

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 3rd DAY OF JANUARY, 2001, AT 7:30 P.M.

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

OTHER: PHYLLIS KATZ COUNTY ATTORNEY

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

Mr. R. Martin Long, County Administrator, called the regular meeting to order at 7:30 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: TERM OF CHAIRMAN AND VICE-CHAIRMAN

Upon Motion of Mr. Clay, Seconded by Mr. Haraway, Mr. Haraway, Mr. Bracey, Mr. Bowman, Mr. Moody, Mr. Clay voting "Aye", the Chairman and Vice-Chairman for the Board of Supervisors will serve a one (1) year term of office.

IN RE: ELECTION OF CHAIRMAN - 2001

Upon Motion of Mr. Clay, Seconded by Mr. Bracey, Mr. Clay, Mr. Haraway, Mr. Bracey, Mr. Bowman, voting "Aye", Mr. Moody "Abstaining", Mr. Moody was elected Chair for the Board of Supervisors for the year of 2001 or until his duly elected successor assumes office.

IN RE: ELECTION OF VICE-CHAIRMAN - 2001

Upon Motion of Mr. Haraway, Seconded by Mr. Clay, Mr. Clay, Mr. Haraway, Mr. Bracey, Mr. Bowman, voting "Aye", Mr. Bracey "Abstaining", Mr. Bracey was elected Vice-Chair for the Board of Supervisors for the year of 2001 or until his duly elected successor assumes office.

IN RE: SCHEDULE OF MEETINGS AND DATES FOR 2001

Mr. Long stated a proposed meeting schedule for 2001 had been included in the Board's packet for their review and consideration. Mr. Long continued that the first meeting in July had been moved to July 5th because of the July 4th holiday.

<u>MONTH</u>	<u>FIRST WEDNESDAY</u>		<u>THIRD WEDNESDAY</u>
	7:30 P.M.		2:00 P.M.
JANUARY	3RD	_____	17TH
FEBRUARY	7TH	_____	21ST
MARCH	7TH	_____	21ST
APRIL	4TH	_____	*18TH



MAY	2ND		16TH
JUNE	6TH		*20TH
JULY	**5TH		18TH
AUGUST	1ST		15TH
SEPTEMBER	***5TH		19TH
OCTOBER	3RD		17TH
NOVEMBER	7TH		21ST
DECEMBER	5TH		19TH

Mr. Moody stated he had a couple of conflicts because of special events being held in the County during the regular scheduled Board meeting time and dates. He requested the Board change the April 18th, June 20th and September 5th meeting times. April 18th and June 20th meeting would be rescheduled for 10:00 A.M. and the September 5th meeting rescheduled to meet at 1:00 P.M.

Mr. Haraway stated he too had these same conflicts and would like to see the requested changes in time.

Mr. Bracey questioned was this legal and asked the County Attorney for a ruling.

Mr. Long stated he knew of no legal issue that would prevent these requested changes in time.

Ms. Phyllis Katz, County Attorney, stated she knew of no requirement other than when the Board sets the dates at this time of the year that the Board could set them with changes.

Mr. Bracey stated after the dates and times were set tonight the Board could not change them back.

Ms. Katz stated they could be changed back; however, the changes would have to be advertised.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the following meeting schedule is established for the regular meetings of the Board of Supervisors for the calendar year of 2001 with the 8th day following the regular scheduled meetings to be used as a makeup date if the regular meeting is to be continued because the Chairman or Vice-Chairman find that weather or other conditions are hazardous for the Board members to attend:

THE FIRST MEETING OF EACH MONTH, HELD ON THE FIRST WEDNESDAY, WILL BE AT 7:30 P.M.

*APRIL 18th AND JUNE 20th MEETINGS WILL BE HELD AT 10:00 A.M.

****THE FIRST MEETING IN JULY WILL BE HELD ON THURSDAY, JULY 5th DUE TO THE OBSERVANCE OF THE JULY 4th HOLIDAY ON THE FIRST WEDNESDAY OF THE MONTH.**

*****SEPTEMBER 5th MEETING WILL BE HELD AT 1:00 P.M.**

THE SECOND MEETING OF EACH MONTH, HELD ON THE THIRD WEDNESDAY, WILL BE AT 2:00 P.M.

ALL REGULAR AND MAKEUP MEETINGS WILL BE HELD IN THE PAMPLIN ADMINISTRATION BUILDING, BOARD MEETING ROOM, 14016 BOYDTON PLANK ROAD, DINWIDDIE, VIRGINIA 23841.

MR. HARRISON A. MOODY, ASSUMED THE CHAIR.

IN RE: ACCEPTANCE BY CHAIRMAN

Mr. Moody thanked the Board for their confidence in him and stated he would try to do the best job he could during the coming year.

IN RE: AMENDMENTS TO THE AGENDA

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

Mr. Long stated he would like to add, as Agenda Item 15, a Closed Session for the following:

- **Personnel Matters, § 2.1-344 A.1 of the Code of Virginia**
(Candidates for employment OR the assignment, appointment, promotion, performance, demotion, discipline, salaries, compensation, resignation of employees) **Administration**

- **Consultation with legal counsel, § 2.1-344 A. 7 of the Code of Virginia,**
(consultation with legal counsel and briefings by staff members and consultants about actual or probable and public discussion would adversely affect the negotiating or litigating posture of the County or Town – OR – consultation with legal counsel regarding specific legal matters that require legal advice) **Statutory Holiday**

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

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

IN RE: MINUTES

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the minutes of the December 20, 2000 Regular Meeting are approved in their entirety.

