

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 6TH DAY OF DECEMBER, 2005, AT 6:00 P.M.

PRESENT: HARRISON A. MOODY – CHAIRMAN ELECTION DISTRICT #1
MICHAEL W. STONE - VICE CHAIR ELECTION DISTRICT #5
DONALD L. HARAWAY ELECTION DISTRICT #2
DORETHA E. MOODY ELECTION DISTRICT #4
(absent at 6:00 meeting, present at 7:30 meeting)

ABSENT: ROBERT L. BOWMAN IV ELECTION DISTRICT #3

ADMINISTRATION

PRESENT: KEVIN MASSENGILL, INTERIM COUNTY ADMINISTRATOR
MICHAEL DREWRY, COUNTY ATTORNEY
ANNE HOWERTON, FINANCE DIRECTOR

=====
As Ms. Moody had a prior commitment she was not present at the closed meeting.

CLOSED MEETING

The Chairman convened the Board Meeting in open session at 6:00 P.M.

Upon motion of Mr. Haraway, seconded by Mr. Stone,

The Board of Supervisors of Dinwiddie County, Virginia convened in a closed meeting under: §2.2-3711 (A)(1) of the Code of Virginia, Personnel Matters - Planning Commission Appointments, Water Authority Appointments; §2.2-3711 (A) (5) Business and Industry Development - Proposed Business; and §2.2-3711 (A) (7) Legal Matters - Telecommunications Act.

Ayes: Mr. Haraway, Mr. Stone, Mr. Moody
Nays: None
Absent: Ms. Moody, Mr. Bowman

The Chairman reconvened the meeting into open session.

CERTIFICATION

WHEREAS, this Board convened in a closed meeting under: §2.2-3711 (A)(1) of the Code of Virginia, Personnel Matters - Planning Commission Appointments, Water Authority Appointments; §2.2-3711 (A) (5) Business and Industry Development - Proposed Business, 2.2-3711 (A) (7) Legal Matters – Telecommunications Act,

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. Haraway, this Certification Resolution was adopted.

Ayes: Mr. Haraway, Mr. Stone, Mr. Moody
Nays: None
Absent: Ms. Moody, Mr. Bowman

CLOSED MEETING

Upon motion of Mr. Haraway to amend the motion to go into closed session under §2.2-3711 (A)(1) of the Code of Virginia, Personnel Matters, Airport Authority Appointment rather than Water Authority, seconded by Mr. Stone,

The Board of Supervisors of Dinwiddie County, Virginia reconvened in a closed meeting under: §2.2-3711 (A)(1) of the Code of Virginia, Personnel Matters - Airport Authority Appointments.

Ayes: Mr. Haraway, Mr. Stone, Mr. Moody

Nays: None
Absent: Ms. Moody, Mr. Bowman

The Chairman reconvened the meeting into open session.

CERTIFICATION

WHEREAS, this Board convened in a closed meeting under: §2.2-3711 (A)(1) of the Code of Virginia, Personnel Matters - Airport Authority Appointments,

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. Haraway, seconded by Mr. Stone, this Certification Resolution was adopted.

Ayes: Mr. Haraway, Mr. Stone, Mr. Moody
Nays: None
Absent: Ms. Moody, Mr. Bowman

REGULAR MEETING

The Chairman called the regular meeting to order at 7:30 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

Board members present at regular meeting: Ms. Moody, Mr. Haraway, Mr. Stone, Mr. Moody.
Absent: Mr. Bowman

1. **CALL TO ORDER – INVOCATION**
2. **PLEDGE OF ALLEGIANCE**
3. **AMENDMENTS TO AGENDA**

There were no amendments to the agenda.

4. CONSENT AGENDA

4.A.i. APPROVAL OF MINUTES OF JUNE 13, 2005 CONTINUATION MEETING

Upon motion of Mr. Stone, seconded by Ms. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Minutes of the June 13, 2005 Continuation Meeting are approved.

Ayes: Ms. Moody, Mr. Haraway, Mr. Stone, Mr. Moody
Nays: None
Absent: Mr. Bowman

4.A.ii. APPROVAL OF MINUTES OF JULY 19, 2005 CONTINUATION MEETING

Upon motion of Mr. Stone, seconded by Ms. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Minutes of the July 19, 2005 Continuation Meeting are approved.

Ayes: Ms. Moody, Mr. Haraway, Mr. Stone, Mr. Moody
Nays: None
Absent: Mr. Bowman

4.A.iii. APPROVAL OF MINUTES OF NOVEMBER 9, 2005 JOINT MEETING WITH INDUSTRIAL DEVELOPMENT AUTHORITY

The clerk noted that a correction was made on Page 2 of the November 9, 2005 minutes as follows:

As there was no further discussion, motions were made by the respective boards to adopt ~~the resolution.~~ their resolutions.

~~Upon motion of Mr. Wallace, seconded by Ms. Heller,~~

~~The resolution below was adopted by consent of all IDA board members.~~

Upon motion of Mr. Stone, seconded by Ms. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Minutes of the November 9, 2005 Joint Meeting with the Industrial Development Authority are approved as corrected.

Ayes: Ms. Moody, Mr. Haraway, Mr. Stone, Mr. Moody
Nays: None
Absent: Mr. Bowman

4.A.iv. APPROVAL OF MINUTES OF NOVEMBER 16, 2005 SPECIAL MEETING

Mr. Stone stated that the November 16, 2005 meeting minutes needed to be corrected as follows:

On Page 14 of the minutes recording the comments of Mr. Stone should read as follows:

“He said also a Board member picked someone from District 5 as ~~the~~ at-large their representative”

Upon motion of Mr. Stone, seconded by Ms. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Minutes of the November 16, 2005 Special Meeting are approved as corrected.

Ayes: Ms. Moody, Mr. Haraway, Mr. Stone, Mr. Moody
Nays: None
Absent: Mr. Bowman

4.B. CLAIMS

Upon Motion of Mr. Stone, seconded by Ms. Moody,

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 1051680 through 1051885 (voided check number 1051679).

