

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 OCTOBER, 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  
HARRISON A. MOODY ELECTION DISTRICT #1  
MICHAEL H. TICKLE ELECTION DISTRICT #2

OTHER: MARK FLYNN COUNTY ATTORNEY

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

Mr. Edward A. Bracey, Jr., Chairman, called the regular meeting to order at 7:31 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

**IN RE: AMENDMENTS TO THE AGENDA**

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

Mrs. Pamla A. Mann, Administrative Secretary, stated we need to add under Item Number 7 - a second resolution. This resolution is for the Springfield Baptist Church.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that under agenda Item Number 7 - a resolution for the Springfield Baptist Church be added.

**IN RE: MINUTES**

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the minutes of the September 11, 1998 Continuation Meeting and the September 16, 1998 Regular Meeting were approved in their entirety.

**IN RE: CLAIMS**

Mrs. Mann stated there was a supplemental claim in the amount of \$1,675.00 for the property survey on the EMS/Fire Station proposed site.

Upon motion of Mr. Clay, seconded by Mr. Moody, Mr. Moody, Mr. Clay, Mr. Tickle, Mrs. Everett, 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 1012238 through 1012478 (void check(s) numbered 1012238 through 1012252 and 1012440); for Accounts Payable in the amount of \$728,102.73: General Fund \$712,799.45; Self Insurance Fund \$10,681.33; Law Library \$58.69; Forfeited Asset Sharing \$395.12; CDBG Fund \$618.85; and Capital Projects \$3,549.29; and for the supplemental claim for Accounts Payable \$1,675.00: Capital Projects Fund \$1,675.00.

**IN RE: COURTHOUSE CONSTRUCTION – REQUISITION #28**

Mrs. Ralph stated the following invoices are included in Requisition Number 28:

JMJ CORPORATION	\$ 1,113.75
JMJ CORPORATION	2,900.36
HENING-VEST-COVEY	<u>1,237.77</u>
TOTAL OF REQUISITION NUMBER 28	\$ 5,251.88

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number 28 in the amount of \$5,251.88 be approved and funds appropriated for CIP expenses for the Courthouse Project Fund.

**IN RE: SCHOOL CONSTRUCTION – REQUISITION #36 (IDA98-1)**

Mrs. Ralph stated the following invoices are included in Requisition Number 36:

KBS, INC.	\$496,992.36
BALLOU, JUSTICE & UPTON	28,173.87
STROUD, PENCE & ASSOCIATES, LTD	9,130.00
FROEHLING & ROBERTSON, INC	2,036.00
TRI-CITIES OFFICE PRODUCTS INC	888.00
VIRGINIA POWER	999.64
WARTHAN ASSOCIATES INC	<u>1,500.00</u>
TOTAL OF REQUISITION NUMBER 36	\$539,719.87

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number 36 in the amount of \$539,719.87 be approved and funds appropriated for CIP expenses for the School Project Fund.

**IN RE: CITIZEN COMMENTS**

Mr. Bracey asked if any citizens had signed up to speak.

Mrs. Mann stated she had one person signed up to speak. She called Mrs. Anne Scarborough.

1. Mrs. Anne Scarborough, Dinwiddie, Virginia, came forward to address the Board. She voiced concerns regarding the following:
  - a. Eastside School – she pointed out that the school was turned over to the County in 1983 and wanted to know if the County was ever going to do anything with this property.
  - b. Northside School was closed in 1988 and was also concerned about what the County planned to do with this property.
  - c. She pointed out that she was unable to hear the Board and wanted them to speak up. She stated she would raise her hand to signal that she could not hear.
  - d. She requested information regarding the Invitation to Bid on the Landfill Closure. She thought this was done in 1992 and wanted to know about the money that was spent then.

Mr. Bracey stated asked Mr. Long to respond to Mrs. Scarborough's landfill questions in a timely manner. He also asked Mrs. Scarborough to hang in there just a little bit longer on the schools because he was working on that project.

Mrs. Everett stated he should tell her about the meeting and action that had been taken earlier in the day.

Mr. Bracey continued by explaining to Mrs. Scarborough the action the Board had taken in the CIP workshop meeting earlier this same date.

Mr. Bracey asked if there were any other citizens present who wished to speak but had not signed up.

There being none Mr. Bracey moved forward.

**IN RE: RESOLUTION OF RECOGNITION – THOMAS  
FITZGERALD EDMUNDS**

Mr. Long stated Mr. Edmunds was unable to attend this meeting. The Board would take action on this tonight and Mr. Edmunds and some of his family members will be present at the October 21<sup>st</sup>, day meeting to accept the Resolution. Mr. Long read the following:

**RESOLUTION  
OF THE  
DINWIDDIE COUNTY BOARD OF SUPERVISORS  
OCTOBER 7, 1998  
IN RECOGNITION OF  
THOMAS FITZGERALD EDMUNDS**

**WHEREAS,** *Mr. Thomas Fitzgerald Edmunds was born on October 19, 1898, to Thomas Castleton and Nannie Thweatt Edmunds and has resided in the County of Dinwiddie for approximately 75 of those years; and*

**WHEREAS,** *on October 19, 1998, Mr. Edmunds will celebrate his 100<sup>th</sup> birthday; and*

**WHEREAS,** *during his 100 years, Mr. Edmunds was married on June 5, 1923 to the late Mrs. Lucy Pryor McIlwaine Edmonds and during their 62 years together were blessed with a loving family of four children, Mary Plummer Humphrey, Lucy Ann Traynham, Jane Castleton Powers and Thomas F. Edmunds, Jr.; and*

**WHEREAS,** *Mr. Edmunds, besides being a devoted husband and father, has also dedicated his life to serving God as a member of Concord Presbyterian Church where he still attends regularly and now serves as Elder Emeritus; and*

**WHEREAS,** *the Board of Supervisors on this 7th day of October, 1998 would like to acknowledge Mr. Edmunds service and dedication to his Church, his Family and the Dinwiddie County Historical Society (their oldest member); even though he is more interested in the present and the future than he is in the past; and*

**WHEREAS,** *Mr. Edmunds is considered a perfect example of a fine Christian gentleman – a gem of a man and is quoted for saying young people need to "Work hard, play some, eat well, and get plenty of rest."; and*

**WHEREAS**, the Board of Supervisors desires to acknowledge Mr. Edmunds 100<sup>th</sup> birthday and join with his family and friends in this celebration;

**NOW THEREFORE BE IT RESOLVED** that the Board of Supervisors of Dinwiddie County, Virginia, acknowledges his 100th birthday and wishes Mr. Edmunds a very blessed and prosperous life

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that above resolution of recognition of Mr. Thomas Fitzgerald Edmunds is hereby adopted.

