

VIRGINIA: AT THE REGULAR MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE MULTI-PURPOSE ROOM AT THE EASTSIDE COMMUNITY ENHANCEMENT CENTER IN DINWIDDIE COUNTY, VIRGINIA, ON THE 1ST DAY OF APRIL, 2003, AT 7:30 P.M.

PRESENT: ROBERT L. BOWMAN IV - CHAIR ELECTION DISTRICT #3
DONALD L. HARAWAY - VICE CHAIR ELECTION DISTRICT #2
HARRISON A. MOODY ELECTION DISTRICT #1
EDWARD A. BRACEY, JR., ELECTION DISTRICT #4
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. Robert L. Bowman, Chair, called the regular meeting to order at 7:41 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

Mrs. Wendy Ralph, County Administrator, stated there was a need to add a Closed Session for: (1) Legal Counsel - Contract negotiations

Upon motion of Mr. Bracey, Seconded by Mr. Moody, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman voting "Aye," the above amendment (s) was approved.

IN RE: MINUTES

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the minutes of the February 19, 2003 Continuation Meeting, March 4, 2003 Continuation Meeting, March 4, 2003 Regular Meeting, and the March 12, 2003 Continuation Meeting are approved in their entirety.

IN RE: CLAIMS

Upon motion of Mr. Haraway, Seconded by Mr. Bracey, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman 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 1034531 through 1034722, (void check(s) numbered 1034530, 1033914, 1034235, 1034529, and 1034594)

Accounts Payable:

(101) General Fund	\$ 253,414.23
(103) Jail Commission	\$.00
(104) Marketing Fund	\$.00
(209) Litter Control	\$ 110.00
(222) E911 Fund	\$ 5,456.59
(223) Self Insurance Fund	\$.00
(225) Courthouse Maintenance	\$.00
(226) Law Library	\$.00
(228) Fire Programs & EMS	\$ 27.98
(229) Forfeited Asset Sharing	\$.00
(304) CDBG Grant Fund	\$ 239.40
(305) Capital Projects Fund	\$ 22,861.40

(401)County Debt Service	\$ _____ .00
TOTAL	\$ 281,999.60

PAYROLL 03/31/03

(101) General Fund	\$ 413,649.81
(222) E911 Fund	\$ 3,420.91
(304) CDBG Fund	\$ 4,181.30
TOTAL	\$ 421,252.02

IN RE: CITIZEN COMMENTS

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

1. Barbara Wilson – 8804 Duncan Road, Petersburg, Virginia - stated for over a year citizens have appeared before this Board and the Planning Commission with questions concerning the rezoning and conditional use permit for Tidewater Quarry operations. She asked when are we going to get answers to our questions? She also requested that the Board consider holding the Quarry’s conditional use permit public hearing at the Dinwiddie County High School to accommodate the need for additional parking and space.
2. Michael Bratschi - 23500 Cutbank Road, McKenney, Virginia – commented he read in the newspaper last week that the Commonwealth’s Attorney had asked the Board for some additional money to supplement his office. He asked did you give him the money? The County Administrator responded no, at this point, because he is looking into other funding sources. Mr. Bratschi stated Dinwiddie County is not going to get a full-time Commonwealth’s Attorney because Mr. Rainey is not going to apply. He requested that the Board place a referendum on the ballots to establish a Police Department and let the people decide whether or not they wanted it themselves. The issue of the 3-minute time limit for the citizens to make comments to the Board was questioned. Mr. Bowman said the Board was currently looking at it.
3. Don Lauter – Prince George County - stated he had a copy of the land use by the National Parks Service “Draft” Management Plan. He commented he noticed all of the maps in the plan are about 1,000 feet off. He questioned whether the citizens would ever be allowed to go out with a group and take a look at the couple of thousand feet or so of 7’ tall earthworks where the Confederate line was located where the black troops fought.

