one will answer the call. Basically for lack of better words it is a GPS system. The most important date for us right now is July 1, 2002 because this is our compliance date.

Mr. Bracey moved that C-01-5 be deferred for 60 days in order for a study of the requested site location to be conducted by a consultant selected by the County at the applicant's expense in accordance with the County Ordinance. This is due to the County's growing concern over the issues such as tower heights, location in relationship to other towers, co-locations and etc....

Mrs. Sein asked for clarification of the motion.

Mr. Moody addressed Mrs. Sein and stated there would be discussion allowed only after there was a second to the motion.

Mr. Bowman seconded the motion.

Mrs. Sein asked the Board to reconsider either by deferring for 30 days or tabling the action, or taking a recess, until she could consult with her clients. Due to the fact this has never been presented before.

Mr. Moody replied there is a motion on the floor and unless it was rescinded or amended it did need to be voted on as stated.

There was a call for the vote.

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 C-01-5 conditional use permit application is deferred for 60 days with the above stated conditions.

IN RE: RECESS

Mr. Moody called for a recess at 9:10 P.M.

The meeting reconvened at 9:16 P.M.

IN RE: P-01-1 - NORMAN WYATT - REZONING

This being the time and place as advertised in the Dinwiddie Monitor on April 18, 2001 and April 25, 2001, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comment on a request from Norman Wyatt, Sr. who is seeking a rezoning of a 0.3 acres portion of property from Agricultural, General, A-2 to business, limited, B-1. The applicant is requesting the rezoning for the purpose of reestablishing a preexisting business and to encourage additional business opportunities.

Mr. David Thompson presented the following request for the rezoning application.

Planning Summary Report

File:	P-01-1
Applicant:	Norman Wyatt Sr.
Property Address:	16915 Boydton Plank Road DeWitt, VA 23840
Magisterial District:	Rowanty
Acreage:	0.30 ±
Tax Map Parcel:	69A-(2)-4
Zoning:	Agricultural, General, A-2 district
Water Source:	On-Site
Sewer Disposal:	On-Site

EXECUTIVE SUMMARY

The applicant, Norman Wyatt Sr., is seeking a rezoning of the property from Agricultural, General, A-2, to Business, Limited, B-1. The applicant is requesting the rezoning for the purpose of reestablishing a preexisting business and to encourage additional business opportunities. A general store and post office have previously been operated in sections of the building. The applicant has tenants who are interested in renting both sections of the existing building. One tenant plans to reopen the general store and the second tenant intends to use the old post office as an office space. The property is identified as Tax Map Parcel 69A-(2)-4.

The property is located at 16915 Boydton Plank Road DeWitt, VA 23840 and is situated at the intersection of Boydton Plank Road (U.S. 1) and First Street (Route 650).

The Planning Commission heard this request at their April 11th public meeting. The applicant originally submitted the request for rezoning to business, general B-2 but amended the application prior to the meeting such that the rezoning request was downzoned to business, limited B-1. The Chairman requested Mr. Wyatt to come forth and reaffirm the amendment to his original rezoning request. Mr. Wyatt stated that it is his desire that the property be considered for business, limited B-1 usage. The Chairman opened the public comment portion of the meeting. Mrs. Ann Robertson came forth to say that she does not object to the B-1 rezoning but is opposed to the B-2 classification. A letter submitted by Mrs. Mary B. Weber was noted as objecting to the B-2 rezoning but it is staff's understanding that she does not object to the B-1 classification. There being no one else in attendance wishing to speak on this case, the public comment portion of the meeting was closed. With little discussion held by the Planning Commissioners, the Planning Commission voted 6-0 (Mr. Moody absent) to recommend approval of the B-1 zoning to the Board.

Mr. Moody asked the applicant to come forward.

Mr. Norman Wyatt came forward stating he had nothing further to add.

Mr. Moody asked if any of the Board Members had questions for the applicant.

Mr. Long asked for clarification on the professional office section of the application.

Ms. Yolanda Taylor stated it would be a Home Care Office who employs one person at the site.

Mr. Haraway inquired if this would be a Home Care Agency.

Ms. Taylor replied she would employ CNA's who sit with people in their houses.

Mr. Haraway asked if it would only CNA's that would be utilized?

Ms. Taylor responded she would start out with CNA's but she might expand in the future. At this time there would only be a maximum of 2 people in the office.

Mr. Clay asked if there was plenty of parking?

Mr. Scheid replied that once they are opened that issue would be addressed.

Mr. Moody opened the Public Hearing.

No one was present to speak.

Mr. Moody closed the Public Hearing.

