

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 2ND DAY OF NOVEMBER, 2004, AT 7:30 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: ANN NEIL-COSBY COUNTY ATTORNEY

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

Mr. Donald L. Haraway, Chairman, called the regular meeting to order at 7:36 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

The County Administrator stated the Closed Session needed to be continued at the end of the meeting for Personnel - County personnel, Environmental Land Technician, Public Safety, Procurement, and Appointments; §2.2-3711 (A)(7) Consultation with Legal Counsel – Contract Issues; §2.2-3711 (A)(3) Acquisition of Property.

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

IN RE: MINUTES

Mr. Stone stated the October 5, 2004 minutes needed to be amended to reflect that Tammy Morgan with the Dixie Youth was the contact person not Wendy Morgan. He also said he made the motion for the appointment to the Appomattox Regional Library and Mr. Moody seconded it in the October 19, 2004 minutes.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that approval of the October 5, 2004 Regular Meeting and the October 19, 2004 Regular Meeting Minutes are approved in their entirety, with the above corrections.

IN RE: CLAIMS

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

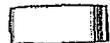
BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following claims are approved and funds appropriated for same using checks numbered 1046642 through 1046855, (voided check number(s) 1032073, 1039326, 1046580, 1046363, 1046718 and 1046643).

FY – 04/05

Accounts Payable:

(101) General Fund

\$ 181,933.95



(103) Jail Commission	\$ 130.40
(209) Litter Control	\$ 650.25
(222) E911 Fund	\$ 4,274.25
(225) Courthouse Maintenance	\$ 5,147.70
(226) Law Library	\$
(228) Fire Programs & EMS	\$ 102.68
(229) Forfeited Asset Sharing	\$
(304) CDBG Grant Fund	\$ 863.94
(304) Capital Projects Fund	\$ 4,423.70
(401) County Debt Service	\$ 244,814.95
TOTAL	\$ 442,341.82

PAYROLL 10/30/04

(101) General Fund	\$ 494,728.33
(222) E911 Fund	\$ 461.47
(229) Forfeited Asset	\$ 927.81
(304) CDBG Fund	\$ 7,733.43
TOTAL	\$ 503,896.04

IN RE: PURCHASE OF SIX LAW ENFORCEMENT VEHICLES

RE: Purchase of six law enforcement vehicles

Request from Sheriff Shands

In the Sheriff's Office 2004-2005 budget, \$140,000 was allocated for the purchase of six law enforcement vehicles consisting of five police cars and one 4X4 vehicle.

Sheehy Ford Richmond, Virginia was awarded state contract #3100-50. This is a competitive bid conducted by the State of Virginia for police vehicles. State bid price for police vehicles is \$20,561.

Base price	\$ 20,561
3.27 ration limited slip rear	\$ 122
Fabric protection	\$ 27
TOTAL (\$20,710 x 5)	\$103,550

The State of Virginia does not have a state contract for the 2005 Ford Expedition (4x4) vehicle. The following bids were received for it:

Petersburg Ford	\$26,989
Sheehy Ford	\$26,594
Owen Ford	\$26,235

Sheriff Shands requested authorization to purchase the five (5) Crown Victoria police vehicles off the state contract with Sheehy Ford at a cost of \$103,550 and the 2005 Ford Expedition (4x4) vehicle from Owen Ford for \$26,235."

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Sheriff's Department was authorized to purchase the five (5) Crown Victoria police vehicles off the state contract with Sheehy Ford at a cost of \$103,550 and the 2005 Ford Expedition (4x4) vehicle from Owen Ford for \$26,235.

IN RE: APPOINTMENT – MS. NANCY PECKHAM – CUSTODIAN I

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Ms. Nancy Peckham is appointed to the position of Custodian I, at Grade 1, Step G, with an annual salary of \$14,983, effective November 15, 2004.

IN RE: APPOINTMENTS – MS. DARLENE GORHAM, MS. LEE ANGELINE SEYMORE, MR. WILBUR FRANKLIN SHEPPARD – COMMUNICATIONS OFFICERS I

"Memorandum

TO: Wendy Weber Ralph
County Administrator

FROM: David M. Jolly
Director of Fire

DATE: October 27, 2004

SUBJECT: Communication Personnel

Please be advised that we have conducted interviews for the ten communication officer positions for the new dispatch center. After interviews we were able to select three individuals that we offered positions to. Unfortunately, one of the selected candidates did not accept our offer therefore effective November 1, 2004 we will only have two individuals beginning employment.

The selected individuals are:

Mary Darlene Gorham, starting at Grade 10, Step A at a beginning salary of 25,827.

Lee Angeline Seymore, starting at Grade 10, Step A at a beginning salary of 25,827.

In addition to the above individuals we also were able to select one individual that also tested with the Sheriff's Office along with our process. That individual will begin employment with the County on November 4, 2004. I am happy to report Mr. Wilbur Franklin Sheppard will begin at Grade 10, Step A at a beginning salary of 25,827."

