

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 APRIL, 2004, AT 6:00 P.M.

PRESENT:	DONALD L. HARAWAY –CHAIRMAN	ELECTION DISTRICT #2
	HARRISON A. MOODY - VICE CHAIR	ELECTION DISTRICT #1
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4
	MICHAEL W. STONE	ELECTION DISTRICT #5

OTHER: PHYLLIS KATZ COUNTY ATTORNEY  
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**IN RE: CLOSED SESSION**

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

***§2.2-3711 A. 1 – Personnel matters – Environmental Tech; Zoning Administrator; Commonwealth Attorney; County Administrator; and Appointments***

***§2.2-3711 A. 3 – Acquisition of Real Property***

***§2.2-3711 A. 30 – Discussion of Award of Public Contract***

Mr. Bowman seconded the motion. Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 6:14 P.M.

The meeting reconvened into Open Session in the Board Meeting Room at 7:36 P.M.

**IN RE: CERTIFICATION**

**Whereas**, this Board convened in a closed meeting under:

***§2.2-3711 A. 1 – Personnel matters – Environmental Tech; Zoning Administrator; Commonwealth Attorney; County Administrator; and Appointments***

***§2.2-3711 A. 3 – Acquisition of Real Property***

***§2.2-3711 A. 30 – Discussion of Award of Public Contract***

**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. Stone, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", this Certification Resolution was adopted.

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

Mr. Donald L. Haraway, Chairman, called the regular meeting to order at 7:37 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

**IN RE: AMENDMENTS TO THE AGENDA**

The County Administrator stated there is a need to continue the Closed Session after the meeting for Personnel §2.2-3711 A. 1 - Environmental Tech; Zoning Administrator; County Administrator; and Appointments; and §2.2-3711

A. 3 – Acquisition of Real Property; add Proclamation declaring April as Child Abuse Prevention Month under the Consent Agenda; add Lawn Maintenance Contract under County Administrator Comments; and remove the Resolution for Marguerita Ragsdale.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the above amendment(s) were approved.

**IN RE: MINUTES**

Upon motion of Mr. Bowman, Seconded by Mr. Stone, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the minutes of the March 16, 2004 Regular Meeting, March 23, 2004 Continuation Meeting, and the March 30, 2004 Continuation Meeting are approved in their entirety.

**IN RE: CLAIMS**

Upon motion of Mr. Bowman, Seconded by Mr. Stone, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway 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 1038959 through 1039196 (void check(s) numbered 1038958, 1039034 through 1039050)

**Accounts Payable:**

(101) General Fund	\$ 279,989.16
(103) Jail Commission	\$
(209) Litter Control	\$
(222) E911 Fund	\$ 3,619.90
(225) Courthouse Maintenance	\$ 3,475.90
(226) Law Library	\$
(228) Fire Programs & EMS	\$ 1,152.22
(304) CDBG Grant Fund	\$ 179.45
(401) County Debt Service	\$ 13,746.00
<b>TOTAL</b>	<b>\$ 302,162.63</b>

**PAYROLL 03/31/04**

(101) General Fund	\$ 433,344.31
(222) E911 Fund	\$ 3,542.52
(229) Forfeited Asset	\$
(304) CDBG Fund	\$ 7,522.71
<b>TOTAL</b>	<b>\$ 444,409.54</b>

**IN RE: COMMUNICATIONS EQUIPMENT REQUISITION #3 –  
DINWIDDIE COUNTY IDA PUBLIC FACILITIES LEASE  
REVENUE NOTE SERIES 2003**

The following invoice from Watson Furniture Group, for expenses from the Dinwiddie County IDA Public Facilities Lease Revenue Note Series 2003 was submitted for Payment:

Fusion Cavity Shelf	4	\$30,440.00
Rotating Resource w/Grommet	2	1,444.00

Dispatch Chairs	4	4,080.00
Installation		5,833.00
Freight		<u>3,050.00</u>
<b>TOTAL DUE</b>		<b>\$44,847.00</b>

Upon motion of Mr. Bowman, Seconded by Mr. Stone, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Requisition Number #3 in the amount of \$44,847.00 be approved and funds appropriated for expenses from the Dinwiddie County IDA Public Facilities Lease Revenue Note Series 2003.

**IN RE: PROCLAMATION DECLARING APRIL 2004 CHILD ABUSE PREVENTION MONTH**

Upon motion of Mr. Bowman, Seconded by Mr. Stone, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the following Proclamation was adopted.

By virtue of the authority vested in the Dinwiddie County Board Supervisors, we hereby proclaim the month of April as Child Abuse Prevention Month in Dinwiddie County.

Whereas, every child in our great Commonwealth is a precious gift, full of promise and potential; and

Whereas, the prevention of child abuse and neglect is crucial to the preservation of the health and well-being of Virginia's families and can be accomplished by providing support and information to families as well as through increased community awareness; and

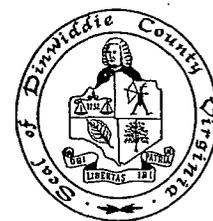
Whereas, all children learn from role models at home, at their place of worship, at school, and their communities – and all children benefit from the love and leadership displayed by caring and responsible adults; and

Whereas, children are our most precious resource and we are committed to keeping the children of this great Commonwealth safe, healthy, and happy; and

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia do hereby recognize April 2004 as Child Abuse Prevention Month and call this observance to the attention of all our citizens.

