

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 6<sup>TH</sup> DAY OF FEBRUARY, 2002, AT 7:30 P.M.

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

OTHER: PHYLLIS KATZ COUNTY ATTORNEY

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

Mr. Edward A. Bracey, Jr., 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**

There were no amendments to the agenda.

**IN RE: MINUTES**

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the minutes of the January 16, 2002 Continuation Meeting, January 16, 2002 Regular Meeting and the January 23, 2002 Continuation Meeting are approved in their entirety.

**IN RE: CLAIMS**

Upon Motion of Mr. Haraway, Seconded by Mr. Clay, Mr. Moody, Mr. Haraway, Mr. Bowman, Mr. Clay, 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 1029083 through 1029304 (void check(s) numbered 1029084, 1029007, 1029050 and 1029169) for:

**Accounts Payable:**

(101) General Fund	\$ 156,793.38
(103) Jail Commission	\$ .00
(104) Marketing Fund	\$ .00
(222) E911 Fund	\$ 1,294.50
(223) Self Insurance Fund	\$ .00
(225) Courthouse Maintenance	\$ .00
(226) Law Library	\$ .00
(228) Fire Programs & EMS	\$ 4,508.00
(229) Forfeited Asset Sharing	\$ 415.81
(304) CDBG Grant Fund	\$ .00
(305) Capital Projects Fund	\$ 19,897.71
(401) County Debt Service	\$ 14,012.50

**TOTAL \$ 192,912.90**



**PAYROLL 01/31/02**

(101) General Fund	\$ 388,557.49
(222) E911 Fund	\$ .00
(304) CDBG Fund	\$ 3,390.42

**TOTAL** **\$ 405,957.41**

**IN RE: CITIZEN COMMENTS**

Mr. Bracey 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:

- (1) Mrs. Anne Scarborough came forward requesting explanations about the following issues:
  - a. County policy for County tax dollars paying for room service.
  - b. County policy on reporting information when people attend courses, conventions (VACo) etc... What the Citizens get for taxes spent and cost of employees being away from their offices.
  - c. \$3,000,000 more revenue than anticipated by the County – have any of the funds been spent; if so, for what?
- (2) Mr. George Whitman appeared before the Board questioning:
  - d. Why there was only 1 Redistricting Map for the County, which he had seen on the wall in the Planning Department. Were there any available to the citizens. Do the Board Members know where the districts are? Why the Citizens didn't get to have any input in the process. Mrs. Ralph responded that the Redistricting Plan has not been approved by the Justice Department yet. Mr. Scheid reported that the maps were made available to the Citizens. The Districts were also advertised in the newspapers before the Public Hearing was held.
  - e. Legal firm – Do they represent the County or the Citizens. When do the Citizens get the opportunity to talk to them?
  - f. When was the Comprehensive Land Use Plan approved by the Advisory Committee? He was a member of the committee and he stated he did not recall them approving the Plan.

- (2) Robert Langford, 6005 Trinity Church Road, Church Road, Virginia came forward asking the Board when the County was going to come up to standards and provide public parks for our children. Mr. Bracey asked Staff to have Mr. Smith, Director of Parks and Recreation, get in touch with Mr. Langford.

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

**IN RE: STATEMENT PRIOR TO PUBLIC HEARING**

Mr. David S. Thompson, Senior Planner/ Zoning Administrator, 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 – A-02-1 – CODE AMENDMENT –  
LIMITING NUMBER OF DOGS IN RESIDENTIAL ZONING  
DISTRICTS ON PLATTED SUBDIVISION LOTS**

This being the time and place as advertised in the Dinwiddie Monitor on January 23, 2002 and January 30, 2002, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comment on an amendment to Article II of Chapter 4, Section 24 of the Code of Dinwiddie County relating to the number of dogs in a residential area.

Mr. Thompson read excerpts from the following Summary Staff Report on A-02-1:

**PLANNING DEPARTMENT STAFF REPORT**

**TO: BOARD OF SUPERVISORS**  
**FROM: PLANNING DEPARTMENT**  
**SUBJECT: CODE AMENDMENT – NUMBER OF DOGS IN RESIDENTIAL  
ZONING DISTRICTS ON PLATTED SUBDIVISION LOTS**  
**DATE: JANUARY 31, 2002**

The attached ordinance is submitted to the Board as the result of a situation that occurred this past summer as well as other complaints of a similar nature called into our office. Obviously, the Animal Control Officer and the Sheriff's Department receive many more calls than the Planning Department on this matter. The Planning Department was requested by Administration to research this subject and prepare an ordinance that would address the situation. Staff has reviewed ordinances prepared by other political jurisdictions within Central Virginia. Many of these jurisdictions have ordinances that control the number and/or location of dogs within their boundaries. This ordinance reflects much of what other jurisdictions have adopted regarding dogs within residential subdivisions. Some ordinances are more restrictive but staff concluded that the ordinance proposed to the Board is more suited for Dinwiddie County. It must be stated clearly that the proposed ordinance will affect only the residential zoning districts of the County (not the Agricultural areas which comprise approximately 60% of the land area) and only those lots that are contained within a recorded residential subdivision. Additionally, it will allow up to 3 dogs on an individual residential lot within a recorded residential subdivision.