IN RE: CLAIMS

There was discussion regarding one of the payments to KBS, Inc. for work on the Dinwiddie Fire/EMS Station. Mr. Bowman felt this payment should be held pending payment of a subcontractor that had not received payment from a subcontractor working for KBS on the Dinwiddie Station.

Mr. Bracey asked if legally the County was responsible for an agreement between a subcontractor and his subcontractor working under the general contractor.

Legal Counsel was consulted regarding this issue. Ms. Katz stated without having the contract in front of her; she was not able to give a ruling at this time. She stated if the correct language was not placed in this contract then it may be something the County might wish to incorporate into future contracts. One thing the County may wish to do is to keep a record of complaints on the contractors they use and this may be a good reason not contracting with these contractors in the future.

Ms. Wendy Weber Ralph, Assistant County Administrator, suggested that the claims be approved contingent upon Administration and Legal Counsel reviewing the contract to see if the County has a legal right to hold that payment; if not, the Board will have approved it to be paid. Otherwise, it will be held as requested.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following claims are approved and funds appropriated for same using checks numbered 1023632 through 1023836 (void check(s) numbered 1023632, 1023709, 1019845, 1023803 and 1023731); for (with the above stated contingency on the KBS, Inc. payment for the Dinwiddie County Fire/EMS Station)

Accounts Payable:

(101) General Fund	\$ 143,209.87
(103) Jail Commission	\$.00
(104) Marketing Fund	\$.00
(222) E911 Fund	\$ 6,844.90
(223) Self Insurance Fund	\$.00
(225) Courthouse Maintenance	\$.00
(226) Law Library	\$ 186.38
(228) Fire Programs & EMS	\$.00
(229) Forfeited Asset Sharing	\$ 412.48
(304) CDBG Grant Fund	\$.00
(305) Capital Projects Fund	\$ 95,748.63
(401) County Debt Service	\$.00
TOTAL	\$ 246,402.26

PAYROLL 12/22/00

(101) General Fund	\$ 335,616.33
(222) E911 Fund	\$.00
(304) CDBG Fund	\$ 3,180.80
TOTAL	\$ 358,797.13

IN RE: CITIZEN COMMENTS

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

The following citizens came forward to address the Board:

SENATOR MARTIN – DELEGATE INGRAM – SENATOR FRANK RUFF

1. Senator Steve Martin, Delegate Riley Ingram and Senator Frank Ruff came forward to address the Board with each stating they wished more interaction and communication with the Board and citizens.

VOLUNTEER SUPPORT

2. Pearl Bland, 17806 Depot Road, McKenney, Virginia came forward in support of the Volunteers of the County. She stated the Board needed to be more supportive and appreciative of the Volunteers who give their time. She felt the Board needed to start by saying thank you!

Mr. Bowman stated he agreed with Ms. Bland and felt the County should prepare Certificates of Appreciation for the Volunteers. He also stated that he felt the County needed to recognize the Dinwiddie County High School football team, which represented the County in the State tournament.

3. Dorothy Wyatt, 16612 Hamilton Arms Road, DeWitt, Virginia came forward praising Dinwiddie Volunteer Rescue Squad for the services they provide for Dinwiddie County.
4. Alvin Lee Langley, 3530 Linden Lane, Church Road, Virginia came forward to also praise the Volunteers and asked the Board to have a little respect. He was quite upset about a quote, which according to Mr. Langley stated the Volunteers are not doing their part. He asked for an open forum to present statistics about the man-hours put in by the Volunteers. He was also upset about the negative publicity in the newspapers regarding Volunteers.
5. Junious Tucker, 20412 Depot Road, McKenney, Virginia waived his time to speak stating he agreed with what Mr. Langley had conveyed.
6. Sheri Roberts, 10601 Doyle Boulevard, McKenney, Virginia came forward stating she too was upset with the negative remarks in the newspaper. She felt that if the County services were to work as one then they needed to work together on all items. She stated the Volunteers had pride in their work and hoped the Board would realize how important they are to Dinwiddie County.

COST RECOVERY FOR EMS SERVICES RENDERED

7. Angela Orrell, 16563 Cantree Road, McKenney, Virginia came forward asking the County to revisit the cost recovery idea. She stated the money to fund additional units and services are there for the taking. Most people have insurance to cover these expenses and the County needed to move forward on this matter. She also asked about the communication center that the 911 tax was supposed to cover and wanted to know the status on that project.

VOLUNTEER SUPPORT

8. Stacey Batts, 19017 Depot Road, McKenney, Virginia came forward in support of the Volunteers and supporting Alvin Langley. She asked

the Board to make right decisions stating that a good decision is not always the right decision but a right decision is always a good decision.

There being no additional names Mr. Moody closed the Citizen Comments and moved forward.

IN RE: RECESS

Mr. Moody called for a five- (5) minute recess at 8:25 P.M.

The Board reconvened at 8:35 P.M.

**IN RE: PUBLIC HEARING – SIX-(6) YEAR ROAD
IMPROVEMENT PLAN 2001 – 2007 -- ADOPTION**

This being the time and place as advertised in the Dinwiddie Monitor on November 22, 2000 and November 29, 2000, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comment on and to propose for adoption the six (6) year road improvement plan for the 2001-2007 period.

Mr. Richard Caywood, Resident Engineer for the Virginia Department of Transportation came forward to present the proposed Six- (6) Year Secondary Road System Plan and the proposed budget for FY 2001-2002.