**IN RE: RESOLUTION – GILBERT WOOD**

# Resolution



of the BOARD OF SUPERVISORS of DINWIDDIE COUNTY, VIRGINIA

APRIL 6, 2004

IN RECOGNITION OF

# GILBERT WOOD

**WHEREAS**, Mr. Gilbert Wood has served on the Board of Zoning Appeals, with distinction and integrity from December 1979, until April 2004; and

**WHEREAS**, the Board of Supervisors on this 6<sup>th</sup> day of April 2004 is desirous of acknowledging these qualities and further to express its appreciation for this work on behalf of the County;

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Supervisors of Dinwiddie County, Virginia, hereby commends Mr. Gilbert Wood for his contributions and devoted service to the County of Dinwiddie; and

**BE IT FURTHER RESOLVED**, by the Board of Supervisors of Dinwiddie County, Virginia, that this resolution be presented to Mr. Gilbert Wood, and a copy spread upon the minutes of this meeting.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the above resolution was adopted.

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

Mr. William C. Scheid, Planning Director, came forward and made 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-03-3- CONDITIONAL USE PERMIT REQUEST BY BARRY RESNICK ON BEHALF OF BARLES PARTNERSHIP TO ESTABLISH A RECREATIONAL MINING OPERATION**

This being the time and place as advertised in the Monitor on March 24, 2004 and March 31, 2004, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comment on the following matter:

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

## Planning Summary Report

File: C-03-3  
Applicant: Barry Resnick on behalf of Barles Partnership  
Address: 4011 Harpers Road, McKenney, VA 23872  
Acreage: 272.8 acres [a 20 acre portion thereof]  
Tax Map/Parcel: 64(1)1 & 64(1)3 [15 & 5 acre portions thereof]  
Zoning: Agricultural, general A-2

The Planning Commission held its first meeting on this request on October 15, 2003. As a result of this meeting, the Planning Commission decided to form a Recreational Mining Committee to review all of the information and make a report for the Planning Commission to assist them in rendering a recommendation to the Board of Supervisors. The Committee was composed of citizens and Planning Commission members. Many meetings were held by the Committee to include: a visit to the Morefield Gem Mine in Amelia County; a visit to Raleigh, N.C. to view a rock crusher and blasting; a visit to the Resnick site; and numerous meetings at the Pamplin Administration Building working out the language for the conditional use permit if it is to be issued by the Board of Supervisors. The Planning Commissioners discussed amongst themselves the materials presented by the Committee and formulated a final set of conditions. Upon concluding their discussions, the Planning Commission recommended on a 5-0-2 vote (Mr. Stone and Dr. Moore abstaining since they are new members of the Planning Commission and have not been involved in this case) approval of the conditional use permit with the conditions noted below.

1. The use of the property is for recreational and educational mining with associated activities;
2. The preliminary sketch of the property prepared by Townes Site Engineering, dated January 12, 2004, entitled Resnick Mine Schematic that was submitted to the County becomes part of the CUP. The sketch locates such things as: access to the property; existing structures; proposed structures; proposed interior roads and any parking areas; delineation of the pit area; delineation of the area for customer access associated with the sluicing/store operation; overburden storage from the pit, etc.;
3. The use permit limits the materials to be marketed to gems and minerals. Crushed stone, sand, overburden and large boulders are prohibited from leaving the property for commercial use. Gems and/or minerals may leave the property for commercial purposes but may not leave the property in a vehicle greater in size than a one (1) Ton Pickup truck;
4. The five (5) acre portion of the property located toward the front is dedicated to public access for activities associated with rock (gem and mineral) collecting. The existing home may be converted to a store selling gem and mineral articles produced from the site. The hours of operation for this area shall be restricted to daylight hours;
5. The fifteen (15) acre tract is where the open pit mining operation is to occur. In addition to any conditions imposed by State and Federal regulations, the following shall be adhered to:

The depth of the pit shall not exceed sixty (60) feet *as measured from the initial ground elevation above the point at the bottom of the pit;*

Blasting shall be in a grid pattern not to exceed 30'x 30'x10'(depth) with a maximum of twenty (20) holes per single blasting to the grid with each hole not exceeding the equivalent of one-half (1/2) stick of dynamite. The area will be covered with heavy mat and earth. The explosion shall be time delayed (not occurring at the same time). The blasting shall be limited to the hours between sunrise and sunset, Monday through Friday, excluding State and Federal holidays. Blasting will be limited to one (1) week per quarter of the calendar year except in the case of "pop shot" blasting which may occur between the hours of sunrise and sunset, Monday through Friday, except on State and Federal holidays. A "pop shot" blast shall refer to a grouping of closely spaced drilled holes in rock measuring 1-1/2" in diameter and not exceeding a depth of 5' per hole containing an explosive the equivalent of no more than one half (1/2) stick of dynamite with the total amount of explosive per "pop blast" not exceeding the equivalent of two (2) sticks of dynamite. The purpose of the "pop blast" is to provide a concise extraction and manageable volume of minerals to process;