**IN RE: RESOLUTION – SPRINGFIELD BAPTIST CHURCH**

Mr. Long stated this Resolution was in recognition of Springfield Baptist Church's 131<sup>st</sup> Anniversary. He read the following:

**RESOLUTION  
OF THE  
DINWIDDIE COUNTY BOARD OF SUPERVISORS  
OCTOBER 7, 1998  
IN RECOGNITION OF THE  
SPRINGFIELD BAPTIST CHURCH  
131<sup>ST</sup> ANNIVERSARY**

WHEREAS, in 1867, two years after the Civil War ended, one of the South's oldest Black Churches was founded, and

WHEREAS, Springfield Baptist Church has set aside October 11, 1998 to celebrate its 131<sup>st</sup> year of service in the Dinwiddie community, and

WHEREAS, the Church has been able to support many members and friends in the Dinwiddie County community, as well as in surrounding communities, and

WHEREAS, the Board of Supervisors would like to support the celebration with this resolution of recognition for its many years of growth and prosperity.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County, Virginia, hereby commends Springfield Baptist Church for devoted service and for its accomplishments in the community and in the County, and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that a copy of this resolution be presented to Springfield Baptist Church for its October 11, 1998 celebration and a copy spread upon the minutes of this meeting.

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

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BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that above resolution of recognition for the Springfield Baptist Church is hereby adopted.

Mrs. Mann stated the Church had requested a Board member be present at the Church on Sunday, October 11<sup>th</sup> at 3:00 P.M. to present this resolution.

Mr. Moody agreed to make the presentation.

**IN RE: PUBLIC INFORMATIONAL MEETING – VIRGINIA  
DEPARTMENT OF TRANSPORTATION – SIX YEAR  
IMPROVEMENT PLAN**

Mr. Ronald Reekes and Mr. Harold Dyson, Resident Engineer and Assistant Resident Engineer, came forward giving a brief rundown of the current plan. Mr. Reekes stated he hoped this would not last more than 30 minutes total and asked citizens to keep their comments to 3 minutes. Mr. Reekes stated if there were any citizens who wished to receive a copy of the current plan if they would raise their hands one would be provided for them. Mr. Dyson distributed the printouts. Mr. Reekes proceeded to read the current plan.

Mr. Bracey asked if there were any citizens present who wished to speak on the six year plan. He asked if any citizens had signed up to speak.

There being none Mr. Bracey moved forward with Board discussion.

Mr. Moody stated he had no comments at this time.

Mr. Tickle stated he saw no projects in his district.

Mr. Reekes corrected him by stating #2, Route 708, was in his district.

Mr. Tickle stated he missed that. He stated he had some other areas in his district that needed attention. He sited Claiborne Road and Butterwood Road as high traffic areas that lead to the high school and further stated he felt they were in need of attention.

Mr. Clay stated he was glad to see Courthouse Road and Coleman Lake Road sited for improvement.

Mrs. Everett stated she was pleased with Wheaton Road, Blue Tartan Road, Duncan Road and Halifax Road being placed on the list.

Mr. Bracey voiced his opinion on Boisseau Road, stating it was narrow, bumpy, a connector road to our school system, and in need of repair. Also he felt Halifax Road was way down on the list. This road needed repair and had since he was a boy! He wanted to know what the problem was on getting this road repaired.

Mr. Reekes stated it was moving up on the list.

Mrs. Everett asked how many miles of dirt road are left in the County.

Mr. Reekes stated he felt it was still over 50 miles.

Mr. Tickle stated one positive thing was the total funds to the County are being increased.

Mr. Reekes stated we will be working with greater funds starting with the current year. The new T21 Bill that was passed by the Federal Legislation increased the Secondary Funds in Dinwiddie County, adding don't quote me on this, about \$300,000.00 this year and \$150 to \$170,000.00 in additional years. We do have some increase in funds and hopefully this will allow them to advance some of the projects.

Mr. Bracey asked about the work on Route 1 in front of Dinwiddie Sporting Goods and asked where the water will be going.

Mr. Reekes stated they had not finished that project.

Mr. Long stated he would like to ask Mr. Reekes to comment on an item that is under County Administrator Comments. Mr. Long continued there was a Resolution up tonight regarding Walkers Mill Road. He stated his understanding was it is fairly certain that the County will receive funding for that road. The Resolution will officially request the funds from the Commonwealth Transportation Board.

Mr. Reekes stated that was correct. It is on the Commonwealth Transportation Board's agenda for the month of October. It was reviewed by the subcommittee and they felt positive toward it so it is going forward to the full Board. This resolution will hopefully guarantee its approval. Until they vote on it he could not say for certain but he felt like it had a good chance.

Mr. Long thanked Mr. Reekes for his input and further stated he wanted to state that he felt a large part of that was due to Mr. Clay's being rather persistent with that issue with the Department. He thought if we could get approved for the \$300,000.00 it would go a long way.

**IN RE: PUBLIC HEARING C-98-3 – CONDITIONAL USE PERMIT  
– FREDERICK GOODWYN**

This being the time and place as advertised in the Dinwiddie Monitor on September 16, 1998 and September 23, 1998 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a public hearing for C-98-3, for the purpose of considering a conditional use permit to establish a Christian Retreat Campsite on property identified as Tax Map 57-73A and 55-57 containing 11.40 acres of property and 4.38 acres of property and located on the north side of Highway 85, near its intersection with Gatewood Road in the Rowanty District.

Mr. Long stated he had placed before the Board a request addressed to them from the applicant Mr. Goodwyn stating he was not completely ready to move forward with his request at this time. He asked that the Board table the hearing; therefore, it was his understanding that it would have to be re-advertised and the applicant would be responsible for payment for re-advertisement.

**IN RE: PUBLIC HEARING – A-98-9 – JUNK STORAGE**

This being the time and place as advertised in the Dinwiddie Monitor on September 16, 1998 and September 23, 1998 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a public hearing for A-98-6, for the purpose of considering an amendment to amend and reordain Section 22-223 of the Code of the County of Dinwiddie, Virginia by deleting use number (16) Junk Storage (screened) as a permitted use in Industrial, General, District M-2.

Mr. William C. Scheid, Director of Planning, came forward stating in reviewing the County Zoning Ordinance, the County Administration noted that there was an oversight committed in 1991 when an amendment, A-91-6, sought to remove salvage (junk) yard from various districts. This amendment seeks to correct the oversight by deleting "junk storage" as a permitted use in the light industrial zoning district. The Dinwiddie County Planning Commission heard A-98-6, number changed to A-98-9, on September 9<sup>th</sup>. On a vote of 6-0 the Planning Commission recommended approval of the amendment.

Mr. Long asked about the number on this case.

Mr. Scheid explained it was numbered incorrectly and stated it was being changed to A-98-9.

Mr. Bracey stated this was a Public Hearing and asked if any citizens had signed up to speak. There being none Mr. Bracey asked if there was any citizen present who wished to speak on A-98-9. There being none Mr. Bracey closed the Public Hearing.