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Ms. Mary Darlene Gorham and Ms. Lee Angeline Seymore are appointed to the position of Communications Officers I at Grade 10, Step A, with an annual salary of \$ 25,827, effective November 1, 2004; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Wilbur Franklin Sheppard is appointed to the position of Communications Officers I, at Grade 10, Step A, with an annual salary of \$ 25,827, effective November 4, 2004.

**IN RE: PUBLIC HEARING – VDOT FY04-05 THROUGH FY09-10
SECONDARY SIX-YEAR PLAN AND FY-04-05
CONSTRUCTION BUDGET**

This being the time and place as advertised in the Progress-Index on October 19, 2004 and in the Dinwiddie Monitor on October 26, 2004 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comments on and to propose for adoption the six (6) year road improvement plan for the 2004-2010 period and the FY2004-2005 Budget.

Mr. D. Ray Varney, VDOT, Resident Engineer, gave an overview of the proposed Secondary Six Year Plan. He briefly described the format for the columns used by VDOT on the plan and the scope of work in the each project. He also pointed out that the unpaved road costs would be higher because projects now have to be contracted out due to State cutbacks in employees.

Mr. Haraway opened the public hearing for citizen comments.

1) Deborah Roddenberry – 26203 Sawmill Road – stated there are safety and maintenance issues on three tenths of a mile on Sawmill Road and she had been trying since 1998 to get on the 6-year plan.

2) Thayer T. Baird – 14810 Brick Road, Carson, VA –spoke on behalf of approximately 50 residents who were present requesting that the Board keep Halifax Road on the Six-Year Plan.

3) Vernon D. Andrews – 19019 Carter Road, Dinwiddie, VA – commented that the section of U.S. Route 1, which was recently paved, the striping that was done on several sections was done incorrectly; also the road has a rougher ride now than it did before it was repaved.

4) N. B. Ingram, III – 8321 Brills Road, McKenney, VA – requested that the funding for Brills Road in the Six Year Plan be used for other road projects because no one on the road wanted it paved.

Mr. Haraway closed the public hearing. He asked Mr. Varney if he would like to respond to the citizen's issues.

Mr. Varney stated he apologized if the maintenance on Sawmill Road was not being done and he would personally take care of it. He said the passing lane striping on Route 1 is incorrect but it would be fixed. Mr. Varney pointed out there was a very bad section on Brills Road and it really does need to be paved and many of the residents on the road do want it to be done.

Mr. Bowman voiced his concerns regarding the condition of Halifax Road and noted if the Board went strictly by the traffic count it should come before Baltimore Road. He stated he certainly would like for the funds from that project be put towards Halifax Road and move it up on the priority list.

Mr. Varney replied if the Board decided to move Halifax Road to priority #2 the funds would be available in the upcoming FY05-06 to VDOT in August 2005. However, VDOT could use some countywide incidental funds prior to that time to do some of the things that are necessary to prepare for that contract. It might be that it could be added to the project that is already out there that's currently funded and do it all at one time and get it out of the way.

Mr. Stone asked if the Board would be open to taking \$250,000 out of the funds for priority #2 for FY05-06, which would leave \$259,000 for the Squirrel Level Road project. Mr. Varney responded if the Board wanted to fund Squirrel Level Road fully in FY07-08 that would change some of the things below it.

Mr. Bowman stated when you drive Halifax and Squirrel Level Roads the surface is so uneven it really does throw you a lot more than Baltimore Road. Mr. Varney agreed and stated it was not built on a railroad but Halifax Road was.

Mr. Bowman pointed out the difference in the traffic count between Squirrel Level Road (1100 VPD) and Baltimore Road (790 VPD).

Mr. Moody commented he knew Mr. Bowman was trying to work on getting Halifax Road moved up a little bit; but this plan was a compromise plan that the Board has worked on for a couple of months. Roads have been switched around and dropped off and he felt it was a good compromise. Sometimes it's easy to forget that people were here at these meetings several years ago pushing for these roads, Squirrel Level, Halifax, Baltimore, and River. He stated he was in favor of leaving the plan the way it was presented. Mr. Haraway asked if he would like to make that a motion. Mr. Moody responded yes. Mr. Stone stated, for the purpose of discussion, he seconded the motion.

Mr. Bowman commented in response to Mr. Moody. In looking at the history of the Six Year Plan; politics played a great part in Halifax Road not being put on it in the past and he could not vote for this plan.

Mr. Stone stated he agreed with Mr. Bowman because he travels on Halifax Road; but his question was, could the Board take the money out of the Squirrel Level Road project and move the entire project back a year and leave Baltimore Road at priority # 5? He explained, just take the \$250,000 Mr. Bowman is seeking for Halifax Road, which is currently priority # 6 out of the FY05-06 - \$509,225 funding scheduled for Squirrel Level Road priority # 2 and move it to the second Halifax Road (priority # 6) project; so basically all it would do is move the Squirrel Level Road project out one year.