Mr. Thompson distributed statistics he gathered from other localities that have ordinances limiting the number of dogs allowed on lots and calls answered by the Animal Control Department in 2000 and 2001. There was a lengthy discussion regarding these issues.

Mr. Bracey opened the Public Hearing.

The following citizens came forward to address the Board in support of the Ordinance during the Public Hearing on A-02-1:

- i. Betty Bowen, 5110 Sterling Road, Petersburg, Virginia, stated her contention was the number of dogs per lot size but she was in favor of the ordinance.
- ii. Rebecca Crumpler, 24017 Fieldshire Drive, Petersburg, Virginia, came before the Board and voiced her concerns about: noise, odors, and the safety of children and adults. She presented the Board with pictures of her neighbor's yard with 14 Pit Bull dogs in it. Mrs. Crumpler commented she could not allow her daughter to play in her yard because she feared for her safety.

- iii. Myrna Eley 5109 Sterling Road, Petersburg, Virginia commented she was in favor of the ordinance but it needed to be spelled out more clearly.
- iv. Linda Slaughter, Petersburg, Virginia, stated her granddaughter couldn't play outside because of the situation with the Pit Bulls mentioned by her daughter Ms. Crumpler. She told the Board on several occasions the dogs had gotten out of the fenced yard but nothing was done about it. I fear for the safety of my granddaughter she stated.
- v. Millie Anderson Mulder, 5115 Sterling Road, Petersburg, Virginia, stated she supported limiting the number of dogs to 3 in a residential area.

The following citizens came forward to address the Board in opposition to the Ordinance during the Public Hearing on A-02-1:

1. Dwayne Person, 3900 Shoreview Drive, Sutherland, Virginia, came forward opposing the ordinance because he felt it is not the number of dogs that is the problem, it is the irresponsible owner. He commented the ordinance we have is not being enforced. He asked the Board to table this ordinance or disapprove it.
2. John Talmage, 5819 Lewis Road, Petersburg, Virginia, stated the ordinance is too restrictive for property owners. He commented the lot size, how much land you have; how the animals are kept; and whether or not the animal is vicious; should be considered.
3. William Haney, 3615 Shoreview Drive, Sutherland, Virginia, came forward commenting that he hunts, owns, and raises Bird Dogs. He opposed the ordinance because he felt it was being used to address the problem in Mansfield where the owner is breeding Pit Bull dogs. There are laws already on the books to prohibit dogs running loose, and not under the control of the owner. If an owner is irresponsible there are laws already on the books to take care of those problems. This ordinance will not solve the number of complaints you receive.
4. Betty Haney, 3615 Shoreview Drive, Sutherland, Virginia, stated there is too much variance in lot sizes in the subdivisions in the County to limit the number to 3. The County already has existing laws to deal with illegal kennels, leash laws and licenses requirements. She commented this is not the right ordinance.
5. Joseph Brooks, 4814 Olgers Road, Sutherland, Virginia, stated hold the owners responsible. Don't punish all the citizens because a few people aren't doing what they should. Dogs are special to people and if you start telling us how many we can have, what else are you going to limit.
6. Bryant Wray, 8915 Northwood Drive, Petersburg, Virginia, opposed the ordinance and commented the responsibility of the dog is the owner.
7. Tom Prince, Sutherland, Virginia, told the Board they were trying to pass an ordinance that will affect 100% of the people. However, he felt just a small percentage of the Citizens are not being responsible animal owners.

Mr. Bracey closed Public Hearing A-02-1.

Mr. Haraway asked Sheriff Shands if there were laws on the books to take care of the situation and help this lady who lives next door to these Pit Bulls, before anyone gets hurt. Mr. Shands responded yes. He commented he didn't feel a person had to wait until someone was hurt before something could be done. He said he would send an officer to talk to them tomorrow. If that didn't help, then a warrant could be issued and the Judge would make the decision as to what would or could be done about the situation.