Ayes: Ms. Moody, Mr. Haraway, Mr. Stone, Mr. Moody
Nays: None
Absent: Mr. Bowman

FY – 05/06

Accounts Payable:

(101) General Fund	\$ 115,898.01
(103) Jail Commission	
(209) Litter Grant Fund	
(222) E911 Fund	\$ 542.20
(225) Courthouse Main Fund	\$ 2,927.49
(226) Law Library	\$ 88.25
(228) Fire Programs & EMS	\$ 6,005.21
(229) Forfeited Assets	300.00
(304) CDBG Grant Fund	\$ 14.81
(305) Capital Projects Fund	
(401) County Debt Service	
TOTAL	\$ 125,775.97

Upon Motion of Mr. Stone, seconded by Ms. Moody,

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 1051606 through 1051678 (voided check number 1051605).

Ayes: Ms. Moody, Mr. Haraway, Mr. Stone, Mr. Moody
Nays: None
Absent: Mr. Bowman

November 30, 2005
Payroll:

(101) General Fund	\$ 547,309.48
(222) E911 Fund	\$ 43,847.55
(229) Forfeited Asset Sharing	
(304) CDBG Grant Fund	<u>\$ 8,345.87</u>
	\$ 599,502.90

4.C. SCHOOL BOND REQUISITIONS: ES-11; ES12; HS-9; HS-10; HS-11

The requisitions below were received by the Board from Dr. Charles Maranzano, School Superintendent. The memo below was received from Michael Drewry, County Attorney, regarding legal fees that were contained in the requisitions.

Per request of the Board of Supervisors, I researched the detail and reviewed the current invoices dated August 24, September 27 and October 12, 2005, and obtained copies of the settlement sheets (see attached) relating to the acquisition of the high school and elementary school sites.

The expenditures including the current invoices total \$13,562.54. It is my understanding that these are the final invoices relating to legal fees concerning acquisition of the new high school site. These expenditures are for retaining the law firm of Sands Anderson Marks & Miller by the School Board to assist with initial high school site negotiations through the real estate closing. After initial negotiations and contract signing, there were numerous issues involving: legal description, clear title, and survey. These issues resulted in one of the owners requesting more compensation which led to a division of the property and purchase of only the property south of Boisseau Road.

Considering the involvement of the law firm and issues that arose, the time spent on this project does not appear excessive. I recommend approval of the requisitions and invoices for legal services in the total amount of \$6,000.40.

Upon motion of Mr. Stone, seconded by Ms. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that a total disbursement of \$106,809.80 from the Lease Revenue and Refunding Bonds; Series 2004B is approved.

Ayes: Ms. Moody, Mr. Haraway, Mr. Stone, Mr. Moody
Nays: None
Absent: Mr. Bowman

No. ES-11

REQUISITION FROM THE PROJECT FUND

[Indicate whether from Note Account or Bond Account of Project Fund by marking a line through incorrect account]

Industrial Development Authority of Dinwiddie County, Virginia
~~\$15,000,000 Lease Revenue Notes, Series 2004A and~~
\$41,040,000 Lease Revenue and Refunding Bonds, Series 2004B

TO: Sun Trust Bank

FROM: The Industrial Development Authority of Dinwiddie County,
Virginia, Project Fund

FROM: October 3, 2005

The undersigned Authorized County Representative requests that you make the following disbursements from the referenced Project Fund:

AMOUNT	TO	PURPOSE
\$104,085.80	Moseley Architects	Construction Documents
\$ 2,724.00	Moseley Architects	Additional Services
\$106,809.80	TOTAL OF THIS REQUISITION	

An invoice or other evidence of indebtedness for each item listed above is attached hereto.

Authorized County Representative

Upon motion of Mr. Stone, seconded by Ms. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that a total disbursement of \$47,392.20 from the Lease Revenue and Refunding Bonds; Series 2004B is approved.

Ayes: Ms. Moody, Mr. Haraway, Mr. Stone, Mr. Moody
Nays: None
Absent: Mr. Bowman

No. ES-12

REQUISITION FROM THE PROJECT FUND

[Indicate whether from Note Account or Bond Account of Project Fund by marking a line through incorrect account]

Industrial Development Authority of Dinwiddie County, Virginia
~~\$15,000,000 Lease Revenue Notes, Series 2004A and~~
\$41,040,000 Lease Revenue and Refunding Bonds, Series 2004B

TO: Sun Trust Bank

FROM: The Industrial Development Authority of Dinwiddie County, Virginia, Project Fund

FROM: November 1, 2005

The undersigned Authorized County Representative requests that you make the following disbursements from the referenced Project Fund:

AMOUNT	TO	PURPOSE
\$44,608.00	Moseley Architects	Construction Documents
\$ 120.00	Moseley Architects	Off Site Sewer Topo&Easement
\$ 1,824.00	Moseley Architects	Road Design Thru Property
\$ 300.00	Moseley Architects	Off Site Waterline Design
\$ 500.00	Moseley Architects	Off Site Sewer Design
\$47,392.20	TOTAL OF THIS REQUISITION	

An invoice or other evidence of indebtedness for each item listed above is attached hereto.

Authorized County Representative

Upon motion of Mr. Stone, seconded by Ms. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that a total disbursement of \$5,141.86 from the Lease Revenue and Refunding Bonds; Series 2004B is approved.

Ayes: Ms. Moody, Mr. Haraway, Mr. Stone, Mr. Moody
Nays: None
Absent: Mr. Bowman

No. HS-9

REQUISITION FROM THE PROJECT FUND

[Indicate whether from Note Account or Bond Account of Project Fund by marking a line through incorrect account]

Industrial Development Authority of Dinwiddie County, Virginia
~~\$15,000,000 Lease Revenue Notes, Series 2004A and~~
\$41,040,000 Lease Revenue and Refunding Bonds, Series 2004B

TO: Sun Trust Bank
FROM: The Industrial Development Authority of Dinwiddie County, Virginia, Project Fund
FROM: September 1, 2005

The undersigned Authorized County Representative requests that you make the following disbursements from the referenced Project Fund:

AMOUNT	TO	PURPOSE
\$ 81,430.00	Moseley Architects	Design Development
\$11,553.00	Moseley Architects	Additional Services
\$ 5,141.86	Sands Anderson Marks & Miller	Site Acquisition
\$98,124.86	TOTAL OF THIS REQUISITION	

An invoice or other evidence of indebtedness for each item listed above is attached hereto.