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 the rezoning request for Mr. Norman Wyatt, P-01-01, of the property from Agricultural, General, A-2, to Business, Limited, B-1, for the purpose of reestablishing a preexisting business and to encourage additional business opportunities as stated above, is hereby 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: P-01-2 – H. KEITH HENSHAW – REZONING

This being the time and place as advertised in the Dinwiddie Monitor on April 18, 2001 and April 25, 2001, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comment on a request from Messrs. Henshaw to rezone approximately 49.4 acres of property from Agricultural, General, A-2 to Residential, Conservative R-R.

Mr. Scheid presented the following rezoning case to the Board.

Planning Summary Report

File: P-01-2
Applicant: H. Keith, Kenneth, & Kevin Henshaw
Property Address: Located on the south side of Wilkinson Road (Rt. 611)
approximately 1 mile west of Center Star
Magisterial District: Rowanty
Acreage: 49.4 $\pm$ acres
Tax Map Parcel: 43-10 & a portion of 43-3
Zoning: Agricultural, General, A-2 District
Water Source: On-site (well)
Sewer Disposal: On-site (septic)

EXECUTIVE SUMMARY

The applicants are seeking to rezone approximately 49.4 acres of property from Agricultural, General, A-2 to Residential, Conservative R-R. Messrs. Henshaw have made this request for the purpose of developing the parcel of land into a residential subdivision in which single-family homes would be built on five (5) acre lots accessed by a state maintained road. The land under consideration is 49.4 acres of land located on the south side of Wilkinson Road and consists of tax parcels 43-10 and a portion of tax parcel 43-3. The applicants have submitted proffers as a condition of this rezoning request, a copy of which is attached and made a part of the public record by reference.

The Planning Commission heard this case at their April 11th evening meeting. Mr. Ronald Gordon spoke in support of the rezoning request. There was no one present speaking in opposition to the request. Upon conclusion of the public comment portion of the meeting, the Chairman opened discussion among the Commissioners. Several matters were discussed by the Commissioners that are reflected in the draft minutes attached to your material. Upon conclusion of the discussion, the Planning Commission voted 4-2 (Mr. Moody absent) to recommend approval of the rezoning request with the proffers previously noted.

Continuing Mr. Scheid stated he had received the following in his office today:

1. Mrs. Mary Sue Clay, 11707 Patillo Road, DeWitt, VA 23834 (265-5082) called to object to the rezoning P-01- 2. She owns land adjacent to this parcel. Her concerns are: the current road conditions of Wilkinson Road will not permit residential development on this road; a neighbor's well went dry last year and she is concerned about additional demands on the ground water table; and this area is good farm land which should be continued. She stated that she could not be at the meeting this evening; and
2. Mr. Robert Zimmerman stated that he objected to the rezoning and faxed a letter to me stating his concerns.

Mr. Moody requested that Mr. Scheid go over the differences in the application that was previously submitted by the applicant.

Mr. Scheid read the following excerpt.

The property in question is located within the Rural Conservation Area, and the Board of Supervisors and the Planning Commission have carefully reviewed development proposals outside of the designated growth areas

illustrated within the Comprehensive Land Use Plan. The property is zoned agricultural and there has been concern expressed by both bodies in the County. It is noted that some residential growth in the Rural Conservation Area is expected and permitted by the Comprehensive Land Use Plan. It is the type of development and location within the County that has been closely monitored.

With the above noted, staff must point out the differences between the previous submission and the current request.

1. The zoning category requested is R-R (5-acre minimum) versus the RR-1 (2-acre minimum) in 1999.
2. The minimum square footage has been revised for a 1-1/2 or 2 story home from 1400 s.f. (for any type of housing unit) to 1650 s.f.
3. There are 3 less building lots proposed (8 versus 11).
4. The current proposal will not involve the formation of a Homeowners Association since there is no common area to be maintained.
5. The minimum lot frontage was increased from 200' to 300'.

Continuing Mr. Scheid stated it is also noted to you, that all driveways on newly created lots with the exception of the mobile home, which already exist out there that has driveway access on to Wilkinson Road. It is stated in the proffers that all the driveways will have frontage and will access off the newly created State maintained road if the rezoning application is approved. Mr. Scheid said those are the essential differences between the previous applications and the current one. Mr. Scheid noted that the doublewide which is currently on Lot #9 has access to Wilkinson Road and the person living there has life rights on this property.

Mr. Moody asked if the Board had any questions or comments for Mr. Scheid.

Mr. Moody asked the applicant to come forward.

Mr. Hampton Gordon, with Ronald Gordon and Associates, came forward representing the applicant and addressed the issue of the driveway for the newly created lots. He explained that there will be a decrease in driveways to Wilkinson Road and the newly proposed road will be asphalted and State maintained. He said he had spoken to Sheriff Shands, Mrs. Seward and Mr. Jolly and none of them foresee any problems associated with the development and the services provided by their departments. He continued and said they were trying to deal with the community a little better this time. Mr. Gordon stated when Mr. Lewis vacates the doublewide on the 1 acre lot it will be added to the 4 acres and become lot #9. The trailer then would be removed and a house will be built on the lot.

