

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 4TH DAY OF DECEMBER, 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

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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**

The Clerk to the Board stated the minutes for the November 20, 2002 meeting would be ready for the December 18, 2002 meeting.

**IN RE: CLAIMS**

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 following claims are approved and funds appropriated for same using checks numbered 1033047 through 1033130 (void check(s) numbered 1033046, 1032768 and 1032871) for:

**Accounts Payable:  
FY 02-03**

(101) General Fund	\$ 135,404.77
(103) Jail Commission	\$ 162.00
(104) Marketing Fund	\$ .00
(209) Litter Control	\$ .00
(222) E911 Fund	\$ 1,311.82
(223) Self Insurance Fund	\$ .00
(225) Courthouse Maintenance	\$ .00
(226) Law Library	\$ .00
(228) Fire Programs & EMS	\$ 6,058.50
(229) Forfeited Asset Sharing	\$ 387.05
(304) CDBG Grant Fund	\$ .00
(305) Capital Projects Fund	\$ 744.91
(401) County Debt Service	\$ .00
<b>TOTAL</b>	<b>\$ 144,069.05</b>

**PAYROLL 11/30/02**

(101) General Fund	\$ 400,736.91
(222) E911 Fund	\$ 3,420.91
(304) CDBG Fund	\$ 5,618.45



TOTAL

\$ 409,776.27

**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.

Mr. Michael Bratschi, 23500 Cutbank Road, McKenney, Virginia – came forward and thanked Mr. Moody for his quick response on why he abstained from voting on the Virginia Motorcross conditional use permit on November 6, 2002. Mr. Bratschi requested that the Board consider changing their meeting days from Wednesdays to another day of the week and change the second meeting to an evening time instead of 2:00 P.M. He also requested that the Board member in that district consider presenting a Proclamation to the family of Megan Walker.

**IN RE: PUBLIC HEARINGS – DECISION TO CONTINUE**

The County Administrator stated due to the weather there was the possibility that some people who wanted to attend the meeting weren't able to be here to speak on the issues for the public hearings. Therefore, if the Board wished there were 3 options available:

1. Hold the 2 public hearings and take action.
2. Hold the 2 public hearings and postpone action until the December 18, 2002 meeting.
3. Hold the 2 public hearings and continue them to the December 18, 2002 meeting.

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

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia will open and hold the 2 public hearings tonight and continue them to the December 18, 2002 meeting.

**IN RE: PUBLIC HEARING – VDOT SECONDARY ROAD SIX YEAR CONSTRUCTION PLAN 2003-2009 AND COUNTY'S ANNUAL SECONDARY ROAD CONSTRUCTION BUDGET 2003-2004**

This being the time and place as advertised in the Dinwiddie Monitor on November 20, 2002 and November 27, 2002, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comments regarding VDOT'S secondary road six year construction plan 2003-2009 and the County's annual secondary road construction budget 2003-2004.

Mr. Richard Caywood, Resident Engineer for the Virginia Department of Transportation, came forward to present the proposed Six-Year Plan. He gave a brief synopsis of the plan.

Mr. Bracey opened the Public Hearing. There was no one present who wished to speak.

Mr. Bracey asked why Coleman Lake, which is one of the oldest roads in the County, got dropped from the six-year plan. Mr. Caywood replied it was due to the drastic cuts in the budget.

Mr. Moody questioned the funding for the bridge repairs on Courthouse Road. Mr. Caywood stated the bridge is in such a detrimental condition it would have to be completely redone with funding for road construction. Mr. Bowman

asked if the repairs could be done using the emergency maintenance funds? Mr. Caywood replied the bridge had to be completely reworked so it would not be considered an emergency item. However, he did report the bridge, which crosses the Appomattox River from Dinwiddie County to Chesterfield County, is in need of some facial pavement repairs and the emergency maintenance funds could be used for those repairs.

By action tonight the Public Hearing was continued to December 18, 2002 at 2:00 P.M.

**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-02-6 – HARVEY T. BAXTER, III**

This being the time and place as advertised in the Dinwiddie Monitor on November 20, 2002 and November 27, 2002, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comments regarding a request by Mr. Harvey T. Baxter, III, who is seeking a conditional use permit to build a self-storage warehouse on the rear portion of his property located at the intersection of Cox Road and Addison Street.

Mr. William C. Scheid, Planning Director, came forward and read the following excerpt.