Authorized County Representative

Upon motion of Mr. Stone, seconded by Ms. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that a total disbursement of \$37,117.00 from the Lease Revenue and Refunding Bonds; Series 2004B is approved.

Ayes: Ms. Moody, Mr. Haraway, Mr. Stone, Mr. Moody
Nays: None
Absent: Mr. Bowman

No. HS-10

REQUISITION FROM THE PROJECT FUND

[Indicate whether from Note Account or Bond Account of Project Fund by marking a line through incorrect account]

Industrial Development Authority of Dinwiddie County, Virginia

~~\$15,000,000 Lease Revenue Notes, Series 2004A and~~
\$41,040,000 Lease Revenue and Refunding Bonds, Series 2004B

TO: Sun Trust Bank
FROM: The Industrial Development Authority of Dinwiddie County,
Virginia, Project Fund
FROM: October 3, 2005

The undersigned Authorized County Representative requests that you make the following disbursements from the referenced Project Fund:

<u>AMOUNT</u>	<u>TO</u>	<u>PURPOSE</u>
\$23,950.00	Moseley Architects	Design Development
\$13,167.00	Moseley Architects	Additional Services
\$37,117.00	TOTAL OF THIS REQUISITION	

An invoice or other evidence of indebtedness for each item listed above is attached hereto.

Authorized County Representative

Upon motion of Mr. Stone, seconded by Ms. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that a total disbursement of \$53,258.54 from the Lease Revenue and Refunding Bonds; Series 2004B is approved.

Ayes: Ms. Moody, Mr. Haraway, Mr. Stone, Mr. Moody
Nays: None
Absent: Mr. Bowman

No. HS-11

REQUISITION FROM THE PROJECT FUND

[Indicate whether from Note Account or Bond Account of Project Fund by marking a line through incorrect account]

Industrial Development Authority of Dinwiddie County, Virginia
~~\$15,000,000 Lease Revenue Notes, Series 2004A and~~
\$41,040,000 Lease Revenue and Refunding Bonds, Series 2004B

TO: Sun Trust Bank
FROM: The Industrial Development Authority of Dinwiddie County,
Virginia, Project Fund
FROM: November 1, 2005

The undersigned Authorized County Representative requests that you make the following disbursements from the referenced Project Fund:

<u>AMOUNT</u>	<u>TO</u>	<u>PURPOSE</u>
\$47,900.00	Moseley Architects	Design Development
\$ 4,500.00	Moseley Architects	Water and Sewer Engineer Report
\$ 332.04	Sands Anderson	School Site Acquisition

\$ 526.50 Sands Anderson School Site Acquisition

\$53,258.54 TOTAL OF THIS REQUISITION

An invoice or other evidence of indebtedness for each item listed above is attached hereto.

Authorized County Representative

4.D. FY 2005-06 APPROPRIATION RESOLUTION

The Board received the following appropriations resolution from Anne Howerton, Finance Director.

Upon motion of Mr. Stone to approve the Appropriations Resolution as presented, seconded by Ms. Moody,

Ayes: Ms. Moody, Mr. Haraway, Mr. Stone, Mr. Moody
Nays: None
Absent: Mr. Bowman

The following resolution was adopted.

**Appropriations Resolution
For FY 2005-2006**

WHEREAS, the final FY 2005-2006 budget has been adopted by the Board of Supervisors; and

WHEREAS, in order for the various departments and agencies to make expenditures within this budget, an appropriation of funds must be authorized by the Board of Supervisors;

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the General Fund budget in the amount of \$29,922,648 be appropriated beginning July 1, 2005; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following funds are appropriated beginning July 1, 2005:

Law Library - \$6,500; Fire Programs Fund - \$58,300; School Textbook Fund - \$411,249; School Cafeteria Fund - \$1,627,169; Virginia Public Assistance Fund - \$2,657,298; CSA Fund - \$899,989; E911 Fund - \$811,207; Meals Tax Fund - \$400,000; County Capital Projects - \$1,000,000; School Capital Projects - \$805,997; VJCCCA/Grants Fund - \$131,273; Jail Phone Commission - \$5,000; Courthouse Maintenance Fees - \$18,000; County Debt Service - \$3,455,116; Head Start Fund - \$538,888; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the CDBG Fund and IPR Fund, as State funds become available, be appropriated on a monthly basis as claims are presented; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the School Board budget be appropriated by category as follows, beginning July 1, 2005:

Instruction	\$27,452,338
Administration, Attendance & Health Services	1,686,379
Pupil Transportation Services	2,531,408
Operation and Maintenance of Services	4,016,377
Facilities	9,200
Transfers to Textbooks and School Debt Service	478,713
School Debt Service; and	4,808,907

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the FY 05 CIP fund balance in the amount of \$1,423,585 be reappropriated to the County Capital Projects Fund effective July 1, 2005 and;

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following transfers and appropriations from the undesignated FY 05 fund balance be approved:

1. \$13,312 appropriated for the Clerk of the Circuit Court: \$9,312 for indexing service (to be reimbursed by State Compensation Board) and \$4,000 to replace public-use copier.
2. \$50,000 appropriated for Crater Youth Care Commission: based on increased bed days and increased cost per bed day.
3. \$5,500 transferred and appropriated to the Recreation Fund for Jamestown 2007.

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that all funding for fiscal year 2005-06 is subject to further action by the Board as directed by the availability of State or other sources of funds.

4.E. FY 2004-05 SCHOOL FUNDS REAPPROPRIATION RESOLUTION

The Board received the memo below from Dr. Maranzano, School Board Superintendent.

SUBJECT: School Appropriation Request / FY 05 Final Audit Report

BACKGROUND
INFORMATION:

The Final FY 05 Audit, which includes the final 05 year-end balances, will be presented to the Board of Supervisors for review on December 6, 2005. The school division is required to request the Board of Supervisors to reappropriate FY 05 fund balances to FY 06.

ADMINISTRATIVE
CONSIDERATION (S)

Approval for the following FY 05 fund balances to be reappropriated to FY 06 by the Dinwiddie County Board of Supervisors.