Mr. Caywood explained to the Board about funding issues that were caused by Senate Bill 33, which had reduced funds available for secondary road projects. He also explained to the Board that inflation factors have been added to the projects, which amount to anywhere from 4% to 30% depending on the year proposed for the project to be completed. He read the proposed plan for those citizens in attendance. Mr. Harold Dyson, Assistant Resident Engineer distributed copies of the proposed plan to those in attendance wishing a copy.

Upon his finishing the review with the Board and citizens Mr. Caywood continued that he was recommending that Ridley Road be added to the bottom of the list to be completed in the year 2006-2007.

Mr. Moody called for Board comments on this case.

Mr. Bracey voiced his discontent with the Ridley Road issue. He stated he did not think he or Mr. Caywood would sleep real well tonight. Because he did feel the citizens on Ridley Road were being treated fairly by being added to the bottom of the list he would have to vote against this tonight. He stated the citizens on Ridley Road had done their part by having the house removed, as requested by VDOT, and they were now waiting for VDOT to do what they promised.

The following citizens came forward to address the Board on the Six- (6) Year Secondary Road Plan:

1. George Whitman, 13010 Old Stage Road, came forward stating his concern was safety. He stated he saw a lot of work on the Six Year Plan for a few roads of the County but there were a lot of trouble spots. He stated he felt the County should use VDOT and the Planning Department to locate these trouble spots and deal with them appropriately.
2. Harold Bland, 16806 Depot Road, McKenney came forward to voice his opinion on the safety of Depot Road. He stated that the road was

very narrow and there were a lot of new people coming into the area, which meant more traffic. There are many places on this road where two- (2) vehicles cannot pass and he felt a guardrail was badly needed.

3. George L. Ridley, Jr. 24506 Ridley Road, came forward stating he understood Mr. Caywood's reasoning for upgrading the Ridley Road project; however, he felt this road was unsafe in its current condition. He stated that the roads washout every time they get several inches of rain and in the dry spells the dust is unbearable. He stated the residents on this road had complied with VDOT's request and moved the house and that having to wait until 2006 to have this project complete was very upsetting. He stated the Board and VDOT should be in his shoes.
4. Jeri Orton, 26727 Perkins Road, Petersburg, came forward to reinforce her request from the last meeting that the three- (3) Halifax Road projects remain in place on the six- (6) year plan. She would like to see VDOT consider adding the final section of Halifax Road from Ellington Road to the Prince George line to the list of projects.
5. Patsy Mears, 7230 Jack Drive, came forward stating that there were several roads in the County that needed repair, one of them being Butterwood Road. This road is very narrow and people exceed the speed limit constantly. She stated a centerline would be of help. She further stated that mailboxes are actually in the road and the road is so narrow that two- (2) vehicles will not fit. She did want to thank whom ever cleaned out the ditches because that was a big help.
6. Landon D. Jones, 11899 Old Stage Road, came forward to again bring to the Board's attention the fact that large truck traffic, trucks that are too heavy, too wide, and speeding on Halifax Road need to be put to a stop. These vehicles are ruining the road improvements and he had a fear that someone was going to get killed.
7. Franklin Zitta, 24019 Merten Lane, came forward stating that he was looking forward to having the Blue Tartan Road project completed.

Mr. Bowman asked about donating of an easement.

Mr. Zitta stated he did not know about a donation of the entire needed easement but his part would be donated and he felt that it could be purchased reasonably from Jethro Williams, the owner of the property. He further stated he did not know if he would donate the needed easement or not but he did know Mr. Williams was in favor of the improvements.

8. Pearl Bland, 17806 Depot Road, McKenney came forward to speak on the safety of roads in the County. She stated this is a growing County, the citizens pay enough taxes and she would like to see the roads made safe. She also voiced that a guardrail was needed on Depot Road.

The Public Hearing on the Six- (6) Year Secondary Road Plan was closed.

Mr. Caywood thanked the citizens for coming out and for their input. He stated he felt safety and maintenance were very important and if he could find ways to do the projects more economically then he would certainly do that to save funds for additional projects.

The Board voiced that they were aware that the main problem was the lack of funds.

Upon Motion of Mr. Clay, Seconded by Mr. Haraway, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Moody voting "Aye", Mr. Bracey voting "Nay", the following Resolution was adopted:

WHEREAS in accordance with Section 33.1-70.01 of the Code of Virginia, 1950 as amended, the Board of Supervisors of the County of Dinwiddie jointly held a public hearing with representatives of the Virginia Department of Transportation; and

WHEREAS the purpose of the public hearing was to receive comments from interested citizens concerning the Six-Year Plan for secondary roads construction for Dinwiddie County for FY 2001-02 through FY 2006-2007; and

WHEREAS the public hearing was held at 7:30 P.M. on the 3rd day of January 2001, in the Dinwiddie County Board of Supervisors' Meeting Room;

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the Dinwiddie County, Virginia that they officially adopt the FY 2001-2002 through FY 2006-2007 Six-Year Plan for Secondary Systems Construction Program for Dinwiddie County as presented this date; and

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

BE IT FURTHER RESOLVED by the Board of Supervisors of the Dinwiddie County, Virginia that they officially adopt the FY 2001-2002 fiscal budget for the Six-Year Plan for Secondary Systems Construction Program for Dinwiddie County as presented this date.

There was additional discussion regarding the weight, speed and etc. of trucks on secondary roads and Mr. Caywood, along with Mr. Long, will talk with Boar's Head regarding this matter. They will also look into the other trucking companies using this route to see if an alternate route can be set.

Mr. Long informed Mr. Caywood that he had not heard the end of Ridley Road because he had gone back and reviewed the tapes to actually hear what had been said regarding the removal of the house and the pave-in-place of this road. He stated he understood the Resident Engineer had changed but the citizens were told if the house comes down, we would fix it.