Mr. Bowman commented he didn't feel we have a law to enforce situations like this. He asked Mr. Steve Beville, Animal Warden, if he had contacted the owner about the situation. He replied he had not talked to him personally but he left a note on his door about the dogs running loose about a year ago. He stated he had not caught the dogs off the property yet. Mr. Beville stated, with the present ordinance in place, he could not do anything unless he saw the dogs outside of the yard or if the dog attacked someone.

Mr. Bracey stated the dog owners have to be held responsible for their animals.

Mr. Beville stated 3 dogs on a small lot less than an acre was enough.

Mr. Clay made a motion to postpone action on this ordinance.

Mr. Thompson commented he has responded to complaints in subdivisions about the number of dogs a person could have. The first thing they ask is how many can I have? The County needs an ordinance that limits the number of dogs allowed depending on the size of the lot.

Mr. Bowman commented he is concerned that the present ordinance is not sufficient enough to protect the citizens in situations where there are vicious or threatening animals. He commented that there are restrictions in the County on the number of chickens, cows, horses, and hogs a household could have and this ordinance is no different.

The Motion was seconded by Mr. Moody, Mr. Moody, Mr. Haraway, Mr. Clay, Mr. Bowman, Mr. Bracey voting "Aye", action on A-02-1 was postponed.

Mr. Bowman asked the Citizens who were having problems to get with the Sheriff to see if anything could be done.

**IN RE: RECESS**

Mr. Bracey called for a recess at 8:55 P.M. The meeting reconvened at 9:07 P.M.

**IN RE: PUBLIC HEARING – A-01-9 AMENDMENT –  
STORAGE OF INOPERATIVE VEHICLES**

This being the time and place as advertised in the Dinwiddie Monitor on January 23, 2002 and January 30, 2002, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comment on an amendment to Chapter 15 of the Code of Dinwiddie County. The amendment clarifies the number and conditions under which inoperative vehicles may be kept upon property zoned for agricultural or residential purposes.

Mr. Thompson read excerpts from the following Summary Staff Report on A-01-9:

**PLANNING DEPARTMENT STAFF REPORT**

TO: BOARD OF SUPERVISORS  
FROM: PLANNING DEPARTMENT  
SUBJECT: CODE AMENDMENT – STORAGE OF INOPERATIVE VEHICLES  
DATE: JANUARY 31, 2002

The attached ordinance is submitted to the Board in order to clarify an existing ordinance. The Code Compliance Officer within the Planning Department is enforcing this Code and some confusion arises with citizens with the existing language. Reference must be made to other sections of the County Code (ie definition of automobile graveyard, permitted uses within zoning districts, etc.) in order to properly cite the basis of the violation. This amendment essentially codifies the other sections into one section that can be easily read and referenced. Additionally, the term "inoperative motor vehicle" is defined in such a way as to eliminate debating the current "status" of a vehicle.

Mr. Haraway asked if a cover over the vehicle would qualify as screening? Mr. Thompson replied no. The vehicle has to be completely covered.

Mr. Bracey stated this is a Public Hearing and asked if any citizens wished to speak for or against A-01-9.

Mr. George Whitman came before the Board and stated the County needs to do more studies before passing all these ordinances. If the County continues to take privileges away from the Citizens there are going to be a lot more problems.

Mr. Bracey closed the Public Hearing for A-01-9.

Mr. Haraway stated, be it resolved, that in order to assure compliance with the Virginia Code Section 15.2286 (A) (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good fiscal practice. I move that zoning ordinance amendment A-01-9 be approved.

The motion was seconded by Mr. Moody, Mr. Moody, Mr. Haraway, Mr. Bowman, Mr. Bracey voting "Aye", Mr. Clay, voting "Nay",

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AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF DINWIDDIE, VIRGINIA, AS AMENDED, BY AMENDING SECTION 15-4 OF CHAPTER 15 RELATING TO THE STORAGE OF INOPERATIVE VEHICLES

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BE IT ORDAINED BY THE BOARD OF SUPERVISORS of the County of Dinwiddie, that Section 15-4 of the Code of the County of Dinwiddie, Virginia, as amended, be amended by deleting and/or adding text to the existing Section 15-4 as follows:

**Section 15-4. Open storage of inoperative vehicles on residential property.**

- (1) It shall be unlawful and a Class 1 misdemeanor for any person to keep, on any property zoned for agricultural or residential purposes, any motor vehicle, trailer or semi-trailer, as such as defined in section 46.1-1 of the Code of Virginia, which is inoperative, except that:
- a. Such vehicles may be kept within a fully enclosed building; ~~and~~
  - b. A maximum of two (2) such vehicles to be restored may be stored upon the property zoned for residential purposes, if they are screened from public view by a suitable fence, vegetation or a combination thereof; and
  - c. A maximum of five (5) such vehicles may be stored upon property zoned for agricultural purposes, if they are screened

from public view by a suitable fence, vegetation or a combination thereof.

