

VIRGINIA: AT THE CONTINUATION 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 7TH DAY OF JANUARY, 1998, AT 4:00 P.M.

PRESENT: EDWARD A. BRACEY, JR., VICE-CHAIRMAN ELECTION DISTRICT #4
AUBREY S. CLAY ELECTION DISTRICT #5
LEENORA V. EVERETT ELECTION DISTRICT #3
MICHAEL H. TICKLE ELECTION DISTRICT #2

ABSENT: HARRISON A. MOODY, CHAIRMAN ELECTION DISTRICT #1

OTHER: DANIEL SIEGEL COUNTY ATTORNEY

IN RE: CALL TO ORDER

Mr. R. Martin Long, County Administrator, called the continuation meeting to order at 4:00 P.M. stating that we were here for an overview of the GIS (Geographic Information System) as requested at the Board's retreat in December. Mr. Long asked Mr. John M. Altman, Jr., Zoning Administrator, to come forward and introduce the speaker.

IN RE: INTRODUCTION OF SPEAKER

Mr. Altman came forward to introduce Mr. Russell Minich, who is the GIS Manager for Timmons, Inc., which is an engineering consulting firm located in the Richmond area. Mrs. Wendy Weber Ralph, Assistant County Administrator, Mr. William C. Scheid, Director of Planning, Mr. Charles Burgess, past County Administrator, Mrs. Glenice Townsend, Fiscal Officer, and himself made a trip to their office in Mechanicsville, last year, where they were given a presentation. Since the Board had some questions he felt that it was best for the Board to see the program in action.

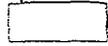
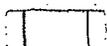
IN RE: GIS PRESENTATION BY TIMMONS, INC.

Mr. Minich came forward to make the presentation. He proceeded to review what he hoped to expect out of this presentation. Mainly he hoped that he would be able to give the Board a better understanding about what a geographical information system is, how it is created and some of the things that it can do. To do that he wanted to start with telling them who Timmons, Inc. is. He stated they are consultants in GIS, Engineering and Surveying, with 190 Specialists (12 GIS Specialists), with their headquarters located in Richmond, Virginia. The firm has 44 years of experience in serving Virginia Local Governments. He provided the Board with a list of Virginia local governments that they are currently serving. He stated he felt very comfortable coming before the Board and talking with them about the GIS programs.

He stated that the definition of GIS (Geographic Information System) is:

A tool for collecting, analyzing, and presenting information about our world.

What it actually does is enable the use of a computer to model the information that is out there in the County that the staff of the County uses on a daily basis; to model that information and plan, to use it as a planning tool, as a tool for looking at certain conditions, zones, etc. It involves more than just data. It is actually people, the daily users and the maintainers the system. It also includes the data, such as the roads, utilities, buildings, parcels, etc., and all the information that goes into it. It includes programs, like the GIS software and applications, along with the hardware such as computers, printers and plotters.



This system is an information management and processing tool. It can be used in planning, development, economic development, revenue collection maintenance, routing, zoning, information collection, site plans, plats, phone calls, utilities, school bus and truck routing, and emergency response.

There are different levels of the GIS development system. These systems do not all have to be implemented at one time. They can be added as the need arises. He discussed ground control and monumentation, spot imagery, digital orthophotography, road network and attributes, road network model, tax parcel data, etc.

He continued by stating that the first step, in the development steps process, is needs assessment. The second step is data and applications development and last implementation and maintenance. He provided the Board with an estimated costs and revenue sources chart.

Mr. Minich concluded his presentation by demonstrating some of the uses of the program.

Mr. Minich asked if there were any questions, from the Board, that he could answer.

Mrs. Everett asked him where there was grant money available.

Mr. Minich stated that it is out there; you just have to look for it. He stated that there has been some grant money available from Sea Lab, Chesapeake Holding and Assistance, Caroline County used some of that. There has also been some money available from VDOT; however, he did not know if there was any of that grant money left. For purpose of doing non-point source pollution type work, environmental work, there are some grants available there. You have got to search for those grants. How that works is that the GIS system is used to process data for those projects.

Mrs. Ralph asked Mr. Long if she could ask a question. She stated to go back to the very beginning the basis for everything in a locality that only has tax maps, which are only so accurate, is the best way to do this or the only way to get the accuracy is to fly the County to do some kind of new survey, or do you go into a locality and just use those tax maps.

Mr. Minich answered by stating depending upon the cost and the budget that you have, there are several ways of approaching it. A fairly cost effective way to collect information and provide the required information to build the tax parcels would be to GPS the road network. When you do that you can also collect information about your addressing. He stated he knew that Dinwiddie County has some opportunities there that need to be worked on. That is one way to get in there. Again that is about \$70.00 a road mile, but when you complete that you have a 3-5 foot accurate map of your road network and the structures within the County. Those are important and what the digital ortho will give you on top of that will be the additional information so the difference between the spectra data set and the digital ortho will provide a picture on your computer screen of exactly what you have in your County. A lot of times what will happen, depending upon the finances that you have available, you can start with using the digital orthos or the road center lines and then build from there. You do not have to do it all at once. What you choose depends on what type of applications are most important, what has to be addressed first in a GIS. There are many ways to mix and match the data sets depending upon what you are trying to accomplish. That is the important thing about the needs assessment. That is the important thing about having a plan of what you want to do before you start.

Mr. Long asked Mr. Altman if he could give the Board any examples of specifics that may really help your department in zoning or planning.

Mr. Altman stated that some of the applications that their department could use a GIS system for are: Certainly the first one that jumps out is tax parcel maintenance - the way the system is set up now Mrs. Marston's office will update the tax maps and there are occasions where we will get a building permit for a tax parcel but when we go to our tax map that parcel does not exist. It is just in her computer, therefore it would be a way for them to continually update the maps as they sign off on plats and as they are recorded in the Clerk's Office. We can at that time create these parcels and keep the maps up to date. The way it is currently being done is once a year she, Mrs. Marston, gets the deeds and plats in. With the GIS system this could be done as we go through the year and they would be continually up to date. Certainly another application would be the addressing. Right now, addressing is being done - when a building permit comes through on a parcel that is not in the northern part of the County say it is out in Darvills and it is a large acreage parcel, the maps that he has with all the addresses on it, just show lines with roads and little blocks with numbers associated with them. No tax parcel information is contained on these maps at all. He obtains the tax map from Mrs. Marston's office, places it on his window and traces the parcel lines and then traces them on to his maps. This way he can get some idea where this is along the road. Then he can assign an address. With a system like this you can pick the parcel or pick where the driveway hits the pavement and it will assign the number. It will cut out about a half hour of work. It can be used in economic development. If you want a parcel so big, so close to dual rails, with water and sewer within a certain distance, with interstate roads, there you go; it will tell you what parcel is available, print it out, take the client out into the County, and you can say these are the parcels that we are talking about.

Mr. Long stated that these are real life examples and he knows that the Board has asked some questions of him about what it does and what he is trying to do is ask if the Board members have any that come to mind of any services that the County provides, if you would like to know how this system could benefit us, please ask them now.

Mrs. Everett asked if you could show land use parcels and actual farming operations?

Mr. Minich stated there were a couple of sources to show that information, in a large view you can probably use satellite image data. The farm land will show up and the cleared fields will show up on the satellite image data if they are of any size. The ortho photography would give you a much better picture of how your land is being used. That is where the photography comes in, where the imagery building comes in because that gives you an idea beyond the satellite image.

Mr. Bracey asked if this program would or could help the School Board route their buses any better in order to save money and keep them from having to buy 10,000 buses. We have them scattered every kind of which of ways.

Mr. Minich stated it does and can help. The information needed to do that again would be your road network. You would need to know, you would have to tap into the school system data base to find out the names of the children and associate those back to the addresses, the structure addresses, so you will know where they live. From that you will need to know the age of the children and so you know what school the children are in. Then what you can do is route them and tell them only, here are all my resources, and you can then say I want you, the computer, to tell you, based on drive time, that you want to minimize the drive time to all these schools and that you do not want any one of the schools having over X number of students in the school. Tell me how we can dice and slice up the area to meet our requirements.

Mr. Altman stated another extension on that would be as the County grows and you have to move students from one school to another and redistricting. When the new census comes out, certainly we will probably have to do new voting districts, that will be helpful. Instead of just drawing lines on a map and subtracting here, subtracting there, that is something that we will have to do.

Mr. Bracey stated that he looked at the whole thing as saving the County some money in the long run. In the long run it will save us money and man hours, especially man hours.

Mr. Clay asked if you can do part of it and then go back and do some more of it.

Mr. Minich stated yes you can.

Mr. Clay asked Mr. Minich to run the cost overhead again because he was so far away from it that he could not see it.