IN RE: STATEMENT PRIOR TO PUBLIC HEARING

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

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

**IN RE: PUBLIC HEARING – C-00-4 – VIRGINIA MOTORSPORTS
– CONDITIONAL USE PERMIT – CHANGE IN
ALLOWABLE RACING DAYS**

This being the time and place as advertised in the Dinwiddie Monitor on December 20, 2000 and December 27, 2000, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comment on and to propose for adoption an amendment to a previously issued conditional use permit (C-92-2) submitted by Paul B. Coleman on behalf of Virginia Motorsports Park located at 8018 Boydton Plank Road seeking to change the permit as follows: permit drag racing on Thursday through Saturday and on Statutory Holidays (except Sundays) from 8 am until 11:00 pm and, if an "act of God" prevents an event from being completed, the next available day will be permitted as a race day; drag racing on Sundays remains unchanged from previously issued use permits, test and tune activities permitted Monday through Friday from 9:00 am until 5:00 pm; unmuffled race engines shall operate only during approved racing hours, Wednesday night racing from 5:00 pm until 11:00 pm shall be discontinued and the 20 special event weekends with associated hours of operation remain a part of the conditional use permit.

Mr. Scheid read excerpts from the following Summary Staff Report on C-00-4:

Summary Staff Report

File:	C-00-4
Applicant:	Virginia Motorsports Park
Property Address:	8018 Boydton Plank Road, Petersburg, VA 23803
Acreage:	641 acres
Tax Map Parcel:	20(3)ABC, 20-59&59A and 33-2
Zoning:	Agricultural, general A-2

The applicant, Virginia Motorsports Park, is seeking an amendment to a previously issued conditional use permit to allow the following:

1. Drag racing on Thursday through Saturday and Statutory Holidays (except Sundays) from 8:00 am until 11:00 pm. If an "Act of God" prevents an event from being completed, the next available day is permitted as a Race Day.
 2. Drag racing on Sunday remains unchanged from previously issued use permits.
 3. Test and Tune activities are permitted Monday through Friday from 9:00 am until 5:00 pm.
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4. Unmuffled race engines shall operate during approved racing hours, only.
 5. Wednesday night racing from 5:00 pm to 11:00 pm shall be discontinued.
 6. The 20 special event weekends with associated hours of operation remain a part of the conditional use permit.

The applicant states in the application that "the trend in drag racing is to race earlier in the day in order to complete most, if not all, of the event during daylight hours. In the summer months this means racing for the cooler hours." Additionally, the applicant attached a letter dated September 8, 2000 in which other reasons are cited as justification for the early morning racing hours.

The following material is included in your information folder: extract of the December 13, 2000 and November 8, 2000 Planning Commission minutes; VMP letter dated November 8, 2000 (rebuttal data); letters dated

November 14, 2000 and September 8, 2000 from VMP; and the application form with Disclosure Affidavit.

The Planning Commission reviewed this case at their November 8, 2000 and December 13, 2000 meetings. The Commission had some concerns at their November meeting and, thus, carried over to the December meeting final discussion and recommendation. There were citizens in attendance in support of and opposition to the amendment to the conditional use permit. On a vote of 6-0-1 (Mrs. Stewart abstaining), the Planning Commission recommended approval of the conditional use permit.

Mr. Paul Coleman, representative of Virginia Motorsports Park came forward to request the Board grant a favorable vote on this request.

The following persons came forward to address the Board during the Public Hearing on C-00-4:

1. David Buyalos, Butterwood Road(no address yet because he just bought a lot), came forward in support of the Motorsports Park request. The more marketable the Park is the more tax dollars the County will generate.
2. Ralph Mangum, 9013 Dabney Drive, Sutherland, Virginia came forward stating that he felt this was the best business to move into the County. He stated the Virginia Motorsports Park has been and is a good neighbor and has generated millions of dollars of revenue for this area. He stated he was in favor of the request being granted.
3. James Merrick, 23118 Pine Grove Place not only lives but also has a business within a half of mile of the racetrack. He stated he was a race fan and was in support of the request. He stated "Let them do business".
4. Patsy Mears, 7230 Jack Drive came forward stating that she is an adjacent property owner and is in favor of the request. This additional time would be good for the track and good for the County.
5. Doris Pfost, 22412 Oakly Drive came forward stating that she was practically in the racetrack's yard. She was against the racetrack from the beginning and she was still against it. She asked the Board about the noise barrier and buffers that were supposed to be put into place. She stated this racetrack had ruined her property value and she was against it – actually she hated it!
6. Betty Ragsdale, 8306 Boynton Plank Road, Petersburg, Virginia came forward stating that she was not in favor of this request. She was opposed to it because of the noise. She stated that the engines are warmed up hours before the actual race starts and if they can start the race two hours earlier then they will be warming up two hours earlier.
7. Charlotte Carnes, 3356 Lancelot, Petersburg came forward stating she was opposed to the request because of the noise issue. The racetrack needs to reduce the noise before they can be considered a good neighbor.
8. Thomas Russell, 7209 Crystal Lane came forward stating that he had obtained 300 plus signatures on petitions against the racetrack; however, he felt that they had done a wonderful job with safety and traffic issues. He never had a problem getting to his driveway or out of his driveway during race times. He too felt that barriers needed to be

put into place to buffer the noise level of those living around the track. He stated he had learned to live with the noise factor; however, there are several elderly people in the area and we need to have consideration for them. He stated we all need to work together to cut down on the noise.