- (2) As used in this section, the term "inoperative motor vehicle" shall mean any motor vehicle which is not in operating condition or which, for a period of ninety (90) days or longer, has been partially or totally disassembled by removal of tires and wheels, the engine or other essential parts required for operation of the vehicle; or on which there are displayed neither valid license plates nor a valid inspection decal.
- (3) Remains the same.
- (4) In the event the owner of the residential property fails to comply with a notice given pursuant to subsection (c) above, the county, through its own agents or employees, may remove the inoperative motor vehicle, trailer or semi-trailer. The County may dispose of the motor vehicle, trailer or semi-trailer so removed, after giving fifteen (15) days notice to the owner of the vehicle.
- (5) Remains the same.

(NOTE: The language that is underlined and in italics is the proposed additions to Section 15-4 of the County Code, and the language that is ~~struck through~~ are the proposed deletions from Section 15-4. The authority for the proposed amendments is found in the Code of Virginia, Section 15.2-904.)

This ordinance shall become effective upon the date of adoption by the Board of Supervisors and in all other respects said Chapter 15 shall remain in full force and effect.

**IN RE: PUBLIC HEARING – P-01-6 – NOTTOWAY LUMBER COMPANY – REZONING REQUEST**

This being the time and place as advertised in the Dinwiddie Monitor on January 23, 2002 and January 30, 2002, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comment for a rezoning application submitted by George Ragsdale on behalf of Nottoway Lumber Company. Mr. George Ragsdale, is seeking to change the district classification of a portion of Tax Map/Parcel 18-32 A containing approximately 37.4 + acres from Agricultural General District A-2 to residential, rural RR-1.

Mr. Scheid read excerpts from the following Summary Staff Report on A-01-9:

Planning Summary Report

<b>File:</b>	P-01-6
<b>Applicant:</b>	Nottoway Lumber Co. (George Ragsdale)
<b>Property Address:</b>	Tranquility Lane, Church Road area
<b>Magisterial District:</b>	Namozine
<b>Acreage:</b>	40 Acres
<b>Tax Map Parcel:</b>	18-32A
<b>Zoning:</b>	Agricultural, general A-2
<b>Water Source:</b>	On-Site
<b>Sewer Disposal:</b>	On-Site

The applicant, Nottoway Lumber Company, is seeking to rezone tax parcel 18-32A containing 40 acres from agricultural, general A-2 to residential, rural RR-1 in order to provide eight (8) single family residential lots for development purposes. Under the current ordinance, the maximum number of parcels under 20 acres have been subdivided from the original parcel. The property has considerable road frontage on Tranquility Road and Bobcat Road. It is noted that Bobcat Road is not hard surfaced. The parcel is located in the Rural

Conservation Area as defined by the Comprehensive Land Use Plan. There are many homesites 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. The original rezoning case was reviewed by the Planning Commission (P-00-3) in November 2000 and by the Board of Supervisors in January 2001. The rezoning request was disapproved.

Since the initial review of this case, the Advisory Committee has developed the Comprehensive Land Use Plan update with the assistance of the Landmark Design Group. The proposed plan was introduced to the Planning Commission in November and December of 2001. The Planning Commission held a public hearing on the Comp Plan update on January 9, 2002 and unanimously voted to recommend adoption of the Plan to the Board of Supervisors. The Plan is pending review by the Board for final action. The Plan update amends the previous comprehensive land use plan in many ways. Of primary importance is the recognition that this area is now designated as an agricultural/residential growth area.

Mr. Ragsdale, owner of Nottoway Lumber, submitted a revised application for rezoning on this land in August 2001 and was scheduled for public hearing by the Planning Commission in September 2001. He decided to request a postponement of his request until the Planning Commission could review the updated Comprehensive Land Use proposal and its projected land use for this area. In view of the above, Mr. Ragsdale requested that the Planning Commission hear his request in January 2002. The Planning Commission heard the rezoning request, P-01-6, at their January 9th meeting. Mr. Ragsdale, the applicant, presented his request and reviewed the proffers, dated March 8, 2001, with amendment dated June 19, 2001. Upon conclusion of Mr. Ragsdale's comments, the Chairman opened the public hearing portion of the meeting. No one in attendance spoke in opposition to the request. The Chairman closed the public portion of the hearing and requested comments from the Commissioners. The Commissioners noted that growth in outlying areas must be monitored and this request was reviewed previously. In light of the revised comprehensive land use data and mapping, they believe the request for rezoning is now appropriate. Upon a vote of 7-0, the Planning Commission recommended to the Board of Supervisors that P-01-6 with proffers be approved.