Mr. Minich passed out printouts of the power point slides he had shown during his presentation.

There was some discussion on the cost of program between Mr. Minich and the Board. It was expressed the cost will be determined by the tasks that the County wishes to perform. You must start with a good accurate basis.

Mr. Bracey stated he had no problem with this program. He stated he would look to Mr. Scheid and Mr. Altman to make a recommendation as to the tasks that they feel need to be completed. They need to talk to Mr. Long. He stated he did not feel that Dinwiddie County needed the full program at this time; however, if something was to be done he wanted to do enough to make it pay for itself. He stated that he felt a certain degree of accuracy was important. He felt that was the key, accuracy. He stated he would take their recommendation as soon as they have one ready. He stated that even after the presentation and the information he had read about this system he was still a little bit fuzzy about what the planning/zoning department needs and what they would like to accomplish.

Mr. Clay stated that you will obtain a lot more off of the urban area than you can in a rural area.

Mr. Long thanked Mr. Minich for coming. He stated the Board will be discussing this program with Mr. Scheid and Mr. Altman and looking at exactly what we need here in Dinwiddie County.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Clay, seconded by Mrs. Everett, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey voting "aye" pursuant to the Virginia Freedom of Information Act, Section 2.1-333 (A) - 1 Discussion of employment, salaries disciplining of public officers, appointees, or employees of any public body; Section 2.1-344 (A) 7 - Investment of public funds; and Section 2.1-344 (A) 7 - Consultation with legal counsel - Inducements - Chaparral the Board moved into Executive Session at 5:00 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 7:30 P.M.

IN RE: CERTIFICATION

Upon motion Mr. Clay, seconded by Mr. Bracey, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey voting "aye", the following resolution was adopted:

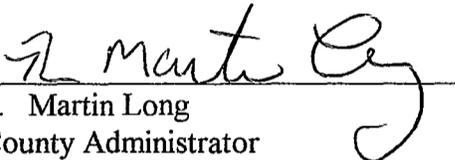
WHEREAS, the Board of Supervisors of Dinwiddie County convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

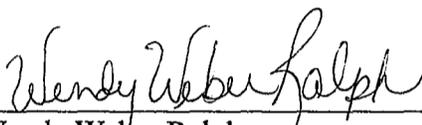
WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board of Supervisors of Dinwiddie County, that such Executive meeting was conducted in conformity with Virginia law;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting to which this certification applies; and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board of Supervisors of Dinwiddie County, Virginia.

RE: ADJOURNMENT

Upon motion of Mr. Clay, seconded by Mr. Tickle, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey voting "aye", the meeting adjourned at 7:32 P.M.


R. Martin Long
County Administrator

ATTEST: 
Wendy Weber Ralph
Assistant County Administrator

/pam

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 7TH DAY OF JANUARY, 1998, AT 7:30 P.M.

PRESENT: EDWARD A. BRACEY, JR., CHAIRMAN ELECTION DISTRICT #4
LEENORA V. EVERETT, VICE-CHAIRMAN ELECTION DISTRICT #3
AUBREY S. CLAY ELECTION DISTRICT #5
MICHAEL H. TICKLE ELECTION DISTRICT #2

ABSENT: HARRISON A. MOODY ELECTION DISTRICT #1

OTHER: DANIEL SIEGEL COUNTY ATTORNEY

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

Mr. R. Martin Long, County Administrator, called the regular meeting to order at 7:33 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: TERM OF CHAIRMAN AND VICE-CHAIRMAN

Upon motion of Mr. Clay, seconded by Mr. Tickle, Mrs. Everett, Mr. Bracey, Mr. Tickle, Mr. Clay voting "aye", the Chairman and Vice-Chairman for the Board of Supervisors will serve a one year term of office.

IN RE: ELECTION OF CHAIRMAN - 1998

Upon motion of Mrs. Everett, seconded by Mr. Clay, Mr. Clay, Mr. Tickle, Mrs. Everett voting "aye", Mr. Bracey "abstaining", Mr. Edward A. Bracey, Jr. was elected Chair for the year of 1998 or until his duly successor assumes office.

MR. EDWARD A. BRACEY, JR., ASSUMED THE CHAIR.

IN RE: ELECTION OF VICE-CHAIR - 1998

Upon motion of Mr. Tickle, seconded by Mr. Clay, Mr. Clay, Mr. Tickle, Mr. Bracey voting "aye", Mrs. Everett "abstaining", Mrs. LeeNora V. Everett was elected Vice-Chairman for the year of 1998 or until her duly elected successor assumes office.

IN RE: SCHEDULE OF MEETINGS AND DATES FOR 1998

Upon motion of Mrs. Everett, seconded by Mr. Clay, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the following meeting schedule is established for the regular meetings of the Board of Supervisors for the calendar year of 1998 with the 8th day following the meetings to be used as a makeup date if the regular meeting is to be continued because the Chairman or Vice-Chairman finds that weather or other conditions are hazardous for the Board members to attend:

DATE	TIME
JANUARY 7	7:30 P.M.
JANUARY 21	2:00 P.M.
FEBRUARY 4	7:30 P.M.
FEBRUARY 18	2:00 P.M.
MARCH 4	7:30 P.M.
MARCH 18	2:00 P.M.

APRIL	1	7:30 P.M.
APRIL	15	2:00 P.M.
MAY	6	7:30 P.M.
MAY	20	2:00 P.M.
JUNE	3	7:30 P.M.
JUNE	17	2:00 P.M.
JULY	1	7:30 P.M.
JULY	15	2:00 P.M.
AUGUST	5	7:30 P.M.
AUGUST	19	2:00 P.M.
SEPTEMBER	2	7:30 P.M.
SEPTEMBER	16	2:00 P.M.
OCTOBER	7	7:30 P.M.
OCTOBER	21	2:00 P.M.
NOVEMBER	4	7:30 P.M.
NOVEMBER	18	2:00 P.M.
DECEMBER	2	7:30 P.M.
DECEMBER	16	2:00 P.M.

IN RE: AMENDMENTS TO THE AGENDA

Mr. Bracey asked if there were any amendments to the agenda. There being none Mr. Bracey moved forward.

IN RE: MINUTES

Upon motion of Mr. Tickle, seconded by Mrs. Everett, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the minutes of the December 17, 1997 regular meeting are approved in their entirety.

IN RE: CLAIMS

Upon motion of Mr. Clay, seconded by Mr. Tickle, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey 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 1008762 - 1008874 (void check number 1008763); for Accounts Payable in the amount of \$210,433.78: General Fund \$153,692.43; Jail Phone Commission \$529.84; E911 Fund \$1,384.30; Self Insurance Fund \$18,374.75; Law Library \$875.05; Fire Programs and EMS \$6,100.41; Capital Projects \$27,972.00; and County Debt Service \$1,505.00. Payroll in the amount of \$282,539.96 was also approved and appropriated for same using check numbered 1008685 - 1008761: General Fund \$281,876.84 and CDBG Fund \$663.12; this is a correction from the December 17, 1997 meeting minutes which read "Payroll in the amount of \$124,942.35 was also approved and appropriated for same using check # 1008685 - 1008761". This correction is being made due to an error in the General Ledger, records manual.

IN RE: APPROVAL OF REQUISITION #11 - COURTHOUSE CONSTRUCTION

Mrs. Ralph stated that Requisition #¹¹~~10~~ for the Courthouse consists of payment to:

ECS, LTD	\$	18.00
GULF SEABOARD GENERAL CONTRACTORS, INC.		<u>309,657.25</u>
TOTAL OF THIS REQUISITION		\$309,675.25

Upon motion of Mrs. Everett, seconded by Mr. Tickle, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number 11 in the amount of \$309,675.25 be approved and funds appropriated for CIP expenses for the Courthouse Project Fund.

IN RE: CITIZEN COMMENTS

The following persons addressed the Board:

1. Richard Hotchkiss, 27518 Flank Road came forward with the following questions and comments:
 - a) What about incentives for the residents that have to live in the enterprise zone area; and b) he felt that with reference to the Green Acres, Mr. Tickle had made a comment in the Dinwiddie Monitor of this date, that he suggested that the County order an impact study – he was curious why, this gentleman wants to expand his mobile home park, maybe increase 23 - 25 trailers, something like that, it really isn't a whole lot, but he suggests the County order an impact study, how come when all the citizens of Dinwiddie requested that the County order an environmental impact study for Chaparral, which is a 400 million dollar steel plant, no one even brought that up. He felt it was kind of a shame that you have an industry such as Chaparral moving in and we can't get an environmental impact study done but we have a small thing like a mobile home park wanting to increase 25 trailers but they want a study done. Something just does not seem quite right there.
2. Robert Belcher, 27516 Flank Road came forward stating that he was echoing Mr. Hotchkiss's sentiments. Since you are giving away the County to everyone that wants to come in, it looks like you are not going to get anything back for seven (7) years, from these people coming in, and so we can not look for any incentives to come our way. The only thing he had to look forward to coming his way was another tax raise on his property. If we want to get anything it looks like we are going to have to start begging TXI. They are going to be the big property owners down there and they are the ones that promised to be good neighbors. If you have anything to come to the northeast corner of Dinwiddie County we sure would like to know about it. We are very, very unhappy down there, as you have known.