9. Rufus Killingsworth, 5907 Beville Drive, Sutherland came forward in opposition to the expansion of the hours. Barriers are needed because he cannot enjoy the outdoor life with the noise during race months. He suggested they install barriers such as those on Route 295. Money is great but we must have respect for the citizens of the County.
10. Bryon Pierce, 16137 Boydton Plank Road, DeWitt came forward stating he was an employee of the racetrack as well as a citizen of the County. He stated the hours need to be flexible enough to meet the needs of the track.

There being no additional citizens wishing to speak Mr. Moody closed the Public Hearing.

Mr. Coleman came forward to address several issues brought up during the Public Hearing. He stated they had built barriers and berms and had built them higher than they were asked to build them. With regard to noise during the winter months, Mr. Coleman stated they did not race in the winter; their season was March through November. He stated he had not seen the petition of 300 plus names but that was a small percentage of the approximately 24,000 citizens of the County. He stated the racetrack had cut down no trees, but they had planted some. There was a figure of 22 million dollars mentioned and that was not a total figure since 1993 but a yearly figure. He also touched on the fact that unmuffled racing was being eliminated and therefore the noise should have decreased approximately 36%. He stated the racetrack had been sued in 1997 and it was found that they were not guilty of many of the items they had been and were being accused of. His final statement was that this request would actually reduce the operating hours of the racetrack not increase them.

Mr. Haraway questioned the bar graphs and wanted to know why 2000 data was not included.

Mr. Coleman stated the bar graphs were actually done in August 2000 and their racing season was not complete.

Mr. Haraway asked about the sound barriers asking if there were any on the Southeast side of the track.

Mr. Coleman stated yes there was a berm there over half a mile.

Mr. Moody asked what this change would do for the track.

Mr. Coleman stated financially it would be beneficial because they could operate without lights and citizens could get home earlier.

Mr. Haraway stated that he had received many, many calls – all against the expansion of the track. He stated he knew this was a first class facility, it was good for the economy and schools. The County voted to have the track and now they needed to make sure the investors of this track get a return on their capital investment. He continued that at the same time he could not help but feel sorry for the citizens that live less than one mile of the track. He stated this was the 5th request for a change in the conditional use permit since 1992 and he wanted to know why so many changes and if it was leading to 24 hour racing. Currently they have 38 weeks of racing and currently they have 1634 hours on

Thursday, Friday, Saturday and Sunday. This request if granted would allow racing to start at 8 A.M. giving them an increase of 192 hours, which is a 12% increase in racing time. They are currently not using all the Special Event hours and he was concerned as to whether all the cards were on the table and whether he might be missing something. He stated he felt there were other reasons behind this request that are not on the table. He stated he did not know what they were and he would be the first to admit that he did not know but to come in and request this type of increase rather than saying I would like to start at 8:00 A.M. with two or three special events during the year, he just had to think that there was something else to this besides what the Board was hearing tonight. He stated he could not give the racetrack a blank check and cannot vote for this amendment.

Mr. Bracey stated he could understand what Mr. Haraway was saying but felt the racetrack had been a good neighbor and he would have to give a positive vote.

Mr. Moody stated he felt this was an opportunity for the Board to have some teeth in this with proffer number 4 and he would have to vote in favor of the amendment.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that conditional use permit C-00-4, as stated above, is hereby approved; and

BE IT FURTHER RESOLVED, that in order to assure compliance with the Virginia Code Section 15.2286 (A) (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good fiscal practice.

IN RE: RECESS

Mr. Moody called for a five- (5) minute recess at 10:15 P.M.

The Board reconvened at 10:25 P.M.

**IN RE: PUBLIC HEARING – P-00-3 – GEORGE RAGSDALE –
REZONING – TRANQUILITY ROAD**

This being the time and place as advertised in the Dinwiddie Monitor on December 20, 2000 and December 27, 2000, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comment on and to propose for adoption a rezoning application submitted by George B. Ragsdale on behalf of Nottoway Lumber Company seeking to change the district classification of Tax Map/Parcel 18-32A containing approximately 54 acres from Agricultural, General, A-2 to Residential, Rural RR-1. The property is located on the east and west side of Tranquility Road (Route 628) at its intersection with Bobcat Road (Route 689). The Comprehensive land use plan identifies this area as a rural conservation area with an average residential density of 1 home site per 5 acres. The current zoning, A-2, requires a minimum of 3 acres per home site with a minimum of 300' of road frontage, per lot. The RR-1 district allows a minimum of 2 acres per home site with 200' of frontage. The applicant has proffered conditions restricting the type of residential development if the rezoning is granted.

Mr. Scheid read excerpts from the following Summary Staff Report on P-00-3:

Summary Staff Report

File:	P-00-3
Applicant:	Nottoway Lumber Co. (George Ragsdale)
Property Address:	Tranquility Lane, Church Road area
Magisterial District:	Namozine
Acreage:	54 Acres
Tax Map Parcel:	18-32A
Zoning:	Agricultural, general A-2
Water Source:	On-Site
Sewer Disposal:	On-Site

The applicant, Nottoway Lumber Company, is seeking to rezone tax parcel 18-32A containing 54 acres from agricultural, general A-2 to residential, rural RR-1 in order to provide eleven (11) single family residential lots for development purposes. Under the current ordinance, a maximum of five (5) lots (2 having acreage greater than 20 acres, each) can be subdivided. The property has considerable road frontage on Tranquility Road and Bobcat Road. It is noted that Bobcat Road is not hard surfaced but is contained in the six-year plan for hard surfacing. The parcel is located in the Rural Conservation Area as defined by the Comprehensive Land Use Plan. There are many home sites in this area. The general land uses found in this area are timber production and large residential lots. The applicant has offered proffers if the rezoning is granted (updated and submitted to Planning Department on 12/27/00). By reference, these proffers are made a part of the Board's minutes.

