

VIRGINIA: AT THE REGULAR MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 2ND DAY OF DECEMBER, 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: DANIEL M. SIEGEL 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 7:30 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.

Mr. R. Martin Long, County Administrator, stated he would like to add Item 12 - Executive Session - Section 2.1-344 (A) 7 - Consultation with legal counsel (Potential Litigation).

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 there be an addition to the Agenda as above stated.

IN RE: MINUTES

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 the minutes of the November 11, 1998 Continuation Meeting are approved in their entirety.

IN RE: CLAIMS

Upon motion of Mr. Clay, 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 the following claims are approved and funds appropriated for same using checks numbered 1013078 through 1013282 (void check(s) numbered 1012551, 1013078, 1012436, 1012796, 1013280, 1012882, and 1013170 through 1013174); for

Accounts Payable:

(101) General Fund	\$151,065.16
(103) Jail Commission	\$ 7.92
(104) Marketing Fund	\$ -
(222) E911 Fund	\$ 1,709.14
(223) Self Insurance Fund	\$ -
(225) Courthouse Maintenance	\$ 225.30

(226) Law Library	\$ -
(228) Fire Programs & EMS	\$ 402.67
(229) Forfeited Asset Sharing	\$ 314.89
(304) CDBG Grant Fund	\$ 1,625.48
(305) Capital Projects Fund	\$ 34,429.81
(401) County Debt Service	\$ -

TOTAL \$ 189,780.37

PAYROLL (11/30/98)

General Fund	\$ 324,511.95
CDBG Fund	\$ 2,774.09

TOTAL \$ 327,286.04

IN RE: APPROVAL OF REQUISITION #31 – COURTHOUSE CONSTRUCTION

Mrs. Wendy Weber Ralph, Assistant County Administrator, stated Requisition #31 for the Courthouse consists of payment to:

Hening-Vest-Covey	\$ 1,898.46
TOTAL OF THIS REQUISITION	\$ 1,898.46

Upon 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 Requisition Number 31 in the amount of \$1,898.46 be approved and funds appropriated for CIP expenses for the Courthouse Project Fund.

There was discussion regarding Hening-Vest-Covey's costs; how much we are going to pay; if this was the last payment; who will pay the County back; and the fact the daily task log does not give complete information on what the County is paying for.

Mr. Long was instructed to call Hening-Vest-Covey for explanation of items before we pay. Administration was instructed to hold the check and report to the Board prior to mailing.

Mr. Long stated he felt he could obtain most of the requested information from Mr. Donald W. Faison, Building and Grounds Superintendent.

Mr. Bracey asked about the meeting on site.

Mr. Long assured the Board the meeting in question did take place.

IN RE: CITIZEN COMMENTS

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

Mrs. Ralph replied there was. The following person addressed the Board:

1. Anne Scarborough came forward asking if a letter to the Times-Dispatch had been written.

Mr. Long replied a letter had been written but no answer had been received. Mr. Long explained a copy had also been sent to the General Assembly's Freedom of Information Committee. He stated the letter had just recently been

completed and mailed.

Mrs. Scarborough stated she just wanted to check and see if the answer she received at this meeting would match the answer she had received when she contacted the Richmond Times. She stated from the information she had obtained the Richmond Times had good documentation and she did feel Dinwiddie County was contacted and did not comply with the requests.

Mrs. Scarborough continued with remarks about the lights at the Courthouse, all 43 of them. She stated she had come to the Courthouse the evening before and counted them. She further stated she may be off a few but it was close to 43. She stated the bill, which she could obtain, was \$5,036.88. She questioned why there are only two (2) lights in the public parking lot which the citizens use.

Mrs. Scarborough questioned who paid for the railing to be changed in the jury box.