IN RE: REQUEST FOR LETTER OF SUPPORT – COMMUNITY HOUSING PARTNER

Rev. Kathryn F. Talley, Housing Development Officer and Mr. Graham Driver, Director of Development, Community Housing Partners appeared before the Board of Supervisors at the March 18th meeting seeking a letter of support for their rehabilitation efforts in the Sentry Woods Subdivision located in the northeast portion of the County. One of the issues of concern raised at the last meeting by Mr. Bracey was whether the real estate taxes had been paid on the property. According to the tax records \$25,000 is owed on the property, which will be paid in full at the point of sale. Hopefully, this will happen in November if they are successful in obtaining the tax credit. The question was also raised, since they are a non-profit housing developer, would they be tax exempt. Rev. Talley said definitively yes, our properties do in fact, pay real estate taxes across

the State and we would in Dinwiddie as well. Continuing she described the improvements they intend to make to the properties. Rev. Talley stated they were here tonight to answer any other questions the Board might have and to request a letter of support for their proposal.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the County Administrator is authorized to write a letter of support endorsing the Community Housing Partners rehabilitation efforts to the Sentry Woods Subdivision project.

**IN RE: PRESENTATION OF PEER REVIEW BY COUNTY'S
CONSULTANT – TIDEWATER IMPACT STUDIES**

The County Administrator stated Mr. Randy Darden, Jr., with Burgess and Niple is here tonight to review the Executive Summary for his peer review of the impact studies for Tidewater Quarries. Mr. Darden presented the following Executive Summary.

"EXECUTIVE SUMMARY

Burgess & Niple (B&N) was retained by Dinwiddie County to provide a peer review and objective analysis of various technical reports associated with the Tidewater Quarries, Incorporated (TQI) application to site a quarry in Dinwiddie County.

B&N was present at the two public information meetings held on February 19 and February 25, 2003. These meetings provided an opportunity for the applicant to make their technical presentations and provided an opportunity for follow up questions from members of the Board of Supervisors, Planning Commission and the public. We attended the March 12, 2003 Dinwiddie County Planning Commission meeting which was preceded by a presentation by the National Park Service and we were present at the site visit made to the TQI Springfield Road Quarry. During this visit, a quarry blast was observed.

Hydro Geological Report

The report prepared by CEM, indicates shallow wells in the vicinity of the quarry may be impacted. We are in agreement with this statement. As a result of this concern, it is presumed construction of deeper wells can be accomplished to address this situation should it arise.

With regard to this scenario, we have concerns. The report does not address the potential impact of the proposed quarry operation on deep wells. At this point, we cannot concur with this method as a potential solution to shallow well impacts. We would recommend the study be revised to address any impacts the proposed quarry may have on deep wells.

Second, it has been stated that impacts may occur to the shallow wells. However, the report does not address the impacts on Hatcher Run, Rocky Branch or the ponds located throughout the area. We recommend the report be revised to address this issue.

We would also recommend the pumping rate from the quarry operation be revisited. The Jack Quarry to the north, discharges 270,000 gallons per day and the TQI Richmond operation discharges between 100,000 and 200,000 gallons per day. Our concern is as the pumping rate increases above 100,000 gallons per day, impacts are seen on both the average recharge rate and the drought recharge rate.

Additional comments, questions and recommendations are presented in the attached review.

Economic Impact Report

After reviewing Dr. Pearson's Economic Impact Report, BBP concludes that the report reasonably estimates economic impacts of the proposed TQI site even though there are certain methodological shortcomings in the application of the assumed jobs and salaries that Dinwiddie captures. However, because TQI already operates a concrete plant in Dinwiddie County, the Planning Commission should understand that most impacts calculated for the concrete sales portion is a transfer and does not represent net new revenues. It is possible, however, that the location of the concrete facility next to the quarry could result in synergies that could increase concrete sales revenues.