There being no discussion Mr. Bracey called for a vote.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that A-98-9 which amends Section 22-223 of the Code of the County of Dinwiddie, Virginia to read as follows:

BE IT ORDAINED BY THE BOARD OF SUPERVISORS of Dinwiddie County, that Section 22-223 of the Code of the County of Dinwiddie, Virginia, as amended, is amended and reenacted to read as follows:

**Sec. 22-223. Permitted uses – Enumerated.**

- (1) Truck terminals.
- (2) Sand and gravel operations, with a conditional use permit.
- (3) Crushed stone operations, with a conditional use permit.
- (4) Wood preserving operations.
- (5) Abattoirs.
- (6) Acid manufacture.
- (7) Cement, lime and gypsum manufacture.
- (8) Fertilizer manufacture.
- (9) Petroleum refining, including byproducts.
- (10) Petroleum storage.
- (11) Asphalt mixing plant.
- (12) Sawmills and planing mills.
- (13) Paper and pump manufacture.
- (14) Brick manufacture.
- (15) Boiler shops.
- (16) Reserved.
- (17) Meat, poultry and fish processing.
- (18) Off-street parking as required by this chapter.
- (19) Public utilities.
- (20) Conservation areas.
- (21) Game preserves.
- (22) Accessory uses as defined.
- (23) Business signs.
- (24) General advertising signs.
- (25) Location signs.

- (26) Public airports with, if needed, one (1) security dwelling unit.
- (27) Governmental offices.
- (28) Communication towers with station, with a conditional use permit.
- (29) Compounding, manufacturing and assembly of printing inks and related products.
- (30) Manufacturer's outlet stores in association with on-site manufacturing.
- (31) Component assembly and product distribution.
- (32) General and cogeneration of electricity to exclude the burning of municipal solid wastes (MSW) as a source of fuel.
- (33) Machinery and parts manufacture, including casting of ferrous and nonferrous metals through the use of an electric furnace and metal fabrication and associated tasks enclosed and housed in such a manner that no noxious fumes and odors are expelled into the atmosphere.
- (34) Processing, blending, and packing green and redried tobaccos.
- (35) General contractors, to include sheet metal, heating, ventilation and air conditioning, general construction, and any other fitting this definition at the discretion of the zoning administrator.
- (36) Indoor athletic and fitness facilities.
- (37) All uses permitted in M-1.

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This ordinance shall become effective upon the date of its adoption by the Board of Supervisors. In all other respects said zoning ordinance shall remain unchanged and be in full force and effect.

BE IT FURTHER RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286 (A)(7) it is stated that the purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience general welfare and good zoning practice.

**IN RE: PUBLIC HEARING – C-98-5 – CONDITIONAL USE  
PERMIT – MICHAEL B. MAYES**

This being the time and place as advertised in the Dinwiddie Monitor on September 16, 1998 and September 23, 1998 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a public hearing for C-98-5, for the purpose of considering an amendment submitted by Michael B. Mayes seeking to change condition number 5 of C-97-4 which was adopted by the Board of Supervisors at their October 1997 meeting. The applicant is requesting to change the percentage of three (3) bedroom townhouses in Phase 2 from 25% to 30%. The townhouses are known as Rohoic Woods and are located on Duncan Road near Route 1.

Mr. Scheid stated the request seeks to increase the percentage of 3 bedroom apartments permitted in the second phase from 25% to 30%. Since the total number of units approved for this section is 120, the actual increase in 2 bedroom units would be from 30 to 36. The overall percentage of 3 bedroom units for phase 1 and phase 2 averaged together would be 25%. Mr. Mayes has stated that there is a great demand for 3 bedroom units. Many times the third bedroom is used for storage. Generally, his units do not generate many children, require few other community services and do not overburden the road system in this area.

Mr. Scheid continued that the Dinwiddie County Planning Commission heard C-98-5 on September 9<sup>th</sup>. On a vote of 6-0, the Planning Commission recommended approval to amend condition #5 contained in the conditional use permit C-97-4.

Mr. Bracey stated this was a Public Hearing and asked if any citizens had signed up to speak. There being none Mr. Bracey asked if there was any citizen present who wished to speak on C-98-5. There being none Mr. Bracey closed the Public Hearing.

Mrs. Everett stated we are proud to have Rohoic Woods in Dinwiddie County and that they certainly are needed.

There being no further discussion on Mr. Bracey called for a motion.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that C-98-5 as described above is hereby approved, with condition number 5 of the original case C-97-4 being amended to read as follows:

5. The number of three (3) bedroom units will be limited to thirty (30%) percent of the total number of apartments in Phase II of Rohoic Woods. This would give the entire complex an overall average of twenty-five (25%) percent of three (3) bedroom units.

**IN RE: PUBLIC HEARING -- C-98-6 -- CONDITIONAL USE PERMIT -- SPRINT PCS**

This being the time and place as advertised in the Dinwiddie Monitor on September 16, 1998 and September 23, 1998 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a public hearing for C-98-6, for the purpose of considering a conditional use permit submitted by Sprint PCS to construct a communications tower up to 199' in height on Tax Map Parcel 57-83 which is owned by the A.M.E. Zion Church. Said parcel is located at the end of Lundys Road near Courthouse Road.

Mr. Scheid stated the Dinwiddie County Planning Commission heard C-98-6 on September 9<sup>th</sup>. On a vote of 6-0, the Planning Commission recommended approval with conditions. The applicant spoke with the Planning Department after the Planning Commission meeting and agreed to the amended conditions. The conditions are as follows:

1. The tower proposed by Sprint PCS shall not exceed one hundred ninety-nine (199) feet in height.
2. Sprint PCS shall develop the proposed tower site as detailed in the site plan developed by Matrix Engineering titled "Sprint PCS, Comprehensive Site Plan, Site ID No. RIO3XC083G, Zion Church," which was submitted by the applicant, Sprint PCS, with this application.
3. The conditional use permit must be reviewed at least every two (2) years for compliance with stated conditions.
4. The proposed tower and foundation shall be designed and constructed, at the expense of the applicant, to permit the extension of the tower up to approximately 300 feet.

Mr. Scheid stated item 4 was done in order to provide a site for an enhanced Dinwiddie County system in the future.

Mr. Clay questioned was there an alternative site. Some citizens do not feel next to a nursing home is a proper site for a tower.

Mr. Scheid responded the nursing home is owned by the same Church as the tower site. They had the right to say where they would like to have the tower placed on the property. Through their Board of Directors, their religious organization, said this was a good site as far as they were concerned.

Mrs. Everett stated she had no comment at this time.

Mr. Tickle stated his only concern was there was a couple of exposed areas within the buffer area. He further stated he had spoken with Mr. Norman Ray, Mr. Henry Waller and Mr. Larry Horton regarding this matter and they had stated they would fill this in. Mr. Tickle was wondering if we needed to have this in writing.

Mr. Scheid stated this was already covered in the ordinance but he felt certain if the Board felt uncomfortable and they wanted to just make reference to that specific section in the code that indeed the buffering area between the tower and the nursing home would be adequately addressed.

Mr. Tickle suggested loblolly pines be placed in that area. He asked Mr. Scheid what his recommendation was, to do it or not.