The following information was included in your folders: copy of revised proffers by Mr. Ragsdale with proposed lot layout; extract of Planning Commission minutes of October 11, 2000 and November 8, 2000; rezoning application with disclosure affidavit; list of adjacent property owners; zoning of properties in area; location map; and letters from area residents.

The Planning Commission heard this case on October 11, 2000 and November 8, 2000. Several citizens residing in the area attended the meetings to express their opposition to the rezoning request. Concerns raised by the Commissioners and the citizens included the following: strip road front development; impact on public services; spot zoning; incompatible development with area; number of driveways entering State roads; environmental considerations; future rezoning requests in area if this request is granted. In view of the above, the Planning Commission voted 6-0-1 (with Mr. Moody abstaining) to recommend disapproval to the Board of Supervisors.

This case was scheduled for the December 6, 2000 meeting of the Board of Supervisors. Mr. Ragsdale had a scheduling conflict with this meeting date and requested that the hearing be held on January 3, 2001. Adjacent property owners have been notified of this meeting date.

The proffers submitted by Mr. Ragsdale are as follows:

1. The attached schematic shall become a part of the proffers and will be followed with the following noted:
 - a. There shall be a maximum of 11 lots developed on this 54 acre tract;

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- b. Each lot shall have a minimum of 300' frontage as measured at the front property line adjacent to the State road;
 - c. Each lot, with the exception of lot #6 and #7 shall have a front yard setback for all structures of 100' from the front property line or 125' from the center line of the State road, whichever is greater;
 - d. Each lot, with the exception of lot #6, shall have a minimum side setback for the main structure of 35';
 - e. Each lot, with the exception of lot #6 and #7 shall have a minimum rear yard setback from the main structure of 100';
 - f. No lot shall be less than 3 acres; and
 - g. There shall be a shared driveway between lot #3, #4 & #6, lots #8 & #9, and lots #10 & #11.
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2. The lots shall be used for private residential purposes only and no building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling, not to exceed two stories in height, a private garage and such other outbuilding needed as appurtenances to the residence.
 3. The minimum living area of each single-family dwelling, exclusive of open porches, car ports, decks and garages, shall be as follows:
 - a. For one story dwelling One Thousand Five Hundred (1,500) square feet;
 - b. For two story dwelling One Thousand Seven Hundred and Fifty (1,750) square feet;
 - c. For one and one half Story dwelling One Thousand Seven Hundred Fifty (1,750) square feet;
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4. No house trailers, mobile homes, modular homes, shacks, tents, or temporary dwellings of any kind whatsoever shall be erected, placed or maintained on any lot.
 5. No cows, pigs, chickens or other animals that may be offensive or of any annoyance or nuisance to the neighborhood shall be allowed, except that dogs, cats or other household pets totaling no more than three- (3) may be kept, provided that they are not kept, bred, or maintained for any commercial purpose.
 6. No noxious or offensive trade or activity shall be permitted or allowed to remain on any lot or portion thereof, and no use shall be made thereof which will constitute a nuisance or injure the value of the neighboring lots. No commercial operation of any kind will be allowed.
 7. No motor vehicles, including trailers, or "junk cars" which do not have a valid inspection sticker and license to permit its operation upon the highways of the State of Virginia, shall be allowed to remain on any lot for longer than sixty- (60) days, unless it is parked in a garage or enclosed carport. No motor vehicle shall at any time be worked on or overhauled on the premises except in the owners garage, and like wise, no motor vehicles shall at any time be worked on or overhauled on any street in said subdivision.
 8. No fence shall be erected, placed or allowed to remain on any lot nearer to any street than the rear of the dwelling.
 9. In the event of a violation or breach of any of the proffers contained herein by any lot owner or agent, heir or assign of such owner, any owner or owners of a lot or lots, jointly or severally, shall have the right to proceed at law or in equity to compel compliance with the terms thereof

to prevent the violation or breach and to recover damages fro such violation or breach.

10. Should any proffer herein contained, or any part thereof, be declared to be void, invalid, illegal or unenforceable, for any reason, by the judication of any court such proffer shall be severable and the remaining proffers shall remain in full force and effect.

Mr. W. D. Allen, Attorney and representative of Mr. Ragsdale and Nottoway Lumber Company came forward stating that Nottoway Lumber Company was not a land development company and this road in question is approximately 1.6 miles. There are roughly 25 homes in this area and they are moderate to nicer homes. The proposal being submitted by Mr. Ragsdale was to develop no more than 11 lots on this property with each lot being from 3 acres up to 6.5 acres with like homes in the area. All but two- (2) of these lots would front on Tranquility Lane. They were proposing for homes to share a driveway thus eliminating the access driveways that would actually enter Tranquility Lane. This property is not being taxed as farmland but as residential property. Mr. Allen asked for a favorable vote from the Board on this matter.

Mr. Moody stated this is a Public Hearing and asked if any citizens wished to speak for or against P-00-3.

The following citizen came forward to address the Board:

1. Jamie Bishop, 16578 Anderson Mill Drive, Church Road, Virginia came forward stating his concern was with the road entrances, the overcrowding of the schools, EMS Services and the size of homes. He stated his home was 4500 square feet and he did not see how a 1500 square foot home was going to be helping his neighborhood.