Mr. Scheid stated the property is going to an RR category and as such under the manufactured housing a mobile home would not be able to be put back there. It would become a non-conforming structure.

Mr. Keith Henshaw came forward stating at the time that Mr. Lewis vacates the doublewide with the life right, the 1 acre will revert to a 5 acre lot. At that time a new home will be built.

Mr. Moody asked if it could be made part of this rezoning?

Mr. Long inquired of the County Attorney if the additional proffer could be added to this request.

Mrs. Katz stated as long as the Public Hearing had not been opened then the proffer could be added.

Mr. Ronald Gordon, 14331 Courthouse Road, stated he just wanted to attempt to answer the question regarding lot 9. Mr. Lewis has a life right on one (1) acre of property where he has his doublewide home. The intent was to include that acre with 4 more acres so that some time in the future this would revert back and be a portion of lot # 9 making a total of 5 acres. He continued and stated this property, the way it lays, divides very nicely. There is a natural storm drain to the back of the property. The perfect idea would be to end up with 9 lots but chances are at the very back the soils get worse. Lot 4 may not be a suitable lot because of the drain field problems associated with the bad soil.

Mr. Moody asked the applicant if he would like to make any extra proffers.

Mr. Scheid stated with language to the effect that the existing mobile home as occupied by Mr. Lewis who has a lifetime right will be removed upon Mr. Lewis's vacating the premises. The existing one (1) acre parcel is part of lot number 9 which is shown as a five acre parcel on the attached plat. A custom built home will be built on this lot. Mr. Scheid asked if this would suffice for the added proffer and satisfy the Board as to the intent of the applicant.

Mr. Moody opened the public hearing.

The following citizens came forward to speak.

1. Mrs. Marjorie Flowers 14919 Wilkinson Road, stated she was here tonight representing over 30 residents on Wilkinson Road in opposition to the rezoning request. She presented the petition signed by the 30 residents to the Chair. Ms. Wilkinson stated she did not believe this parcel is in the growth area. Additionally, the biggest concern is the heavy traffic on the road. Also the Board appointed a committee for the redevelopment in Dinwiddie County and this is not designated for redevelopment. She requested that the Board take this into consideration. The Board turned down Mr. Ragsdale's request on Tranquility Road which is not too far away. Ms. Flowers stated there is a lot of agriculture on this road and what is going to happen to this County when there is no more agriculture.
2. Mr. Gus Nelson, Jr., 14623 Wilkinson Road stated as far as he could determine he is the closest resident where this is going to be developed. He stated he had a few questions. Why would the Board turn down one person and then turn around and consider the next one. Traffic is another concern. He said he has been living in this area 22 years and travels the road daily and has never seen any kind of state count for traffic. Approximately in the past 5 years there has been 20 - 25 new houses built and there has not been an increase in traffic according to the State count. He voiced concern about the cars which cannot see around the curve at the end of his lane. Continuing he said the road is very narrow with no shoulders and ditches on both sides. He asked if the County has any idea of expanding this road.
3. Mr. Vincent Lewis, 17315 Wilkinson Road, stated he would like to request the Board not to approve this request. This area of the county has more than exceeded the expected growth that has already taken place. He stated his main concern is if this one is approved then the next one will have to be approved also. He asked how many houses would be

built at the 1600 sq. ft. size. Another concern is the water and sewer supply.

Mr. Moody closed the public hearing.

Mr. Moody stated one of the citizens asked about the number of homes that would be a single story, 1 1/2 story or a 2 story. He asked Mr. Henshaw if he could reply to that question.

Mr. Henshaw answered the homes are to be custom built but none would be under 1,650 square feet with an average cost of \$120,000 and up. The single story would be approximately 1,400 square feet.

Mr. Haraway stated this subdivision would be unique in that he could not recall a subdivision in Dinwiddie County having 300' fronts with a black top road. Usually you find 100' - 200' fronts with black top roads.

Mr. Bracey asked about the question relating to the Rural Conservation area.

Mr. Moody stated this area is in the Rural Conservation area and the comp plan allows 10 to 15 percent growth. It is not a growth corridor.

Mr. Scheid responded that is correct and in the comprehensive plan this development is discouraged.

Mr. Bowman stated he would like to wait and see what the new comprehensive plan recommends. He stated he felt the County is entitled to impact fees. He asked if an ordinance has been passed to impose these fees.

Mr. Bracey responded that the plan is not the "law" it is only a guide. He said the County can't dictate the size of the house nor the price of the house. We are talking about people and I think we need to consider affordability. A lot of people can't afford \$200,000 homes. So people are going to be denied a place to live because they don't have that kind of money.