Head Start	\$20,853.90
School Nutrition Fund	\$74,338.54
School Textbooks	\$176,373.10
School Capital Account	\$361,454.41
Debt Service Fund	\$1,416,961.51

There are several ongoing capital projects included in the FY05 School Capital Fund balance. A detailed report of individual projects included in the School Capital Fund was provided to the Board last October. A copy of that report is attached for your review.

In addition we seek approval to request the Dinwiddie County Board of Supervisors to reappropriate the FY 05 School Fund Balance of \$250,745.15. This will be used to offset the increased cost of fuel, projected to be approximately \$280,000.00

Upon motion of Mr. Stone, seconded by Ms. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that this reappropriation resolution is adopted as stated.

Ayes: Ms. Moody, Mr. Haraway, Mr. Stone, Mr. Moody

Nays: None

Absent: Mr. Bowman

4.F. SEAY DRIVE RESOLUTION AMENDMENT

The Board received the following memo from Michael Drewry, County Attorney.

On September 20, 2005, the Board of Supervisors adopted a resolution requesting the Virginia Department of Transportation ("VDOT") to add Seay Drive to the secondary system of State highways. VDOT has requested that this resolution be amended to include a reference to Va. Code § 33.1-229.

Report of Changes in the Secondary System of State Highways

Form LA-5A
Local Assistance Division 6/2005

Project/Subdivision

Seay Drive, Chesdin Manor

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, Rural (§33.1-§229, CTB Policy)

Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

Seay Drive, State Route Number 1519

Description: From: Intersection of Chesdin Blvd. 1510

To: Cul-de-sac

A distance of: 0.09 miles.

Right of Way Record: Filed with the Land Records Office on 7/2/1976, D.b. 10 Pg. 68, with a width of 50 Feet.

4.G. HOFEIMER WAY RESOLUTION

The Board received the following memo from Mr. William (Guy) Sheid, Director of Code Compliance.

BACKGROUND

Several years ago Hofheimer Way was built in conjunction with the construction of Chaparral Steel. Since an intersection was created where Hofheimer Way intersected with Boydton Plank Road (Route 1), special consideration was given to the road design on the west side of Route 1 adjacent to the Harrison Supermarket. The roadway adjacent to the Harrison Supermarket was built to state standards but did not qualify to be accepted into the state secondary system of highways because it did not serve the required commercial uses as defined by the state. Mr. Harrison is in the process of building a day care center behind the supermarket. In order to access the property, Mr. Harrison must use the portion of roadway that is not in the state system. It was determined that Dinwiddie County is the owner of this small land parcel containing the road improvements. In order to facilitate Mr. Harrison's ability to obtain an access permit, it was determined by county staff and the state that the Board should request the section of roadway under consideration to be accepted into the secondary system of state highways. This may be done since the use of the land by Mr. Harrison for a day care center allows the roadway to meet the minimum standards of the state for acceptance into the system.

LAST BOARD ACTION

N/A

REQUESTED ACTION

Adopt the attached resolution.

Upon motion of Mr. Stone to approve the resolution as stated, seconded by Ms. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the resolution as presented is adopted.

Ayes: Ms. Moody, Mr. Haraway, Mr. Stone, Mr. Moody

Nays: None

Absent: Mr. Bowman

RESOLUTION

Mr. Paul Lee of Lee, Robinson, Farmer, Cox Associates spoke regarding the FY 2004-05 audit. He said that the balances and net assets of the Cash Balances, Capital Assets, and Depreciation are staying about the same from one year to the next. This indicates that the County is replacing assets at about the same rate that depreciation is taking affect. General Fund Unreserved is a little over 20% of Total Budget which is within the range agreed upon. Tax Collection Percentage stayed strong. The only management comment this year was on the Inmate Trust Fund. This is being worked through with the Sheriff's office and should go away before next year. Mr. Lee added that in doing the County's audit they are not only working with the County Administrator's office accounting staff, but also the accounting staff of the School Board, Social Services and the Treasurer's Office. He stated that he commended all of those offices for the work that they did in helping the auditors to get the job completed. Mr. Lee said he would answer any questions from the Board.

Mr. Stone asked if the audit was available in electronic format.
Mr. Lee said that it is available in .pdf form.

6.A. VDOT PROPOSED SECONDARY SIX-YEAR PLAN FOR FY 2006/07 THROUGH FY 2011/12; SECONDARY SYSTEM CONSTRUCTION BUDGET FOR FY 2006/07

Mr. Ray Varney, Resident Engineer, spoke to this item. He discussed the differences between this year's plan and last year's plan.

The Chairman opened the public hearing in this case.

1. Mr. Danny Partin – Brills Road – spoke in opposition to Brills Road being paved. He said that he owns 57 acres on Brills Road, one of the unpaved roads that are on the plan. He said that Brills Road's main use is for agriculture and for timber. He said that if the road is paved the logging trucks and farm equipment that travel on that road will cause it to be torn up.
2. Mr. N. B. Ingram, III – 8321 Brills Road – spoke in opposition to Brills Road being paved. He brought a petition and letter from persons opposed who were not able to attend the meeting. The petition had about 30 names on it. He said that when this case came up before, he presented a petition with over 100 names. He had planned to resubmit that list with the additional 30, however he was not able to find the original petition. Some of the names on the petition are not Dinwiddie residents. They own land on Brills Road but do not live on it. He stated that Brills Road was not originally on the plan, and that of the people who had wanted it paved nearly all have since left. He said as well that if it's paved there will be more traffic and more accidents. He expressed concern regarding the large rock that is on the road. He said that it is "like driving off a cliff". He expressed concern about whether any environmental studies had been done regarding the impact on the environment of paving Brills Road. He asked if everyone in the audience who supported him would please stand. Several people stood up.
3. Kay Partin – 6601 River Road – Petersburg, VA – was not signed up to speak to this item but was allowed by the Chairman. She spoke in opposition to the paving of Brills Road. She said that she is a County employee and a future resident of Brills Road. She has bought 57 acres on Brills Road. She said that she is moving from a developed area to a more rural area in order to have more privacy.
4. Robert Belcher – 27516 Flank Road – said he wanted to speak regarding Halifax Road. He said that he drives Halifax Road often and the ditches that are being opened in order to widen the road to put in shoulders has exposed a hazard. He expressed that there is a large ditch there that needs a guardrail.