Mr. Bowman stated Squirrel Level Road is so uneven with the crown being so steep it is dangerous just like Halifax Road. Baltimore Road does not have the rough surface or crown in the middle of it like Halifax and Squirrel Level Roads do and they are the most dangerous roads in Dinwiddie County. He said if the Board could help him with this he would appreciate it.

Ms. Moody stated Halifax Road is not in her district but her constituents travel Halifax Road a lot and she supported moving whatever needed to be moved around so that the project could be started as soon as possible.

Mr. Varney stated just for clarification sake and to explain it to everyone so they understand what the ramifications would be if the \$250,000 is taken out of the FY05-06 Squirrel Level Road project. That would mean that if we fund it and continue to fund it fully in its last year FY07-08; that would mean we would need an additional \$250,000 in FY07-08. Mr. Stone replied that wasn't what he was saying; he said we would just add a year to that project. Mr. Varney commented that would work if the \$250,000 was moved out to the 2008-2009 Fiscal Year.

Mr. Bowman stated he would go along with that if both of them were not in his district; which puts him in a terrible spot; and even if they weren't in his district he couldn't because of the traffic count.

Mr. Bowman, Ms. Moody, Mr. Stone, voting "Nay", Mr. Moody voting "Aye", Mr. Haraway "Abstaining", motion did not carry.

Mr. Stone made the motion to adopt the plan with the following changes - move the current project, priority #6 Halifax Road, with approximately \$250,000 funding, to FY05-06, to priority #2, which would bump the current Squirrel Level Road project priority #2 second phase of the project to completion in FY08-09 instead of FY07-08. Mr. Moody seconded the motion. Mr. Bowman, voting "Nay", Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", motion carried.

Mr. Varney recommended combining the two Halifax Road projects so VDOT could get a better price on the construction costs for the project.

It was brought to the attention of the Board that the resolution provided by VDOT should be adopted with the above stated amendments.

Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", the following resolution was adopted.

RESOLUTION

At a regular meeting of the Board of Supervisors of the County of Dinwiddie, held at the Pamplin Administration Building on November 2, 2004 at 7:30 P.M.

Present were Supervisors: Mr. Donald L. Haraway, Mr. Harrison A. Moody, Mr. Robert Bowman, IV, Ms. Doretha E. Moody, and Mr. Michael W. Stone

On motion by Mr. Stone, seconded by Mr. Moody and carried:

WHEREAS, Sections 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan,

WHEREAS, this Board had previously agreed to assist in the preparation of this plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed plan (2005/06 through 2010/11) as well as the Construction Priority List (2005/06) on October 21, 2004 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List,

WHEREAS, Ray D. Varney, Resident Engineer, Virginia Department of Transportation, appeared before the board and recommend approval of the Six Year Plan for Secondary Roads (2005/06 through 2010/11) and the Construction Priority List (2005/06) for Dinwiddie County,

NOW, THEREFORE, BE IT RESOLVED that since said Plan appears to be in the best interest of the Secondary Road System in Dinwiddie County and to the citizens residing on the Secondary System, said Secondary Six-Year Plan (2005/06 through 2010/11) and Construction Priority list (2005/06) are hereby approved with the priority changes as amended during the public hearing, to wit:

Priority 1 - Project 0613-026-177 UPC 10861 Priority 2 - Project 0604-026-119 UPC 14872 Priority 3 - Project 0604-026 UPC Not Currently Assigned (Asphalt overlay of Halifax Road beginning at Route 606 S to 0.75 mi N of Route 672) Priority 4 - Project 0613-026-249 UPC 10860 Priority 5 - Project 0601-026 UPC Not Currently Assigned (Construct Right Turn Lane on Route 601 at the intersection of Route 601 and Route 600) Priority 6 - Project 0622-026-252 UPC 12557 Priority 7 - Project 0624-026 UPC Not Currently Assigned (Pavement Stabilization, shoulder restoration and Spot Improvements) Priorities for Unpaved Roads remained the Same.

IN RE: PUBLIC HEARING – SC-04-1 – MR. CHUCK JOHNSON – STREET NAME CHANGE REQUEST

This being the time and place as advertised in the Dinwiddie Monitor on October 19, 2004 and October 26, 2004 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comments on a request from Mr. Chuck Johnson to change a private street name from Ocean View Drive to C.J. Johnson Lane.

Planning Summary Report

File: SC-04-1

Applicant: Chuck Johnson

The applicant, Chuck Johnson, is seeking a private street name change from Ocean View Drive to C. J. Johnson Lane. The private road is accessed by way of Williamson Road. While there are a few land parcels served by this private road, all of the land parcels are owned by Mr. Johnson and are vacant lots except the parcel upon which Mr. Johnson's home is located. Since there is not a conflict with other road names in the County it is recommended that the Board approve the road name change as requested. The following motion is offered to assist the Board in taking action.