Mr. Bracey opened the Public Hearing.

Mr. Bryant Wray spoke in opposition to the rezoning request. He stated Bob Cat Road is a dirt road and the dust is going to be bad once it is developed. He also expressed concern about the water in the wells in the area.

Mr. Bracey closed the Public Hearing.

Mr. Bracey called for a Motion.

Mr. Moody stated, be it resolved, that in order to assure compliance with Virginia Code Section 15.2-2286(A)(7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that rezoning case P-01-6 be approved with proffers accepted by reference as set forth in the attachment to the rezoning application.

The motion was seconded by Mr. Clay, Mr. Moody, Mr. Haraway, Mr. Clay, Mr. Bowman, Mr. Bracey voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that rezoning request P-01-9, as stated above, is hereby approved, with the following proffers and conditions recommended by the Planning Commission.

(Copy of letter from Mr. George Ragsdale)

March 8, 2001

Nottoway Lumber Co., Inc.  
P. O. Box 147  
Blackstone, VA 23824

RE: Voluntary Proffers  
Tax Map/Parcel #18/32A

- (1) The attached schematic shall become a part of the proffers and will be followed with the following noted:
  - a. Each lot shall have a minimum of 300' frontage as measured at the front property line adjacent to the State road;
  - b. Each lot, with the exception of lot #6, shall have front yard setback for all structures of 100' from the front property line or 125' from the centerline of the State road, whichever is greater;
  - c. Each lot, with the exception of lot #6, shall have a minimum side setback for the main structure of 35';
  - d. Each lot, with the exception of #6, shall have a minimum rear yard setback for the main structure of 100';
  - e. No lot shall be less than 3 acres.
- (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 dwellings One Thousand Five Hundred (1,500) square feet;
  - b. For two story dwellings One Thousand Seven Hundred and Fifty (1,750) square feet.
  - c. For one and one half Story dwellings One Thousand Seven Hundred Fifty (1,750) square feet.
- (4) **No Trailers or doublewides.**
- (5) No house trailers, mobile homes, modular homes, shacks, tents, or temporary dwellings of any kind whatsoever shall be erected, placed or maintained on the lot.
- (6) No noxious or offensive trade or activity shall be permitted or allowed to remain on the lot or portion thereof, and no use shall be made thereof which will constitute a nuisance or injure the value of the neighboring lands. No commercial operation of any kind will be allowed.
- (7) No cows, pigs, chickens or other animals that may be offensive or of any any announces 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, and do not become offensive or any annoyance or nuisance to the neighborhood.

- (8) No dwelling or other above-grade structure may be placed or constructed within 100 feet of the western edge of State Route 628 (the "building set-back line").
- (9) No motor vehicles, including trailers, or "junk card" which do not have a valid inspection sticker or license to permit its operation upon the highways of the State of Virginia, shall be allowed to remain on the 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 likewise, no motor vehicles shall at any time be worked on or overhauled on any street in said subdivision.
- (10) No fence shall be erected, placed or allowed to remain on the lot nearer to State Route 628 than the rear of the dwelling.
- (11) These covenants, restrictions, conditions, reservations and limitations are to run with the land and shall be binding on all parties and persons claiming under them and having any right title or interest in any of the lots, or any part thereof, until December 31, 2020, at which time they shall be automatically extended for successive periods of ten (10) years.
- (12) Should any covenant, restriction, condition, reservation or limitation herein contained, or any part thereof, be declared to be void, invalid, illegal or unenforceable, for any reason, by the judication of any court or other provision, or part thereof, of these covenants, restrictions, reservations and limitations, which are to be severable and which shall remain in full force and effect.

This conveyance is also made expressly subject to all conditions, restrictions, reservations, and/or easements of record or apparent on the ground to the extent that they may lawfully apply.

- (13) There will be a maximum of eight (8) residential lots developed and will be laid out in the manner shown on the schematic attached,  
 (14) which is made a part of these proffers.

G. B. Ragsdale  
 June 2001

**IN RE: PUBLIC HEARING – C-01-8 – VOICE STREAM WIRELESS**

This being the time and place as advertised in the Dinwiddie Monitor on January 23, 2002 and January 30, 2002, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comment for a Conditional Use Permit from Voice Stream Wireless in order to extend the existing tower height of the communications tower located at 10613 Quaker Road from 220' to 236'.