**Planning Summary Report**

**File #** C-02-6  
**Applicant** Harvey T. Baxter, III  
**Location** 23522 Cox Road, Petersburg, VA

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The applicant, Mr. Harvey T. Baxter, III, is seeking a conditional use permit to build a self-storage warehouse on the rear portion of his property located at the intersection of Cox Road and Addison Street. Gentry Well Works, which is owned by Mr. Baxter, is located along the Cox Road frontage. In order to access the rear portion of the property, Mr. Baxter is proposing to use Addison Street. The property is zoned business, general B-2 which allows several types of business ventures. In order to establish the storage warehouse, a conditional use permit is required. The Chairman and staff introduced the case at the October 9<sup>th</sup> meeting after which the meeting was opened to public comments. There were several citizens in attendance that spoke on this request. Generally, the concerns raised were: traffic; drainage; child safety; neighborhood security; property values; clientele using the storage facilities and road access from Cox Road. A discussion among those present resulted in the Planning Commission continuing this case to their November 13<sup>th</sup> public meeting. In the interim, a committee was formed to see if there is a workable solution to this matter. The committee members are: Mr. Lee; Mr. McCray; Mr. Baxter; Mr. Sykes and Mr.

Whirley. The committee met on October 23<sup>rd</sup> at 5:00 P.M. After a lengthy discussion, conditions were developed that addressed several of the concerns previously noted but it was noted by Mr. Whirley that the citizens were not in support of Mr. Baxter's request primarily due to the road access issue. After Mr. Lee presented the suggested conditions to the Planning Commission, they discussed them and amended them as follows:

1. Development of the storage warehouse facility shall be in accordance with the schematic prepared for Ted Baxter by Jeff Robinson and Associates, Consulting Engineer, dated July 7, 2002;
2. The proposed entrance to the storage warehouse from Addison Street shall be shifted approximately fifty (50) feet south of the existing proposal (moved closer to Route 226, Cox Road);
3. A natural buffer area of thirty (30) feet in width adjacent to Addison Street shall be maintained as well as the pond shall remain but may be modified;
4. Security fencing shall be erected around the storage warehouse area with the fencing adjacent to Addison Street located behind the required buffer area;
5. Entrance to the storage facility shall be limited from 7:00 a.m. to 7:00 p.m.;
6. Security personnel shall be located in close proximity to the storage warehouse;
7. A storm water management plan shall be developed for this site to contain any drainage associated with this development;
8. Entrance to this property must be approved by the Virginia Department of Transportation; and
9. A "No Left Turn" sign shall be erected by the applicant at the intersection of the entrance road with Addison Street.

After discussion among Planning Commissioners, the case was recommended for approval (5-0-1, Mr. Titmus abstaining) with conditions to the Board of Supervisors.

Mr. Bracey stated this is a Public Hearing and asked if any citizens wished to speak for or against C-02-6.

The following citizens spoke in opposition of C-02-6:

1. Darrel Whirley – 23707 Addison Street, Petersburg, Virginia.
2. Bennie Owens – 23611 Addison Street, Petersburg, Virginia.
3. Rudy Bartol – 23604 Addison Street, Petersburg, Virginia.
4. Ann Gentry Owens - 23611 Addison Street, Petersburg, Virginia.
5. Michael Bratschi - 23500 Cutbank Road, McKenney, Virginia.

The following citizen spoke in support of C-02-6:

1. Edward Williams – 23515 Cox Road, Petersburg, Virginia.

Mr. Ted Baxter, the applicant, came forward and stated he had looked at trying to do a right-of-way for the entrance road from Rt. 226 to the back of the property. There is not enough room on the left side of the building and there are 2 houses on the opposite side of the building. He commented that the property is zoned B-2 and there are many other businesses he could put on the property but he chose the warehouse because it would have less impact on the neighborhood.

By action taken tonight, Mr. Bracey stated the public hearing is continued to December 18, 2002 at 2:00 P.M.

**IN RE: 2003 LEGISLATIVE ISSUES FOR DINWIDDIE COUNTY**

Mrs. Ralph stated she provided a list of Legislative issues in their board packets. She asked if there were any additions or changes they would like to make to the list.

Mr. Haraway commented he knew that Richard Bland College has been removed from the closure list but now they want to make it a part of the Community College System and not a part of William and Mary College. As it stands now, if a student at RBC maintains a "B" average he is guaranteed admission to the College of William and Mary. He stated RBC should not be combined with the Community College System and he would like to add this request to the list.

Mr. Moody stated he would like the preamble that VACo adopted at their annual meeting added to the list.

Mr. Bowman stated number 22 on the list he was not opposed to the State leveling fees for out-of-state disposal of waste in local landfills. The County Administrator stated this issue came about because the state was trying to charge a fee for disposal of all trash in local landfills, which would cost the county a large sum of money. We were told you could not charge for out of state trash only. However, she agreed that it would be a great idea.

Mrs. Ralph asked for authorization to send the package on to our representatives. She asked Mr. Bowman if he was in agreement with the memo concerning Route 226. Mr. Bowman stated he was.

Upon Motion of Mr. Clay, 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 the following referenced legislative package is hereby approved.