Assumptions in terms of salary rates, the number of employees, and taxes are all within reason and coincide with average county statistics. Although certain assumptions (e.g. discount rate, impacts to other counties) could be more conservative, BBP does not believe the results or conclusions (other than the calculations for the concrete plant which constitute 14% of the business volume) materially overstate the potential or expected benefits of the plant to Dinwiddie County.

Transportation Infrastructure and Traffic Analysis

The report does not address the need or justification for signalized operation of the US 1/Frontage Road intersection. It appears that signalization at the intersection maybe required sometime before full production of the facility (2010) is reached. However, B&N would recommend traffic signal installation only after operation of the quarry begins, in order to verify the assumptions made in the report, i.e., background traffic growth, amount of generated quarry traffic, and traffic distribution. It will be important to accurately determine the number of left turning trucks for an adequate time after opening of the quarry, rather than to simply assume a 2% distribution to the south.

Reference is made in the report to a market study that was used to determine the traffic distribution in the study area. This market study should be included, or be more fully described in the report. It is understood that the proximity of the I-85/US 460 Interchange will attract most of the generated Frontage Road traffic to and from the north. However, the assumption that practically all (98%) of the generated traffic on Frontage Road would turn right should be substantiated. (One third of the **existing** traffic currently turns left during the pm peak hour.) Fully loaded, **left**-turning trucks would have a greater negative impact on intersection operation.

If, in fact, practically all of the generated truck traffic leaving the quarry is destined to the north and east, presumably using I-85, an additional traffic impact analysis of the US 1/US 460 intersections should be performed. Left turning trucks at this intersection could have a significant impact on intersection delay and safety.

Environmental Noise Assessment

The Environmental Noise Assessment report prepared by Staiano Engineering, Inc dated August 9, 2002 presented information concerning noise generation and mitigation at the proposed Tidewater Quarries, Inc. operation. The noise study followed standard sound sampling and modeling procedures for determining the sound levels generated by equipment at the facility and predicting sound levels at sensitive receptors adjacent to the facility.

Based on the information presented in the report, ambient readings at three locations around the proposed site produced an equivalent average sound level of 42-60 A-weighted decibels (dBA).

One source of sound from within the quarry operation that was not included in the report calculations was on-site blasting. Blasting will most likely produce sound levels that exceed the 65 dBA (on-site). How this affects the daytime average hinges on the frequency (number) of blasting events in one day.

A second source of noise that was discussed in a cursory manner is the truck traffic along the Frontage Road. The report states that between 361 and 400 loads of material will leave the site on a daily basis. This will result in 722 to 800 trucks passing the houses along Frontage Road, since each truck will pass the houses twice per trip. Using the data included in the report, semi trucks produce about 90 dBA at the edge of the roadway. Using a 6-dBA decrease for every 100 feet the sound travels, a house at 300 feet from the road will experience a level of 72 dBA. Houses closer to the road than 300 feet will experience sound levels between 90 and 72 dBA. This would exceed the stated goal of 65 dBA during the daytime.

In conclusion, the Environmental Noise Assessment addressed sound levels generated from selected activities within the proposed quarry. The report identified the sound levels at selected receptors adjacent to the quarry property with and without mitigation at the quarry property boundary based on the sound emitted from the equipment. The mitigation should be able to meet the sound level requirements based on the equipment they propose to use at the site. The sound levels did not include sound generated from blasting activities within the quarry. Blasting will most likely have an annoyance sound level on surrounding property due to the sudden nature of the sound energy. The noise assessment report did not address the impact of truck traffic noise off-site between the quarry and the Interstate. Based on an estimate of truck sound levels generated along Frontage Road, this sound will most likely be a higher level than the sound from the quarry operations. The other concern with the truck traffic is that trucks may be entering the quarry twenty-four hours a day. In the evening and at night, these trucks will most likely have the greatest noise impact compared to daytime on the homes along Frontage Road.

Site Lighting

Overall, the report addressed the major concerns for spill and glare control. It is the intent to minimize the spill and glare, but not sacrifice safety to those requiring artificial lighting.