Mr. Haraway opened the public hearing. No one spoke on the request for the street name change. Mr. Haraway closed public hearing SC-04-1.

Mr. Moody moved that the application SC-04-1 seeking to change the street name of Ocean View Drive to C. J. Johnson Lane be approved. Mr. Bowman seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", motion carried.

**IN RE: PUBLIC HEARING – TRANSFER OF COUNTY LAND TO
WPVA – WEST PETERSBURG SUBDIVISION – LOTS
318-329 GREENSVILLE AVENUE**

This being the time and place as advertised in the Dinwiddie Monitor on October 19, 2004 and October 26, 2004 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to receive public comments on the transfer of three (3) lots owned by the County in West Petersburg Subdivision to WPVA for construction of homes for LMI families.

"MEMORANDUM

TO: BOARD OF SUPERVISORS
WENDY W. RALPH, COUNTY ADMINISTRATOR
KEVIN MASSENGILL, ASSISTANT COUNTY ADMINISTRATOR

FROM: WILLIAM SCHEID, COUNTY PLANNER

SUBJECT: TRANSFER OF LAND TO WPVA
WEST PETERSBURG SUBDIVISION – GREENSVILLE AVENUE

DATE: OCTOBER 26, 2004

As a result of previous meetings regarding the transfer of land to WPVA, I have prepared this memo with a proposed resolution for the Board's information. The State has certified WPVA as a Community Housing Development Organization (CHDO) eligible to assist Low/Moderate Income (LMI) families in obtaining housing within the West Petersburg subdivision. WPVA has expressed a desire to construct homes for LMI families on the remaining three (3) lots owned by the County on Greensville Avenue under similar terms imposed by an agreement between the County and the Tri-Cities Habitat for Humanity. In view of the above, staff supports the transfer of the remaining three (3) lots on Greensville Avenue to WPVA for construction of homes for LMI families as contained in the resolution below."

Mr. Haraway opened the public hearing. No one spoke on the issue. Mr. Haraway closed the public hearing.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, following a duly noticed and called public hearing for November 2, 2004, hereby approves the **Agreement for Transfer of Land** of Lots 318 through 329 situated on Greenville Avenue in West Petersburg Subdivision, Rohoic District, Dinwiddie County, Virginia, as shown on the plat prepared by Ronald H. Gordon dated January 12, 1995, to West Petersburg Vicinity and Awareness, Inc., for construction of three (3) single-family homes to be built for the benefit of Low to Moderate Income families;

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the County Administration and County Attorney be authorized to act on behalf of the Board to execute and deliver such deed, instrument, agreement and/or other papers as deemed necessary to carry out the purpose and effect of this resolution to include authorization to issue a check made payable to the Clerk of Circuit Court in order to record the deed conveying the property to West Petersburg Vicinity and Awareness, Inc., if deemed necessary.

AGREEMENT FOR TRANSFER OF LAND

This agreement is made this, the 2nd day of November, 2004 by and Between the County of Dinwiddie, Virginia (the "County") and West Petersburg and Vicinity Awareness, Inc. a Virginia corporation ("WPVA").

WITNESSETH:

WHEREAS the County is the owner of Lots 318 through 329 in West Petersburg Subdivision in the Rohoic District of Dinwiddie County, Virginia, as shown on the plat prepared by R. H. Gordon dated January 12, 1995 recorded in plat book 2 page 19 in the Circuit Court for the County of Dinwiddie and a copy of which is attached hereto as Exhibit A (the "Property"); and

WHEREAS the County received a grant from the Department of Housing and Community Development ("DHCD") for the purpose of developing these and other lots in the West Petersburg Subdivision under certain terms and conditions including the requirement that the property be developed for the benefit of Low to Moderate Income families ("LMI"); and

WHEREAS DHCD has advised the county that it has complied with all of the grant requirements and is accordingly free to transfer these properties to those organizations as allowed by the Code of Virginia; and

WHEREAS WPVA is an organization committed to the Dinwiddie community that wishes to continue the development work initiated by the County, and to pursue the goals of the County to develop the remaining lots for the citizens of the Dinwiddie community and has presented a plan to the Board of Supervisors of Dinwiddie County to this end; and

WHEREAS WPVA is a charitable institution serving the residents of Dinwiddie County and is not controlled in whole or in part by any church or sectarian society;

NOW, THEREFORE, in recognition of the foregoing, the County and WPVA agree as follows:

The County, after public hearing as required by law, will transfer the Property by a Deed of Gift to WPVA subject to the following conditions:

1. Receipt by the county of a resolution of the Board of WPVA authorizing the transfer of the Property to them and their agreement to the terms contained herein.
2. WPVA will construct homes on the property for LMI families and will submit to the County, documentation establishing that the families meet LMI income eligibility criteria as established by DHCD.
3. The homes will be built within 24 months of the transfer of the property.
4. WPVA will report every six (6) months to the Board of Supervisors of Dinwiddie County on the progress being made by appearing before the Board at its first monthly meeting in November and May.
5. If the houses are not built within the time frame allowed, plus any reasonable extensions secured in writing from the County, the lots will revert to the County.
6. This agreement will be recorded with the Deed of Gift from the County to WPVA.