All adjacent property owners shall be given a minimum notice of one (1) week prior to the date that blasting is scheduled. This does not include a 'pop shot' blast;

During the initial blasting, the applicant shall coordinate his activities with Mr. Denny d'Alelio, owner of the Harper House, such that Mr. d'Alelio can secure the services of an expert to monitor the blasting and any effects it may have on the historic home. Mr. Barry Resnick shall reimburse Mr. d'Alelio up to \$350.00 of the costs associated with this expert;

If a jaw crusher is needed, it shall be limited to a maximum size of 26" x 40". Crushing operations shall be restricted to one week per quarter of the calendar year and shall run concurrent with the week of blasting. The crushing operation will be conducted between sunrise and sunset, Monday through Friday, excluding State and Federal holidays. In order to control dust, the crusher shall use a water suppression system;

No secondary breakage will be allowed except by the jaw crusher; and

Upon reaching a depth of ten (10) feet, the pit area shall be secured by a woven wire, five (5) feet in height, with a strand of barbed wire on top to preclude anyone from venturing too close to the pit;

6. Any areas on the subject property in which public access is permitted and which is in close proximity to an adjacent property owner shall have a woven wire fence, five (5) feet in height, with a strand of barbed wire on top erected near the property line to inhibit trespassing; and

7. All Federal and State permits must be obtained and filed with the Planning Department prior to the mining operation commencing.

(NOTE: After the Planning Commission vote, Mr. d'Alelio voiced concerns to me about his well water and the possible effect the recreational mining operation would have on it. This concern was mentioned to Mr. Resnick. Mr. Resnick stated that he would attempt to develop a reasonable condition to be added to the above conditions but needed the assistance of the Planning staff. Such a condition was developed with Mr. Resnick on March 30<sup>th</sup>. It is suggested that the following be added as a condition.

8. Due to the proximity of Mr. d'Alelio's potable water deep well, Mr. Resnick shall make all reasonable attempts to coordinate with Mr. d'Alelio to establish the depth, quality and flow of water from the existing deep well. In the event the quality and/or flow of the water should decrease, Mr. Resnick shall investigate the cause of the problem. If Mr. d'Alelio wishes to participate in the investigation, he may do so. If it is determined that the well was adversely impacted by Mr. Resnick's mining operation, then Mr. Resnick shall be responsible for providing Mr. d'Alelio with a new well delivering an equal or greater quality and flow of potable water.

Since this is a zoning matter, he reminded the Board that the standard statement must be read prior to making a motion. In order to assist you in this matter, the statement was included in your report.

The applicant, Mr. Barry Resnick, 204 Windmere Drive, Colonial Heights, Virginia, stated he has been working on this project for 5 years and he felt it was a wonderful discovery for the County and he just wanted to be good neighbors. Recently, due to the significance of the historical value of Mr. Denny d'Alelio's house he had planted trees along his property line. Also, he had addressed the issue of the well on Mr. d'Alelio's property by adding the 8<sup>th</sup> condition to the CUP.

Mr. Haraway opened the public hearing for C-03-3.

The following persons spoke in opposition/support of the CUP:

1) Mr. Denny d'Alelio, 4015 Harpers Road, stated that his property is adjacent to Mr. Resnick's farm and the proposed mining operation is located approximately 1,000' from his house. He read a prepared statement, which Mr. Scheid distributed to the Board. Mr. Stone asked Mr. d'Alelio if his house was on the market to be sold. Mr. d'Alelio replied it was and has been for 3 years but at this time there was no contract on it and if the CUP was approved he didn't feel it would ever be sold.

2) Mrs. Sylvia Chambers, 17517 Nash Road, Dinwiddie, Virginia commented she felt this would be a great educational asset to the County.

3) Mr. Michael W. Bratschi, 23500 Cutbank Road, McKenny, Virginia, stated the residents in the area did not want this and the Board should do the will of the people.

4) Ms. Diana Parker – 10700 Chalkley Road, Richmond, VA, stated that she was the Conservation Chair for the Falls of the James Group of the Virginia Chapter of the Sierra Club. She said she was asked by an adjacent property owner to come and speak for the Sierra Club on his behalf because he agrees with the Sierra Club that this is not a conditional use that is appropriate for the area. She said the neighbors do not want it and that DMME agrees that this is not recreational but commercial. She asked that the same type of consideration be given to this request as was given to the Tidewater request.

5) Mrs. Lena Byrd – 20803 Old Beaver Pond Road, stated she and her husband supported this request.

6) Ms. Jean Klarman – 4102 Harpers Road, McKenny, Virginia - commented she and her husband moved to the County for the peace and tranquility it provided and she was opposed to the request. She also stated she was concerned about the wells, road safety, and their health if this CUP is approved.

7) Mr. Fred Klarman – 4102 Harpers Road, McKenny, Virginia – said he did not object to the recreational mining but was opposed to any commercial mining.

8) Mr. Charles Wulf – 3509 Harpers Road, McKenny, Virginia – opposed the CUP request because he felt it was a backdoor attempt of Mr. Resnick to get a commercial mining permit.