In the criteria section, it was stated that the allowable spill light be limited to 0.5 foot-candles 50'-75' beyond the property line. We would recommend that the limit be 0.5 foot-candles at the property line.

For the processing site lighting, we agree with the use of cutoff fixtures as described. 600 watts seems like a large lamp for a 30-foot pole. Lamp wattage and pole height would vary based upon required lighting levels. Pole heights greater than 30' would not be recommended since the light would be visible from a greater distance. Keeping the poles below the 30' tree line would also be recommended to reduce visible light by neighbors. The use of 400 watt and smaller lamps should be considered.

In general, automatic lighting controls should be considered to shut off the lighting when it is not required (other than those needed for security and safety). Controls should be zoned so particular areas that are not in operation can be turned off (or reduced) independently.

Controls will also provide energy savings. It is also recommended that foot-candle point calculations be provided for all the exterior lighting in order to allow for the least amount of lighting to be provided to accomplish the required lighting levels. These foot-candle printouts should be reviewed by a certified lighting designer (LC) or by an electrical professional engineer (PE).

Archaeological Assessment

The study appears confined to archaeological resource potential only. Absent from their summary are any formal recommendations for how to treat the earthworks on the property, including their potential National Register eligibility or their relationship to potentially eligible battlefields. Ultimately, Gray & Pape would agree that the likelihood of identifying artifacts associated with Civil War skirmishes may be low, even when considering other skirmishes not mentioned in the report; however, features such as earthworks are cultural resources that should be considered for their National Register eligibility in the same way that archaeological sites are considered.

Because the goal of a typical archaeological assessment is limited to that of identifying site potential, extremely detailed historic research is typically not undertaken. Typically, the archival files at the VDHR are consulted for site locations, and various other sources of historic context and mapping are consulted to identify resources that may not have been recorded with the VDHR. Additionally, the National Park Service (NPS) historians in the Petersburg area are an excellent source of historic information on Civil War activity in this region. It would appear from the report that at least the troop movement maps for various battles housed at the NPS were used (Page 6), but it is unclear as to whether individual staff were consulted.

Since this survey was undertaken, information has become more readily available concerning the role of the earthworks that run through the project area in the final battle of Petersburg, often known as "The Breakthrough" or "Petersburg Battlefield #3." A preliminary National Register form was submitted to the VDHR's review team for the Fort Davis Civil War Earthworks also recorded as Site 44DW314 and architectural Resource 26-5012 in September of 2002 (Barefoot 2002). This form reports that the resource consists of an approximately 4000-foot segment of well-preserved earthworks constructed in September and October of 1864, which are part of a larger, nearly 2-mile stretch of well-preserved earthworks. Fort Davis is near the northern end of the reported resource. A 5-gun battery, a 2-gun battery, and interior fort section, and primary and secondary breastworks are also included. The form contends that these earthworks were utilized in both the Battle of Boydton Plank Road on October 27, 1864, and later in the Breakthrough battle on April 2, 1865. A two-gun battery along the main line was used by Confederates to open fire on the Third Division of Parke's IX Corps, which resulted in 80 Federal casualties, all of whom were members of Bates' Colored Troops. Later, the works were used by Davis' Mississippi regiments and McComb's Tennessee regiments in a skirmish with Wright's 6th Vermont Corps. The primary engagements here occurred at Fort Davis, at the northern end of the recorded resource. The form reports that Fort Davis was eventually taken by the Union troops, the line was completely compromised, the Southside Railroad was secured by Federal troops, and, ultimately, Lee abandoned Petersburg. The VDHR has conditionally approved this form and has requested additional information from the applicant (Wagner 2003).