<b>File:</b>	<b>C-01-8</b>
<b>Applicant:</b>	Voice Stream Wireless
<b>Property Address:</b>	10613 Quaker Road, Dinwiddie, VA 23841
<b>Acreage:</b>	Existing leased site
<b>Tax Map Parcel:</b>	33-33
<b>Zoning:</b>	Agricultural, general A-2

The applicant, Voice Stream Wireless, is seeking an amendment to Conditional Use Permit C-97-6 in order to extend the existing tower height of the communications tower located at 10613 Quaker Road from 220' to 236'. The additional tower height of 16' is needed so that Voice Stream may provide wireless communications in this area and connect their sites located to the north and south of this area. The property is owned by Warren and Nancy Bain and is

designated as tax parcel 33-33 by the Commissioner of the Revenue. Atlantic Technology Consultants reviewed this application and in their Report dated December 31, 2001 recommended approval of the request. Mr. Dave Ploeger of the Dinwiddie Airport commented on the proposal by stating that the extension of 16' above the existing tower height would not adversely affect future airport operations. He further stated that the tower must not be extended any higher than the requested 16 feet.

The Planning Commissioners reviewed this request at their January 9, 2002 public meeting. Representatives from Voice Stream Wireless and Atlantic Technology were present to review their information with the Commissioners. Discussions were held regarding structural strength of the tower, height restrictions relative to the Dinwiddie Airport and the existing lighting system on the tower. No one spoke in opposition to the request. Upon conclusion of the public hearing, the Planning Commissioners voted 7-0 to recommend approval of C-01-8 with conditions in addition to those noted in C-97-6.

Mr. Bracey commented that the tower on Quaker Road is already a monstrosity. He asked Mr. Scheid if there were conditions set forth for approval of the permit that required the owner to plant shrubs around the base of the tower. Mr. Scheid replied yes. He stated there had been shrubs planted there on several occasions but the plants had not been taken care of and died. He asked Mr. Nathan Holland representing Voice Stream Wireless if he would comment about this issue.

Mr. Holland stated if it is a condition to have the shrubs he would see that they are planted. Crown Castle is the owner of the tower and we have an agreement to place an antenna on the existing structure.

Mr. Clay stated be it resolved, that in order to assure compliance with Virginia Code Section 15.2-2286(A)(7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice I move that conditional use permit C-01-8 be approved with additional conditions to C-97-6 as noted below.

The motion was seconded by Mr. Moody, Mr. Moody, Mr. Haraway, Mr. Clay, Mr. Bowman, voting "Aye", Mr. Bracey voting "Nay",

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that rezoning request P-01-9, as stated above, is hereby approved, with the following conditions recommended by the Planning Commission.

1. An air hazard determination should be performed with a finding of "no hazard to air navigation" and "no obstruction in a terminal area" for the height proposed. The height of the structure shall be verified by a qualified individual, such as a licensed professional engineer;
2. The structural analysis indicates that the structure is capable of supporting the proposed loading, contingent upon certain structural upgrades and installation requirements. All structural recommendations shall be implemented and adhered without deviation unless authorized by a qualified professional and agreed to by the County Building Official;
3. FCC rules require that a RF exposure analysis be performed on the new antenna configuration. Based upon the results, appropriate signs must be posted and/or other actions taken pursuant to this requirement;
4. The tower owner must submit to the Planning Department by March 31<sup>st</sup> of each year the name of the tower owner, a contact person, a telephone number and a mailing address. In addition, the tower owner must submit a

listing of each service provider located on the site, the name of a current contact person, a telephone number and mailing address; and

5. The dual lighting system consisting of red light at night and flashing white light during the day shall continue but such lighting system shall be modified to use fresnel lenses designed to focus approximately 98% of the light generated towards the horizon and upward to minimize the amount of light visible from the ground.

**IN RE: RESOLUTION ADOPTING JOINT POWERS  
ASSOCIATION AGREEMENT – TO FORMALIZE  
COMMITTEE - VIRGINIA ENERGY PURCHASING  
GOVERNMENTAL ASSOCIATION**

Mrs. Ralph stated in the past, the County has participated in the VML/VACo negotiation of power rates for localities, which has been very beneficial to us. With the deregulation of the electric power generation power market, localities will now have to competitively procure electric generation service. The Steering Committee conducted a pilot program in 2001 with a sampling of localities to procure service, which they feel was a success. They are now offering to be the vehicle to enable localities to jointly purchase electric power generation service. To do so, certain legal action must be taken to formalize the Committee, which will be called the Virginia Energy Purchasing Governmental Association (VEPGA). In turn, the County needs to: a. Adopt the Resolution Approving Joint powers Association Agreement b. Authorize the payment of the assessment c. Designate the County Administrator as the contact for information.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Administration is authorized to pay the assessment in the amount of \$854.00; and

BE IT FURTHER RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia hereby authorizes the County Administrator to be the designated contact for information; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following Resolution is hereby adopted.