9) Ms. Gloria Pride – 11718 Duncan Road, Petersburg, Virginia – commented her brother, Mr. Gilliam, owned property adjacent to Mr. Resnick and she was here to speak in support of the request. Both, Mr. d'Alelio's home and the recreational mining would be wonderful tourist attractions in the county.

10) Geri Barefoot – 7411 Frontage Road, Petersburg, Virginia – stated she could not see how the Board could allow this CUP without having an impact study done. The Board passed an ordinance that required the applicant to pay to have the studies done and she felt it was warranted in this case. She stated that as far as DMME is concerned, there is no difference between a recreational mining operation and a regular mining facility and there needed to be a plan of operation, environmental study, and a study on the impact of the historical buildings, etc. She said these citizens deserve the same type of consideration that the Tidewater proposal generated. The Board should not require anything less of this applicant.

11) Mrs. Eva Bratschi - 23500 Cutbank Road, McKenny, Virginia – stated how would the mining affect the wells, foundation of the houses, and environment if

the studies were not done. She felt the impact studies should be done before the CUP is approved.

12) Mr. Ed Aguirre, certified gemologist - 715 Tucker Street, Raleigh North Carolina – commented he had spoken with Mike Golf and Ray Jenkins with the Department of Minerals and Mines regarding the requirements for the permit. However, they did not want to proceed with filing for the permits until the CUP has been approved because of the expense involved. Continuing, he described the gems, which might be found in the pits and the process for retrieving them. He pointed out that a fence would surround the sluicing area for protection. A mining permit will have to be acquired and OSHA guidelines have to be followed. He said there would be security fences to protect animals from roaming in the area too.

Mr. Bowman asked several questions relating to why the rocks needed to be crushed after the blasting; would all the gems extracted be put in the sluicing area; how the public retrieved the gems; where the sluicing area would be located and would all the gems be given to the public.

Mr. Haraway closed the public hearing.

Mr. Roger Fuller owner of Eaton's Jewelers stated he has worked with Mr. Resnick setting some gems and felt this would be a great educational experience for the kids in the County to be able to discover gems in their natural environment.

Mr. Stone commented he is on the Planning Commission but he did not participate in any of the meetings or serve on the committee. However, he sent a one-page letter to the residents in his District and received 17 responses from that contact resulting in 2 ½ ratio who were opposed – to 1 who supported the CUP. Therefore, he could not vote to approve this request.

Mr. Bowman stated the County passed an ordinance, which required applicants to have impact studies done in cases like this one. He asked the Planning Director why this was not done? Mr. Scheid replied he was correct, there was an ordinance passed which gave the County the option to require an applicant pay to have impact studies done at the discretion of the Planning Department. However, in this case they did not deem it necessary.

Mr. Moody commented this is not commercial mining it is a recreational mining request and there is a magnitude of difference. The blasting is limited to one week per quarter and that equates to a month per year; but that is minimal compared to commercial mining. The use permit limits the materials to be marketed to gems and minerals that can leave the property to a one (1) Ton Pickup truckload. No crushed stone, sand, overburden and large boulders are allowed to leave the property for commercial use that would require dump trucks to haul away. He said the Planning Commission had done a good job with the research for this request and he felt it would be good for the County.

Ms. Moody stated she visited the site and felt it was very interesting and she supported the CUP request.

Mr. Haraway agreed with Ms. Moody and Mr. Moody. He commented he too supported this request.

Mr. Bowman stated the representative and citizens from this district are opposed to this request and he felt the Board should support them.

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 conditional

use permit C-03-3 be approved, with the conditions recommended, by the Board of Supervisors.

Ms. Moody seconded the motion. Ms. Moody, Mr. Moody, Mr. Haraway voting "Aye", Mr. Bowman, Mr. Stone voting "Nay", conditional use permit C-03-3 was approved, with the following conditions:

1. The use of the property is for recreational and educational mining with associated activities;
2. The preliminary sketch of the property prepared by Townes Site Engineering, dated January 12, 2004, entitled Resnick Mine Schematic that was submitted to the County becomes part of the CUP. The sketch locates such things as: access to the property; existing structures; proposed structures; proposed interior roads and any parking areas; delineation of the pit area; delineation of the area for customer access associated with the sluicing/store operation; overburden storage from the pit, etc.;
3. The use permit limits the materials to be marketed to gems and minerals. Crushed stone, sand, overburden and large boulders are prohibited from leaving the property for commercial use. Gems and/or minerals may leave the property for commercial purposes but may not leave the property in a vehicle greater in size than a one (1) Ton Pickup truck;
4. The five (5) acre portion of the property located toward the front is dedicated to public access for activities associated with rock (gem and mineral) collecting. The existing home may be converted to a store selling gem and mineral articles produced from the site. The hours of operation for this area shall be restricted to daylight hours;
5. The fifteen (15) acre tract is where the open pit mining operation is to occur. In addition to any conditions imposed by State and Federal regulations, the following shall be adhered to:

The depth of the pit shall not exceed sixty (60) feet *as measured from the initial ground elevation above the point at the bottom of the pit;*