Mr. Bracey stated the sign up sheet was located in the back. If you did not sign up and wish to speak the opportunity to do so is now. There were no additional citizens wishing to speak and Mr. Bracey closed the citizen comment section.

IN RE: PUBLIC HEARING – C 97-6 – NEXTEL CORPORATION

Mr. John M. Altman, Jr., Zoning Director, came forward and read excerpts from the following Planning Staff Report. The Board members received a copy of this report in their Board packets.

PLANNING STAFF REPORT – C-97-6

Applicant:	Nextel Communications, Inc. – Jerry H. Davis, Agent
Property Address:	Located on the east side of Quaker Road (Rt. 660) south of the abandoned Seaboard Coast Line rail bed
Magisterial District:	Rowanty
Acreage:	95.29± acres (a 10,000 sq. ft. portion of)
Tax Map Parcel:	33-33
Zoning:	Agricultural, General, A-2 district
Water Source:	N/A
Sewer Disposal:	N/A

EXECUTIVE SUMMARY

The applicant, Nextel Communications, Inc., is seeking a conditional use permit to construct, operate, and maintain a two hundred thirty (230) foot guyed telecommunications tower as part of its I-95 corridor wireless communications system on a portion of 95 acres zoned A-2, Agricultural, General. The property is located on the east side of Quaker Road (Rt. 660) south of the Seaboard Coast Line abandoned railroad bed. It is identified as Tax Map 33, Parcel 33, and owned by Warren C. and Nancy B. Bain.

Staff recommends **APPROVAL** of the request for a conditional use permit subject to the conditions contained under the section entitled RECOMMENDATION.

As required under Section 22-23 of the Code of the County of Dinwiddie, the enclosed information is forwarded for your consideration.

BACKGROUND INFORMATION

The Planning Commission and Board of Supervisors have reviewed similar requests in the past for telecommunications towers. The last such request was made by PCS PrimeCo., C-95-3, for a 150 foot monopole tower adjacent to Rt. 226 at the Jack Plant. The last opportunity for the Planning Commission and Board of Supervisors to consider an application for a guyed tower was in 1994 when Centel Cellular made application, C-94-1, for a 250' guyed tower in DeWitt. Both of these requests were approved and the towers have been constructed (Minutes of these previous meetings are enclosed for your review – Attachments #5 & 6.)

Currently Nextel does not provide service in this area and the tower application submitted for approval is necessary to provide coverage and establish a minimum network. The applicant's approach was to first establish facilities, or collocate, on existing structures which do not require the review of a conditional use permit. The applicant has exhausted such options which would alleviate the need to construct new towers, and has submitted this application. This tower is necessary to provide coverage in those areas where existing structures were not found or were inadequate to provide the necessary coverage.

The location for the proposed tower is a open field which is currently used for crop production. The subject parcel, as well as the adjacent parcels, is zoned A-2. The only exception is the abandoned SCL railroad bed which is zoned B-1, Business, Limited (Attachment #2). Housing in the area is located primarily along Quaker Road (Rt. 660), with the closest dwelling located approximately 500 feet from the proposed tower. Approximately 34 houses on Quaker Road (Rt. 660) and Boydton Plank Road (Rt. 1) are located within 2,400 feet (.45 miles) of the proposed tower.

The proposed site is 10,000 sq. ft., and is located in the upper corner of the 95 acre parcel owned by Warren C. and Nancy B. Bain. The proposed tower would be located in area bounded by a tree line to the north, east, and partially to the south, and Quaker Road to the west. The base of the proposed tower is located 239 feet from the property line along Quaker Road (Rt. 660). The tower would be highly visible from Quaker Road (Rt. 660) as a result of its location in the field.

An inspection of the site revealed that the proposed locations of the tower and guy anchor point have been "staked out" in the field as shown on the site plan that was submitted by the applicant (Attachment # 4.)

ANALYSIS

Section 22-71(45) of the Dinwiddie County Code provides for the location of communication towers with stations by right in Agricultural, General, A-2 districts provided that a conditional use permit be approved by the Board of Supervisors.

The proposed tower is located approximately 239 feet from Quaker Road and complies with the setback requirements of the zoning ordinance, which is 150 feet from the centerline of the right-of-way. The tower location is in an open field and therefore will be highly visible from

both Boydton Plank and Quaker Roads. The tower height of 230 feet is substantially above the height of the trees surrounding the site. At this height visibility of the tower from the dwellings in the area may be considered a detriment. However, staff is not able to determine if the detriment is substantial. Additional information may be provided by the citizens during the public hearing.

The site is located within the Rural Conservation Area as identified by the Dinwiddie County Comprehensive Land Use Plan. Telecommunication towers have been permitted within the Rural Conservation Area and have not in the opinion of staff resulted in a change in the character of the area. Staff's opinion that the proposed tower will not change the character of the area is based on the limited traffic volume and activity at the site, and that there is no impact on the property concerning by-right agricultural uses. Staff does recognize that the introduction of more towers into areas where towers do not exist may ultimately have the cumulative effect of changing the character of the Rural Conservation Area. The encouragement of collocation may alleviate the need to construct new towers.

Permitting the location of telecommunication facilities may be considered consistent with the provision of public health, safety, and general welfare by providing increased communication services in the event of emergencies.

The 1996 Telecommunications Act has greatly impacted a localities ability to regulate telecommunications antennas and towers. While the Act does "preserve" the ability of a locality to regulate, it also states that localities may not discriminate among providers of functionally equivalent services; prohibit or have the effect of prohibiting service; must act within a reasonable period of time; and may not regulate on the basis of the environmental effects of radio frequency emissions.

Neither the Comprehensive Land Use Plan nor the Zoning Ordinance prohibit the provision of wireless telecommunication service. Staff does not believe that the conditional use permit process nor the denial of an application has the effect of prohibiting the provision of wireless telecommunications service.

Staff has also been approached by a separate consultant hired by Nextel Communications, Inc. to acquire sites in the northern portion of the County and in localities in the north of Dinwiddie. The contact with this consultant has resulted in a mutually agreeable site. The tower that to be proposed would be a 150' monopole structure similar to the PCS PrimeCo. site at the Jack Plant.

Questions arise when there are two private consultants hired by the same company with such different requests – one for a 300' guy-supported tower and the other for a 150' monopole tower. In conversation with Chesterfield County's Planning Department I have learned that the consultant is collocated on 150' towers. The consultant that Chesterfield County Planning has dealt with is Gearon Communications. Brunswick County has informed staff that the two (2) proposed towers under consideration are both 350' in height. Brunswick County has been contacted by Mr. Davis of Fluor-Daniel.

As the Planning Commission is aware there were several areas of concern expressed by staff in the previous staff reports. The questions surrounding the following issues have been sufficiently addressed by the applicant (the applicable information has been included as Attachments 9-12):

1. A map depicting the "build-out" scenario for the applicant with regards to Dinwiddie County and the surrounding localities.
2. A copy of any FAA approval.
3. A statement from an engineer licensed by the Commonwealth of Virginia that NIER (non-ionizing electromagnetic radiation) emitted from any proposed communications antenna or tower and associated substations will not result in a ground level exposure at any point outside such facilities which exceeds the lowest applicable exposure standards.
4. A statement from an engineer licensed by the Commonwealth of Virginia that the structural integrity of the proposed tower is capable of collocation.

An additional concern was the height of the tower with regard to the distance the tower was from Quaker Road. Particular concern was expressed about the overhead electric line that run parallel to Quaker Road, the base of the proposed telecommunications tower is

located 230' from Quaker Road. This issue was resolved by the applicant when the height of the tower was reduced from three hundred (300) feet to two hundred thirty (230) feet, and a letter was provided to assure that the telecommunications tower would be appropriately designed.

At the November 12th Planning Commission meeting concern was expressed by some Commission members with regard to the characteristics of the proposed site. Specifically, the fact that the tower would be located within an open field with no trees to screen view of the base of the tower from the road. The tower located on Route 1 south of DeWitt and operated by 360° Communications was cited as an example of good screening. This tower is located back off Route 1 behind a stand of young pine trees. The screening issue is one that can be dealt with as a condition of this permit.