**Year 2003 Legislative Issues for Dinwiddie County**

The following information represents significant issues identified by the Dinwiddie County Board of Supervisors over the past year. The Dinwiddie Board of Supervisors respectfully requests any assistance you may provide on the following items:

1. Dinwiddie County and the Richmond District of VDOT do not receive a proportionate share of the six-year improvement plan for secondary roads or the unpaved road allocation. The County opposes any proposal to increase the share paid by counties for construction of Secondary Roads unless the General Assembly provides additional sources of local funding. The County also opposes any change in statute that increases the present minimum daily vehicle count of 50 for paving unpaved roads.
2. The County supports the continued funding by the state for school infrastructure needs, as well as any initiative to assist localities in the funding of school construction and school renovation projects.
3. Dinwiddie County supports any legislation that will establish the right of the County to require impact fees and other local options to be able to manage the consequences of population growth.
4. Dinwiddie County supports a reduction in the ratio of state funded deputies to population from 1 deputy per 1,500 population to 1 deputy per 1,200 population in Counties with a population of less than 35,000.
5. Dinwiddie County supports the concept of the Commonwealth reimbursing

localities for providing assistance with completing and mailing state income tax forms.

6. Dinwiddie County opposes the closure and the proposed combination with the Community College System of Richard Bland College.
7. Dinwiddie County supports the current definition of "mandated services" under the comprehensive Services Act. If the definition is expanded, the County requests the Commonwealth cover 100% of the cost of services which were formerly "non-mandated."
8. Dinwiddie County supports the concept of any assistance from the Department of Mental Health, Retardation and Substance Abuse for the implementation of CSA Services.
9. Dinwiddie County opposes any increase in the local match for the Comprehensive Services Act.
10. Dinwiddie County opposes any attempt to restrict or eliminate local sources of taxation unless local governments are guaranteed the opportunity to replace lost revenue sources with comparable, equivalent, independent sources of revenue to allow localities to fulfill their public service obligations.
11. Dinwiddie County opposes any change in the County's authority to impose the E-911 Tax and any state effort to lower the \$3 per month cap on the tax.
12. Dinwiddie County requests funding support/reimbursement for EMS/Fire Service and other public safety services provided to State Agencies/Facilities located within the County.
13. Dinwiddie County opposes any unfunded mandates from the Commonwealth or the Federal government. This item is more specifically in reference to any mandates required of the local school divisions. With the current State budgetary shortfall, the State should waive the accompanying mandates.
14. Dinwiddie County requests additional funding support for localities for the centerline striping of secondary roads. It is the County's position that the addition of centerline markings will enhance traffic safety on many narrow secondary routes.
15. Dinwiddie County opposes any further dilution of the zoning and land use authority of local governments, specifically any attempts to mandate the by-right location of manufactured housing in all single-family residential zoning classifications.
16. Dinwiddie County supports amendments to Sec. 56-484.16 of the Code of Virginia to extend the deadline for wireless E-911 implementation for localities operating a wireline E-911 system as of July 1, 2000, from July 1, 2002 to July 1, 2003 and for wireless E-911 implementation for all other localities.
17. Dinwiddie County supports greater flexibility and additional funding to ensure success of the pave-in-place program and rural rustic road program and requests that VDOT work cooperatively with local governments to ensure the success of this program.
18. The General Assembly should require the Virginia Department of Corrections to remove "state-responsible" inmates from local and regional

jails in a timely manner and should seek ways to reduce the escalating burden of inmate medical care on such jails.

19. Dinwiddie County supports legislation that would require the Virginia Department of Transportation to maintain and make all repairs to drainage easements both on and off highway right-of-way for any permanent drainage easement acquired by the Department in connection with or as a precondition to the construction or reconstruction of any highway until such time as each easement shall have been terminated.
20. In Juvenile Corrections, Dinwiddie County opposes shifting responsibilities to localities thru policies that increase usage of local detention centers for juveniles that would have previously been taken into State facilities while at the same time reducing State funding to local juvenile programs.
21. Dinwiddie County opposes any change in the present formula for distribution of State funds to Juvenile Detention facilities.
22. Dinwiddie County opposes the addition of any new fees at the State level for the disposal of waste in local landfills unless the fees could be placed on out-of-state trash only.
23. "Local governments can no longer accommodate the state's unwillingness to fund state mandated programs and the reduction of state revenues to localities. State mandates and program requirements have forced localities to increase real estate taxes and undertake additional debt burdens, thereby creating undue financial burdens for all citizens. These burdens fall especially hard on senior citizens, single parents, farmers and those with limited incomes."