**RESOLUTION**

**Approving Joint Powers Association Agreement**

**WHEREAS**, the VML/VACo Virginia Power Steering Committee (the "Committee"), composed of representatives of the Board of Supervisors of Dinwiddie County, Virginia and other local governments and political subdivisions of the Commonwealth, has for over several decades negotiated on behalf of such governmental units a standard form contract for their purchase of electricity supply and delivery service from Virginia Electric and Power Company ("Virginia Power") as a sole source provider; and

**WHEREAS**, political subdivisions of the Commonwealth of Virginia are authorized under Virginia law to exercise jointly powers that they otherwise are authorized to exercise independently, and the terms and conditions of such authorization are currently set forth in Sections 15.2-1300, et seq. of the Virginia Code (the "Joint Powers Act"); and

**WHEREAS**, the Virginia Electric Utility Restructuring Act (the "Restructuring Act") further authorizes municipalities and other political

subdivisions in the Commonwealth to aggregate their electricity supply requirements for the purpose of their joint purchase of such requirements from licensed suppliers, and the Restructuring Act provides that such aggregation shall not require licensure; and

**WHEREAS**, the Virginia Public Procurement Act (the "Procurement Act") exempts from its competitive sealed bidding and competitive negotiation requirements (the "Requirements") the joint procurement by public bodies, utilizing competitive principles, of electric utility services purchased through member associations under the conditions set forth in the Procurement Act; and

**WHEREAS**, the Committee recommends that the aggregation and procurement of electric supply, electric delivery, and other energy-related services ("Energy Services") be effectuated as provided in the Joint Powers Association Agreement, a copy of which is attached to and made part of this Resolution (the "Joint Powers Agreement"), in accordance with applicable provisions of the Procurement Act, such as the utilization of competitive principles pursuant to an exemption from the Requirements; and

**WHEREAS**, the Committee also recommends that the other services provided by the Committee to its members be effectuated as provided in the Joint Powers Agreement, with such services consisting of (i) assistance in implementing standard form contracts for the purchase of services from incumbent electricity utilities, (ii) education of members regarding electricity procurement issues, (iii) monitoring of legal and regulatory developments affecting the provision of electricity service to local governments, and (iv) hiring of consultants and legal counsel to assist in its provisions of the foregoing services ("Steering Committee Services").

**WHEREAS**, it appearing to the Board of Supervisors of Dinwiddie County, Virginia that the joint procurement of the Energy Services pursuant to the Joint Powers Agreement and the provision of Steering Committee Services pursuant to the Joint Powers Agreement is otherwise in the best interests of Dinwiddie County, Virginia

**NOW, THEREFORE, BE IT HEREBY ORDAINED** that:

- (1) Competitive sealed bidding and competitive negotiation for the procurement of Energy Services are not fiscally advantageous to the public because the procurement process for Energy Services must be flexible enough to respond to quickly changing market conditions in which energy prices can fluctuate considerably on a daily or even hourly basis.
- (2) The aggregation and joint procurement of the Energy Services pursuant to the Joint Powers Agreement is hereby approved.
- (3) The provision of Steering Committee Services pursuant to the Joint Powers Agreement is hereby approved.
- (4) The Joint Powers Agreement and the performance of the terms and conditions thereof on behalf of Dinwiddie County are hereby authorized and approved.
- (5) The Chairman of the Board of Supervisors is hereby authorized and directed to execute and deliver the Joint Powers Agreement on behalf of Dinwiddie County in substantially the form presented to this meeting.

- (6) The payment obligations of Dinwiddie County pursuant to the provisions hereof and the Joint Powers Agreement shall be subject to annual appropriation of requisite funds therefore by the Board of Supervisors of Dinwiddie County, Virginia.
- (7) This Resolution shall take effect immediately upon its adoption or passage.

It was pointed out that this action might need to be in the form of an ordinance. The County Attorney will research this and let the Board know.