Mrs. Scarborough stated she wanted to tell them something about herself. She stated the Board was having a retreat all the way in Charlottesville. She did not know until Mr. Charles Burgess, Past County Administrator, was here that it was open or she would have been at some of them. Last time the Board went to Charlottesville she found out her rate for just her, the very cheapest thing she could do was \$83.00. She stated she had to buy gas and meals. She stated she did not know how long the Board intended to be in Charlottesville but she would have to buy her own meals. She stated she had to pay for all of that to attend a public meeting where the Board had stated they would be discussing the County budget and CIP. She wanted to know why the Board could not just go to Steven Kent with their brand new conference room and discuss the budget. She stated she was sure it was costing the citizens close to \$1,000.00 for the retreat. She stated she felt the Board was excluding her from attending the retreat and she felt this was being done on purpose because the Board knew she was not going to spend that kind of money to go up there to hear something that she should be able to hear somewhere in a close vicinity. She stated she did not care if every other County in this State goes to the Homestead we do not have that kind of money and the Board is always saying the County is poor so she is just asking the Board to rethink this.

Mrs. Scarborough stated her last item was four (4) questions that she had asked the Board about items she had talked about this date. She stated they would not believe this, and she was really glad Mr. Daniel M. Siegel, County Attorney, was present, cause it is really not throwing off on him. She stated she had a statement signed by Mr. Siegel. She wanted the Board to listen to the opening statement: "The Board of Supervisors has asked that I respond to your letter"; these were the questions that the Board requested her to submit. Those questions were insignificant. Any Supervisors could have answered them for her. So now this has been sent over to Mr. Siegel and it comes back with codes stated. She stated she knew the answers to these questions but what she wanted to know was what's in the Board's brain, their thought process. Why does the Board feel they have to get away from the County so far?

Mr. Bracey asked if there was any citizen present that had not signed up but wished to speak at this time. There being none Mr. Bracey closed the Citizen Comments and moved forward.

IN RE: STATEMENT PRIOR TO PUBLIC HEARINGS

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

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

IN RE: PUBLIC HEARING - C-98-3 - FREDERICK GOODWYN

This being the time and place advertised in the Dinwiddie Monitor on November 18 1998 and November 25, 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 the intersection with Gatewood Road in the Rowanty District.

Mr. Scheid proceeded with this presentation of C-98-3. He stated a meeting was held on October 30th with Frederick Goodwyn, representatives of the Noble Street Baptist Church, March Altman, and himself. The discussion focused on the intended use of the property by the Church. It was agreed that the conditional use permit would be heard by the Board of Supervisors at their December 2nd public hearing. The planning department requested that their vision of the property use be reduced to writing. He had not received any correspondence from the Church since the October 30th meeting. Since the Board tabled this request without holding a public hearing, the Board must remove the case from the table and conduct a public hearing.

The Dinwiddie County Planning Commission heard this case on August 12th and September 9th. On a vote of 5-0, with one (1) member abstaining, the Planning Commission voted to recommend denial of this request. Correspondence has been made with Mr. Goodwyn with in the past week. Several unsuccessful attempts have been made to contact Thomas Williams, a member of the Church. He stated he had gotten an answering machine several times and left messages for him to return the call. To date no call has been received.

Mr. Bracey asked if there was anyone present representing the Noble Street Church.

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-98-3 Frederick Goodwyn be removed from the table and heard at this time.

Mr. Bracey opened the Public Hearing. There being no citizens present wishing to speak on C-98-3, Mr. Bracey closed the Public Hearing.

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 C-98-3 - Conditional Use Permit request for Frederick Goodwyn is hereby denied.

IN RE: PUBLIC HEARING - P-98-11 - LAWRENCE AND LINDA ROLLEY

This being the time and place as advertised in the Dinwiddie Monitor on November 18, 1998 and November 25, 1998 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a public hearing for P-98-11, for the purpose of considering a rezoning application submitted by Lawrence and Linda Rolley seeking to change the

district classification of Tax Parcel 57-93 concerning 5.03 acres from Residential, Limited, R-1 to Business, General B-2. The property is located on the east side of Route 1 approximately ¼ mile south of Nash Road. A restaurant is proposed. There are no density standards set forth in the zoning or land use plan. The land use plan identifies this area for agricultural-residential purposes.