Blasting shall be in a grid pattern not to exceed 30'x 30'x10'(depth) with a maximum of twenty (20) holes per single blasting to the grid with each hole not exceeding the equivalent of one-half (1/2) stick of dynamite. The area will be covered with heavy mat and earth. The explosion shall be time delayed (not occurring at the same time). The blasting shall be limited to the hours between sunrise and sunset, Monday through Friday, excluding State and Federal holidays. Blasting will be limited to one (1) week per quarter of the calendar year except in the case of "pop shot" blasting which may occur between the hours of sunrise and sunset, Monday through Friday, except on State and Federal holidays. A "pop shot" blast shall refer to a grouping of closely spaced drilled holes in rock measuring 1-1/2" in diameter and not exceeding a depth of 5' per hole containing an explosive the equivalent of no more than one half (1/2) stick of dynamite with the total amount of explosive per "pop blast" not exceeding the equivalent of two (2) sticks of dynamite. The purpose of the "pop blast" is to provide a concise extraction and manageable volume of minerals to process;

All adjacent property owners shall be given a minimum notice of one (1) week prior to the date that blasting is scheduled. This does not include a 'pop shot' blast;

During the initial blasting, the applicant shall coordinate his activities with Mr. Denny d'Alelio, owner of the Harper House, such that Mr. d'Alelio can secure the services of an expert to monitor the blasting and any effects it may have on the historic home. Mr. Barry Resnick shall reimburse Mr. d'Alelio up to \$350.00 of the costs associated with this expert;

If a jaw crusher is needed, it shall be limited to a maximum size of 26" x 40". Crushing operations shall be restricted to one week per quarter of the calendar year and shall run concurrent with the week of blasting. The crushing operation will be conducted between sunrise and sunset, Monday through Friday, excluding State and Federal holidays. In order to control dust, the crusher shall use a water suppression system;

No secondary breakage will be allowed except by the jaw crusher; and

Upon reaching a depth of ten (10) feet, the pit area shall be secured by a woven wire, five (5) feet in height, with a strand of barbed wire on top to preclude anyone from venturing too close to the pit;

6. Any areas on the subject property in which public access is permitted and which is in close proximity to an adjacent property owner shall have a woven wire fence, five (5) feet in height, with a strand of barbed wire on top erected near the property line to inhibit trespassing; and

7. All Federal and State permits must be obtained and filed with the Planning Department prior to the mining operation commencing.

8. Due to the proximity of Mr. d'Alelio's potable water deep well, Mr. Resnick shall make all reasonable attempts to coordinate with Mr. d'Alelio to establish the depth, quality and flow of water from the existing deep well. In the event the quality and/or flow of the water should decrease, Mr. Resnick shall investigate the cause of the problem. If Mr. d'Alelio wishes to participate in the investigation, he may do so. If it is determined that the well was adversely impacted by Mr. Resnick's mining operation, then Mr. Resnick shall be responsible for providing Mr. d'Alelio with a new well delivering an equal or greater quality and flow of potable water.

**IN RE: RECESS**

The Chair called for a recess at 8:59 P.M. The meeting reconvened at 9:12 P.M.

**IN RE: CONVEYANCE OF EASEMENTS TO SOUTHSIDE  
ELECTRIC & DOMINION VIRGINIA POWER FOR CELL  
TOWERS**

This being the time and place as advertised in the Monitor on March 24, 2004 and March 31, 2004, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comment on the following matter:

- (1) The proposed conveyance of an easement to Southside Electric Cooperative across property owned by Dinwiddie County near the landfill at 10817 Wheeler's Pond Road, which property and easement are described and shown on a plat of survey by Tim Payne dated March 16, 2003; and
- (2) The proposed conveyance of an ingress and egress easement to Dominion Virginia Power across real property owned by Dinwiddie County located behind the fire station at 18407 Boydton Plank Road, which property and easement are described and shown on a plat of survey dated January 28, 2004 by D. Faison.

The County Administrator commented that easements across property owned by the County needed to be conveyed to Southside Electric Cooperative, near the landfill at 10817 Wheeler's Pond Road and Dominion Virginia Power, behind the fire station at 18407 Boydton Plank Road, to allow them to install power lines to the cell towers being built for the Communications Center Dispatch System.

Mr. Haraway opened the public hearing for comments. No one spoke in opposition to/or in support of the conveyance of the easements. The Chairman closed the public hearing.

Upon Motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia authorization is granted for the County Administrator to sign easement agreements with Southside Electric Cooperative, at 10817 Wheeler's Pond Road, and Dominion Virginia Power, at 18407 Boydton Plank Road, for ingress and egress on property owned by Dinwiddie County.