Mr. Bowman stated the County needed to slow down the growth so that we can catch up the schools.

Mr. Bracey stated Mr. Bowman you want all the development stopped until the County gets a new comp plan.

Mr. Bowman stated yes. We need to use the tools that we are paying to have.

Mr. Bracey stated please don't put me into that category.

Mr. Bowman replied that that has been one of the main questions at every comp plan meeting he has attended, "how can we tax mobile homes coming into Dinwiddie County to make them pay for their way to support the School System"? One of the ways may be impact fees.

Mr. Bracey responded don't put that standard on anyone.

Mr. Clay stated he was an adjoining landowner with a possible conflict of interest.

Mr. Moody stated he heard what Mr. Bowman said but he felt like every application has to be weighed on its own merit. The Board can't wait on a new comp plan and we can't do that. We have to look at it and give a reason other than that for what needs to be done. There was some discussion about rural conservation. This is a rural conservation area and he thinks it does allow 10 to

15 percent growth. It is hard to say whether this has been done without some research here and we are talking about 5 to 6 houses. At the last public hearing the request was denied because it was a small lots and the applicant has come forward and done a much better job with the plan.

Mr. Moody called for a motion.

Mr. Bracey moved for approval.

Mr. Long read the following statement:

BE IT 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.

This motion included the additional proffers as stated and signed by the applicant and those recommended by the planning commission.

The motion was seconded by Mr. Haraway.

Mr. Haraway asked what is the Staff's recommendation?

Mr. Scheid replied the Staff notes that the current rezoning proposal is more closely aligned with the thoughts of the Planning Commission and the citizens than the previous rezoning proposal, P-99-4. The development standards proposed appear desirable and could be interpreted to set the standard for future requests. But, it must be noted that three (3) concerns remain: actions taken on previous rezoning requests appearing similar in nature; compliance with the existing comprehensive land use plan; and the current efforts underway to revise the comprehensive land use plan. But ultimately Staff recommended disapproval of the request.

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

Mr. Moody asked legal counsel what is the ruling?

Mrs. Katz asked what procedures have been established by the Board in the past. She stated she would check to see if it is the majority voting or the majority of the Board and let the Board know. Clearly it is not the majority of the Board.

Mr. Long told the applicants as soon as the vote is clarified he would contact them.

IN RE: EXTENSION OF TAX DUE DATE – RESOLUTION TO CONSIDER

Mr. Long stated there might be a possibly of having to extend the deadline of due date for taxes on real estate, tangible personal property and machinery and tools based on the uncertainty for the personal property tax relief act; and recent discussion could go any number of different routes. The Treasurer is concerned with sending the tax bills out without that having been decided. The cost to send the bills out a second time is expensive.

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 IF THE state has not rendered a decision of the car tax relief act by

May 9th, the Board will consider an emergency ordinance at its May 16th meeting to extend that due date to June 19, 2001.

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. Bracey 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: Telecommunications and Zoning.

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. Clay seconded the motion. Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, Mr. Moody voting "Aye" the Board moved into the Closed Meeting at 10:35 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 11:09 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. Haraway, Seconded by Mr. Clay, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, Mr. Moody voting "Aye". This Certification Resolution was adopted.

IN RE: AUTHORIZATION TO DISPOSE -- AIR CONDITIONERS

Mrs. Wendy Ralph asked the Board to authorize the disposal of the air conditioner units which were removed from the Old Courthouse and other County building surplus. We recommend giving the units that are in working condition to the Disabled American Veterans. The units not in working condition would be disposed of at the landfill. The Board concurred.

**IN RE: VIRGINIA TOBACCO INDEMNIFICATION AND
COMMUNITY REVITALIZATION COMMISSION –
APPLICATION FOR FUNDS**

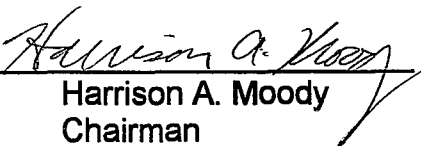
Mr. R. Martin Long, County Administration advised the Board that \$922,000 has been set aside for Dinwiddie for economic development purposes from the Tobacco Commission Fund. The deadline for application is May 15, 2001. He reviewed several projects that could be submitted for consideration.

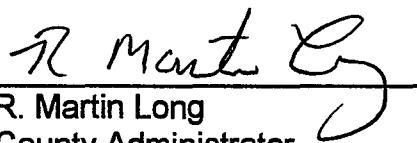
IN RE: COUNTY ADMINISTRATOR COMMENTS

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 beginning at 9:00 A.M. on 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 requested that an agenda be set along with recommendations from the staff on each item.

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 11:23 P.M.


Harrison A. Moody
Chairman

ATTEST: 
R. Martin Long
County Administrator

/abr