**IN RE: COUNTY ADMINISTRATOR COMMENTS**

1. Weather permitting, a photo session has been arranged for Thursday, December 5, 2002 at 2:00 P.M. at the Virginia Motorsports Park to announce the Ducks Unlimited Outdoors Festival, which will be held at the Park next year. All the Board members are invited to attend the session.

**IN RE: AUTHORIZATION TO HIRE – GENE JONES - BUILDING INSPECTOR**

Upon Motion of Mr. Moody, 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 Mr. Gene Jones is appointed to the position of Building Inspector in the Building Inspection Department at a salary of \$35,454 (Grade 12 Step I) effective November 26, 2002.

**IN RE: WEB SITE REPORT – CATHY CARWILE**

Ms. Cathy Carwile came forward stating she was happy to report that the County's web site was launched as of 2:30 P.M. today. It is up and running and if there are any changes you would like made to please let her know. The web address is [www.dinwiddieva.us](http://www.dinwiddieva.us). She told the Board she had their e-mail address and would get with them as to how they would like their e-mail sent to them. The Board and County Administrator stated they were very proud of her accomplishment.

**IN RE: COUNTY ADMINISTRATOR COMMENTS – CONT'**

2. The consultant for the Communications System would like to review the RFP with the Board before sending it out. Because of the complexity of the system and how it will in turn affect the cost, the County Administrator stated she felt it is imperative that the Board members have a thorough understanding of what is involved. She asked if they could come in at 12:00 P.M. on December 18<sup>th</sup>. The Board agreed.
3. The workshop for the Corridor Study has been set for January 15, 2003 at 11:00 A.M.
4. There will be an overview of the new EMS regulations, which will affect the county, held on Monday, December 9, 2002 at 7:00 P.M. in the Board meeting room.
5. The County Administrator distributed copies of an article by the *Washington Post* about larger counties flocking to join the Virginia High Growth Coalition because it has the potential to be very viable and influential when the General Assembly convenes in January. Mr. Moody stated the coalition is getting some good press coverage and he hopes the legislators will listen.
6. Mrs. Ralph commented her report on the VACo conference was included in their packets.

**IN RE: BOARD MEMBER COMMENTS**

Mr. Haraway He asked if the Central Virginia Health Planning Agency, Inc. was requesting another nomination to represent Planning District 19 since Ms. Everett was unable to serve at this time. Mrs. Ralph replied yes. He asked if there was a deadline. No deadline was given.

**IN RE: ACCEPTANCE OF RESIGNATION – MR. LINWOOD FITZGERALD – SOCIAL SERVICES BOARD**

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

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia accepts the resignation of Mr. Linwood Fitzgerald effective October 22, 2002 from the Social Services Board.

**IN RE: INFORMATION IN BOARD PACKET OR DISTRIBUTED**

1. Letter sent to Crater Planning from the Governor regarding closure of Fort Lee and Defense Supply Center.
2. Letter from Diane Howerton, Branch Center Director, Crater Small Business Development Center regarding Governor Warner's budget cuts and the impact it has had on SBDC.
3. Letter from Central Virginia Health Planning Agency, Inc. requesting a Consumer nomination to represent Planning District 19.
4. Appomattox Regional Library System – report.

**IN RE: AUTHORIZATION TO CARRY OVER ACCUMULATED ANNUAL LEAVE**

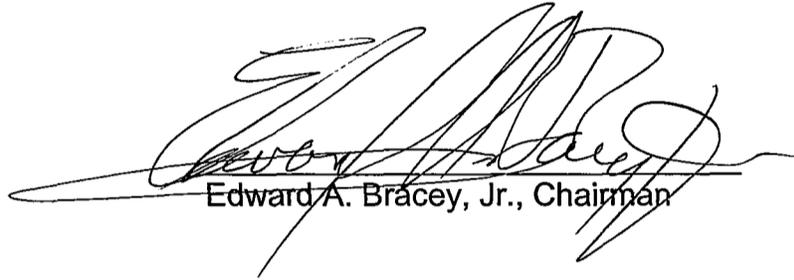
Upon Motion of Mr. Clay, Seconded by Mr. Moody, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that key staff who have been unable to take their vacation time due to workload and vacancies in staffing are authorized to carry over their accumulated annual leave until 2003.

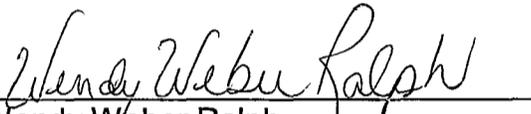
**IN RE: ADJOURNMENT**

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

9:26 P.M. to be continued until 8:00 A.M. on Monday, December 16, 2002 in the Multi-purpose Room of the Administration Building, for a work session with the School Board and the BCWH consultant to review the draft school facilities study.

  
Edward A. Bracey, Jr., Chairman

ATTEST:

  
Wendy Weber Ralph  
County Administrator

/abr