**IN RE: CITIZEN COMMENTS**

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

1. Davis Dudley – 25907 Smith Grove Road, Petersburg, Virginia – stated he had attended several High Speed Rail meetings and he had not seen any of the Board members there. He said the Board needed to let them know that the County does not want it in the County.
2. Michael Bratschi – 23500 Cutbank Road, McKenney, Virginia – applauded Mr. Stone and Mr. Bowman for not voting for the conditional use permit for the recreational mining because the people in that area did not want it in their district. He commented he was disappointed that there was not more representation by the Board at the Town Hall Meeting held by Delegate Bland for the 63<sup>rd</sup> District in Petersburg to discuss the State's budget. He asked why the County was giving refunds to Chaparral Steel in an amount of \$1.9 million dollar.
3. Eva Bratschi– 23500 Cutbank Road, McKenney, Virginia – commented she did not agree with the Board moving the citizen comment period for the first meeting to the end of the agenda. She stated she did not appreciate the fact that Mr. Moody was reading from statements prepared for him by the county attorneys, he should vote his own conscience. Mr. Moody stated the only notes he had were the ones he wrote during the meeting for his information.
4. Geri Barefoot – 7411 Frontage Road, Petersburg, Virginia – commented the Board voted to adopt the Biosolids Ordinance on December 2, 2003 to become effective on February 1, 2004 and to date the County has not hired a monitor to oversee the application of the biosolids. She said the County has been illegally permitting the application since February. Mr. Moody responded that anyone on staff can monitor the applications and the State will reimburse the County for their time if it is submitted. Continuing, he said the Planner and the Code Enforcement Officer have been doing some of the inspections.

**IN RE: CENTRAL VIRGINIA FILM OFFICE UPDATE – KEN ROY**

Mr. Ken Roy, Executive Director, gave a brief update for the Central Virginia Film Office. The highlights were:

The CVFO localities, which comprise the region and provide financial assistance;  
The Industry in 2003;  
CVFO Activities 2003-2004;

Included participation of the following films: Gods and Generals; Cold Mountain; Line of Fire; Spymaster – British Reality Show;

New Millennium Studios – Announced a deal with TV One to provide:  
 Three made-for TV movies  
 Three entertainment series  
 Three non-fiction series

Produced at NMS –  
*American Legacy; Cowboys of Color International Rodeo; Gospel Challenge; Donna Richardson, Mind, Body and Spirit*

The Future

Price Waterhouse Coopers –  
 Global entertainment and media spending  
 Filmed entertainment spending in North America –7.2% growth rate  
 Filmed entertainment spending in United States – 6.7% annual rate  
 By 2010, virtually all entertainment and media will be in digital Format  
 The broadband universe unprecedented expansion – nearing 30% annual growth  
 U.S. broadcast and cable TV advertising will grow at a 5.7% average annual rate

The Bottom Line

The entertainment Industry is a continued growth industry  
 Entertainment Industry continues to be US' largest export  
 Export is on going  
 Indigenous stability crucial  
 Training future workforce critical

2004 and Beyond

The continued growth of New Millennium Studios, coupled with the efforts of the Central Virginia Film Office, is injecting tens-of thousands of dollars into the Regional economy each year.

Continued cooperation and financial support from the Region's municipalities and the private sector in supporting New Millennium's and the CVFO efforts will amplify and expand this growth through the entire region.

Mr. Roy thanked the Board for their strong support and for allowing the County Administrator to serve on the Central Virginia Film Office Board.

**IN RE: APPOINTMENT – VERNITA ELLIS PERRY – JOHN TYLER COMMUNITY COLLEGE BOARD**

Upon Motion of Mr. Stone, Seconded by Mr. Moody, Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Ms. Vernita Ellis Perry is hereby appointed to serve on the John Tyler Community College Board to fill the unexpired term of Ms. Sarah Clarke Gunn for a term ending June 30, 2007.

**IN RE: BUILDING AND GROUNDS DIRECTOR – MAINTENANCE OF GROUNDS – BID RESULTS AND AUTHORIZATION TO PROCEED**

Mr. Jones stated eight bids have been received for maintenance of grounds from the following:

Company Name Owner Name Address & Phone #	Total	Monthly Installments

A Lawn Beautician 109 Terminal Street Hopewell, VA 23860 Jerry Lang 804-452-4330	32,987.36	2748.95
Virginia Landscapers 904 Yorkshire Road Colonial Heights, VA 23834 Alan Kirks 804-640-4586	45,480.00	3790.00
Four Seasons Lawn Care/Landscaping 11750 Dance Drive Dinwiddie, VA 23841 Chris Ruddick 804-469-7755	23,110.00 cost of materials not included	1925.83
BW's Lawn Service 15202 Scotts Road DeWitt, VA 23840 Carl (Skip) Wajick 804-469-4113	19,954.31	1662.86
Doug's Lawn Care P.O. Box 416 Dinwiddie, VA 23841 Douglas Brown 804-469-7812	31,647.00	2,637.25
Loperl's Lawn Care 13506 Orchard Leaf Place Chester, VA 23836 Norris Loperl 804-530-7665	41,915.00	3492.92
Virginia Lawn & Landscaping P.O. Box 1221 Hopewell, VA 23860 Peggy Akins 804-733-7225	23,244.00	1937.00
Joyce's Maintenance Concepts, Inc. 709 East Poythress Street Hopewell, VA 23860 Joyce Williams 804-458-0070	25,317.00	2109.75

Mr. Jones commented that he and Ms. Ralph, reviewed the bids and he recommended we accept the low bid from BW's Lawn Service.

Upon Motion of Mr. Moody, Seconded by Mr. Stone, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for Administration to accept the low bid from

BW's Lawn Service and enter into a one-year renewable contract at a base bid price of \$19,954.31.