Mr. Scheid replied stating it was in the code already so he believed the Board was covered but if the Board wishes or would feel more comfortable with it being addressed as part of the conditions or they would like to reference that particular section and reference in that particular direction they want to be assured then he would have no problems in adding it. He again stated he felt comfortable with the way it stands.

Mr. Bracey stated he had several things. Number one being - He heard Mr. Scheid refer to Church and Sprint but he stated this tower is being located in a community. The AME Zion Church has been very good to the community and the community has been very good to AME Zion. Now when this thing came up it was the first time that he has not heard any word from the AME Zion Church. He stated he understood churches, they want money. That is the whole deal. We have not considered the people who live in this community. He noticed a month or so ago Henrico rejected one and told them to find another site. What he is seeing here tonight is the same old story all the time - he assumes, he asked someone to tell him if he was wrong, that the State and Federal people say we have to do it but at what point do citizens in a community have something to say. The citizens are not getting any money from it. AME Zion Church will be getting this money -- \$6 to \$700 per month. That is no problem -- business is business. He was concerned about the citizens in his district. He stated he had a lot of elderly people in this district that surrounds the Church and this proposed tower. They are not able to get out and the ones that have called him they were a little shaky about it. They did not quite understand. He stated he was not saying he was going to vote for or against but sometimes we need to take into consideration the citizens.

Mr. Bracey stated this was a Public Hearing and asked if any citizens had signed up to speak.

Mrs. Mann called the first name on the list.

1. Mr. Norman Ray, Zoning Manager Sprint PCS, who came forward to address the Board. He stated he agreed to all the proffers including Landscaping. He gave a brief description of the site and reason for choosing this site. It was explained as lawn sprinklers, they have to be placed close enough to provide adequate coverage.

2. Mr. Don Morgan, 15116 Courthouse Road, Dinwiddie, Virginia, came forward stating he was an adjacent property owner. He explained to the Board that he was into short wave radio. He was concerned about bleed over and interference from the tower.

Mr. Henry Waller, Property Manager Sprint PCS, came forward stating briefly they are FCC licensed. Part of that license is that they do not interfere with other people and other bands. This means radio, television, short wave, etc. Their frequency they are licensing is actually at 1.9 giga hertz. Short wave is 10. Or 11. If they were to interfere they could have their license revoked. The power levels are very low power.

Mr. Morgan wanted to know what recourse he would have if this did take place.

Mr. Waller stated with the FCC.

Mr. Moody stated this was addressed in our conditional use permits. Is that addressed in our telecommunications ordinance?

Mr. Scheid was researching that at this time.

3. Mrs. Anne Scarborough, had not signed up but wished to address the Board on the following issues:

- a. Choice of location – do we have the option to deny?
- b. Tax – does the County get any tax from a tower?
- c. Towers – can they be disguised?

Mr. Waller stated if you try to disguise a tower it usually makes it more visible.

Mr. Tickle asked why mono instead of lattice.

Mr. Waller stated because of the County's 300' request and also because lattice is less visible.

Mr. Tickle asked about the second site – site number 2 – the alternate site. What would prevent them from using this site.

Mr. Waller stated they felt site number one was less populated than site number two.

Mr. Scheid stated he had found the answer to the question regarding the telecommunications ordinance. The section in question reads:

"A communication antenna or tower shall be designed and installed so as not to interfere with reception communications of surrounding land owners electrical and communication equipment."

Mr. Scheid stated he would offer that as a condition of the permit.

Mr. Mark Flynn, County Attorney, was asked to address the portion of Mrs. Scarborough's question regarding denying a site.

Before he answered Mr. Scheid gave his explanation. It was explained that the FCC regulations the way they are right now, that there is a criteria, you must show an overwhelming reason for not being able to

locate or allowing a facility to locate in an area. He stated he felt the Attorney might be better qualified to answer.

Mr. Flynn explained when cell towers first started hitting the landscape there was a lot of concern because of the Federal law that local government's hands were tied. Virginia Beach is the decision that was really the landmark decision and it was only issued by the Fourth Circuit Court of Appeals in Richmond September 1<sup>st</sup>. Just in a nut shell basically what that case had to do with zoning aspects, the zoning approval process, in siting a cellular tower. The court said treat it like a zoning issue. You have some constraints. You can not deny. You can not discriminate against towers versus other uses. You can not discriminate among types of towers; however, when it comes down to zoning questions, you treat it like a zoning question. In this case you have before you, of course, it is not a rezoning, it is not purely a legislative decision of do you want the tower. This is a conditional use permit and under those rules, under normal zoning rules, if conditions can be imposed that will allow the use, whether it is a tower or junk yard, or any other sort of use that would be allowed, if conditions can be imposed to make that work then you are pretty hard pressed to deny it. The Board can not use the process to say we do not want this use at all. If you have reasons for that, that there are no set of conditions, or the conditions offered will not make it workable, then you can deny it. It is not a legislative decision that we do not want it.

Mr. Scheid stated regarding towers and taxation, he had checked with the Commissioner of the Revenue and when towers are built in the community that the Commissioner of Revenue does contact Richmond, and Richmond through the Department of Taxation does have an appraiser who comes out, reviews the tower, puts a value on the tower, puts a value on the equipment, and then the Commissioner of the Revenue applies a rate to the value that is set up in Richmond and taxes are collected on that tower. That would be done no matter who owned the property.

Mr. Moody wanted to know if AME Zion Church would have to pay tax.

Mr. Flynn stated that in the tax exempt statute once property is put to a for profit use, it is not related directly to the operations of the charity, then it is taxable.

Mr. Moody wanted to know if they would pay State and Federal tax on the income from the rent.

Mr. Flynn stated he did not know.

Mr. Bracey closed the Public Hearing and asked for Board comments.

Mr. Moody questioned if there would be a number 5 condition added regarding the design, installation, and operation of the equipment so not to interfere with the surrounding land owners.

There was discussion regarding the amount of time that would be imposed on Sprint PCS to respond to any complaints. It was decided they should respond within forty-eight (48) hours.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that C-98-6 – Sprint PCS request to place a telecommunications tower on the AME Zion Church property, is approved with the following conditions.

1. The tower proposed by Sprint PCS shall not exceed one hundred ninety-nine (199) feet in height.
2. Sprint PCS shall develop the proposed tower site as detailed in the site plan developed by Matrix Engineering titled "Sprint PCS, Comprehensive Site Plan, Site ID No. RIO3XC083G, Zion Church, " which was submitted by the applicant, Sprint PCS, with this application.
3. The conditional use permit must be reviewed at least every two (2) years for compliance with stated conditions.
4. The proposed tower and foundation shall be designed and constructed, at the expense of the applicant, to permit the extension of the tower up to approximately 300 feet.
5. The communication antenna or tower shall be designed, installed and operated so not to interfere with reception and communication of surrounding land owner's electrical and communication equipment. The County will immediately notify the communications company of the complaint and they shall respond to the complainant within forty-eight (48) hours.