WITNESS the following signatures:

County of Dinwiddie, Virginia

By:

West Petersburg Vicinity and Awareness, Inc.

By:

Department of Housing and Community
Development

By

IN RE: PUBLIC HEARING – P-04-3 – MR. RICHARD BOGESE, JR. – REZONING REQUEST

This being the time and place as advertised in the Dinwiddie Monitor on October 19, 2004 and October 26, 2004 for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comment on the following matter:

The applicant, Richard Bogese, Jr., is seeking a rezoning for land map/parcel 45-14 from Agricultural, general A-2 to Residential, rural RR-1.

Staff Summary Report

File: P-04-3
Applicant: Richard Bogese, Jr.

Address: Turkey Egg Road, Dinwiddie, VA 23841
Acreage: 70 acres
Tax Map/Parcel: 45-14
Zoning: Agricultural, general A-2

The applicant, Richard Bogese, Jr., is seeking a rezoning for land map/parcel 45-14 from Agricultural, general A-2 to Residential, rural RR-1. Said parcel contains approximately 70 acres and is located on the north side of Turkey Egg Road approximately ¼ mile west of Boydton Plank Road. The applicant wishes to develop the property for approximately 24 single-family homes on lots two (2) acres or greater in size. Proffers have been offered by the applicant as a condition if the rezoning is granted.

The information included for your review:

- Proffer letter
- Planning Commission minutes from previous meetings
- Rezoning Application with various maps
- Various studies required of the applicant (school, traffic, wetlands & soils)

The Planning Commission heard this request in their August 11, 2004 meeting. Several citizens appeared and asked questions regarding the rezoning request. Upon concluding the public hearing portion of the meeting, the Chairman appointed a study committee of citizens, planning commissioners and staff to research the concerns raised. After a few meetings, the planning commission was advised of the progress of the committee. In view of the committee's report and the resolution of citizen concerns, the Planning Commission voted unanimously at their October 13, 2004 meeting to recommend approval of the rezoning application with the proffers 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. Haraway opened the public hearing.

Mr. Derrick Johnson with J.K. Timmons Group spoke on behalf of the applicant Mr. Richard Bogese. He read the list of proffers offered with the rezoning request.

With reference to the rezoning request for 69 acres on Tax Map Parcel Number 45-14 the owner proffers the following:

1. A minimum 25-foot buffer consisting of the existing tree cover (if any) and open space shall remain on the lands adjacent to State Route 740 and Chigger Creek Road. In open areas this buffer area will be supplemented with a landscape berm. This area shall consist of a 4 foot high earthen berm with evergreen plantings including white pines spaced 30' apart and at least 5' tall at time of planting. These plantings shall be maintained by the Home Owners Association and replaced if diseased or dying.
2. A minimum 25-foot buffer consisting of the existing tree cover (if any) and open space shall remain on the land in any undisturbed state along the eastern property line of the subdivision.
3. The subdivision road will access the property from Route 740. All lots shall front and have driveway access to this subdivision road, only. No driveways will be allowed to enter Chigger Creek Road or Turkey Egg Road.
4. Installation of a Dry Hydrant into the existing pond with adequate access for fire vehicles. During the subdivision design process if the

county determines that this pond will not support a hydrant then this proffer will not be enforced.