**IN RE: AUTHORIZATION FOR ADDITIONAL FUNDING FOR COMMONWEALTH ATTORNEY**

The County Administrator stated the Commonwealth Attorney had met with her and discussed the need for an assistant commonwealth attorney to help staff his office. The budget was cut 11% by the State last year. At this time he feels \$6,000 would take care of an assistant until July 1, 2004 to assist him with his workload. Mrs. Ralph commented there is \$20,000 in the forfeited assets fund, which could be used to recruit an office assistant if the Board so desired. She stated proper records would have to be kept and he is already authorized to use the funds. She recommended that the Board 1) Authorize funding up to \$6,000 for the Commonwealth Attorney to hire an Assistant Commonwealth Attorney prior to July 1, 2004; 2) Funding using the Forfeited Assets funds for an office assistant.

Upon Motion of Mr. Bowman, Seconded by Mr. Stone, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia approved the recommendation of the County Administrator as follows:  
1) Authorized funding up to \$6,000 for the Commonwealth Attorney to hire an Assistant Commonwealth Attorney prior to July 1, 2004; and approved  
2) Funding using the Forfeited Assets funds for an office assistant.

**IN RE: HIGH GROWTH COALITION FY 2005 CONTRIBUTION**

The County Administrator commented that the high Growth Coalition has contacted us about our continued involvement in the Coalition. The fee will be \$750, which basically covers the expenses for Roger Wiley, the attorney that handles the work for this group. Mr. Moody commented that the contributions from each member locality are based on a formula that combines a per capita payment basis with a minimum payment cap. The minimum contribution of a member locality is \$750, which is far less than Chesterfield and some of the northern counties. He stated the coalition is growing and lobbying is very important to the counties and he felt it was a good investment for the County.

Upon Motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the contribution to the High Growth Coalition of \$750 was approved.

**IN RE: COUNTY ADMINISTRATOR COMMENTS**

- 1) The County Administrator stated the Board would need to adjourn the meeting tonight and continue to April 14, 2004 - from 1:00 – 6:00 P.M. to tour the County with the Planning Department, School Board and Board. The Board would then have a meal from 6:00 to 7:00 P.M. then continue to work with the School Board on their School Capital Improvement Program.
- 2) Mrs. Ralph commented she had provided the Board with the changes discussed in the workshop in the "Draft" Proposed Budget in their packets. She asked them to let her know right away if they wanted to make any changes. Continuing she said the budget ad has to be sent in to the newspapers by Thursday in order to have the public hearing on the 20<sup>th</sup> for the FY04-05 budget.
- 3) The County Administrator informed the Board that the Appomattox River Soil & Water Conservation District provided two invitations to them, which was hand delivered today. Unfortunately, both events are

scheduled on Board meeting days. The Appomattox Earth and Farm day is scheduled for April 14<sup>th</sup> and the Area VI Envirothon is set for April 20, 2004.

- 4) Mrs. Ralph asked the Board whether or not they wanted Administration to purchase colored County decal seals for the identification of the vehicles at a cost of \$18 each; or to purchase one with a white background with a solid dark green circle, which she provided as a "sample" at a cost of \$9 each. After a lengthy discussion the Board agreed that the color seal, which has been used in the past, should continue to be purchased. Mr. Stone volunteered to check with a vendor he knew to see if he could get a lower price on the seals.
- 5) The County Administrator commented that Mr. Mike Chandler, the facilitator for the workshop on growth issues is available for May 5 and May 19, 24, 25, 26 or 27<sup>th</sup>. She stated Mr. Chandler suggested starting at 4:00 P.M., break for 30 minutes for dinner at 6:00 P.M. and adjourn at 8:00 P.M. – which is a four-hour workshop. She said she felt it should be scheduled as soon as possible since the County has some pressing growth issues to address. She informed the Board that Phyllis Katz, the County Attorney would be working with Mr. Chandler to provide guidance on what controls the County can legally put into place and the repercussions. Mr. Haraway informed the Board that on May 19<sup>th</sup> they were going to be invited to the annual Crater meeting at the Country Club so that date wouldn't be good. Mrs. Ralph commented she would check with Mr. Chandler to see if May 5<sup>th</sup> would be suitable.

**IN RE: BOARD MEMBER COMMENTS**

Mr. Moody commented one of our funding options that was presented by the financial analysis was the public/private lenders for the funding of the school projects. However, Davenport did not think too highly of it; but he said he had received a lot of emails regarding that option and he felt it should be investigated. He said the designs of the new schools should integrate energy savings features to save money also.

He stated he spoke with Mr. Resnick after the public hearing and he agreed to write the Board a letter to give the adjacent landowners the same guarantee on their wells. If adversely impacted by the mining operation, then Mr. Resnick shall be responsible for providing them with a new well delivering an equal or greater quality and flow of potable water.

He said he got the email about getting the Board packet on CD's and if the letterhead was removed it would save a lot of memory, if it is emailed. The Deputy Clerk replied that was a trial to see if it could be emailed efficiently; but in the future it would be put on a CD for the Board.