Mr. Scheid stated this case was heard by the Board of Supervisors at their November 4th meeting. Due to the discussions held during this meeting, the Board tabled action on this case to this evening (December 2nd). The Board requested that legal counsel for the applicant, the County's attorney and the County Planning Department get together to rework some of the proffers offered by the Rolleys'. Mrs. Rolley met with Mr. Scheid on November 23rd and December 1st. A revised proffer statement has been submitted and was given to the County Administrator for distribution to the Board. Since the proffers have been amended, the Board should reopen the public hearing portion of this meeting.

Mr. Scheid read the following amended proffers:

1. We will be using the existing entrance that is now directly in front of the property. We will have space provided to the side and to the back of location, will have the required number of parking spaces marked and paved depending on seating required by the health department.
2. We will have front landscaped by professional landscapers, we will be doing extensive work to the inside and outside of the property and we have no intentions of spending thousands of dollars to remodel and not have a nice looking business.
3. We will have the back of the property filled in and do whatever is necessary to have additional parking.
4. No storage of vehicles or equipment to be stored on outside of property.
5. We will meet all building and health department codes that will be needed for us to relocate our existing business from 19606 Carson Road, Dinwiddie, Virginia 23841.
6. We will follow whatever course is necessary to assure safety.
7. Service stations with major repair under cover will not be permitted.
8. There will be no overnight parking of tractor trailers, we will not operate a truck stop, services of fuel, sales on commercial vehicles.

Please note that the above were some items that were previously proffered. Since the main concern at the Board of Supervisors meeting were service stations and truck stops we have added #7, and #8 above. We have also listed below items that will not be permitted and add to the above proffer list, these items have been struck from the General Purposes list.

9. Public utilities, #24 on permitted uses.
10. Government offices, #33 on permitted uses.
11. Show horse facility, #41 on permitted uses.
12. Computer software, #40 on permitted uses.
13. Hotels and motels, #10 on permitted uses.
14. Hospital, #14 on permitted uses.
15. Wholesale and processing, #21 on permitted uses.

16. Waterfront business activities, #26 on permitted uses.

Mr. Scheid asked if there were any questions from the Board regarding the proffers or any information presented to the Board. He further stated Mr. and Mrs. Rolley were both present.

Mr. Siegel stated he had a couple of points for clarification. He asked about the following items:

1. With regard to proffer 2. How will the landscaping be done?

Mrs. Rolley stated she did not have any formal plans at this time. She did state it would be a covered entrance with planters and it would be paved.

2. With regard to proffer 4. Does no storage on the outside of property - is that outside of the building - or does that mean no storage sheds?

Mrs. Rolley stated this meant that no broken down vehicles would be allowed to remain on the property. There will be no storage sheds.

3. With regard to proffer 6. He asked about the safety issue.

Mrs. Rolley stated this item had come up with Ronald Reekes. There was a letter from Virginia Department of Transportation regarding ingress and egress which cleared up this matter with the Board.

Mr. Siegel stated then these were traffic safety issues.

Mrs. Rolley replied yes sir.

4. With regard to proffer 7. He asked about service stations with major repairs under cover won't be permitted. He wanted to know if that meant service stations will not be allowed.

Mrs. Rolley stated yes sir, that means no service stations.

5. With regard to proffers 9 through 16. None of these items will be permitted.

Mrs. Rolley stated these uses will not be permitted on the property.

Mr. Bracey opened the Public Hearing for P-98-11.

The following citizens came forward and addressed the Board.

1. William Adkins, stated he would like for the records to show that both he and his wife are opposed to this request to place a restaurant on the subject property. He felt it would destroy the quiet neighborhood in which he lives. He was concerned about property values, influx of traffic and what protection the County was going to provide for the citizens in that area should they approve this request.

2. Mark Waddell, 14506 Boydton Plank Road, stated he was still opposed for the same reasons as he had voiced at the previous meeting.