5. The radius of pavement in the cul-de-sac of the main road to be a 45' radius for school bus and emergency vehicle turn around.
6. A 12-foot right of way strip shall be dedicated along the entire length of Turkey Egg Road for future road widening improvements.
7. A 25-foot ingress egress easement will be dedicated along the western property line known as Chigger Creek Road. This easement will be exclusive of the 25 foot buffer in proffer 1.
8. Any existing cemetery on this site will be fully enclosed within an easement and an adequate access granted. Limits of cemetery will be determined by a qualified mortician.
9. No structure shall be erected on any parcel of land in the subdivision other than dwellings for single-family occupancy and necessary appurtenant outbuildings, which said outbuildings may be used only for ancillary residential purposes. No dwellings or buildings will be used for commercial purposes other than home occupations, as approved by the appropriate governing body of the county of Dinwiddie shall be allowed.
10. No one-story residence containing less than 1750 square feet exclusive of porches, decks, carport, or garage shall be constructed in the subdivision. All other residences shall not contain less than 2000 square feet exclusive of porches, decks, carport, or garage in the subdivision.
11. No trailer, shack, garage, barn or other outbuildings erected on the property shall at any time be used as a residence temporarily or permanently, nor shall any residence of a temporary character be permitted.
12. No manufactured homes, no mobile homes, no modular homes, shall be allowed on any parcel.
13. No inoperable vehicles or unlicensed vehicles be allowed on any lot for over 30 days, unless stored in a fully enclosed garage and subject to applicable county code.
14. No noxious or offensive trade or activity shall be permitted on any lot that shall become an annoyance or nuisance to a residential neighborhood.
15. All foundations will be bricked however that portion under the porches or decks that will be covered with latticework need not be bricked.
16. All fences shall enclose the rear yard only and shall be no closer to the road than the rear corners of the home. Property owners may attach a fence to any fence on the adjoining property this is to prevent two fences along a common line.
17. No live horses, cattle, hogs, pigs, goats, sheep, poultry, or any livestock shall be allowed on any lot.
18. Pets such as cats and dogs may be kept and maintained at an occupants residence provided such pets are not kept or maintained for commercial purposes, and no more than (4) four pets will be allowed on any single lot or family residence.

19. Prior to recording of any subdivision plat for the property, the developer shall furnish satisfactory evidence to the County Health Department that there exists on each lot an effective site for a well and an effective site for a septic system of sufficient capacity to service the proposed improvements on such lot.
20. Lots are to have a minimum of 2 acres and in no case shall the subdivision contain more than 24 lots.
21. Developer will clear cut the development areas in preparation for the subdivision. These development areas will include the public road, private driveways, necessary utility easements, home site, and required well and drain field. All other wooded areas will be preserved in a natural state.
22. No living trees with a diameter of 6" or greater will be allowed to be removed after completion of the development. Such trees may be removed if diseased or they pose a threat to the home site or accessory structure but only after consulting with and obtaining the approval of the Home Owners Association.
23. An adequate roadside ditch channel and culvert will be constructed along Turkey Egg Road to preclude drainage entering the roadway from the subdivision street. This design will be approved by the Virginia Department of Transportation during the subdivision review process.
24. Installation of a street light at the entrance to the subdivision on Turkey Egg Road, shall be provided by and maintained by the developer until such time that the Home Owners Association takes control of the development at which time it will be the Home Owners Association's responsibility to maintain the light and pay for the electric charges.
25. A Home Owners Association with articles of incorporation and bylaws shall be established for this subdivision and membership by homeowners shall be mandatory. This association shall be responsible for maintenance of the shrubbery, buffer area and security light at the intersection.

Richard Bogese Builder, Inc.

By, _____

The following persons spoke on issues concerning the P-04-3 rezoning request.

1) Michael Bratschi – 23500 Cutbank Road, McKenney, VA – commented the contractor should be offering cash proffers to help offset some of the costs associated with services that the County would have to provide to the new residents.

2) George Whitman – 13010 Old Stage Road, Petersburg, VA – stated development of subdivisions in the County should include parallel roads not just dead end streets coming off another dead end street. He expressed concerns about the high volume of traffic already on Turkey Egg Road; the wetlands on the property; and the ability of the soil to sustain septic systems.

Mr. Haraway closed public hearing P-04-3.

Mr. Johnson informed the Board that the U.S. Army Corps of Engineers has been contacted regarding the wetlands on the property and if the rezoning is approved they will work with them on the site development. VDOT did the traffic impact analysis and the report concluded that there would be minimal impact on the existing traffic flow. Larry Madison, Sr., a Virginia Certified Soil Scientist, prepared a soil feasibility study for septic tanks and his report indicates that there are suitable soil groupings on the property to support this type of residential development. Dr. Charles Maranzano, Superintendent of Schools, indicated that this development would have minimal impact on the schools with a range of 17 to 38 students. The Sheriff's Office indicated there would be no noticeable impacts to that department other than potential increase in alarm system responses due to the size and cost of the homes. The Public Safety Officer's concern was in providing for a water source to fight potential fires in this area. However, since there is an existing pond on this property the suggestion has been to provide an onsite dry hydrant.

Ms. Moody indicated she would like to postpone action on the rezoning until the High Growth study is completed.

Mr. Bowman asked how much money would it cost the citizens for the 17 students. He also asked if any drillings had been done to test for uranium in the wells. Mr. Johnson stated no drillings had been done because the wells would be the responsibility of the owners not the County. Mr. Bowman stated the developer should be required to post a bond in case it did occur then it would not fall back on the County.

Mr. Haraway stated he knows Mr. Bogese and he has built many excellent homes in his district.

Ms. Moody made the motion to postpone action on the rezoning application P-04-3 until after the High Growth Committee finishes developing the growth plan for the County. Mr. Bowman seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", motion carried.