RECOMMENDATION

Staff opinion is that this request generally complies with the provisions of the Dinwiddie County Zoning Ordinance. Therefore, Staff recommends **APPROVAL** of the request for a conditional use permit with the following conditions:

1. The proposed tower shall not exceed two hundred thirty (230) feet in height.
2. The applicant, Nextel, 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.
3. The applicant shall provide the County collocation opportunities without compensation as a community benefit to improve radio communication for County departments and emergency services provided it does not conflict with the co-location requirements.
4. The applicant must obtain staff approval for additional antenna co-location. No administrative approval shall constitute or imply support for or approval of, the location of additional towers, antenna, etc., even if they may be part of the same network or system as any antenna administratively approved under this section.
5. No commercial advertising material shall be permitted on the communications antenna or tower and any associated support buildings.
6. The tower shall be designed and adequate separation provided to property lines and dwelling such that in the event of structural failure, the tower and components will remain within the lease area.
7. All communications antennas or towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device.
8. Any combination of landscaped vegetative buffers, landscaped earthen berms, or preservation of existing vegetation shall be provided around the perimeter of the site of the telecommunication tower and associated support buildings to effectively screen the view of the tower from the adjacent road. The standard buffer shall consist of a landscaped strip at least five (5) feet wide outside the perimeter of the compound.
9. The proposed telecommunications tower and all associated antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate antennas and towers. If such standards regulations are changed, then the owners of the antennas and towers shall bring such antennas or towers into compliance with such revised standards as required. Failure to bring antennas and towers into compliance with such revised standards and regulations shall constitute grounds for the removal of the antenna or tower at the owner's expense.
10. A copy of any FAA, FCC, and any other governmental agency approval must be on file before a Certificate of Occupancy is issued.

11. The telecommunications antenna or tower shall be designed and installed so as not to interfere with the Dinwiddie County Public Safety Communications System. The applicant shall perform an engineering study to determine the possibility of radio frequency interference with the County system. Prior to release of a building permit, the study shall be submitted to, and approved by Dinwiddie County Administration.
12. The developer shall be responsible for correcting any frequency problems which affect the Dinwiddie County Public Safety Communications System caused by this use. Such corrections shall be made immediately upon notification by the Dinwiddie County Administration.
13. The antennas and tower shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness. Dish antennas will be of a neutral, non-reflective color with no logos.
14. Antennas or tower shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the Dinwiddie County Board of Supervisors may review the lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
15. At such time that the telecommunications antennas or tower ceases to be operated for a continuous period of twelve (12) months; it shall be considered abandoned, and the owner of such antenna or tower shall remove same and associated equipment within ninety (90) days of receipt of notice from the Dinwiddie County Planning Department of the removal requirement. Removal includes the removal of the antenna or tower, all antenna/tower and fence footers, underground cables, and support buildings.
16. The owner of the tower shall carry a liability insurance policy covering damages to adjacent properties resulting from structural failure. This liability coverage shall be in the amount of one million (1,000,000) dollars. Proof of insurance coverage in form acceptable to the Director of Planning will be provided annually.
17. The owner shall have a safety inspection conducted annually by a registered professional engineer licensed in the Commonwealth of Virginia and a copy of the inspection report shall be filed with the Zoning Administrator, no later than July 1st. Specifically, the report shall state if the tower is structurally sound and being used for wireless telecommunication service.
18. The conditional use permit must be reviewed at least every two (2) years for compliance with stated conditions.

ATTACHMENTS:

1. Vicinity Map
2. Zoning Map
3. Nextel Application
4. Site Plan
5. Minutes for C-95-3
6. Minutes for C-94-1
7. Letter to Robert M. Herlihy, Fluor-Daniel Telecom, dated October 17, 1997
8. Adjacent Property Owner List
9. Letter to John M. Altman, Jr. from Scott Gordon, Nextel, dated November 10, 1997
10. Letter to Mike Dodson, Nextel, from Martin de la Rosa, FWT, dated November 10, 1997

11. Letter to Bruce Hovermale, Fluor Daniel, from John P. Allen dated September 24, 1997

12. Letter to John M. Altman, Jr. from Mike Dodson, Nextel, dated November 10, 1997

-- Please refer to the attachments that were included with the previous staff reports on this request.

cc: David Parker, Fluor Daniel Telecom; agent for, Nextel Communications, Inc.
R. Martin Long, County Administrator
Wendy W. Ralph, Asst. County Administrator
Daniel M. Siegel, County Attorney

After reading the excerpts Mr. Altman asked if there were any questions on case C-97-6 he would be happy to entertain them.

Mr. Bracey stated that this is a Public Hearing. At this time the Board would hear from the public for this conditional use permit. There being no names signed up, Mr. Bracey asked if there was any citizens in attendance who wished to speak.

The following person addressed the Board:

1. Robert Belcher, 27516 Flank Road, came forward exclaiming how in the world can you put so many restrictions on cell phone tower and he did not hear nothing like this, even half this much on a steel mill. What in the world is going on up here! Fifteen minutes he, Mr. Altman, read off restrictions on one cell tower going up; he has a two hundred acre steel mill going up in his front yard. These are questions he felt he needed to ask. He felt this was crazy, to put all these restrictions on one person. He stated that he didn't hear anything like a million dollar insurance policy when it came to the steel mill.

There being no other citizen in attendance wishing to speak Mr. Bracey declared the Public Hearing closed.

Mr. Bracey called for comments from the Board.

Mrs. Everett stated she felt that it was good that two (2) other companies could co-locate on the tower. She felt this might eliminate excessive numbers of towers locating in the County. She stated she had visited the area and felt it would not be too intrusive in the residential area at all and she would support the issue with the restrictions outlined.

Mr. Tickle asked if the person representing Nextel was present. He also stated he had questions for our presenter, Mr. Altman. He continued with Item 12 - immediate, what does that mean, he felt there should be a time frame.

Mr. Altman stated the interpretation was that as soon as they receive notification by Administration that they get out there right now and fix it.

Mr. Tickle stated his recommendation was that you solve problems by putting a time line on that. If this person or company agrees to that then within those number of days action is expected.

Mrs. Everett asked if twenty-four (24) hours was adequate.

Mr. Tickle stated his second question involved any combination of landscaping or vegetative buffers. He talked about the number of towers that Chesterfield County has at this time. He continued by stating that Chesterfield felt that more were coming down the road. When we talk about the buffer, we say at least five (5') feet, one of his thoughts on this is that buffer is what we ask for it to be. Why can't we do a combination of buffering to do something about the visual eye instead of the fence eye. He stated he was thinking

about the tree line. When we go by something we look at the tree line, why wouldn't you think of a combination of a loblolly or white pine or cypress, to cover up thirty (30) to fifty (50) feet. He felt with the numbers that are anticipated that we do something a little nicer than just a five (5) foot row of red tips.

Mr. Clay stated as long as it hides the fence he did not have any problem with it. The fence is just there to protect the kids. He just wondered why we have to have so many towers.

Mr. Tickle asked if he would have a problem with a landscaping scheme. Maybe some young trees that grow very fast over a period of time.

Mr. Bracey stated he had a question for Mr. Tickle. He stated he had no problem with the trees. He stated that he would like to see trees along with the fence. He stated that we need to not only start doing this on the towers but some of the other things that come in also.

Mr. Tickle stated that was the concept that he had, that we plant something that is fast growing and that will blend in to landscape. This is something that needs to be planned by a landscape artist. We do not want something expensive but something that will do the job.

Mr. Tickle stated he had concerns regarding co-location. His question to Mr. Altman and to the representative of Nextel was it possible, since we are discussing highway 85 and highway 1 corridor, that we regulate in a grid system where those towers are going to be located. Can we ask that towers be put in a particular grid.

Mr. Tickle stated the next issue he would direct to the Board. That we as a County, look at creating a grid system based on information we obtain from the Telecommunication Association. Has that been done before in other localities?

Mr. Altman stated he did not know if a grid had been created in other counties, but he did know that in certain localities, Chesapeake and a lot of the tidewater communities, have worked hand in hand with the telecommunication providers. What they have done as part of their comp plan they have a public facilities plan. On that they identify certain public lands which they look to first for these providers to locate on. If they can not locate there or if it just does not work then they can go outside. The localities have identified certain areas ahead of time. He did not know if it was based on a grid or just simply based on the lands that they own. He stated that he was not a professional engineer that would deal with this sort of thing. He stated he had noticed in dealing and talking with providers that a lot of this is marketable. Chesterfield may have seventy-three (73) towers but he is sure that on those towers there are several more antennas and they have the population density and demand to require more towers to reach more users. A tower has so many cells and once that group of cells is used up then you have to put another antenna on there to provide more service and the more users you have the more demand and therefore the more towers. Right now Dinwiddie County probably does not have a high demand but along Route 1 and 85 and eventually 460 he was sure we would see more towers pop up as technology improves. Now certainly would be the time to start to address these issues before we get the on rush that we may have.