**IN RE: COUNTY ADMINISTRATOR COMMENTS**

1. Mrs. Ralph commented that she spoke with Chuck Koutnik, Director, Appomattox Regional Library, concerning the issue of Library Services for Ft. Lee. That issue is not closed; they are monitoring the attendance and trying another day for the bookmobile to go to that area. The Library Board felt Ft. Lee is an important part of the community and a lot of the children attend Prince George Schools; therefore the decision was made to continue the service. Mr. Koutnik said he would keep the County updated on the progress.
2. Mrs. Ralph stated she would like to establish a date to meet with the School Board on their budget. She suggested having dinner on the 20<sup>th</sup> after the regular meeting. The Board agreed.
3. If you want to hold the Comprehensive Plan Workshop in February, we could come in early on the 20<sup>th</sup> for it before we meet at 2:00 P.M. The Board felt it would be too long of a day. Mrs. Ralph stated she would arrange another date.

**IN RE: AUTHORIZATION TO HIRE – CODE ENFORCEMENT OFFICER – MR. PHILLIP HARRIS**

Upon motion of Mr. Haraway, seconded by Mr. Clay, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey voting "Aye", authorization is granted for Administration to hire Mr. Phillip Harris as Code Enforcement Officer, at Grade 12, at an annual salary of \$31,420, effective February 25, 2002.

**IN RE: AUTHORIZATION FOR SHERIFF'S DEPARTMENT TO REPLACE VACANT COUNTY POSITION – JAILOR**

Sheriff Shands stated he had tested and interviewed eight applicants for (1) vacant County position. He requested authorization to place Mr. John Dorman on payroll effective February 10, 2002.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Sheriff is authorized to fill the vacant County Jailor position. Mr. John Dorman will be placed on the County payroll, effective February 10, 2002.

Mr. Bracey asked the Sheriff what was the name and type of test that is given for this type of a position. Sheriff Shands stated he would provide that information to him on Monday.

**IN RE: BOARD MEMBER COMMENTS**

Mr. Clay He asked Mr. Faison to give a report on how the repairs are coming along at the Jail. Mr. Faison responded everything is going as planned and the repairs should be finished by the 28<sup>th</sup>.

Mr. Haraway He asked Mr. Faison if the restroom, which was damaged some time ago at the Courthouse, has been repaired. Mr. Faison replied no. Mr. Haraway requested that it be repaired. Mr. Moody asked Mr. Faison to talk with the Commonwealth Attorney about collecting for the repairs.

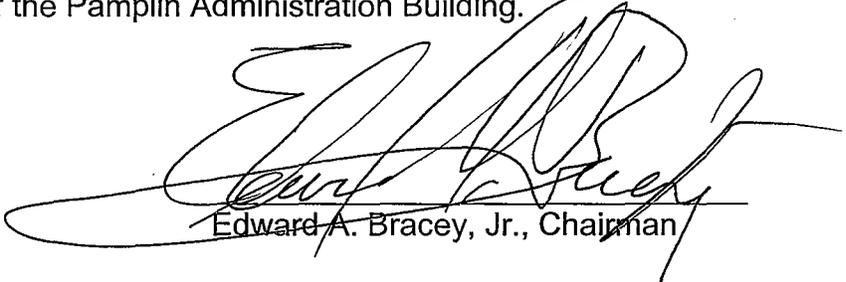
Mr. Bowman He stated he went to the dedication Namozine VFD had Sunday for the ladder truck and volunteers. He remarked that he would like to see the County use some of the \$3 million "surplus" funds to help pay off the loan the volunteers' signed for the truck.

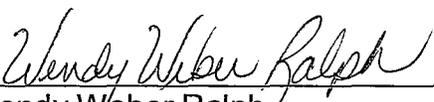
Mr. Moody He stated he had received an invitation to attend a driving tour on Friday, February 22, 2002 of the active mining and tailing operations as well as active reclamation areas from the management and staff of Iluka Resources Inc. He asked if any of the Board members or County Administrator would like to take the tour. Mr. Bracey, Mr. Bowman and Mr. Moody will attend.

Mr. Bracey He requested that Mrs. Ralph meet with Mr. Bowman to explain the \$3 million "surplus" in the budget from the last FY. Mrs. Ralph commented she intended to cover this on the 13<sup>th</sup> of February when the Board meets if that is ok with the Board. The Board also requested that Mrs. Ralph send a letter to the Commissioner to find out what the tax revenue the County is receiving from Iluka and Vulcan Minerals.

**IN RE: ADJOURNMENT**

Upon Motion of Mr. Clay, Seconded by Mr. Haraway, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey voting "Aye", the meeting adjourned at 10:13 P.M. to be continued until 8:30 A.M. on Wednesday, February 13, 2002 in the Multipurpose Room of the Pamplin Administration Building.

  
Edward A. Bracey, Jr., Chairman

ATTEST:   
Wendy Weber Ralph  
Interim County Administrator

/abr