IN RE: PUBLIC HEARING A-04-12 – AMENDMENT TO COUNTY ZONING CODE TO ADD THE DEFINITION OF CONCESSION STAND, LAKE BOAT

This being the time and place as advertised in the Monitor on October 19, 2004 and October 26, 2004, for the Board of Supervisors of Dinwiddie County, Virginia to conduct a Public Hearing to solicit public comment on the following matter:

An Ordinance to amend the Zoning Ordinance of Dinwiddie County, Virginia, by adding the definition of Concession Stand Lake Boat, to Section 22-1, Definitions.

Mr. Scheid stated there has been some doubt expressed as to whether the Planning Commissioners took a vote on conditional use case A-04-13. It is suggested that the Board proceed with the public hearing tonight and take action at a later date so that staff can listen to the minutes for the Planning Commission meeting tape to ascertain that the members did vote on the next conditional use case. Mr. Scheid continued with the following amendment.

Staff Summary

File: A-04-12 & 13

Applicant: John Bottoms

The applicant, John Bottoms, is seeking an amendment to the County zoning code such that a definition for concession stand, lake boat is adopted and such use be permitted in an R-R (Rural Conservation) district.

The Planning Commission and Board of Supervisors were advised of Mr. Bottom's situation. Both bodies indicated a willingness to consider the proposed amendments. Staff checked with other counties in which such a use was established. Lake Gaston allows this use but it must be noted that Mecklenburg does not have a provision addressing this use in their ordinance. The Army Corps of Engineers does not allow the use on Lake Gaston within the portion of the lake under their control. Smith Mountain Lake has such a use. Franklin County does not address the issue in their zoning code whereas Bedford County permits the use as a 'home occupation'. In regard to Lake Chesdin, Chesterfield County and Dinwiddie County do not address this use in the zoning code. Since Mr. Bottoms resides in Dinwiddie County, it was determined most appropriate for Dinwiddie County to address the issue.

The Planning Commission heard this case at their October 13, 2004 meeting. There were no public comments received on either the definition of the lake boat concession stand or permitting the use in an R-R district. As noted during the planning commission meeting, it appears other jurisdictions have not experienced a problem with such a use. It does appear that such a use may actually provide a service for the citizens using Lake Chesdin. The commission believes our ordinance should address this use through the conditional use permit procedure. Considerations involving music, lighting, boat location, and hours of operation were discussed. In view of the above, the Planning Commission unanimously voted to recommend to the Board of Supervisors approval of A-04-12 (definition) and approval of A-04-13 (lake boat concession stand with conditional use permit in R-R district).

Since the Planning Commission meeting, staff has received a letter dated October 18, 2004 signed by Richard D. Hartman of the Appomattox River Water Authority. The letter is attached for your review. Essentially, the Authority does not object to the use on Lake Chesdin.

Since this is a zoning matter, the standard statement for zoning matters must be read and is attached for your reference. While the two (2) amendments have been discussed as a single matter, separate motions on the amendments must be made.

Mr. Haraway asked several questions regarding the period of time for the location of the boat in front of someone's property; what kind of boat it would be and where it would be kept.

Mr. John Bottoms 11913 Walkers Lane, Ford, Virginia, stated he had no intention of parking his boat in front of anyone's property for an extended period of time. He said he had a 22' pontoon boat and he would take it home with him at night.

Mr. Haraway opened the public hearing. No one spoke in opposition or support of the amendment. Mr. Haraway closed the public hearing.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF DINWIDDIE COUNTY, VIRGINIA, BY ADDING THE DEFINITION OF CONCESSION STAND, LAKE BOAT, TO SECTION 22-1, DEFINITIONS.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the zoning ordinance be amended as follows:

Section 22-1, Definitions, be amended by adding the following definition:

Concession stand, lake boat. Any boat from which, for compensation, food and/or beverages are dispensed for consumption off-premises.

This Ordinance shall become effective immediately upon adoption by the Board of Supervisors. If any portion of this Ordinance shall be declared null and void, the remaining portions shall remain in full force and effect.

No action was taken by the Board on this amendment.

IN RE: CITIZENS COMMENTS

1) Michael Bratschi - 23500 Cutbank Road, McKenney, VA – commented on the following issues: a) Some residents were turned away at McKenny and weren't given a provisional ballot by the election officials. He stated the election officials should be trained before they are allowed to work in the precincts. b) The Director of Finance should not have done the researching of the curfew ordinances; that should have been handled by the county attorney or assistant county administrator.

2) Anne Scarborough – Boydton Plank Road, Dinwiddie, VA – agreed with Mr. Bratschi regarding the director of finance dealing with the curfew and asked what was in her job description to justify her presenting the information. She commented she too thought the assistant county administrator would have handled it.