3. Robert Mengel, Box 300, Dinwiddie, stated he and his wife own property 200 feet away from this subject property and they are in support of this restaurant. He stated the property is located on a four lane divided highway, on a business corridor, and that he could not believe property values would drop.

4. John Scarborough, stated he was there for clarification. When Mr. Scheid went through the proffers from Mr. Rolley he mentioned Government Offices page 2 Item 10 and said it was number 33 rather than 34. He stated he was confused. He stated he had come up and gotten a copy of the Dinwiddie

County Code and his distinctly shows it as item 34. How many copies of the County Code are out?

Mr. Scheid stated this may be in codification and a page failed to be changed.

Mr. Bracey asked Mr. Scheid to look into this matter.

Mr. Scarborough continued by stating there were other businesses that he felt would not be suitable for this property. He asked about under zoning, things that they have not eliminated such as auto and home appliance services, #8 and you also have #18 that says auto sales and service. He continued by asking about clubs and lodges #17, and #23 machinery sales and service. He wanted the Board to study this matter further.

There was discussion regarding auto and home appliance services, auto sales and service, machinery sales and service, and the explanations of such businesses.

Mr. Bracey asked if there were any other citizens wishing to speak on P-98-11. There being none Mr. Bracey closed the Public Hearing and moved forward.

Mr. Bracey asked about the difference between rezoning and conditional use permits.

Mr. Scheid stated on a rezoning request a person comes in and asks for a zoning category; the category in and of itself may not seem offensive or it may seem offensive to adjacent property owners. There may be in that zoning category certain uses that are offensive and certain that aren't. In a rezoning you may find that you are inclined to rezone a piece of property if certain uses are not allowed to be in that zoning district. The only way that you can rezone that piece of property and not allow those uses to be in that district is that the person that seeks the rezoning willingly gives you what is called a proffer. A proffer is a statement that says if you will rezone my piece of property I will either confine myself to certain uses or within that district I will not do certain uses but that means I can do any of the other uses that are in that district. There are two (2) ways you can go about it on your proffer statement. In a rezoning that is when you hear a proffer. When you see a conditional use permit—

Mr. Bracey asked when do you get a conditional use permit.

Mr. Scheid stated a conditional use permit comes into play when if my property is already zoned a certain category. I am already zoned a Business B2, within a Business B2 under use 35 or 34 you will see there is a veterinary hospital. That means although my property is zoned Business B2 I cannot establish a veterinary hospital within the B2 district until I come through the Planning Commission and Board of Supervisors and obtain this conditional use permit. This means that yes your use will be allowed but we feel that certain conditions should or are not necessary in order for it to be permitted. It is a procedure in which you do not have to have the property rezoned, it is already zoned in a manner in which you can use it for certain uses but one of the uses that you want to use it for says you have to have a conditional use permit.

Mr. Tickle stated he was concerned about Item 18-Auto sales and service and machinery sales and service.

Mr. Moody stated he was disappointed we can't work it out tonight. It seems like it is up to the applicants to make proffers that are acceptable to the Board. They have not addressed the Board's concerns at the last meeting. He was sorry it will be six (6) months before they can reapply. He stated he was not concerned about a restaurant.

Mr. Bracey stated he wanted to be sure he understood what Mr. Moody was concerned about.

Mr. Scheid stated he would like to make a suggestion on something. What Mr. Moody said was correct, if you vote on a rezoning application that you are not permitted to consider a reasonable request that is similar in nature for a period of six (6) months.

This is basically a cooling off period. He stated he would like to note that at the last meeting the Board did table this matter with out taking a vote on it.

Mrs. Everett asked just what was he saying.

Mr. Scheid stated he wanted to point out that there is an alternative, if what he was hearing is that there seems to be a problem and that the feeling of the Board is that this thing is very close to what they feel is acceptable. If we take a vote right now then the applicant cannot come back for six (6) months because it would be essentially the same application. The Board does not have to vote on this issue this evening. The Board can do as they did before and table it. He stated he did not know what Board policy was if it had to be held to the next evening meeting or if you can make exceptions. He also stated he did not know about advertising criteria.