CRI did not recognize the relationship of the earthworks to "The Breakthrough," which is recorded as Petersburg Battlefield #3 (Resource 123-5026) at the VDHR. They did recognize that the earthworks played a role in both the Battle of Boydton Plank Road and the Battle of Hatcher's Run, however. But because their assessment was confined to the likelihood of encountering artifacts associated with these battles, they concluded that the likelihood of identifying

artifacts associated with these battles was low. Such an assessment fails to consider the historic significance of the earthworks themselves and, therefore, the potential for the project area to contain historically significant cultural resources.

Gray & Pape was provided with a copy of a letter indicating the support of the Civil War Preservation Trust for Tidewater Quarries willingness to mitigate the impact of its quarry on Civil War resources by offering a "Mitigation Package." While Gray & Pape has not reviewed this plan, we recommend that that VDHR play an integral role in any form of mitigation for effects to historic properties on the parcel in keeping with federal guidance for following Section 106 of the NRHP (Advisory Council on Historic Preservation 2001). The VDHR is an invaluable resource to help in such matters and their participation is required if the project wishes to comply with Section 106.

In conclusion, Gray & Pape finds that the Archaeological Assessment of the Tidewater Quarries Dinwiddie County Facility undertaken by CRI generally accomplished its stated goals. It provided an adequate assessment of the potential of the property to contain archaeological sites. However, in failing to identify the role of the earthworks that run through the site with the "Breakthrough" battles of April 2, 1865, it may have incorrectly estimated the archaeological potential of the areas surrounding the earthworks. Additionally, because important cultural resources issues beyond those of the potential for archaeological sites to be located on the property were not addressed, certain objectives of cultural resources investigations necessary for environmental permitting were not accomplished including the potential for the project area to contain historically significant architectural resources and/or archaeological features.

Endangered Species / Wetlands Survey

Based on the preliminary nature of the Endangered Species report and the stated need for additional information, a review of the document was not provided.

The wetlands report presented confirmed wetland locations and certification by the Corp of Engineers. No further review is required of this report."

The County Administrator commented if the Board members had any other issues we could set up a workshop date for Mr. Darden to come back and deal with those issues. The other experts within the firm could be brought in with a conference call to answer specific questions.

Mr. Bowman asked questions dealing with the economic impact study; the regional impact of the quarry; its potential growth; traffic impact, and the noise impact.

Mr. Dean McCray requested that Mr. Darden attend the Planning Commission meeting Tuesday, April 9, 2003 to answer any questions they might have.

Mr. Scheid informed the public that the complete Peer Review compiled by Burgess & Niple would be available in hard copy form on Thursday or Friday in the Planning Office for \$20 and on CD for \$15 if anyone was interested in purchasing it.

IN RE: RECESS

The Chairman called for a recess at 8:40 P.M. The meeting reconvened at 8:59 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 – P-02-6 – TIDEWATER QUARRIES, INC- REZONING REQUEST

This being the time and place as advertised in the Progress Index on March 18, 2003 and March 25, 2003, and in the Monitor on March 19, 2003 and March 26, 2003, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comment on a request from Tidewater Quarries, Inc., to rezone approximately 20.6 acres from Business, limited B-1 to Agricultural, general A-2.

Mr. Scheid read excerpts from the following Summary Staff Report:

Planning Summary Report

File: P-02-6
Applicant: Tidewater Quarries, Inc.