The Chairman closed the public hearing in this case, and requested that Mr. Varney return to comment on the issues that were raised in the public hearing.

Mr. Varney said that for VDOT the issue was that paving the road is a reduction in maintenance cost for the County. He said that Brills Road had to be machined continually, when it gets dry they have to put calcium chloride on it, and when it gets wet and muddy they have to put more stone on it. He said VDOT looks at it as an issue of

doing what the State has asked, and that is to pave those unpaved roads that meet the traffic requirements. One of the issues faced last year was the actual vehicle count. That count was done again. The original count was 100, the last count was 112. Brills Road is the type of road that works very well for the rural rustic system. He stated that the right-of-way was taken by the Legislature in 1932 with the Byrd Act. It said that if there are roads that the County is currently maintaining, that they will come into the state secondary system and they will have prescript of easement of 30 feet. That meant that the state was given 30 feet to maintain that road. Even after it's paved, that won't change. He addressed the environmental issue by stating that with the gravel surface as Brills Road is now, every time it rains the dirt, dust, gravel, etc. is going somewhere. Therefore, the paving would help that and not be an environmental issue.

He said that while he fully supported hard surfacing Brills Road, if the Board chose not to do that then he would fully support the Board and VDOT would continue to maintain Brills Road as is presently being done. However, something would have to be done with the secondary six-year plan because the plan has be approved by the end of December. If the decision was made not to pave Brills Road, then he asked that the Board give him direction when resolution is provided for approval of the secondary six-year plan. He said even if it was put in the future unpaved road funds, so that he could get the plan complete and signed, then that would work also. He said his recommendation was to proceed with the hard surfacing of Brills Road. He said he would gladly answer any questions from the Board.

Mr. Haraway asked how many people live on Brills Road.

Mr. Varney said he did not know, but they did do vehicle counts and the counts showed twice the number of vehicle travel per day that was needed in order to pave the road.

Mr. Haraway said that when he looked over the list of petitioners that only one address was listed on Brills Road.

One of the people in the audience said that there are 14 houses on Brills Road.

Mr. Haraway said that if there are 14 houses then there should be more than one resident address listed on the petition.

Mr. Stone said that Brills Road has one dead-end that comes off of McKissicks Road, which is also on the plan. He said that from his research both of these roads were put on in 2002, prior to his arrival on the Board. He said that this road is the line between District 1 and District 5. He said the last time he was on Brills Road was Thanksgiving Day. He said that he still had the same concern that Mr. Ingram had with the large rock that is on Brills Road.

Mr. Varney asked if Mr. Stone was interested in having the road lowered.

Mr. Stone said that he had understood that this rock is huge so he said he didn't know how much money would be involved in lowering the road.

Mr. Varney said that the road was taken down approximately 24 inches. He said the road can be taken down more. Most of the people who use the road are aware that the rock is there.

Mr. Stone asked whether the two parts of Brills Road and McKissicks Road were considered one project by VDOT.

Mr. Varney said no, they are three separate projects.

Mr. Stone said that in the last month or two he had received a great deal of contact from the people who frequent Brills Road. Most of the people he spoke to are opposed to the paving of Brills Road. The number of Brills Road residents he has heard from has been 60 – 40 against paving. The majority of people he had spoken to are not residents of the road.

Mr. Haraway asked approximately how many man days were spent annually on maintenance annually on Brills Road.

Mr. Varney said that approximately 20 man days were spent applying calcium chloride, putting more stone on the road and machining the road.

Mr. Haraway said that as Mr. Varney had spoken earlier about the cutback in state funds and that VDOT is limited to the number of man hours available for maintenance work in the county, that the result of paving Brills Road would be to give VDOT 20 more days to spend on other projects in the county.

Mr. Varney said that was correct, and that it would also give money to spend somewhere else. The money that is being talked about spending on Brills Road is construction dollars. These dollars don't count against maintenance dollars as is the case when the unpaved road is having to be maintained.

Mr. Haraway asked if Mr. Varney, from a financial standpoint, thought that this money could best be spent in the county on Brills Road.

Mr. Varney answered, yes, that Brills Road meets the requirements. It is one of the highest traveled unpaved roads in the county.

Mr. Moody said that his only comment was that he knew the roads had been on the plan for about three years. He said he had concern about the issue of the people who came to the meeting three years ago and addressed their concerns. He said the Board heard their concerns and put the road on the plan. He said he had a concern about bumping roads around. Mr. Moody said that he understood Mr. Ingram's feelings as a major landowner on the road. However, he was in a quandary as to what would be the best solution. Mr. Moody asked that since the section where Mr. Ingram was located was scheduled to be the first section done, could the priority be switched between Brills Road 1 and 2. Mr. Varney said it could be done, although there may be ramifications. He said that the plan had been worked on long and hard, and needed to be signed by December 31, 2005. The priority could be switched if the Board said switch the priority between Brills 1 and Brills 2 and adjust the plan accordingly.

Mr. Moody asked whether Rt. 642 met the requirements.

Mr. Varney said that Rt. 642 has 70 vehicle trips a day and would quality.

Mr. Stone asked about removing both projects on Brills Road and putting that money in an undesignated fund.

Mr. Varney said it could be done but the process would not be easy. Resolutions would need to be done in the coming year in order to make those projects happen. He said that roads would have to be moved up in priority. He said that McKissicks Road would have to come off also.

Mr. Moody said he was not in support of McKissicks Road coming off, but he was only one vote.

Mr. Stone made a motion to remove Projects 1 and 2, Brills Road, without affecting McKissicks Road project, from the Secondary Six-Year Plan.

There was no second to the motion.

The Chairman said it has been his custom to vote on a motion without a second.

Ayes: Ms. Moody, Mr. Stone
Nays: Mr. Haraway, Mr. Moody
Absent: Mr. Bowman

In accordance with Board by-laws a tie vote indicates the motion is dead and therefore voted down.

Mr. Haraway made a motion that the Virginia Department of Transportation Secondary Six-Year Plan and Department of Transportation Secondary System Budget for 2006-2007 be approved as presented at public hearing.

There was no second.

Ayes: Ms. Moody, Mr. Haraway, Mr. Moody
Nays: Mr. Stone
Absent: Mr. Bowman

The motion was approved.