Mr. Siegel stated he felt it would have to be the January 6, 1999 meeting.

Mr. Long stated he appreciated the comment Mr. Scheid had made because in going back and summarizing what we have talked about, proffers are voluntary exclusions from the current zoning that the applicants make. He stated what he was trying to convey was that it may be inappropriate to convey the request. If we turn it down, there is a six (6) month waiting period, if the two (2) uses were overlooked by the applicant but they did not intend for them to stay in, it seems unfair to deny the entire request. He was just saying in the six (6) months versus tabling and bringing it back in one (1) month if that was the intent of the applicant. All he can say is if that was the intent because obviously proffers are voluntary. We cannot make an applicant do anything.

Mr. Tickle stated there may be a way around this. It says no storage of vehicles or equipment to be stored outside the property. If we read closely would that be a storage of vehicles?

Mr. Siegel stated Mr. Tickle was right, unless enclosed, Auto Sales and Tractor Sales and service must be inside – this would limit but not keep it from happening.

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

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County, Virginia that P-98-11 be approved for the rezoning of 2.94 acres from R1 to B2 to include the proffers as offered by the applicant; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that in order to assure compliance with Virginia Code Section 15.2-2286-A7, it is stated that the public purpose for which this resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice.

IN RE: PUBLIC HEARING – P-98-14 – COUNTY OF DINWIDDIE

This being the time and place as advertised in the Dinwiddie Monitor on November 18, 1998 and November 25, 1998 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a public hearing for P-98-14, for the purpose of considering a rezoning application submitted by the County of Dinwiddie seeking to change the district classification of Tax Parcel 45D-(1)-16 (a 2.94 acre portion thereof) from Residential R-1 to Business, Limited, B-1 District. The property is located on Courthouse Road at its intersection with Edsel Lane.

Mr. Scheid came forward stating the Planning Commission heard this case at their November 11th joint meeting with the Board of Supervisors. During that meeting, several questions were asked by the Planning Commissioners. Due to the fact the Board of Supervisors was in the process of developing a contract with a potential buyer for the property, some of the Planning Commissioners' questions could not be answered. Mr. J. S. Major appeared in opposition to the rezoning request on behalf of his mother, an

adjacent property owner. Upon conclusion of the general discussion among Planning Commissioners, they voted 5-0-1 to recommend disapproval of the rezoning request.

Mr. Scheid continued it is important staff comment on some matters that were raised at the Planning Commission meeting as well as another rezoning case in this general vicinity which was heard by the Board. Case P-94-2 was a rezoning request submitted by the Bank of McKenney on the parcel of land upon which the current Dinwiddie branch is located. The property was rezoned from Residential, Limited, R-1 to Business, Limited, B-1. The property is adjacent to the home site of Mr. and Mrs. Scarborough. The only proffer given for the rezoning of the property was the use was limited to a financial institute. The rezoning was unanimously approved by the Planning Commission and the Board of Supervisors.

Case P-85-4 was a rezoning request submitted by James Thrower seeking to rezone the property across Route 627 from the County's property from Residential, limited, R-1 to Business, General, B-2. Mr. J. S. Major, a joint property owner with Mr. Thrower, appeared in support of the application at the June 12, 1985 Planning Commission meeting. He further stated his mother, an adjacent property owner, was in support of the rezoning application. A strip of land measuring 150' in width adjacent to the home owned, at that time, by Mr. and Mrs. Lewis remained Residential, Limited, R-1 with the balance of the land reverting to Business, General, B-2. Approximately one-half (½) of the road frontage along Courthouse Road owned by Mrs. Major is adjacent to the Business, General, B-2 zoning. He believed it was worth noting the County's property is separated by a road (private) from Mrs. Major's property. The County is asking for B-1.