**IN RE: PUBLIC HEARING – C-98-7 – CONDITIONAL USE PERMIT – SPRINT PCS**

This being the time and place as advertised in the Dinwiddie Monitor on September 16, 1998 and September 23, 1998 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a public hearing for C-98-7, for the purpose of considering a conditional use permit submitted by Sprint PCS to construct a communications tower up to 199' in height on Tax Map Parcel 29-62 which is owned by David and Brenda Reese. Said parcel is located in the Poole Siding area east to Trinity Church Road and south of Cox Road.

Mr. Scheid continued with C-98-7 stating the Dinwiddie County Planning Commission heard C-98-7 on September 9<sup>th</sup>. On a vote of 6-0 the Planning Commission recommended approval with conditions. Those conditions being as follows:

1. The tower proposed by Sprint PCS shall not exceed one hundred ninety-nine (199) feet in height.
2. Sprint PCS shall develop the proposed tower site as detailed in the site plan developed by Matrix Engineering titled "Sprint PCS, Comprehensive Site Plan, Site ID No. RIO3XC083G, Reese Property," which was submitted by the applicant, Sprint PCS, with this application.
3. The conditional use permit must be reviewed at least every two (2) years for compliance with stated conditions.
4. The communication antenna or tower shall be designed, installed and operated so not to interfere with reception and communication of surrounding land owner's electrical and communication equipment. The County will immediately notify the communications company of the complaint and they shall respond to the complainant within forty-eight (48) hours.

Mr. Tickle asked about the Norfolk-Southern's tower. He stated he would like to have an explanation regarding page two (2) of the Planning Commission minutes. On this page there is discussion on an existing tower - Norfolk-Southern. He stated he was disappointed that Norfolk-Southern would not work in agreement with Sprint on this. We state in our new telecommunication code

we enforce or strongly suggest that companies co-locate. He stated he would assume that this was a post prior to our telecommunication ordinance that we cannot force Norfolk-Southern to let them co-locate.

Mr. Scheid stated that was correct. Mr. Scheid stated railroads can sometimes be difficult to deal with. The County does not have any leverage in this instance because the tower was in place prior to the County's telecommunication ordinance.

Mr. Tickle asked if Norfolk-Southern might be coming back in the future to ask for another communications tower.

Mr. Scheid stated he did not know; however, he had been told that this tower has been there a long time and the tower maybe has not been inspected as thoroughly or as frequently as they maybe should have.

Mr. Tickle stated it would be nice if it was inspected then.

Mr. Moody stated he understood there was something about the tower being structurally sound.

Mr. Scheid stated that was what was stated at the Planning Commission, of course he had no way of knowing if that was factual. He stated he did know that the tower had been there many many years. Obviously if steel is not maintained over a period of time, as we have witnessed with our bridges, that it does have a tendency to deteriorate.

Mr. Moody stated there was something about Norfolk-Southern could ask them to leave at any given time.

Mr. Tickle stated that was what he had read and he found that very – not very corporate citizen like.

Mr. Tickle proceeded to ask about the last inspection of the Norfolk-Southern tower and he felt we should find out the condition of that tower. He stated we did not want any tower in the County that did not stand up to conditions after they are up.

Mr. Scheid stated that tower was built before he came into the County and that was in the mid 70's.

Mr. Tickle stated if it is unsafe, it is unsafe no matter what the conditions are.

Mr. Scheid stated he was not certain what the Building Inspection Department has authority wise to go on or their ability to even conduct such an inspection.

Mr. Tickle stated he would assume FCC does.

Mr. Bracey stated that issue was a little bit different. He asked Mr. Long and Mr. Scheid to investigate that issue and report their findings at the next Board meeting.

Mr. Bracey stated this was a Public Hearing and asked if any citizens had signed up to speak.

Mrs. Mann stated the same persons had signed up for this Public Hearing as the last.

1. Mr. Ray again came forward stating he would not go through everything again but wanted to state that Sprint PCS agreed to all the conditions.

There being no additional persons wishing to speak for C-98-7 Mr. Bracey closed the Public Hearing.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that C-98-7 Sprint PCS request to place a telecommunications tower to be located south of Cox Road and the Norfolk-Southern railroad and north of Route 460 adjacent to the existing Norfolk-Southern communications tower, is approved with the following conditions.

1. The tower proposed by Sprint PCS shall not exceed one hundred ninety-nine (199) feet in height.
2. Sprint PCS shall develop the proposed tower site as detailed in the site plan developed by Matrix Engineering titled "Sprint PCS, Comprehensive Site Plan, Site ID No. RIO3XC083G, Reese Property, " which was submitted by the applicant, Sprint PCS, with this application.
3. The conditional use permit must be reviewed at least every two (2) years for compliance with stated conditions.
4. The communication antenna or tower shall be designed, installed and operated so not to interfere with reception and communication of surrounding land owner's electrical and communication equipment. The County will immediately notify the communications company of the complaint and they shall respond to the complainant within forty-eight (48) hours.

**IN RE: RECESS**

Mr. Bracey called for a five (5) minute recess at 9:10 P.M.

Mr. Bracey called the meeting back to order at 9:20 P.M.

**IN RE: PUBLIC HEARING – A-98-8 – ADMISSIONS TAX**

This being the time and place as advertised in the Dinwiddie Monitor on September 23, 1998 and September 30, 1998 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a public hearing for A-98-8, for the purpose of considering the adoption of an ordinance to amend Section 19-120 of the Code of Dinwiddie County to exclude school-sponsored events and participants in sporting events from the applicability of the admissions tax.

Mr. Long stated a while back a concern, or a situation, arose which brought to the attention of the Board that the State Code had been amended regarding admissions tax that would actually allow participants in a sporting event to be taxed. When this situation came to the Board's attention, he wanted it stated clearly it is intended that the admissions tax in the County not apply to participants of a sporting event. It was like unto charging baseball players to go out on the field to play a ball game for the public. In conjunction with this he thought it was part of the amendment to the code that school sponsored functions event be removed as well.

There was some discussion regarding other groups such as musical groups.

Mr. Long gave a brief overview of the amendment.

Mr. Bracey stated this is a Public Hearing and asked if there was any citizen wishing to speak for or against. There being no citizen wishing to speak Mr. Bracey called for Board comments. There being none Mr. Bracey called for a motion.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following amendment to the Code of Dinwiddie County Section 19-120 is hereby approved:

WHEREAS, section 19-120 of the County Code, which imposes a tax on admissions charged to events in the County, specifically excludes events which benefit charitable purposes from the applicability of the tax; and

WHEREAS, Virginia Code Section 58.1-3817 has been amended to expand the categories of events to which the admissions tax applies, including participants in sporting events and school-sponsored events; and,

WHEREAS, THE Board of Supervisors intends that the admissions tax shall not apply to school-sponsored events or to participants in sporting events.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Dinwiddie County that section 19-120 of the County Code be amended to read as follows:

Sec. 19-120. Imposed; amount.