Dinwiddie County Secondary Six-Year Plan

At a regular meeting of the Board of Supervisors of the County of Dinwiddie, Virginia held at the Board of Supervisors Meeting on December 6, 2005 at 7:30 p.m.

Present were: Mr. Harrison A. Moody, Chairman
Mr. Michael W. Stone, Vice-Chairman
Mr. Donald Haraway
Ms. Doretha Moody

Absent: Mr. Robert Bowman, IV

On motion by Mr. Haraway, no second, and carried: 3 to 1

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 (2006/07 through 2011/12) as well as the Construction Priority List (2006/07) on December 6, 2005 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 Varney, Residency Administrator , Virginia Department of Transportation, appeared before the board and recommended approval of the Six-Year Plan for Secondary Roads (2006/07 through 2011/12) and the Construction Priority List (2006/07) for Dinwiddie County,

NOW, THEREFORE, BE IT RESOLVED that since said Plan appears to be in the best interests of the Secondary Road System in Dinwiddie County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2006/07 through 2011/12) and Construction Priority List (2006/07) are hereby approved as presented at the public hearing.

A COPY,

TESTE:

Kevin Massengill, Interim County Administrator

**Secondary System County: Dinwiddie Construction - Six-Year Plan
Program Estimated Allocations**

Fiscal Year	Incidental Construction	Regular Construction	Unpaved Construction	Total
2006-07	\$180,000	\$962,009	\$283,679	\$1,425,688
2007-08	\$180,000	\$947,636	\$278,383	\$1,406,019
2008-09	\$180,000	\$965,485	\$279,873	\$1,425,358
2009-10	\$180,000	\$860,600	\$173,941	\$1,234,741
2010-11	\$180,000	\$917,781	\$170,000	\$1,267,781
2011-12	\$50,000	\$1,047,781	\$0	\$1,097,781
Totals	\$950,000	\$5,721,492	\$1,165,876	\$7,657,368

**Commonwealth of Virginia
Department of Transportation
Secondary System**

Budget July 1, 2006 - June 30, 2007

Residency: Petersburg (25)
County: Dinwiddie (026)
District: Richmond (4)

Details of Construction Budget

Regular Construction Allocation (33.1-23.4C)	\$1,142,009
Unpaved Road Allocation (33.1-23.1:1)	\$283,679
Net Funds for Distribution	\$1,425,688
<hr/>	
Distribution	
Incidental Improvements	\$180,000
Numbered Projects	
Regular Improvements	\$962,009
Unpaved Road Improvements	\$283,679
TOTAL ALLOCATION:	\$1,425,688

Mr. Stone asked Mr. Varney to please check on the rock issue on Brills Road in order to get an idea of what could be done.

Mr. Stone said he also had one question for Mr. Varney on a separate topic. He had a question regarding the construction on Rt. 40 leaving Dinwiddie going into Ft. Pickett. He said that going toward Blackstone the construction sign is on a wooden sign which is fine. Coming from Blackstone, entering the construction site, it is on a bad curve and the sign is just on a stand and the log trucks and traffic are flipping it over so that it's not visible. He asked if a wooden post could replace the stand until the project is completed.

Mr. Varney said yes it would be replaced.

6.B. ORDINANCE AMENDMENT, SECTION 10-6, SERVICE FEES FOR EMERGENCY AMBULANCE TRANSPORT, ARTICLE I, CHAPTER 10, FIRE PROTECTION AND PREVENTION

The Board received the memo below from Chief Dennis Hale.

Mr. Stone asked whether the fee schedule for Colonial Heights was by household or by person.

Chief Hale said that theirs is by household. He said that their fee schedule is a little different if it's a single person household.

Mr. Haraway said that he had received a telephone call regarding that question as well.

He said that in the future he would like for the County to consider that when the Medicare increase is issued each year that the ambulance increase should be tied into the annual increase from Medicare. He said that way there wouldn't be the situation of having to have a large increase all at one time.

The Chairman opened the public hearing in this case.

Michael W. Bratschi – 23500 Cutbank Road – McKenney, VA – said that he felt this gave too much power and authority to Chief Hale. He said that if someone should make a decision on how much someone should pay, it should be the County Administrator. He said that also he was opposed to what Mr. Haraway had suggested regarding the rates annually tied into the Medicare increase.

As there was no one else signed up to speak, the Chairman declared the public hearing closed in this case.

Chief Hale addressed the comment regarding the sliding scale. The scale would be set. Someone has to request that the sliding scale be applied. He said he does not pick who does or doesn't receive the sliding scale. Medicare says that the person is to be presented with the full bill. It is then the responsibility of the person to apply with the County in order to have it reduced. They have to send in very specific financial information which is then applied to a predesignated scale. He said he does not just randomly decide what someone is going to pay.

Dinwiddie County Public Safety
Memorandum

Amendment of Service Fees for Emergency Ambulance Transport Ordinance

Background

The ordinance to impose service fees for emergency ambulance transports was adopted in November of 2002 and was first instituted in February of 2003. Since the inception of the program situations have arisen that are not specifically addressed in the contents of the adopted ordinance. These situations involve such things as establishing and implementing inability/decreased ability to pay scales and payment plans for the service fees. At this time, the Division of Public Safety is not specifically authorized to develop policy and procedures for the program. Therefore, in order to administer the program more efficiently the ordinance would need to be amended in order to allow the development of such policies and procedures by the Division of Public Safety. If the proposed ordinance is approved, I have attached Ability to Pay Scale that will be implemented.

Fiscal Impact

Fiscal impact of this amendment would be in a positive manner. Currently, inability /decreased ability to pay cases are left open and eventually end up as uncollectible accounts. By being able to develop policies and procedures to assist in collecting these accounts, revenue from the program should only increase.

Last Board Action

N/A

Requested Action

Staff and County Attorney recommends approval of the attached ordinance.