Mr. Scheid stated lastly, it was his understanding the County is working on a contract for the land in which there will be a limitation on the number of uses permitted on his property. This information was not available to the Planning Commissioners at their last meeting and could have affected their recommendation to the Board.

Mr. Long stated at the September 16th meeting the Board held a Public Hearing to express interest in conveying or exchanging a piece of property as Mr. Scheid just described. Since the November 11th Planning Commission Meeting the County has put together two (2) proffers. There are copies located in the back of the room. Mr. Long read the following proffers into the record:

1. The permitted uses of the property shall be restricted to professional offices, financial institutions, and/or governmental offices, and accessory uses as determined under Dinwiddie County's zoning ordinance.
2. There shall be no direct vehicular access between, or parking lots or private roadways directly connecting, the Property and the adjoining property on which Dinwiddie County Courthouse (the "Courthouse Property") is situated; provided, however, that this provision shall not restrict pedestrian access between the Property and the Courthouse Property.

Mr. Scheid stated he would like to enter into the record the above proffer statement was received prior to the meeting.

Mr. Bracey opened the Public Hearing on P-98-14. The following persons came forward to address the Board:

1. J. S. Major - came forward stating he was representing his mother. He stated she had lived there for about fifty (50) years. He spoke in opposition to the rezoning of the property citing the following reasons. He was concerned about the County selling property which is adjacent to the new Courthouse, which he felt would be needed in the future by the County. He spoke about Mr. Thrower and himself giving up 150' for a buffer in order to get rezoning. He stated his mother's home faces Edsel Lane and she can't move it. He reminded the Board God isn't making any more land.

2. Anne Scarborough - came forward stating she was upset because that Mr. Major tried his best to get some feel of what the County was going to do with that property and he just drew a blank. Not any answer was offered to him at the Planning Commission meeting. Had it been a citizen wanting a piece of land rezoned she felt they would have been required to give the Planning Commission some type of knowledge on what we planned to do with the property. She wanted to state that she felt in the future if the County is going to get involved they should play square with the citizens. She felt the Board should have spoken up at that meeting and given the reason for the rezoning request. She agreed with Mr. Major that land is not being pulled out of the air and you are always saying the County does not have much land around this building. This is something the County should think about down the road and the County might need this land itself. She stated she is not against anybody but feels this is valuable land and the County should hold on to it.

Mr. Bracey asked if there were any other citizens present who had not signed up to speak but wished to speak on P-98-14. There being none Mr. Bracey closed the Public Hearing and moved forward.

Mr. Long stated he would like to make a brief comment. He stated it would have been better if he had appeared at the Planning Commission meeting. He apologized for that. He stated he knew more about the rezoning request than Mr. Scheid did and the Planning Commission. The Public Hearing which was held on September 16th did not go through the Planning Commission; it was held only by the Board of Supervisors, because this property was owned by the Board of Supervisors it was the only Board that was responsible for holding that hearing. At that stage it did not go through the Planning Department or the Planning Commission. He stated he did like to try to make it a habit to learn from his mistakes and would like that one noted for the record.

Mr. Long stated his recommendation, based on some of the things he had heard was as follows. He would say to the Board if they have further questions, any reservations, if they would like to check with the community further or if they have further questions for staff, that this Public Hearing, if he is not mistaken, being held, advertised and held, and proffers having been submitted - this issue, could be tabled at this time but voted on at another meeting without advertising again.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that P-98-14 be tabled in order for the Board to do further study.

Mr. Major asked when the case will be tabled to and would adjacent property owners be notified of the date it will be coming back to the Board for vote...

Mr. Long asked Mr. Siegel to respond.

Mr. Siegel stated it would be up the Board.

Upon motion of Mrs. Everett, 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 Board hereby instructs staff to notify adjacent property owners seven (7) days prior to any action by the Board.