The applicant, Tidewater Quarries Inc., is seeking a rezoning of tax map/parcels 34-13A & 34-13B containing approximately 20.6 acres from Business, limited B-1 to Agricultural, general A-2. The property is bounded to the east and west by property owned by G. B. Ragsdale and Frank E. Houseman, to the south by Hatchers Run and to the north by Rocky Branch. The property is a portion of the abandoned railroad line and is located approximately 2,000 feet west of Duncan Road and approximately 3,700 feet north of Dabney Mill Road. The applicant is acting on behalf of the property owners, G. B. Ragsdale and Frank E. Houseman. Originally, the Planning Commission heard this case at their regular meeting on January 8, 2003 (Mr. Wood was not present during the hearing). There was considerable citizen comment in objection to the rezoning application. Upon conclusion of this meeting, the Planning Commission voted 4-2 in favor of recommending approval to the Board of Supervisors. Shortly thereafter a few deficiencies were noted in the application. Legal counsel recommended that an amended application be submitted and the Planning Commission rehear the rezoning application. On February 27, 2003, the Planning Commission reheard the rezoning application submitted by Tidewater Quarries. Again, there were several citizens in attendance that spoke in opposition to the rezoning request. Many comments made reference to the possible location of a quarry on the Ragsdale/Houseman lands located on both sides of this strip of land as well as ulterior motives by Tidewater for the rezoning request. Upon conclusion of the public comments and discussions among the Planning Commissioners, the Planning Commission voted 4-2 (Mr. Wood not present during this hearing) to recommend approval of the rezoning request to the Board of Supervisors.

Since this is a zoning matter, the standard statement regarding your action must be read. In order to assist you in this matter, the statement is attached.

Mr. Brennon Keene – 901 E. Cary Street, Richmond, VA, Attorney, spoke on behalf of Tidewater Quarries, Inc, the applicant. He stated that the issue before the Board was a simple one. He commented the B-1 zoning was created a long time ago for a reason unknown to us. The parcel of land is a portion of the abandoned railroad line that is only 100 feet wide, which is not developable as a B-1 property with the current zoning. He added that being consistent with good land use and zoning practices this property should be zoned A-2 to match the surrounding property. He requested that the Board approve the rezoning request before them tonight.

Mr. Bowman opened the public hearing. The following citizens came forward to address the Board in opposition to the rezoning request.

1. David Dudley – 25907 Smith Grove Road, Petersburg, Virginia
2. Ralph Mangum – 9013 Dabney Drive, Sutherland, Virginia
3. Diana Parker – 10700 Chalkley Road, Richmond, Virginia
4. Geri Barefoot – 7411 Frontage Road, Petersburg, Virginia
5. George Whitman, 13010 Old Stage Road, Petersburg, Virginia
6. Michelle Parker – 6812 Duncan Road, Petersburg, Virginia
7. John Easter – 701 East Byrd Street, Richmond, Virginia
8. Barbara Wilson – 8804 Duncan Road, Petersburg, Virginia
9. Tommy Peters - 5123 Chesdin Road, Petersburg, Virginia

No one spoke in support of the rezoning request.

Mr. Bowman closed the public hearing.

Mr. Keene stated he would like to refute the issue raised by Mr. Easter regarding the justification of the rezoning. The B-1 zoning is clearly incompatible with that area. It can't be used for a bakery shop nor can it be used for B zoning uses. It doesn't make sense to keep it in a B-1 use because it is unusable in that zoning classification and that is a fairly straightforward answer. With the regard to the claim of the fleecing of America, he commented it didn't sound exactly right to him with the Virginia Commonwealth laws; so he spoke with the attorney who tried the case where Henrico County rezoned the land for a wastewater treatment plant. The landowner in this case said he wanted to be paid for all of the sand and gravel underneath the wastewater treatment plant. The Supreme Court of Virginia ruled no to that case; that is not part of the calculus and there are Federal and State Supreme Court cases on that. The only thing that you can look at is the fair market value of the land not the future profits that you may or may not make on the land. Now the fact that there is minerals there can play into what the fair market value of the property is. There is also a four-part test as to whether or not you can figure the minerals as part of the fair market value. One part of that test is that the minerals underneath this property have to be different from all the properties around it. We have already said there is granite all around this property, so it is not different. Tidewater is not purchasing this property to try to fleece the Federal or State Government out of money for the proposed High Speed Rail line. The only purpose is to eventually open a quarry as we have said all along. Mr. Keene stated that when they filed the application back in October it was filed as one application. He said it was separated after learning from staff that they would have to go through the rezoning process before the conditional use permit process. Now the fact that you rezone this property has no bearing on how you decide on the conditional use permit. That has to stand on its merits. If this property is rezoned the only thing it means is that Mr. Ragsdale has 20 more acres of A-2 land than he has now, which means he can use it for A-2; he can't use it for B-1. He requested approval of the rezoning request as recommended by the Planning Commission.