Mr. Tickle stated he had one more comment. A communication farm – is that an alternative that we do not have as a condition. We could have more than one monopole on site. Instead of scattering the monopole or various communication towers in many sites, have them surrounded in a small grid section. If you are granted permission for a site you must allow someone else to co-locate on the site, not on the monopole. Is this a possibility?

Mr. Altman stated that was not one of the conditions placed upon this particular application from Nextel. It is a possibility that we can promote co-location and development of tower farms. You would have to obtain an agreement with the provider that is already located there to locate within their area. It is definitely possible. As the

Planning Commission looks at the Telecommunications ordinance we can suggest that this be added into the ordinance. You can add it as a conditional use condition tonight.

Mr. Dennis Kerlick, representative of Flour Daniel Telecom, came forward at this time. He is the person who handles the site acquisition for Nextel.

Mr. Tickle asked him to start by giving an overview of what this project is and what you expect to do in Dinwiddie County.

Mr. Kerlick stated this is a nationwide service and eventually they will provide a service with no roaming, no long distance charges. It is geared toward the businessman who can control his access. They will control who you can talk to or you can have full service. It's 800 megahertz, it's cellular, it's signal carries quite a ways; we obviously like to co-locate because we are out \$114,000.00 to build a tower. In co-locating it is not always possible because a lot of the carriers will not do a co-location agreement with you unless you can provide them a location where they do not have one. There is a lot of that going on.

Mr. Tickle stated in that case, when he hears the words –we have exhausted your possibilities to co-locate – that does not mean to this Board that the tower did not meet your grid system. It could mean that the other owner would not allow you to do that. So exhausted could mean that they did not want to allow you to co-locate. In this particular case, sir, does that mean that the site within Dinwiddie County would that omit your criteria in your site.

Mr. Kerlick stated their that was the only site that – there wasn't a co-location possibility. I would lose my job if I did not exhaust all possibilities for co-location.

Mr. Tickle asked in this case how many monopoles do we need to reach our criteria?

Mr. Kerlick stated it is not a monopole, it is a guide tower.

Mr. Tickle stated he would have to excuse his ignorance on verbiage. So just one tower or two towers would be enough.

Mr. Kerlick stated just one.

Mr. Tickle stated in this case, if the Mike Tickle Corporation who is coming in also, wanted to created a grid system on 85 / 95 north south. Could I possibly use your tower?

Mr. Kerlick stated he would give them the example he knew about. 360o Communications which has built numerous towers for Sprint, their attitude is throughout the southeast region, is unless we can use one of your sites, which they do not have sites, we just build them, they have told us that is our policy; no if, and or buts about it.

Mr. Tickle asked if for any Board would say that this – we would like to stop at Petersburg or Nottoway line – we choose this as our grid system.

Mr. Kerlick stated technologies are different. First of all you will get PCS's at some point; much closer together, like March said, at different heights. It is impossible – technologies change so much from when he started in this business a couple of years ago that he just does not see how that will be possible. There is tree effect, there is water effect, there is elevation, everything plays a role in that, I suppose you could, if you hire your own RF engineers.

Mr. Tickle stated from border to border – once you hit the border he can not regulate.

Mr. Kerlick stated that now they are talking about how expensive it is to build towers that they are probably never going to have a completely PCS digital system. It is going along the right of ways, it is going to be cellular, and in cities it will be on top of buildings. Even in the cities you have got to do monopoles. They are doing an experimental deal, he thought in Dallas and several other cities, to where they are actually attaching the antennas to telephone poles.

Mr. Tickle stated he recommended approval of C-97-6 if we would amend Item 12 to include some type of time frame and also that we make some type—

Mr. Kerlick questioned the time frame.

Mr. Tickle stated the frequency problem.

Mr. Kerlick stated there are not any frequency problems.

Mr. Tickle stated I know, but just in case. He stated he did not like the word immediately.

Mr. Kerlick asked if there was some emergency service that he provides.

Mr. Tickle stated what he was really relating to was when he heard the comment from the citizen, when a citizen has a complaint he does not as a Board member, an elected official, want that person to be put on hold and you give them five (5) days, or ten (10) days or fifteen (15) days. So what he is really trying to change is where it says immediately, that you put a time frame on it. So that your company would get back in touch with the County or whomever, if they have a complaint then you need a time frame to get back with them. Mr. Tickle stated he did not see why Mr. Kerlick should have a problem with that.

Mr. Kerlick stated if someone called Nextel and said my toaster is not working or whatever, they would give you somebody.

Mr. Bracey asked if where it says, shall be made immediately, you want it to say within twenty-four (24) hours.

Mr. Tickle replied some time frame, days, hours etc.

Mrs. Everett stated that is in regard to Dinwiddie County Public Safety Communications System.

Mr. Tickle stated you have one on Item 12, and what is the one with the citizens involved, for an official complaint.

Mr. Altman stated that is included in Item 12.

Mr. Tickle stated that is what he is concerned about and then Item 8—the buffer.

Mr. Bracey asked Mr. Tickle which item he wished to deal with first. He continued do you want ten (10) hours, twenty-four (24) hours, twelve (12) hours?

Mr. Tickle stated he was thinking a couple of days.

Mrs. Everett interjected not when it comes to Public Safety Communication System.

Mr. Kerlick stated if they somehow messed up the Public Safety Communications System he would say twenty-four (24) hours. If we are talking about a consumer complaint such as television reception or something like that, he would like to say thirty (30) days.

Mr. Long stated that this one was referring to specifically to interference of frequency of the County's Public Safety System.

Mr. Tickle asked about number 8.

Mr. Bracey said the buffer? What about the buffer?

Mr. Tickle stated the buffer is something that we do something a bit more than we have done in the past.

Mr. Kerlick stated it would have been nice if Dinwiddie County had a telecommunications ordinance. They hire these crews to come out and this tower was supposed to have been built. Then to require we put redwoods or what ever – he stated he felt that this was a little unreasonable. Certainly the Telecommunications Act says that you have to do what you have done with everyone else and we are doing more than everybody else. In view of the urgency of this tower, why don't you just accept what conditions we have agreed to. Make your changes with a Telecommunications Ordinance.

Mr. Tickle stated we are but we only have a few towers now, we are not a Chesterfield. We plan to be better than Chesterfield in the future. In the mean time we are starting afresh and we have him before them now—

Mr. Kerlick stated what is fair is that if you have a telecommunications ordinance and where a guy like him comes in and calls you up and asks where do you want it – then you can give me a list of things. This would be better than coming up on the last day and say now we want the redwood.

Mr. Bracey asked Mr. Siegel for his opinion.

Mr. Daniel M. Siegel, County Attorney, stated that on a conditional use permit you are permitted to add. It is different than a conditional zoning where it has to be before the Public Hearing. Here you can actually have it after the Public Hearing stage. It is different than the conditional zoning where it has to be in writing before the Public Hearing. So you can make amendments to these conditions.

Mrs. Everett stated that she had been out at the site and there are a lot of trees out there. She felt that we need to look at each site specifically and she did think that we need to address some of these issues in an ordinance. On this particular site she felt there was already a lot of screening in place by the tall trees.

Mr. Bracey stated he would assume now that the consensus of the Board would be to handle the landscaping in a special ordinance.

Mr. Tickle stated that was not what he was moving for a motion for.

Mr. Bracey stated he was trying to poll now to see what.

Mr. Tickle stated you may allow him the motion and end up with out a second – then we deny it.

Mr. Bracey stated all he was saying –

Mr. Tickle stated the idea in concept, Mr. Chairman, is to see something more than what we have done in the past.

Mr. Bracey stated OK, he understood that. What he, Mr. Bracey, was saying is at the same time, he felt that he had to be fair with this gentlemen, Mr. Kerlick. We did not require – that is why he had asked Mr. Siegel's opinion – that on the other towers what did – we did not require any additional landscaping.

Mr. Siegel stated he did not think so but he was not sure. Mr. Siegel stated Mr. Altman should know.

Mr. Tickle stated he would like to withdraw his motion, if that was possible, and go back to discussion. He stated he had moved that we accept this but he had not finished his motion.

Mr. Clay stated why don't we just give this man his conditional use permit and if we need to put these things on there won't be but one without. That was his suggestion because we can not write an ordinance here tonight to cover this stuff.

Mr. Bracey asked Mrs. Everett if she had any further comments.

Mrs. Everett stated she had already made her comments.