Mr. Allen came forward addressing some of the concerns Mr. Bishop had voiced. He sited figures regarding vehicle counts for that section of road, which was 68 per day, the number of homes to be added to the area and the fact that only 2 lots were actually located on a dirt road, the rest having paved road frontage. He did commend Mr. Scheid for working with Mr. Ragsdale on this proposed project.

Mr. Scheid stated that he would like to clarify that the 68 vehicles per day was from the 1995 road count and that today that figure would most likely be more.

Mr. Moody closed the Public Hearing for P-00-3.

There was discussion regarding the proffers, size of the proposed lots, the figuration of the proposed lots, the fact that this is a transitional area, the restrictive covenants on the lots, the fact that the Board heard a similar request approximately one year ago and denied it on some of the same issues that had been discussed this evening, and finally a discussion regarding sending this back to do another configuration prior to a vote by the Board. It was explained that Mr. Ragsdale could withdraw his request tonight prior to a vote and thus eliminate the cooling off period of six months if the request is denied.

Mr. Allen stated that they had submitted their proposal and if that proposal was not acceptable then they would have to move forward in another fashion. This was not meant to be a threat but Mr. Ragsdale had done all he could to meet the requirements of the County and he was standing fast on his proposal.

Mr. Clay moved that rezoning request P-00-3 be approved with proffers, as presented. Mr. Haraway seconded the motion. Mr. Clay, Mr. Moody voting "Aye", Mr. Bowman, Mr. Bracey voting "Nay", Mr. Haraway "Abstaining",

The Motion died.

IN RE: RECESS

Mr. Moody called for a ten- (10) minute recess at 11:15 P.M.

The meeting reconvened at 11:22 P.M.

**IN RE: PUBLIC HEARING – P-00-4 – JOHN E. BOSE –
REZONING – BOYDTON PLANK ROAD**

This being the time and place as advertised in the Dinwiddie Monitor on December 20, 2000 and December 27, 2000, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comment on and to propose for adoption a rezoning application submitted by John E. Bose seeking to change the district classification of Tax Map/Parcel 45 (3) 3 containing 6.84 acres from business, general B-2 to industrial, heavy M-2 in order to operate a lay-down yard. The property is located on the east side of Route 1 (Boydton Plank Road) approximately .8 miles north of Carson Road. The address of the office building located on premises is 13117 Boydton Plank Road. The comprehensive land use plan recommends this area for agricultural or residential purposes.

Mr. Scheid read excerpts from the following Summary Staff Report on P-00-4:

Summary Staff Report

File:	P-00-4
Applicant:	John E. Bose
Property Address:	13117 Boydton Plank Road, Dinwiddie, VA 23841
Magisterial District:	Rowanty
Acreage:	6.84 Acres
Tax Map Parcel:	45(3)3
Zoning:	Business, general, B-2
Water Source:	On-Site
Sewer Disposal:	On-Site

The applicant, John E. Bose, is seeking to rezone tax parcel 45(3)3 containing 6.84 acres from business, general B-2 to industrial, general M-2. It is the intention of the applicant to establish a steel laydown/storage site for cellular communication tower sections. The property was used as a planning mill with onsite storage of wood products but said use was abandoned several years ago. Under the current zoning, a laydown yard is not permitted. There are several homes located in the immediate vicinity of the property. The property is located within a growth area (Dinwiddie Courthouse) and along a growth corridor (Route 1). The Comprehensive Land Use Plan does not recognize this area as an area programmed for industrial usage. The applicant has indicated that he will proffer the use of the property for a laydown yard, only, if granted the rezoning. Citizens in support of the rezoning if the applicant proffers the restrictive use of the property have submitted several petitions to this office. Several petitions have been submitted in opposition to the rezoning.

The information contained in your information folders is as follows: minutes of the December 13, 2000 Planning Commission meeting; petition for and against

the rezoning; the applicant's proffers; the rezoning application; plot plan; and zoning/location map.

The use sought by the applicant is a use normally contained within an industrial district. Chaparral Steel sought temporary storage of their steel product within an M-2 district within Dinwiddie until their laydown yard was completed. The zoning on the Chaparral Steel site is industrial, PMD. LB Foster, a steel fabrication laydown yard located in Petersburg adjacent to the Dinwiddie County line, is zoned industrial, heavy, M-2 by the City of Petersburg. They purchase I-beams from Chaparral for resale. The Industrial Galvanizers of Virginia, from which the tower sections are sent to Mr. Bose's property, is located in an industrial district within Petersburg. They receive and store the tower sections on their property. In view of the above and in generally discussing this matter with other jurisdictions, it appeared most appropriate that the applicant seek a rezoning of the property to a zoning category most appropriate to the intended use.

The Planning Commission held their public hearing on December 13, 2000. There were a few citizens present to voice their support of and opposition to the rezoning request. During the Planning Commissioner's discussion, they expressed concerns regarding spot zoning, incompatibility with the comprehensive land use plan, the proffers as written (i.e. screening, hours of operation, materials that could be stored in a 'laydown yard'), and the impact upon the neighborhood. Upon a vote of 7-0, the Planning Commission recommended disapproval of rezoning request P-00-4. Since a few of the Commissioners were inclined to allow the current use of the property for a limited use as a laydown yard, they discussed amending of the Zoning Ordinance to add a laydown yard with conditional use permit in the business, general, B-2 district. Since the Planning Commission was uncertain of the Board's action on the pending rezoning, they deferred further action on this matter pending guidance from the Board.

Mr. Bose offered the following proffers:

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1. The property shall only be used as a laydown yard and/or storage yard.
 2. Expected maximum hours of operation will be from 7 a.m. to 9 p.m.
 3. The front of the property shall be screened with evergreen vegetation.
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Mr. John Edward Bose, III, the applicant, 13139 Boydton Plank Road came forward stating he only wanted a laydown yard. There would be no manufacturing on the site at all. It would only be used as a storage yard. He stated his Grandfather would be proud to know this property was again providing income.