Proposed Ability to Pay Scale

DINWIDDIE FIRE & EMS REVENUE RECOVERY
ABILITY TO PAY SCALE
ANNUAL HOUSEHOLD GROSS INCOME / FAMILY SIZE

DISC	Consumer Amount	Consumer Pymt. %	1	2	3	4	5	6 (Over)
	Enter Amount Owed							
0%	\$0.00	100%	25,500	34,200	42,900	51,600	60,300	69,000
5%	\$0.00	95%	24,500	32,900	41,300	49,700	58,000	66,400
10%	\$0.00	90%	23,600	31,600	39,700	47,700	55,800	63,800
15%	\$0.00	85%	22,600	30,300	38,000	45,800	53,500	61,200
20%	\$0.00	80%	21,700	29,000	36,400	43,800	51,200	58,600

25%	\$0.00	75%	20,700	27,800	34,800	41,900	48,900	56,000
30%	\$0.00	70%	19,700	26,500	33,200	39,900	46,700	53,400
35%	\$0.00	65%	18,800	25,200	31,600	38,000	44,400	50,800
40%	\$0.00	60%	17,800	23,900	30,000	36,000	42,100	48,200
45%	\$0.00	55%	16,900	22,600	28,300	34,100	39,800	45,600
50%	\$0.00	50%	15,900	21,300	26,700	32,200	37,600	43,000
55%	\$0.00	45%	14,900	20,000	25,100	30,200	35,300	40,400
60%	\$0.00	40%	14,000	18,700	23,500	28,300	33,000	37,800
65%	\$0.00	35%	13,000	17,400	21,900	26,300	30,800	35,200
70%	\$0.00	30%	12,000	16,200	20,300	24,400	28,500	32,600
75%	\$0.00	25%	11,100	14,900	18,600	22,400	26,200	30,000
80%	\$0.00	20%	10,100	13,600	17,000	20,500	23,900	27,400
85%	\$0.00	15%	9,200	12,300	15,400	18,500	21,700	24,800
90%	\$0.00	10%	8,200	11,000	13,800	16,600	19,400	22,200
95%	\$0.00	5%	7,200	9,700	12,200	14,600	17,100	19,600
99%	\$0.00	1%	6,280	8,420	10,560	12,700	14,840	16,980

Upon motion of Mr. Stone, seconded by Mr. Haraway,

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County approves the ordinance Section 10-6 Service Fees for Emergency Ambulance Transport as presented to become effective immediately upon adoption.

Ayes: Ms. Moody, Mr. Haraway, Mr. Stone, Mr. Moody
 Nays: None
 Absent: Mr. Bowman

**AN ORDINANCE TO AMEND THE
 CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,
 BY ADDING SECTION 10-6,
 SERVICE FEES FOR EMERGENCY AMUBLANCE TRANSPORT,
 ARTICLE I, CHAPTER 10, FIRE PROTECTION AND PREVENTION**

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County:

(1) That the Code of the County of Dinwiddie, 1985, as amended, is amended and re-enacted by adding the following section:

Sec. 10-6 Service fees for emergency ambulance transport.

- (a) Pursuant to Va. Code § 32.1-111.14, it is hereby determined and declared that the exercise of the powers and duties set forth herein is necessary to assure the provision of adequate and continuing emergency services and to preserve, protect and promote the public health, safety and general welfare.
- (b) Definitions. The following definitions shall apply to ambulance charges:

Basic Life Support (BLS) and Advanced Life Support (ALS) shall be those services as defined by the applicable federal or state regulations and administered in accordance with applicable law. Ground Transport Mileage (GTM) shall be assessed from the location of the point of pick-up of the patient to a hospital or other facility where a patient is transported.

- (c) The schedule of rates for emergency ambulance transport services by the Dinwiddie County Division of Fire and Emergency Services (including the Dinwiddie County Ambulance and Rescue Squad) shall be as follows:

Service	Fee
BLS/ALS	\$385.00
GTM	7.50 per patient loaded mile in addition to transport charges
Annual Subscription Fee	59.00

- (d) The schedule of rates set forth in paragraph (c) of this section may be revised by resolution of the Board of Supervisors.

- (e) The Chief of the Dinwiddie County Division of Fire and Emergency Services is hereby authorized and directed to establish policies and procedures, and to execute and maintain documentation necessary for the administration of this program, including, but not limited to, contracting billing services, a subscription program for county residents or other eligible persons, and payment standards for those persons who demonstrate economic hardship, as permitted by applicable law.

- (2) *That this ordinance shall become effective immediately upon adoption.*

6.C. ORDINANCE AMENDMENT, SECTION 19-10, TAX RELIEF FOR QUALIFYING MOTOR VEHICLES, ARTICLE I, GENERAL, CHAPTER 19, TAXATION

Mr. Michael Drewry, County Attorney, presented the following information to the Board.

The Personal Property Tax Relief Act of 1998, Va. Code §§ 58.1-3523 et seq. ("PPTRA"), has been substantially modified by Va. Code amendments enacted in 2004 and revisions to the 2004 – 06 Virginia Appropriations Act enacted in 2005. The amendments and revisions will become effective beginning January 1, 2006. These legislative enactments require the County to take affirmative steps to implement these changes and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised.

Beginning in 2006, the State's obligation to reimburse the County under PPTRA will be capped. The reimbursement will no longer grow with any increased growth in the value and number of vehicles in the County. The County will be advised of their fixed relief amount in early 2006. There are two methods of apportioning relief to individual taxpayers: Method 1 - annually setting a different personal property tax rate on qualifying vehicles; or Method 2 - annually setting the percentage of tax relief at a level that is anticipated to exhaust relief funds with the specific amount of relief credited shown on personal property tax bills.

The attached ordinance utilizes Method 2, as staff believes this method is clearer for citizens to understand and citizens are currently accustomed to seeing the tax relief displayed on their tax bill. In addition, the ordinance specifies that vehicles valued at \$1,000 or less will continue to not be taxed, and no relief will be available for past personal property taxes unpaid on September 1, 2006 or such date as State funds for past reimbursement become unavailable, whichever occurs first.

The County Treasurer, Commissioner of the Revenue and Staff recommend approval of the attached ordinance. They were all available for questions from the Board.

Mr. Moody asked whether Method 2 used a tier tax structure on the bill.

County Treasurer, Mr. Jones, said that it would be structured as it currently exists on the bill.

Mr. Drewry said that using Method 1 would mean setting a tax rate for the value that's over the \$1,000 to \$20,000 level. With Method 2, once the allocation is known a percentage is applied to the \$1,000 to \$20,000 level which would show up on the tax bill instead of having varying rates for the different levels.

The Chairman opened the public hearing in this case.