Mrs. Bracey asked Tickle if he had any more comments.

Mr. Tickle stated he was in the middle of a motion—

Mr. Bracey asked if he had a motion on the floor?

Mr. Bracey was informed that he withdrew his motion by Mrs. Ralph, Mrs. Mann stated he was in the middle of making a motion.

Mr. Bracey stated then we are back to square one.

Mr. Tickle stated yes sir, we are.

Mr. Bracey called for a motion.

Mr. Tickle stated that to him that he would probably want someone else to make that motion.

Upon motion of Mrs. Everett, seconded by Mr. Clay, Mrs. Everett, Mr. Clay, Mr. Bracey voting "aye" and Mr. Tickle voting "nay",

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, hereby approves the conditional use permit requested in Case Number C-97-6 for Nextel Communications, Inc. with and subject to the following conditions:

1. The proposed tower shall not exceed two hundred thirty (230) feet in height.
2. The applicant, Nextel, 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.
3. The applicant shall provide the County collocation opportunities without compensation as a community benefit to improve radio communication for County departments and emergency services provided it does not conflict with the co-location requirements.
4. The applicant must obtain staff approval for additional antenna co-location. No administrative approval shall constitute or imply support for or approval of, the location of additional towers, antenna, etc., even if they may be part of the same network or system as any antenna administratively approved under this section.
5. No commercial advertising material shall be permitted on the communications antenna or tower and any associated support buildings.

6. The tower shall be designed and adequate separation provided to property lines and dwelling such that in the event of structural failure, the tower and components will remain within the lease area.
7. All communications antennas or towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device.
8. Any combination of landscaped vegetative buffers, landscaped earthen berms, or preservation of existing vegetation shall be provided around the perimeter of the site of the telecommunication tower and associated support buildings to effectively screen the view of the tower from the adjacent road. The standard buffer shall consist of a landscaped strip at least five (5) feet wide outside the perimeter of the compound.
9. The proposed telecommunications tower and all associated antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate antennas and towers. If such standards regulations are changed, then the owners of the antennas and towers shall bring such antennas or towers into compliance with such revised standards as required. Failure to bring antennas and towers into compliance with such revised standards and regulations shall constitute grounds for the removal of the antenna or tower at the owner's expense.
10. A copy of any FAA, FCC, and any other governmental agency approval must be on file before a Certificate of Occupancy is issued.
11. The telecommunications antenna or tower shall be designed and installed so as not to interfere with the Dinwiddie County Public Safety Communications System. The applicant shall perform an engineering study to determine the possibility of radio frequency interference with the County system. Prior to release of a building permit, the study shall be submitted to, and approved by Dinwiddie County Administration.
12. The developer shall be responsible for correcting any frequency problems which affect the Dinwiddie County Public Safety Communications System caused by this use. Such corrections shall be made immediately upon notification by the Dinwiddie County Administration.
13. The antennas and tower shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness. Dish antennas will be of a neutral, non-reflective color with no logos.
14. Antennas or tower shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the Dinwiddie County Board of Supervisors may review the lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
15. At such time that the telecommunications antennas or tower ceases to be operated for a continuous period of twelve (12) months; it shall be considered abandoned, and the owner of such antenna or tower shall remove same and associated equipment within ninety (90) days of receipt of notice from the Dinwiddie County Planning Department of the removal requirement. Removal includes the removal of the antenna or tower, all antenna/tower and fence footers, underground cables, and support buildings.
16. The owner of the tower shall carry a liability insurance policy covering damages to adjacent properties resulting from structural failure. This liability coverage shall be in the amount of one million (1,000,000) dollars. Proof of insurance coverage in form acceptable to the Director of Planning will be provided annually.

17. The owner shall have a safety inspection conducted annually by a registered professional engineer licensed in the Commonwealth of Virginia and a copy of the inspection report shall be filed with the Zoning Administrator, no later than July 1st. Specifically, the report shall state if the tower is structurally sound and being used for wireless telecommunication service.
18. The conditional use permit must be reviewed at least every two (2) years for compliance with stated conditions.

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia, that in order to assure compliance with Virginia Code Section 15.1-491 (g) it is stated that the public purpose for which this resolution was initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practices.

IN RE: PUBLIC HEARING – P-97-17 – GREEN ACRES MOBILE HOME PARK

Mr. Altman came forward again reading excerpts from the following Planning Staff Report.

Planning Staff Report

File: P-97-17
Applicant: Green Acres Mobile Home Park
Property Address: 7901 Boydton Plank Road, Petersburg, VA 23803
Magisterial District: Rohoic
Acreage: 9.1 acres
Tax Map Parcel: Section 33, parcel 69B(a portion thereof)
Zoning: Business, General, B-2.
Water Source: Public
Sewer Disposal: Public

SUPPLEMENTAL DATA:

1. Land Use Amendment Application
2. Locational Map (Zoning)
3. Proposed Ordinance (Previous)
4. Board of Supervisors Minutes (2/5/97)
5. Planning Commission Minutes (1/8/97)
6. Previous Staff Report
7. Locational Map (Comprehensive Plan)
8. Adjacent Property Owners
9. Letters from Water Authority and Social Services (For Previous Rezoning)
10. Preliminary Plan/Sketch Notes to Engineers
11. Proposed sketches, Phase I and Phase II
12. Section 22-24, Conditional Zoning

LOCATION/DESCRIPTION

The property is located to the rear of the Green Acres Mobile Home Park and is bounded to the east by I-85. The property varies from moderate to severe slopes thus limiting the complete utilization of the property. The property is not being utilized and is covered with young trees and some open land.

EXECUTIVE SUMMARY

The applicant is seeking to rezone the property from Business, General B-2, to Agricultural A-2. Currently, the applicant operates the Green Acre Mobile Home Park. He purchased the 9.1 acres with the intention of expanding the MHP, in part, onto this

property. He can not do so under the current zoning but could do so under the A-2 zoning if a conditional use permit is approved by the Board of Supervisors. Of course, the applicant must process a conditional use permit application and go through the public hearing procedure for the Planning Commission and the Board of Supervisors if the rezoning request is granted.

DISCUSSION

The applicant is seeking to rezone this parcel of land and has not applied for a conditional use permit since this property must be rezoned in order to do so. It is important to establish that the rezoning request is separate and distinct from any future request to use this property which requires a conditional use permit. It should not be assumed that if the property is rezoned the Planning Commission and/or the Board of Supervisors will favorably review a request for a conditional use permit.

The Planning Commission reviewed a similar request (P-96-5) at your January 8, 1997 meeting. A copy of the minutes is enclosed for your review. On a vote of 4-1-1 (with Gilbert Wood absent), the Planning Commission recommended approval of the request to the Board of Supervisors.

The Board of Supervisors reviewed a similar request at their February 5, 1997 meeting. A copy of their minutes is enclosed for your review. On a vote of 4-1, the Board of Supervisor denied the rezoning request.

Section 22-5, Amendments to chapter, paragraph (4), states "substantial the same petition of the change of regulations, district boundaries or classifications of property shall not be reconsidered by the Board of Supervisors within a period of six (6) months from the date on which substantially the same petition was previously considered by the board." Obviously, a period of six (6) months has elapsed since the previous rezoning request was submitted. Since comments were made at previous meetings regarding conditional zoning, a copy of Section 22-24 of the Zoning Ordinance is attached for your review.

There were several issues raised at the Board of Supervisors meetings, such as:

1. recreational facilities for the existing mobile home park;
2. total number of mobile home lots;
3. compatibility with adjacent property owners;
4. proffers associated with the rezoning as it relates to the existing mobile home park; and
5. impact on community services.

Also, some Board members were concerned that the owner of Green Acres Mobile Home Park, Mr. Isaac Forrest, was not present to address the concerns raised by adjacent property owners.

A few of the concerns raised at the Board meeting can be addressed as follows:

1. Any expansion of the existing mobile home park is subject to current County regulations. These regulations (see Section 22-238) address such things as recreational facilities and fencing;
2. Chain link fencing was erected between the property of Mrs. Maitland and the mobile home park to Hatcher's Run (this was done by the Dinwiddie County Water Authority) after a request to do so was made by the Planning Department;
3. I walked the property of Mrs. Ozmar where it bounds the mobile home park. There appears to be some debris on her property which came from the occupants of the mobile homes. I did not find any record which required Green Acres Mobile Home Park to erect a fence in this area. It is possible that Mr. Forrest would consider this situation as a part of the rezoning process; and
4. There will be an impact on community services associated with the expansion of this mobile home park. Currently, there are 43 elementary students and 25 middle/high school students picked up at this site. Social services will be required to provide

assistance to a percentage of new residents. The Sheriff's Department has a moderate response activity in the mobile home park mostly relating to domestic problems (alcohol, juvenile, etc.).