IN RE: COUNTY ADMINISTRATOR COMMENTS - CODE COMPLIANCE OFFICER REQUEST FOR FURNITURE

Mr. Long stated the Board had before them a memorandum from the Planning and Zoning Department requesting the acquisition of a desk from the old Courthouse located

in the old Magistrates office adjacent to the General District and JD&R Clerk's office. This desk will be used by the Code Compliance Officer.

Mr. Bracey asked if the Board would grant the County Administrator authorization to do what was necessary to handle furniture requests.

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 authorization is granted for the Planning and Zoning Department to obtain a desk from the old Courthouse located in the old Magistrates office adjacent to the General District and JD&R Clerk's office for use by the Code Compliance Officer; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted to the County Administrator to handle requests for furniture from the old Courthouse complex.

IN RE: COUNTY ADMINISTRATOR COMMENTS - AUCTION OF AIRPLANE

Mr. Long stated Mr. Fendall Vaughan, from the Sheriff's Office, was here to present an option on the airplane that was taken in a drug bust. The Board had discussed sealed bids for that plane.

Mr. Vaughan came forward to present a proposal to hold a Sheriff's Sale rather than a sealed bid. He had been contacted by a company, MACI Auctioneer, who will auction another aircraft at the Airport. He has submitted a proposal of 9 1/2% of hammer price, or selling price. This proposal was being presented for the Board's consideration. He stated he did not believe it would be appropriate for them but he would like to also address instead of doing a sealed bid he would suggest they do a Sheriff's Sale the same day that this firm holds their auction. He felt it would be beneficial to do this sale while there is a group of airplane people assembled for the Bank's sale.

Mr. Long stated he felt it should be noted for the Board information that the Sheriff's Office could reserve the right to reject bids.

Mr. Long asked if the person would be auctioning the County's plane for no charge.

Mr. Vaughan stated no sir, he will be charging 9 1/2% of the sale price plus \$650.00 advertisement fee. What he does is lists it, advertises it, has a brochure made up; this is what he does for a living and he does charge 9 1/2% plus advertisement costs.

There was discussion regarding if the plane did not sell who would be responsible for the \$650.00 advertisement bill.

Mrs. Ralph stated she understood that the Sheriff's Office was not recommending the Board go with this organization but they were asked to present this proposal to the Board. What the Sheriff's Office would like to do is obtain their own auctioneer, which in the past has been one of the Deputies.

Mr. Vaughan stated they will be advertising at local airports and newspapers.

Mr. Bracey stated he wanted to be sure the airplane brought in enough money to cover the amount the County had put up to pay storage and for any advertisement costs associated with the sale of the airplane.

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 to the Sheriff's Department to hold a Sheriff's Sale (auction)

on January 6, 1999, at the Dinwiddie County Airport for the sale of the 1976 Maule M6 Airplane.

**IN RE: COUNTY ADMINISTRATOR COMMENTS –
DESIGN PROPOSAL FOR JURY RAILING**

Mr. Long stated he had the design proposal to correct the jury railing at the Courthouse. Mr. Faison had given this to Mr. Long earlier this date and asked him to bring it to the Board's attention because the recommendation is to receive and move forward with it only with the understanding that it is at no cost to the County. What had been recommended was cutting down the jury box from 3'6" to 3'6" difference which as he said Mr. Faison the architect, and the judge have looked at. Mr. Faison asked that the design recommendation by the architect be accepted and the work authorized to be moved forward. This is being done with the understanding there will be no cost to Dinwiddie County.

Mr. Moody wanted to know if the design cost anything.

Mr. Long stated in his opinion this was one of the things that Mr. Faison screened out.

Upon 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 authorization is granted to accept the recommendation of Building and Grounds Superintendent to move forward with correcting the jury railing by accepting the design proposal submitted by the architect at no cost to the County of Dinwiddie.

IN RE: COUNTY ADMINISTRATOR COMMENTS

Mr. Long stated in their packets there was a memorandum from Mrs. Pamla Mann, Administrative Secretary, on several re-appointments which, if he reads correctly, all are due by December 31st. He asked that the Board review these and be ready for action at the December 16th meeting.