He also commented to the public "don't believe everything you read in the newspapers. Many times people are misquoted and on numerous occasions the County has tried to rebut what was in the paper but it did not get put in. The pen is a powerful thing but sometimes it is not fair; it doesn't really represent what is going on.

Mr. Moody stated Mr. Ken Roy was a prime example of a gentleman that would be beneficial to the citizens, if he had been put further up on the agenda; but since he had to wait until after Citizen's Comments a lot of people left. In the future they should be put at the beginning of the agenda. He commented he felt it was a good thing that the Board did by changing the agenda to have one at the beginning of the meeting and the other at the end of the agenda. Mr. Haraway stated he agreed and in the future the Board may want to have presentations similar to his before Citizen's Comments. Mr. Moody said the Board needed to be fair on both sides.

Continuing he commented he was concerned about people that move into the County who purchase animals, such as horses, thinking they can feed them on grass on a very small parcel of land. Once the grass is gone it not only causes a problem with the animals it is also environmental issue. He said he felt the Planning Department should get involved and investigate because of the environmental issues.

Ms. Moody stated she felt a new Animal Shelter should be built in the near future in a more conspicuous location, maybe on a main road, so citizens could see it, which might help with animal adoptions. She also commented that there are a lot of children in the Administration Building doing community service work. She asked if some of them could be sent to help clean the animal shelter.

Mr. Bowman asked what the May 5<sup>th</sup> workshop would be covering? The County Administrator replied that Mr. Chandler would be providing a broad overview of how to deal with the growth issues in the County to the Board and Planning Commission. He suggested inviting the School Board. He commented there were a lot of pictures taken at the Swearing in Ceremony and requested that the proofs be made available to the Board and Constitutional Officers so they could get copies. The County Administrator replied she would check on them.

Mr. Stone commented he received a letter from Mr. Hunter Smith from Smith-Packet and the public hearing on the nursing home is going to be held on April 20<sup>th</sup>, which is a Board meeting day. He said he felt there should be a representative from the County at the meeting and suggested that the Assistant County Administrator go to support them. He stated he spent a lot of time and effort talking to the citizens on the issues involved in the public hearing for the mining request tonight and the responses was a 2 ½ ratio who opposed it compared to 1 who supported it. He invited all of the Board members to his District 5 Town meeting which has been changed from April 19<sup>th</sup> to April 26<sup>th</sup> from 7:00 to 9:00 P.M. due to a revival at his Church. He also encouraged the Board to continue talking with their School Board member and possibly to invite their Planning Commissioner to join them for their lunch meeting. He reminded the Board that the Planning Commission is looking for guidance from them on any issues they might have. He requested that they contact Mrs. Ralph with their concerns by April 14<sup>th</sup> in time for the Planning Commission meeting.

**IN RE: CLOSED SESSION**

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

- §2.2-3711 A. 1 – Personnel matters – Environmental Tech; Zoning Administrator; Commonwealth Attorney; County Administrator; and Appointments**
- §2.2-3711 A. 3 – Acquisition of Real Property**

Mr. Bowman seconded the motion. Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 10:13 P.M.

The meeting reconvened into Open Session in the Board Meeting Room at 12:06 P.M.

**IN RE: CERTIFICATION**

- Whereas**, this Board convened in a closed meeting under:
- §2.2-3711 A. 1 – Personnel matters – Environmental Tech; Zoning Administrator; Commonwealth Attorney; County Administrator; and Appointments**
  - §2.2-3711 A. 3 – Acquisition of Real Property**

**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. Moody, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", this Certification Resolution was adopted.

**IN RE: ADOPTION OF RESOLUTION FOR MR. GILBERT WOOD**

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the Resolution of appreciation for Mr. Gilbert Wood was adopted.

**IN RE: APPOINTMENT – DINWIDDIE COUNTY AIRPORT  
AUTHORITY – MR. CHRIS TAVANNIER**

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Chris Tavannier is hereby appointed to fill the unexpired term of Mr. Donald Hannon on the Dinwiddie County Airport Authority, term expiring January 31, 2007.

**IN RE: AUTHORIZATION TO ISSUE CHECK FOR OPTION  
AGREEMENT ON INDUSTRIAL SITE**

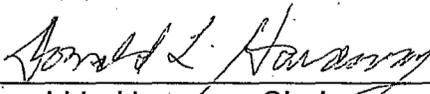
Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", Administration was authorized to execute and issue a check for an option agreement for a proposed industrial site in the amount of \$20,000.

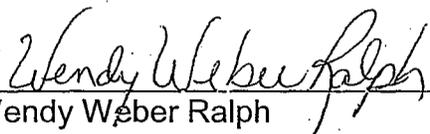
**IN RE: INFORMATION IN BOARD PACKET OR DISTRIBUTED**

1. A thank you note to Marie Grant from a citizen regarding the Community workers assistance in helping pick up litter on their road.

**IN RE: ADJOURNMENT**

Upon Motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting "Aye", the meeting adjourned at 12:11 A.M. to be continued until 1:00 P.M. on Wednesday, April 14, 2004 for a tour of the County with the Planning Commission and School Board.

  
\_\_\_\_\_  
Donald L. Haraway, Chairman

ATTEST:   
Wendy Weber Ralph  
County Administrator

/abr