Pursuant to the authority granted to the County of Dinwiddie by Section 58.1-3818 of the Code of Virginia, there is hereby imposed a tax on admissions charged for attendance at an event in the amount of four (4) percent of the amount of charge for the admission to any event occurring within Dinwiddie County.

No such tax shall be charged on the admissions charged for the following classes of events:

1. Admissions charged for attendance at any event, the gross receipts of which go wholly to charitable purpose, which shall include voluntary fire departments or rescue squads or auxiliaries thereof recognized by an ordinance or resolution of the political subdivision where such is located as being part of the safety program of such political subdivision;
2. Admissions charged for attendance at public and private elementary, secondary, and college school-sponsored events, including events sponsored by school-recognized student organizations;
3. Admissions charged to participants in order to participate in sporting events.

In all other respects, such ordinance is hereby reordained;

BE IT FURTHER RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286 (A)(7) it is stated that the purpose for which this Amendment is initiated is to fulfill the requirements of public necessity, convenience general welfare and good zoning practice.

**IN RE: COUNTY ADMINISTRATOR COMMENTS – WALKERS MILL ROAD – INDUSTRIAL ACCESS ROAD FUNDING**

Mr. Long explained he had received word from Mr. Reekes that Dinwiddie County was eligible to receive Industrial Access Road funding to repair Walkers Mill Road, as we had discussed briefly earlier in this meeting. This road has been damaged by the heavy truck traffic from the RGC (USA) Mineral Sands facility. He explained the Board would need to adopt a resolution to request this funding.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following resolution is adopted:

WHEREAS, the RGC (USA) Mineral Sands, Inc. has purchased property located in the County of Dinwiddie and has constructed its facilities on that property for the purpose of producing refined sands; and

WHEREAS, this new facility is expected to involve a new private capital investment in land, building and manufacturing equipment of approximately \$14.2 million and the RGC (USA) Mineral Sands, Inc. is expected to employ 44 persons at this facility; and

WHEREAS, manufacturing operations began at this new facility on or about November, 1997; and

WHEREAS, the existing public road network does not provide for adequate access to this facility and it is deemed necessary that improvements be made to Walkers Mill Road, Route 665, and Bolsters Road, Route 617; and

WHEREAS, the County of Dinwiddie hereby guarantees that the necessary right of way for this improvement, and utility relocation or adjustments, if necessary, will be provided at no cost to the Industrial Access Fund;

NOW, THEREFORE, BE IT RESOLVED THAT, the Dinwiddie County Board of Supervisors hereby requests that the Commonwealth Transportation Board provide Industrial Access Road funding to provide adequate road improvements to this new manufacturing facility.

**IN RE: COUNTY ADMINISTRATOR COMMENTS – PARKER OIL CONTRACT**

Mr. Long stated he had enclosed a letter from Parker Oil Company, Inc., who currently has the County's contract for gasoline, diesel and fuel oil. The current contract extended through September 30, 1998 and was on a firm price basis. Parker Oil stated in their letter they would like to propose that Dinwiddie County extend this contract for an additional twelve months. They explained when they set firm prices for an extended period of time, they do so through the New York Mercantile Exchange (NYMEX). The NYMEX pricing at this time allows them to reduce the price on all three (3) products. They proposed the following prices to commence October 1, 1998 and stated these prices will remain fixed and firm through September 30, 1999.

- A. 87 octane no lead gasoline \$ .6250 per gallon
- B. Low sulfur diesel fuel \$ .5850 per gallon
- C. #2 fuel oil \$ .5790 per gallon

These prices are for all deliveries to the County owned tanks and for our Fuel Freedom Card System. Time is of the essence as the NYMEX prices could

increase anytime and they need to move as soon as possible to lock in the above prices.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the contract for gasoline, diesel fuel and #2 fuel oil with Parker Oil Company, Inc. be extended for another year at the following prices:

- A. 87 octane no lead gasoline \$ .6250 per gallon
- B. Low sulfur diesel fuel \$ .5850 per gallon
- C. #2 fuel oil \$ .5790 per gallon

Said contract shall remain in effect until September 30, 1999 with the above prices remaining fixed and firm.

**IN RE: COUNTY ADMINISTRATOR COMMENTS – HVAC  
MAINTENANCE SERVICES**

Mr. Long reported the HVAC bids for maintenance services are not ready for discussion at this time.

**IN RE: COUNTY ADMINISTRATOR COMMENTS – STREET  
LIGHTS – BELL STREET**

Mr. Long stated he had received a letter from Wanda Beasley requesting two street lights for Bell Street. Ms. Beasley explained on her street there is a divorced mother with two (2) young girls, a senior citizen man, a senior citizen couple, and herself. She explained her husband works shift work and many times she is home alone with her young son. She is concerned about the safety in her area.

After discussion Mr. Long was instructed to write Ms. Beasley a letter explaining the County's adopted policy regarding street lights and to also forward a copy of Ms. Beasley's letter to Sheriff Shands.

**IN RE: COUNTY ADMINISTRATOR COMMENTS – INDUSTRIAL  
ACCESS ROAD – D. W. LYLE – CHAPARRAL STEEL –  
CHANGE ORDER NUMBER THREE (3)**

Mr. Long stated there have been two (2) additional change order requests from D. W. Lyle. He stated he needed the Board's authorization to sign. The work for these change orders has already taken place. The second change order in the amount of \$41,235.70 was related to the first change order the Board had on this project where a substantial amount of additional fill was needed in a wet area of this road to properly fill it to VDOT standards. The change order that we had – this was added to it because just beyond that area there was another wet area that had to be filled for all the same reasons in order for the road to stand up to the anticipated heavy traffic. Change order number three (3) involves the concrete area in front of the Produce Center that was put down where the south bound turn lane will be when the road is completed. This is the same type of thing; when the pavement was cut open to be over laid and filled there were boring tests that were done ahead of time that showed some concrete beneath the surface that would be utilized as an acceptable fill. When they got in the entire area some of it had been affected to the point that it was not acceptable fill. It had to be dug out, refilled, and compacted to be suitable and acceptable to VDOT specs, because this road will have to be taken over by the VDOT once it is completed. At that point it will then be the responsibility solely of VDOT and of course we also have to do that because we are receiving

industrial access road funds on this project in the amount of \$450,000.00. Number three (3) change order was for \$29,879.56 making a total of these two change orders \$71,111.26. We are working near completion of this and in accordance with these two (2) change orders he did receive one that he had spoken to the Board about that was associated with time only that was requested. This request was for an additional seven (7) weeks that was to install the water line through the Water Authority that would go along with this project. This request was for time only because Dinwiddie County Water Authority is handling payment of this contract themselves. By doing things this way, putting the water line in now, they could save as much as \$100,000.00 on that project. They are doing that now and he would like to grant them the time as well.