Mr. Long stated his last item was informational which the Board might have seen in the newspaper. Governor Gilmore has declared at least a partial State of Emergency based on the continued drought in the State.

Mr. Long stated finally he had a fumes report on the High School. He stated he had copies for the Board members.

Mrs. Everett wanted to be sure copies of the fumes report were made available for the press.

Mr. Long continued by stating, based on Mrs. Everett's request, the Board had asked at the last meeting to let the Board know what he had discussed or decided in regard to the press receiving information. What he had indicated to both gentlemen present, he had not spoken with Mary Goodwin, is at least at this point, he knew at least a couple of Board members leave their packets behind and if there are no objections the information on the Public Hearings, which was what he heard the most about, he could give the press a copy of those that are available this evening. He stated we are a couple of people short right now and as he indicated at the last meeting it can be a time consuming process.

Mrs. Everett stated she would like to see the newspapers receive a full packet.

There was discussion on this subject and Mr. Long stated he would see how things looked when they got back to full staff.

IN RE: BOARD MEMBER COMMENTS

Mr. Clay – no comments

Mrs. Everett -- She reminded the Board of the Airport Tour on December 16th at 10:30 A.M.

Mr. Moody – no comment

Mr. Tickle – He stated he now has other full-time employment unlike what he had in the past. Over the next five (5) months he stated he will be going through some intense training outside of Dinwiddie County. He stated at this time he will be forced to miss two (2) Board meetings. However, the retreat is scheduled for December 14th and 15th and he would really like to be there. At this time he is scheduled to be in Chicago that week. He requested they review calendars and try to work with his calendar in order that he be able to attend.

There was discussion regarding penalty for changing or canceling reservations.

Mr. Long stated he did not know if there was, he would have to check.

Mrs. Everett stated the Board did want to do this in December because the budget was starting in January.

Mr. Tickle stated he would be in Virginia the 3rd and 4th week in January

Mr. Clay made a motion to reschedule the retreat for the 3rd week in January if no penalty will be incurred for cancellation of rooms.

After discussion regarding alternatives Mr. Clay withdrew his motion.

After further discussion, the Board decided unanimously to reschedule the retreat for January 21st and 22nd.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Moody, seconded by Mr. Clay, Mr. Moody, Mr. Clay, Mr. Tickle, Mrs. Everett, Mr. Bracey voting "aye" pursuant to the Virginia Freedom of Information Act, Section 2.1-344 (A) 7 - Consultation with legal counsel - (Potential Litigation), the Board moved into Executive Session at 9:55 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 10:40 P.M. in the Board Meeting Room of the Pamplin Administration Building.

IN RE: CERTIFICATION

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

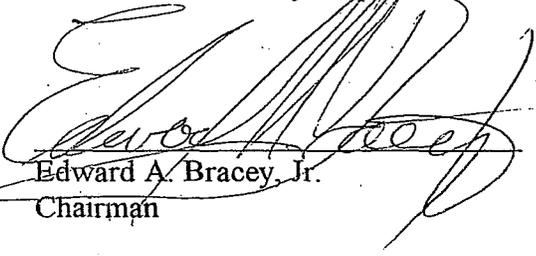
WHEREAS, the Board of Supervisors of Dinwiddie County convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

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;

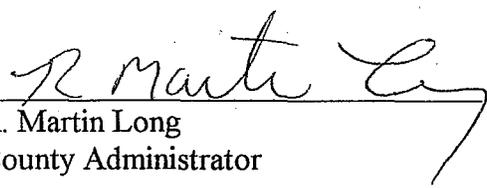
NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution 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. Moody, Mr. Moody, Mr. Clay, Mr. Tickle, Mrs. Everett, Mr. Bracey voting "aye", the meeting adjourned at 10:45 P.M. to be continued at 10:30 A.M., December 16th at the Dinwiddie County Airport.



Edward A. Bracey, Jr.
Chairman

ATTEST: 
R. Martin Long
County Administrator

/pam