ANALYSIS

With the above in mind, the following is stated:

1. The comprehensive land use plan identified this property for residential/agricultural purposes (not business);
2. The adjacent properties are zoned for Business, General B-2 or Agricultural, General A-2 uses.
3. This tract of land is readily accessible from the Green Acres MHP parcel and terminates to the east of I-85; and
4. Public water and sewage are available to this tract as confirmed by the Dinwiddie County Water Authority.

I must mention that the recently adopted Comprehensive Land Use Plan (Page 8- Policy Statement 5), requires an impact analysis for all major developments so that public health, safety and welfare are protected. Normally, an impact statement would be required when requesting a rezoning to a more intensive use. Since this rezoning is requesting a less intensive zoning category, it is not considered necessary at this time. I do believe that if a conditional use permit is sought on this property for intensive residential use, the Planning Commission will require the applicant to prepare such an impact analysis for such services as schools, social services, roads, sewer/water, etc.

RECOMMENDATION

In order to assure compliance with the Virginia Code Section 15.1-491(g), 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, it recommended that rezoning request P-97-17 be recommended for approval to the Board of Supervisors.

Mr. Altman stated he would like to read some proffers that were received from the applicant's attorney in a letter written December 31, 1997. The proffers are as follows:

1. A chain link fence at least 6 feet high shall be erected along the property line of the park and concerned neighbor from Route 1 to the rear of the property. The fence shall be maintained and repaired by Mr. Forrest or subsequent owner(s).
2. Any debris on Ms. Ozmore's property that can be determined to have originated from current or previous residents of the Park shall be cleaned up and removed by Mr. Forrest.
3. An open space recreation area shall be created by Mr. Forrest for the use of the Park residents. Two proposed lots have been eliminated from the proposal to provide this space.

Mr. Altman stated he would like to comment that the chain link, there are posts in the ground for the fence. He further stated he believed that Ms. Ozmore has said that some clean up has occurred on her property. She is quite pleased with that.

Mr. Altman stated that also contained in that letter, the applicant has requested that this meeting be continued until the February 4th meeting at 7:30 P.M. The reason for this is because the applicant and the attorney are having trouble making these meetings. Also we do have one Board member absent.

Mr. Bracey asked about two proposed lots. These lots have been eliminated for recreational purposes. His question was pertaining to the size of a lot.

Mr. Altman stated he did not know the size.

Mr. Bracey felt that two lots would have to be awful large to provide adequate recreational space. He felt that there needed to be a larger space put aside. If someone could look the size of a lot up he would appreciate it.

Mr. Bracey further stated he understood the attorney could not attend because of a jury trial. We will have to come back for a final hearing. He is speaking for himself now, he would hope that, no he was going to ask that we put in the record, that on that date regardless of what is happening with the owner or the attorney, that we go forward with a decision. It seems like someone is playing a game now. He felt the attorney knew he had a jury trial when this date was set up. For the citizens in attendance Mr. Bracey stated that we are going to continue with the Public Hearing.

At this time Mr. Bracey opened the Public Hearing. The following citizens came before the Board:

1. Rebecca Koenig, 7717 Boydton Plank Road, came forward stating the first letter was from Mrs. Ozmore, who is an adjoining owner, which stated that she is pleased to see that Mr. Forrest has started to put up a chain link fence after all these years. He has also cleaned up her property line. She has had no more problems of vandalism since the meeting on December 7, 1997 with the Planning Commission. These improvements would not have happened without the members of the Planning Commission and Board of Supervisors getting involved. She wanted to thank them for their help; however, she is still opposed to the rezoning to expand the Park. Her property will be half surrounded by mobile homes and she felt that this would decrease the value of her property. She thought the Park was large enough. Mrs. Koenig then spoke for herself. She stated she had had no problems since the last meeting with the Board of Supervisors; however, she was still opposed to the rezoning to expand the Park. She felt in the years ahead it will create more problems for the adjoining land owners and this concerns her. She felt that with the changing of Board members and after Mr. Forrest achieves his rezoning and get what he wants, then who will take care of their property.
2. Lucille Phares, 7901 Boydton Plank Road, came forward stating she had been a resident of Dinwiddie County for seventy-one (71) years, and a resident of Green Acres Mobile Home Park for twenty-two (22) years as of August. Her concerns were the increase of rent, free running dogs, vicious dogs, no protection, lack of enforcement of the rules and regulations of the Park, kids running around both day and night, loud noises, cussing late at night, security in the mailbox area, no license plates on camper trailers, no recreation facilities for the children, fighting of residents, lack of up keep of the Park, and the condition and age of some of the trailers that they are moving into the Park. She stated supervision is greatly needed. There are 126 trailers in this Park at this time, with approximately 3-4 vacant lots.
3. Mrs. Maitland, came forward stating that the fence did get put up by the Water Authority. She wanted the Board to remember who put that fence up for her. It was left sitting for years before it got to that point. It took her coming before the Board arguing to get the Water Authority to do it. The other fence still has not been completed. He has put the poles up but if you decide that you are going to go on and let him add the trailers, make sure the fence is up first or it won't get up, unless you put it up.
4. Anne Scarborough, came forward stating what she had in mind to say borders on what Mrs. Maitland said. She was concerned about why the Water Authority was putting up a fence on private property and where did the money come from to pay for it.
5. Mrs. Maitland stated she knew what happened. She had an agreement that they could use her land for the Water Authority provided they say that the fence was completed. They were supposed to see that he completed the fence because it was left with the fencing still wrapped around by the last pole that had been set 17 years prior. She stated she had been fighting with the County to enforce the ordinance from that point on. The gentleman came out, Mr. Scheid came out and checked the land and told her that he would see that it was completed. She was told that the Water Authority had to do it because they would not get cooperation when they talked to Ms. Grant and Mr. Forrest. The Water Authority got an easement over her property and she told them she had no problem as long as they saw that the fence was completed.

6. Anne Scarborough stated that she hoped the Board would require some type of recreation at the Park. She stated she kept hearing that they really did not have any and if you have that number of children in the Park they need some space. She wanted the Board to think about the impact on the County, not only for the Park but for some of the big subdivisions, that are bringing the children in. This makes problems for the Board. Why can't we require recreation for the children. Certainly in the trailer park, from all she had been hearing for years, you need to require recreation.

Mr. Bracey asked Mr. Altman again, what is a lot size?

Mr. Altman stated minimum lot size is 8500 square feet, which would be roughly 80 X 100. The lot sizes at the Park are currently 50 X 100.

Mr. Bracey stated 50 X 100, putting two together would be 100 X 200. Mr. Bracey stated he was concerned about that, he was surprised.

Mr. Bracey asked if there were any other citizens wishing to speak.

A citizen stated that at one time there was a recreation area in the Park. It was filled with trailers.

Mrs. Everett asked if there was a conditional use permit at that time, to that effect and was it not enforced.

Mr. Bracey stated that he could not remember. He does remember about the fence. This fence was to be completed by Mr. Forrest and somehow it ended up being completed by the Water Authority.

Mr. Bracey asked Mr. Long to contact the Water Authority and find out why they put up the fence for a private property owner or a business. He stated he agreed with Mrs. Scarborough, that was public funds. If this was in the easement then he had no problem with it but if it was not a part of the easement, well somebody owes the Water Authority.

Mrs. Everett stated her question was in the conditional use permit did we require a recreational area and if it was required, and that was the condition of that use permit, then it should have been enforced. We need to look back in the records and see if that was required and maybe we can still do something about it.

Mr. Bracey stated he hoped it was there. He felt 50 X100 was just too small.

Mr. Long stated, if he understood this, we are going to continue this hearing to next month's meeting. He can certainly utilize the time between now and then to get the answers to those questions.

Mr. Bracey asked Mr. Siegel if it was necessary for these persons to come back to the second hearing or will there actually be a hearing.

Mr. Siegel stated that we have had this Public Hearing. It is not necessary for them to return because we will have their comments in the record and the Board will consider them. We are just having an additional Public Hearing because of the delay in taking action.

Mr. Long asked if we will just be putting it back on the agenda to vote because we have had the Public Hearing.

Mr. Siegel stated that we were talking about doing an additional Public Hearing. They are going to advertise and give the same notice so they will be able to come back but they do not need to; that was the benefit of hearing them tonight.

Mr. Bracey asked the citizens if they understood.

Mr. Tickle stated that the next meeting will be a Public Hearing; the people that are here tonight have every right to come back and speak again.

Mr. Bracey stated he wanted to be sure that everyone understood and wanted to be fair to everybody.

Mr. Bracey stated this Public Hearing would be continued to February 4th.