Mr. Tickle stated he would like to place something in the record on behalf of the Board of Supervisors. We got some industrial funds and supposedly VDOT came up with an idea of how much this road would cost. Originally they said the cost would be about \$750,000.00 of which \$450,000.00 would be industrial access road funds leaving the County with approximately \$300,000.00. Mr. Tickle asked Mr. Long how much this road was now proposed to be costing.

Mr. Long stated about 1.2 million dollars.

Mr. Tickle stated his question to the minutes is he would like to know who did the investigation of the proposed cost for this, the engineer. When you are 1.2 and 750 that is almost \$500,000.00 off. That is 60 to 70% off. That is a major cost to the taxpayers of this County that we did not anticipate. He stated he was not very happy about the additional change order cost one way or the other. We have discussed this many times. Mr. Tickle further stated he would like for it to go into the minutes number one and number two find out what was the proposal from the engineer and why we had such a great - well lets say for us to have to pay so much more because that is their job. They are to go out, do the site plan, and find out what the proposed costs are. They should be very close to what they anticipated.

Mr. Long stated he would like to respond to that. He stated the initial estimates that they were speaking of were verbal ones through the VDOT. Our engineers, that the County hired, actually their estimates, the bid came in a little bit under that. With these change orders it is about \$50,000.00 over their estimate. He stated he believed their estimate was \$1,176,000.00. At this point it is about \$50,000.00 over what the engineers estimate was.

Mr. Tickle, VDOT?

Mr. Long no our engineers were within \$50,000.00 on the original bid and with these change orders it is about \$50,000.00 over. The only other thing he would add is he has not and will not stop trying to gain assistance through the Company as well for this road. The County is responsible now for about right at \$750,000.00 to \$800,000.00. There is about \$450,000.00 coming from the State and with that remainder he stated he would continue to try to work with the Company to get some additional help with the road.

Mr. Tickle stated he had mentioned to the citizens there would be a minimum cost for this Company when they came in. Remember that, when we were doing - approving the zoning? Now all of the sudden we are at 800 - \$900,000.00 right off the bat. That is a lot of money. He stated he knew that we could not help it but it seems to him that someone did not give us enough money or we did not ask for enough money or something. He did not know what it was. Now he is sitting there and he did not want to be part of the blame but he did not realize that it would be 1.2 million.

Mr. Moody stated he did not quite understand how we pay an engineer to check these things out and then somebody bids on it and then they find a

problem there and then they get the change order and we paid the engineer also and they still get more money. He stated he did not understand that.

Mr. Tickle stated that was his concern.

Mr. Moody wanted to know was it the State messing up or was it our engineers.

Mr. Long stated in this particular case he understood that one factor that affected the change order number three (3) at Route 1 had to do with an undercut from a drain field in the area and there was some undercut in the soils out that way as a result because it has been there so long. The soils were not in the condition that was anticipated. There were bores done around this area by our engineer and from that showed a more substantial fill underneath the pavement. They claim this was done in compliance with what they are required to do bore wise before a project.

Mr. Moody asked the State or our engineer.

Mr. Long stated Timmons did the boring before the bids. As he said the engineers estimates, the engineers that we hired, their estimates were very close and still are to the total price only now it is a little bit over instead of a little bit under which is not a good thing. However, the actual engineers estimates, the engineers we hired, were within a very close range of what the bid turned out to be. He stated he understood the Board's concerns as far as doing borings and then still having problems once you open up the ground. He thought that had happened before on other projects.

Mr. Moody stated he wished he could bid on a job and if something messed up say I'm going to charge you more.

Mr. Clay stated he did not have much faith in boring. We bored over here where the Courthouse was and that cost us \$160 - \$170,000.00 to get the rock out of there. They should have known it was there if they bored.

Mr. Bracey asked Mr. Long what he needed from the Board.

Mr. Long stated he needed authorization to sign the change orders and return them to the contractor.

Mr. Bracey stated then we need to write a check.

Mr. Long stated yes sir.

Mr. Bracey stated there is no guarantee that we are ever going to get any of that money back.

Mr. Long stated it is not a guarantee. Mr. Long stated outside of the \$450,000.00 we will be receiving from the State.

Mr. Bracey stated we will get \$450,000.00 of the 1.2 million. That leaves what. That is about \$800,000.00!

Mr. Long stated yes sir.

Mrs. Everett asked when the road was going to be finished.

Mr. Bracey stated he had another question – we will have to do what we have to do. He said now tell me this, this road is supposed to be a road for whom?

Mr. Long stated the road is being constructed for the Chaparral Steel Facility.

Mr. Bracey stated he assumed that we own the land that it is on, or Dinwiddie County or whomever, is that – that the road is on – right.

Mr. Long stated yes sir. The right of way had to be obtained by the County and will then be turned over to the State along with the road.

Mr. Bracey stated so now all the other land on both sides of the road can be developed, right.

Mr. Long stated yes sir.

Mr. Bracey stated but the road had to be put in at the County's expense.

Mr. Long again replied yes sir.

Mr. Bracey stated something isn't right.

Mrs. Everett stated County and State.

Mr. Bracey stated the State feels that the \$450,000.00 is their share.

Mr. Long stated by the State law the \$450,000.00 is the maximum allotment for one project for industrial access funds. It is the maximum allotment under state code.

Mr. Bracey stated he assumed we have to pay our bills.

Mr. Long stated yes sir –

Mr. Bracey stated we will be paying Sands Anderson a half million dollars now to get him out. He stated he hoped when the assessors or somebody go in there – what ever it is – that this property be assessed to the point that we can get that money back. That is high dollar property in there now with that kind of road.

Mr. Long stated those property values should certainly increase.

Mrs. Anne Scarborough stated when you bid for something in this County she thought that the Board investigate and knew what they were doing. She further stated she had sat there for different things and they come back and say we have a problem and the Board very generously pay all of these. What is the purpose of people of bidding if they do not know what they are doing and why do we come back and pat them of the shoulder and say we will give you \$50,000.00 because you made a mistake. She stated she did not think the county tax dollars should be used when they bid and make a mistake. She stated she was serious, we do it time and time again.

Mr. Bracey asked Mr. Mark Flynn, County Attorney, the following question. He stated he had Mr. Long standing here looking for a motion to pay this bill or what have you. How much time does he have to pay this bill?

Mr. Flynn stated he did not know the timing on when the change orders were submitted and what the contract says for the number, how long – typically the process is the change order is submitted to the engineer who signs off on it, which they obviously have in this case, and then the owner has so many, usually a month or so, to respond. He stated he has not reviewed the contract documents to see what the time period is; however, when there is investigation of it going on, and he is not sure even if this is something that has just come up or have these just come from the engineer recently.

Mr. Long stated the second one came through several weeks ago that was – what happened was the second one had been done and came through when he caught the fact that the change order had not been submitted through

Administration to the Board. The second bill came through but the second change order didn't in other words. Because as he said this – in working this thing with the DOT construction inspectors evidently they are out there and approve the change order and the work is done. The third one just came up and was brought to his attention and when it was brought to his attention he was told but this work has already been done because otherwise the project would stop.