County Jailor position at an annual salary of \$23,329. There were 16 applicants who were tested, interviewed, fingerprinted, and photographed for the position.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for the Sheriff's Department to employ Mr. Glen Edward Schrum for a County Jailor position, at an annual salary of \$23,329.

IN RE: BOARD MEMBER COMMENTS

Mr. Haraway He stated he received information in the mail regarding a 457 plan. At the current time the County only offers 1 plan to the employees and with the current stock market today we really need to offer the employees more than just 1 company. They need to have more than one choice. The County should issue an RFP to several tax shelter annuity companies and choose at least 1 or maybe even 2 companies to go along with the one we currently have. The Board owes this to the employees to give them a choice when it comes to investing their money for retirement. Mr. Haraway made it a motion. Mr. Clay seconded the motion. Mr. Bracey asked for clarification of Mr. Haraway's motion. Mr. Haraway restated his request. The County Administrator stated the County chose to go through VACo because that provided an opportunity for us not to have to go through the bidding process. There may be an opportunity that the State is coming out with for the County to participate in if Mr. Haraway would allow Staff the time to wait and see what the State is offering. We could give a report to the Board at its next meeting. Mr. Haraway remarked if it is forthcoming in two weeks he would agree to wait. However, he brought this subject up two years ago and Administration was supposed to be looking into it and two years have lapsed and nothing has been done yet. The County Administrator agreed with him. Mr. Bracey asked how many employees are participating in the present program? Mr. Haraway withdrew his motion. Mr. Clay withdrew his second.

IN RE: CLOSED SESSION

Mr. Moody stated I move to close this meeting in order to discuss matters exempt under section:

Consultation with Legal Counsel - §2.2-3711 A. 7 of the Code of Virginia – Contract Negotiations

Mr. Haraway seconded the motion. Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, voting "Aye", the Board moved into the Closed Meeting at 10:41 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 11:11 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under § 2.2-3711 A.7, of the Code of Virginia – Contract Negotiations

And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

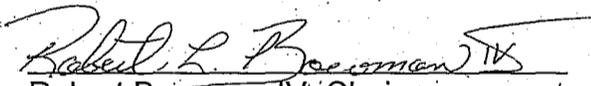
Upon motion of Mr. Clay, Seconded by Mr. Haraway, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman voting "Aye," this Certification Resolution was adopted.

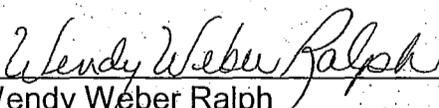
IN RE: INFORMATION IN BOARD PACKET OR DISTRIBUTED

1. Petersburg National Battlefield News Release – Fee reduction at Petersburg National Battlefield.
2. VDOT – return of former private property to Charles P. Fick.
3. Letter from SPCA informing County that they will be supplying 6 catch-poles to the Dinwiddie County Animal Control Department for the rescue of animals.
4. Petersburg National Battlefield News Release – "The Old Guard" to provide military honors for unknown Union Soldiers burial.
5. Letter from the Commonwealth of Virginia Crater Health District updating the West Nile Virus Surveillance and Response plans for 2003.
6. Certificate of appreciation from the Virginia Institute of Government for Dinwiddie County's contributions to the Virginia Institute of Government's Email Broadcast Information Service for 2002.
7. Appomattox Regional Library System - report

RE: ADJOURNMENT

Upon motion of Mr. Haraway, Seconded by Mr. Clay, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman voting "Aye," the meeting adjourned at 11:15 P.M.


Robert Bowman, IV, Chairman

ATTEST: 
Wendy Weber Ralph
County Administrator

/abr