The County Administrator asked the Chairman if she could respond to that? Mr. Haraway commented before she did, he wondered about that also. He said he asked Mrs. Howerton why she did the research for the curfew and he could understand where these people were coming from. Mrs. Ralph responded she would take full responsibility for Mrs. Howerton providing that report and she did an excellent job. When the time comes that the county has enough people so that we can only do one job she would like to be here when that day comes. She commented it has not happened since she has been here and the employees help each other in whatever area that they can at the time. Mrs. Howerton willingly agreed to do that and she did an excellent job. The County is not at the point staff wise where the employees can only do what is on their job descriptions. If the Board was directing her not to do these types of things in the future, then staff would need to do that; but we share in the workload to get things done and that means most of the time going outside of job descriptions. But if the Board wants it done differently then please direct staff. Mr. Stone commented he had spoken to the Chairman about it after his district meeting last week and it was one of the issues that the Board hoped to discuss in the 5:00 P.M. closed session; but there wasn't enough time to deal with it. However, the Board would be discussing it.

IN RE: COUNTY ADMINISTRATOR COMMENTS

The County Administrator stated the Board had requested a Community meeting for the curfew and a date needed to be scheduled for the meeting. Mr. Haraway stated he would provide a report at the next meeting and then the Board could decide at that point when to schedule the community meeting.

IN RE: BOARD MEMBER COMMENTS

Ms. Moody stated it had been brought to her attention that Louisa County has asked and is receiving the assistance of the State Police to inspect trucks hauling biosolids into the County. She requested that Administrative Staff call and see if the State Police could lend Dinwiddie County a helping hand also. The Chairman instructed Mrs. Ralph to do that. Mr. Moody commented that he had not heard that there were any problems with the hauling of biosolids from the Planning Department and he was not aware of any problems at this time. He stated if staff was having any problems with it they should contact the Sheriff's Department. The Board directed the County Administration to call the State Police and ask them to assist with the inspection of trucks hauling biosolids.

Mr. Bowman thanked the Board for working with him on the Six-Year Road Plan.

Mr. Haraway stated the Board was told by Davenport that they would receive the fixed pricing book for the bond issue and he couldn't understand why the Board had to wait six weeks for the information. It is normal procedure to have this report within a couple weeks of the bond sale. He explained that the book shows what other bonds sold for that same day and what the interest rate were. Mr. Bowman stated he would also like the interest rates on the Dinwiddie County Water Authority bonds.

IN RE: CLOSED SESSION

Mr. Stone moved to close the meeting in order to discuss matters exempt under section: §2.2-3711 (A)(1) – Personnel – Environmental Land Technician; Procurement; Public Safety; Appointments; and County Personnel and §2.2-3711 (A)(3) Acquisition of Property; §2.2-3711 (A) (7) - Consultation with Legal Counsel – Legal Services; Contract Issues;

Mr. Moody seconded the motion. Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 9:39 P.M.

The meeting reconvened into Open Session in the Board Meeting Room at 11:36 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under: §2.2-3711 (A)(1) – Personnel – Environmental Land Technician; Procurement; Public Safety; Appointments; and County Personnel and §2.2-3711 (A)(3) Acquisition of Property; §2.2-3711 (A) (7) - Consultation with Legal Counsel – Legal Services; Contract Issues;

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: APPROVAL OF SUPPLEMENTAL PAYMENT FOR EMS FOR DUCK'S UNLIMITED EVENT

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 the supplemental payment for the paid EMS providers for the Duck's Unlimited Event on September 17 – 19, 2004 in the amount of \$4,619.91 is hereby approved.

IN RE: AUTHORIZATION TO ADVERTISE ENVIRONMENTAL PLANNER/INSPECTOR POSITION

The County Administrator stated the County had been trying for some time to fill the part-time position for the Environmental Land Technician. It had been recommended not only because of the needs in that area but also in the storm water management, erosion and sediment control that the County

combine those duties into one Environmental Planner/Inspector full time position. She commented staff felt it would be easier to fill a full time position and requested authorization to advertise the position.

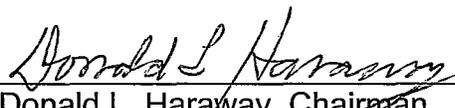
Upon motion of Mr. Stone, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", Staff was authorized to advertise the Environmental Planner/Inspector full time position.

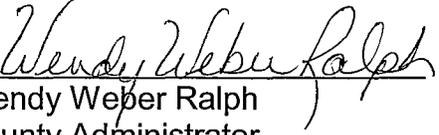
IN RE: APPROVAL TO ISSUE CHECK FOR THE BOARD'S DINNER

Upon motion of Mr. Bowman, Seconded by Ms. Moody, Mr. Stone, Ms. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway, voting "Aye", Staff was authorized to issue a manual check in the amount of \$97.61 to That's A Burger for the Board's dinner.

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 11:43 P.M. to be continued until 9:00 A.M. on Friday, November 12, 2004 for Closed Session in the Administration Conference Room.


Donald L. Haraway, Chairman

ATTEST: 
Wendy Weber Ralph
County Administrator

/abr