Mr. Bracey asked about the fact that this property would just be used as a laydown yard and asked if Mr. Bose was now doing business.

Mr. Bose responded that it would just be used as a laydown yard, he was currently under contract with Industrial Galvanized. He stated he was not doing business at this time. He continued that what towers were already stored there were being moved out, but no additional ones can be received until this matter is resolved.

Mr. Bracey stated in other words you are out of business, your payday does not come because they are just moving their products.

Mr. Bose stated yes. He stated he did not have a job because of this, yes. He stated he would like to add that he had around 200 signatures of citizens in the County, which were in favor of this matter.

Mr. Bracey asked him if he thought he could have the laydown yard with the conditions that are presently there but when Mr. Bose was informed by the County that he did not comply with the codes and so forth it was recommended that he try to move his property from B-2 to M-2.

Mr. Bose stated he was told that the only way that he could accommodate what was there was that they would have to go to M-2, heavy industrial zoning. He stated he did not understand that because they were not manufacturing anything.

Mr. Bracey asked how long Mr. Bose had been out of business.

Mr. Bose stated since the end of October.

Mr. Bracey stated that he assumed that Industrial Galvanized was looking for an answer.

Mr. Bose stated as soon as possible.

Mr. Moody opened the Public Hearing on P-00-4. There being no citizens signed up to speak for or against P-00-4, Mr. Moody closed the Public Hearing.

There was additional discussion regarding the fact that Mr. Bose had been shut down and that it was felt that a laydown yard could be incorporated into B-2 with a conditional use permit. It was felt that M-2 was not appropriate.

Mr. Moody called for a Motion. There being no Motion offered, the issue died.

IN RE: APPOINTMENTS – EQUALIZATION BOARD

Mr. Long stated that a recommendation for appointment to the Equalization Board for District 3 and also two- (2) alternates needed to be recommended, if the Board wishes to do so.

There being no recommendations, this matter will be taken up at the next meeting.

IN RE: APPOINTMENT – DISTRICT 19 CHAPTER 10 BOARD

Mr. Long stated that an appointment was also needed for the District 19 Chapter 10 Board for a vacancy left by Mr. Daniel Rapp.

IN RE: COUNTY ADMINISTRATOR COMMENTS

Mr. Long stated that under the Information Tab the Board would find appointment information. Action on these appointments will be requested at the January 17, 2001 meeting.

He also reminded the Board that there was a need to come in early on the 17th to meet with Mr. Darrell Hill for a discussion on the County's current financial picture. Mr. Long continued Staff believed it was necessary to begin this meeting at 10:00 a.m.

IN RE: BOARD MEMBER COMMENTS

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

Mr. Bowman asked if under the Closed Session if a job description could be added under Personnel.

There were no additional comments from the Board.

IN RE: CLOSED SESSION

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

The purpose of the closed meeting is to discuss subject matters identified as Personnel, and Consultation with Legal Counsel. Matters to include Administration/Job Description and Statutory Holiday.

- **Personnel Matters, § 2.1-344 A - 1 of the Code of Virginia,**
(candidates for employment OR the assignment, appointment, promotion, performance, demotion, discipline, salaries, compensation, resignation of employees)

- **Consultation with legal counsel, § 2.1-344 A - 7 of the Code of Virginia,**
(consultation with legal counsel and briefings by staff members and consultants about actual or probable and public discussion would adversely affect the negotiating or litigating posture of the County or Town – OR – consultation with legal counsel regarding specific legal matters that require legal advice)

Mr. Haraway seconded the motion. Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, Mr. Moody voting "Aye" the Board moved into the Closed Meeting at 11:50 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 12:10 P.M.

IN RE: CERTIFICATION

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

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

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

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

**IN RE: HOLIDAYS – ROBERT E. LEE -- STONEWALL JACKSON
DAY AND MARTIN LUTHER KING DAY**

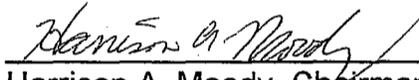
Mr. Long stated that during the last General Assembly they approved a new holiday, which was Friday for Lee-Jackson Day and Monday for Martin Luther King Day. These two- (2) holidays are to be incorporated into the Personnel Policies so long as the State holidays remain that way. If the Friday holiday was at any time eliminated by the State, the County would also eliminate it.

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

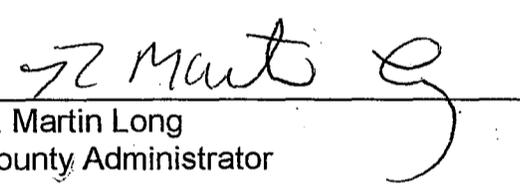
BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a new holiday be incorporated into the Personnel Policy giving the employees Friday, January 12th (Friday preceding the 3rd Monday) as Lee-Jackson Day and Monday, January 15th (3rd Monday) as Martin Luther King Day so long as the State continues with these days. In the event the State eliminates either of these days the County will follow suit.

RE: ADJOURNMENT

Upon Motion of Mr. Haraway, Seconded by Mr. Bowman, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, Mr. Moody voting "Aye", the meeting adjourned at 12:17 A.M. to be continued until 11:00 A.M. on Wednesday, January 17, 2001 in the Multi-purpose Room of the Pamplin Administration Building.



Harrison A. Moody, Chairman

ATTEST: 

R. Martin Long
County Administrator

/pam