Mr. Siegel stated that we are really closing this one and we are going to have an additional one.

Mr. Bracey stated that he was closing the Public Hearing. We will have an additional Public Hearing on February 4, 1998, at 7:30 P.M.

IN RE: APPOINTMENTS

Mrs. Pamla A. Mann, Administrative Secretary, stated that we have openings on the following Board and Commissions. We have one opening on the Crater District Health Advisory Board, one opening on the Dinwiddie County Planning Commission, District 4, and three openings on the Transportation Safety Commission.

Mr. Bracey stated we have one (1) application for the Dinwiddie County Planning Commission from Mrs. Lillian Stewart and asked if we had anything on the other appointments.

Mr. Tickle stated he is discussing it with someone about the Crater District Health Advisory Board and hoped to have a candidate by the next meeting date.

Mr. Bracey requested that Mr. Tickle have that application to Administration in time for it to be included in the next Board package.

Upon motion of Mr. Clay, seconded by Mrs. Everett, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Lillian Stewart is hereby appointed to the Dinwiddie County Planning Commission for a term ending December 31, 2001.

The remaining opening will be discussed at the next Board meeting on January 21, 1998.

**IN RE: COUNTY ADMINISTRATOR COMMENTS –
RECREATIONAL DIRECTOR APPOINTMENT**

Upon motion of Mrs. Everett, seconded by Mr. Clay, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Tim Smith is appointed as Director of Parks and Recreation effective January 12, 1998 at a salary of \$34,072.00 per year.

**IN RE: COUNTY ADMINISTRATOR COMMENTS –
ENGINEERING SERVICES – INDUSTRIAL ACCESS
ROAD**

Upon motion of Mr. Clay, seconded by Mr. Tickle, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for the County Administrator to negotiate a contract with Timmons and Associates to provide engineering services for the Industrial Access Road for Chaparral.

IN RE: RESOLUTION OF SUPPORT -- CRATER PLANNING DISTRICT COMMISSION

Mr. Long stated he had a resolution that had come to him late and missed going out in the Board packets. The Crater Planning District Commission had asked that we bring to the Board a resolution of support for increasing the minimum level of State funding for planning district commissions. It has to do with increasing the minimum funding to each commission in the state because, to his understanding, it has not been for several years. The Crater Planning District Commission is currently at a level of a little over \$40,000.00 per year, it's maximum at one point was a little over \$50,000.00. They are requesting a minimum of \$100,000.00. Mr. Long read the resolution and asked for the Board's approval.

Upon motion of Mrs. Everett, seconded by Mr. Tickle, Mrs. Everett, Mr. Tickle, Mr. Bracey voting "aye", Mr. Clay voting "nay",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following Resolution of Support be adopted and a copy forwarded to the General Assembly members who represent the County of Dinwiddie:

**RESOLUTION OF
DINWIDDIE COUNTY BOARD OF SUPERVISORS
IN SUPPORT OF INCREASING THE STATE MINIMUM LEVEL OF FUNDING
FOR
PLANNING DISTRICT COMMISSIONS**

WHEREAS, Virginia's planning district commissions have been working on behalf of local governments and state agencies since 1970 in such areas as transportation, the environment, housing, emergency preparedness, and economic development; and

WHEREAS, planning district commissions have played a pivotal role in fostering regional approaches to economic development in the Commonwealth by providing staff support and resources to regional marketing organizations, developing and administering grant projects to construct necessary infrastructure, regional GIS systems, and business finance programs; and

WHEREAS, the analysis of planning district commissions, undertaken by the Joint Legislative Audit and Review Commission in 1995, noted that base funding from the state successfully leverages federal, local and private dollars to bring efficiency and effectiveness to regional initiatives, such as those cited in Virginia's Regional Cooperation Act and Regional Competitiveness Act; and

WHEREAS, the Commonwealth has not increased its minimum funding level for planning district commissions in nine years; and

WHEREAS, the Crater Planning District Commission performs invaluable technical assistance and support to its member localities in areas including economic development, transportation planning, land use planning, environmental programs, small business financing, mapping and GIS, maintenance of a broad and current data library, and grant funding acquisition and administration; and

WHEREAS, the Crater Planning District Commission continues to act as a catalyst for

regional initiatives, including the recent successful qualification of the Crater Regional Partnership under Virginia's Regional Competitiveness Act.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby respectfully requests that the General Assembly, at its 1998 session, increases the minimum level of state funding for each planning district commission to \$100,000 per year; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to communicate this resolution to the General Assembly members who represent the County of Dinwiddie.

After the motion there was some discussion regarding the amount of the increase. Mr. Clay stated he felt that it was excessive. Mr. Tickle stated that he agreed that this was excessive. Mrs. Everett stated that on a local level they have not had an increase for nineteen (19) years.

IN RE: COUNTY ADMINISTRATOR COMMENTS – FLY-IN

Mr. Long stated that Mr. David Ploeger, Manager of the Dinwiddie-Petersburg Airport, has extended an invitation to a Board member to fly with the Airport Authority to Oshkosh, Wisconsin, where the largest fly-in occurs, on Monday, January 12, 1998. They will be leaving Richmond International at 10:00 A.M. and returning that evening about 6-7:00 P.M.. This invitation is for one maybe two Board members.

After discussion, Mrs. LeeNora Everett agreed to make the trip. Mr. Long stated he would get the information and pass it along to her.

IN RE: COUNTY ADMINISTRATOR COMMENTS – FIRE CHIEF CONFERENCE

Mrs. Ralph stated the Fire Chief's have extended an invitation, to Mr. Bracey, to attend their conference February 26-27-28, 1998 in Virginia Beach. Mr. Bracey will not be able to attend and they would like to extend that invitation to another Board member. They will pay all expenses to go. If any Board member would like to attend please let her know.

IN RE: COUNTY ADMINISTRATOR COMMENTS – MODIFICATIONS TO THE DINWIDDIE COUNTY SOLID WASTE MANAGEMENT FACILITY

Mr. Faison came forward stating at a previous Board meeting he had presented the four (4) bids that were received on the Modifications to the Dinwiddie County Solid Waste Management Facility. The low bidder was \$81,215.00, Virginia Concrete. At that meeting the Board authorized Mr. Denny King and himself to negotiate with Virginia Concrete to see how much money could be saved and still have a good project. We were able to eliminate \$14,940.00 out of the project, which would bring it down to \$66,275.00. He would like to recommend that they be authorized to proceed with this, provided that the engineers of record, Draper Aden, do not have any problem with it. They also wanted to check one more source, DEQ (Department of Environmental Quality), to see that they do not have any problem with any thing that they are eliminating. We would like to get on with this project and help with the final closing of the landfill.

Upon motion of Mrs. Everett, seconded by Mr. Clay, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to Mr. King and Mr. Faison to proceed with the contract with Virginia Concrete for the Modifications to the Dinwiddie County Solid Waste

Management Facility, for a cost of \$66,275.00 providing that the engineers of record, Draper Aden and the Department of Environmental Quality approve the items that have been eliminated.

IN RE: BOARD MEMBER COMMENTS

Mr. Clay – no comments

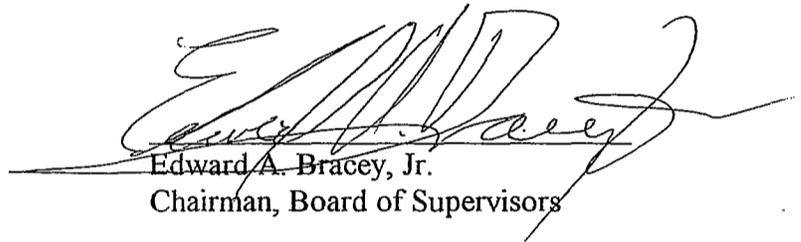
Mrs. Everett – no comments

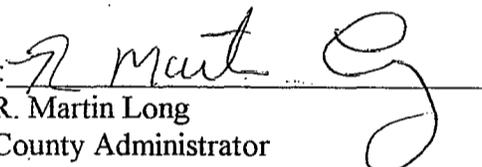
Mr. Tickle – no comments

Mr. Bracey – 1) He stated he hoped that the Planning Department would consider Mr. Tickle's request for landscaping at telecommunication towers and present an ordinance with in the next couple of meetings on this issue. 2) Mr. Moody is on vacation and will return at the next meeting.

RE: ADJOURNMENT

Upon motion of Mr. Tickle, seconded by Mr. Clay, Mrs. Everett, Mr. Clay, Mr. Tickle, Mr. Bracey voting "aye", the meeting adjourned at 9:10 P.M.


Edward A. Bracey, Jr.
Chairman, Board of Supervisors

ATTEST: 
R. Martin Long
County Administrator

/pam