Mr. Flynn stated they still have to have a change order approved even if it has been done. His only question was about the timing of when engineer approved change order's come in. That usually starts the clock on how long you actually have to pay the change order. Realistically if you need to investigate it you might get into a squabble over some interest on the retainage or any amount owed rather. If you are not just sitting on it you are probably going to be all right with taking a little bit of time to investigate it. If you just take it and put it in the bottom drawer and leave it you can really get yourself in trouble.

Mrs. Everett asked if the VDOT approved the change order.

Mr. Long stated yes they did.

Mrs. Everett stated so the State approved it.

Mr. Long stated yes.

Mr. Tickle stated then the State can pay for it.

Mrs. Ralph stated it is strange because the contract is with us but VDOT is running the show.

Mr. Long stated he did not disagree but that is the difficult part of it.

Mrs. Ralph stated we can argue but there is not a whole lot – we can take VDOT to court.

Mr. Tickle stated let's take that lead. Let's go ahead and write that letter saying that we did not approve it and the engineers did not show it so maybe VDOT would like to take some of the cost.

Mr. Flynn stated he was not suggesting that it should not be paid. He stated he was talking about the response time to investigate it. He stated he was not trying to advise the Board on that particular issue because he did not have the facts.

Mr. Bracey stated we are going to have to pay Sands Anderson regardless, so could he read it and let us know.

Mr. Flynn stated he would take a look over it.

Mr. Long stated possibly he could let them know the result of the findings when we meet next Tuesday. He stated he would let them know then what the findings were.

Mrs. Everett stated the project should be completed November 1, 1998. Is it possible we will have some more change orders between now and then?

Mr. Long stated he certainly hoped not.

Mr. Bracey stated he hoped not.

Mr. Long stated he did ask the engineer that question and he did not get a straight yes or a straight no. There is a base layer of pavement that is put down, has already been put down, and an intermediate level. What is left after the water line is installed is the final layer of super pave. The chances are

certainly more slim at this point then they were but he would not commit to Mr. Long that he felt he could tell them that there would not be any more. He again stated he did ask that question and he did not get a no or yes.

Mr. Bracey asked who he asked Ron Reekes?

Mr. Long stated no sir, he stated he had asked the representative with Timmons.

Mr. Flynn stated in construction contract like this, he has run into this, it is not just Dinwiddie it is unfortunately the – it is fairly standard in the industry that with subsurface conditions you could spend a lot of money up front to completely investigate what you are going to run into with subsurface conditions and the industry standard is generally it is not worth it to do that. As a result of that sometimes you will, and you base it on what you expect you are going to run into. So usually it is only going to be more expensive, topically it is not going to be less expensive. You base it on what you expect to find and if you have, what he guesses you would call, the bad luck of the draw, it sometimes ends up being more. The point is that is not just something that happens in Dinwiddie that has been his experience in fourteen (14) years of local government work.

Mr. Bracey stated thank you sir. He stated let's move on. He asked Mr. Long if he would take care of that.

Mr. Long replied yes sir.

**IN RE: COUNTY ADMINISTRATOR COMMENTS – HENING-VEST-COVEY – NEW COURTHOUSE**

Mr. Long stated he did put a memo before them regarding information the Board had discussed previously about a couple of items at the new Courthouse. Mr. Faison indicates there has been some improvement shown. What he would like to suggest at this point is in the next two (2) weeks before the day meeting on the 21<sup>st</sup> we keep closely monitoring this situation and report to you at that time. Mr. Faison stated the Clerk will agree that the humidity problem seems to be relieved substantially to this point.

**IN RE: COUNTY ADMINISTRATOR COMMENTS – COMMISSIONER OF THE REVENUE – REQUEST FOR USED FURNITURE FROM OLD COURTHOUSE**

Mr. Long stated he had received a memorandum from Mrs. Deborah M. Marston, Commissioner of the Revenue, requesting she be allowed to use the two (2) metal desks (one (1) right hand and one (1) left hand) left in the Circuit Court Clerks Office. She stated she would be using these instead of the folding tables currently being used in her office. She also requested she be allowed to use the small sliding file system left in the General District Clerks Office. The file system will be used to house data currently stored in the office space that is becoming a part of the Building Inspectors Office.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for the Commissioner of the Revenue's office to use the two (2) metal desks left in the Circuit Court Clerk's Office and the small sliding file system left in the General District Clerk's Office.

**IN RE: BOARD MEMBER COMMENTS**

Mr. Clay – He stated he had no comments because he got his money for Walkers Mill Road and he was happy.

Mrs. Everett – She stated the County Administrator had a note to contact the Sheriff about Bells Road. She would also like, when he made that call, for him to tell the Sheriff that she had complaints about speeding on Weakly Road and Church Road. Maybe we need to have radar on both of those places.

She also stated surveillance at the dumpsters down there. They are being very abused. We need some of those big signs like Mr. King put up at Rohoic. She would also like the Sheriff to check it regularly.

She stated there was also the Health Fair on Tuesday, October 13<sup>th</sup> from 10:00 A.M. until 2:00 P.M.

Mr. Tickle – He stated he had no comments.

Mr. Moody – He stated he had a couple of items. First was the drought disaster resolution. He wanted to be sure it had been sent to the state and wanted to know where it was at this time.

Mr. Long stated it had been sent but he had not had any reply yet.

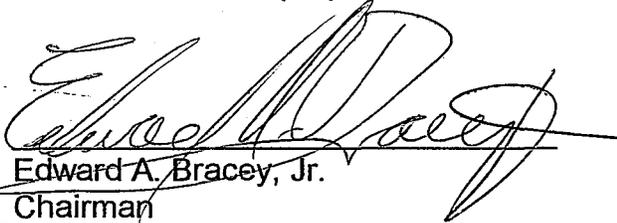
Also Mr. Moody wanted to ask the Board on behalf of Mr. Scheid for suggestions for a name for the new industrial access road.

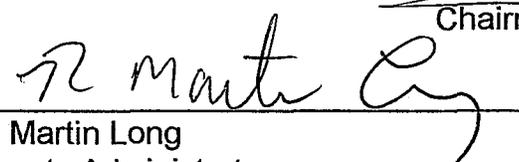
Mr. Bracey – He stated he had no comments.

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**RE: ADJOURNMENT**

Upon motion of Mr. Moody, seconded by Mr. Clay, Mr. Moody, Mr. Clay, Mr. Tickle, Mrs. Everett, Mr. Bracey voting "aye", the meeting adjourned at 10:02 P.M. to be continued until Tuesday, October 13, 1998 at 2:00 P.M. in the multi-purpose room of the Pamplin Administration Building for a joint meeting with the Dinwiddie County School Board for discussion on proposed renovations to Dinwiddie Elementary School.

  
Edward A. Bracey, Jr.  
Chairman

ATTEST:   
R. Martin Long  
County Administrator

/pam