As no one was signed up to speak to this case, the public hearing was closed in this case.

Upon motion of Ms. Moody, seconded by Mr. Haraway,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County that a new section 19-10, Tax Relief for Qualifying Motor Vehicles, Article I, Chapter 19 of the Dinwiddie County Code is adopted as presented, and this ordinance shall become effective January 1, 2006.

Ayes: Ms. Moody, Mr. Haraway, Mr. Stone, Mr. Moody

Nays: None

Absent: Mr. Bowman

**AN ORDINANCE TO AMEND AND ENACT THE
CODE OF THE COUNTY OF DINWIDDIE, 1985,
AS AMENDED, BY ENACTING A NEW SECTION 19-10 OF
ARTICLE I, CHAPTER 19 OF THE CODE
RELATING TO THE TANGIBLE PERSONAL PROPERTY
TAXATION OF MOTOR VEHICLES**

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County:

(1) *That the Code of the County of Dinwiddie, 1985, as amended, is amended and re-enacted by adding the following section:*

Sec. 19-10 Tax relief for qualifying motor vehicles

- (f) Basis of tax relief. The tax relief provided under this section relates to the Personal Property Tax Relief Act of 1998, Va. Code §§ 58.1-3523 *et seq.* ("PPTRA"), which was modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the "2005 Appropriations Act"), and terms used in this Ordinance that have defined meanings set forth in PPTRA shall have the same meanings as set forth in the Va. Code §58.1-3523, as amended.
- (g) Method of computing and reflecting tax relief. For tax years commencing in 2006, the County adopts the provisions of Item 503.E of the 2005 Appropriations Act, providing for the computation of tax relief as a specific dollar amount to be offset against the total taxes that would otherwise be due but for PPTRA and the reporting of such specific dollar relief on the tax bill. The Board, shall, by resolution, set the percentage of tax relief at a level that is anticipated to exhaust PPTRA relief funds provided to the County by the State. Personal property tax bills shall set forth on their face the specific dollar amount of relief credited with respect to each qualifying vehicle, together with an explanation of the manner in which relief is allocated.
- (h) Allocation of relief among taxpayers. Relief shall be allocated in such a manner as to eliminate personal property taxation of each qualifying vehicle with an assessed value of \$1,000 or less. Relief with respect to qualifying vehicles with assessed values of more than \$1,000 shall be provided at a percentage, annually fixed and applied to the first \$20,000 in value of each such qualifying vehicle, that is estimated to exhaust all available state PPTRA relief. The percentage shall be established annually as a part of the adopted budget for the County.
- (i) Transitional provisions.
- (ii) Pursuant to authority conferred in item 503.D of the 2005 Appropriations Act, the County Treasurer shall collect personal property taxes, in the amount of 100 percent of tax due without regard to any formal entitlement to state PPTRA relief, plus applicable penalties and interest, to any taxpayer whose taxes with respect to a qualifying vehicle for tax year 2005 or any prior tax year remain unpaid on September 1, 2006, or such date as state funds for reimbursement

of the state share of such bill have become unavailable, whichever occurs first.

(iii) Penalty and interest with respect to bills issued pursuant to this section shall be computed on the entire amount of tax owed. Interest shall be computed at the rate provided in Section 19-2 from the original due date of the tax.

(2) *That this ordinance shall become effective January 1, 2006.*

6.D. C-05-5 PEGASUS TOWER COMPANY

Mr. Scott Wrenn, Zoning Administrator/Planner presented the information below to the Board.

Mr. Steve Romine, Attorney representing Pegasus in C-05-5, spoke to the Board. He said that with him also were several people who would be able to answer technical questions that he might not be able to address: Brian Caish, Cingular RF Engineer; Geri Nelson, Pegasus Site Acquisition Specialist; Dale Finochi, NB&C Zoning Consultant; Samuel Schroll, WFI Engineer; and Peter Komanyos, WFI Engineer. Also present was Harold Timmons, Pegasus Zoning Manager.

Mr. Romine said that he would clearly address the questions that were raised by the Planning Director with respect to what was being considered in the last meeting. He said he would also give a background overview just to make sure that there was consistency in the presentation. He said he would cover four points on an overview: 1) coverage needs, general as well as specific; 2) design, and why they think this is a good site and good design for the site; 3) impact, which is the visibility issues; and 4) suitability and why they think this complies with the county zoning ordinance.

The Planning Commission has a recommendation of approval; Staff recommends approval, as did the County's consultant. He said that to this date the County's technical professionals agree that this is a good location.

Regarding the need: Mr. Romine said that because of the widespread use of cell phones and the fact that today people rely on reaching 911 from a mobile phone; therefore the network has to be just as reliable as a hardline phone used to be. He discussed the network in Dinwiddie County. He said that Cingular is a licensed FCC carrier and they are the ones behind this application. They are required by the FCC license to service the citizens of Dinwiddie County. They are obligated to provide this type of coverage in this particular corridor. He said they are looking at primary coverage along Rt. 460 which is a highly traveled road. He said there is a need for connectivity there, not only for families and businesses, but for safety issues as well. He discussed the gap in coverage and the need for seamless coverage. He said that by using this proposed tower, another one that is proposed, and one that is already on the air, the gap will be filled in. He said the first thing they had done was to "scrub" the area for another structure they could locate on. He discussed the Crowne Tower. He said it is a 300 ft. tower just to the east of the proposed Pegasus tower. He said that if they went to the Crowne Tower, they would still have another need because it does not fill the gap. He said there are two issues with the Crowne Tower: it is not within the prime footprint of what they are trying to achieve on optimum coverage; and it has structural issues and does not remove the need for the Pegasus Tower being requested.

Mr. Moody asked whether Crowne had been contacted to see if it was available.

Mr. Romine said that Crowne does have positions on it but there are structural issues. He said also that there is a concern with tall towers with sheering and movement with wind. He said T-Mobile is going on it now and they have to do some structural upgrades.

Mr. Romine provided maps that showed the structural design of the tower. He discussed the access road and said that it is off Rt. 460, wholly on the Penell property so that it doesn't encroach on anyone else's property. He said the 400 ft. ring that had been called a buffer is not a buffer. It is a requirement under the zoning ordinance that they show that they are set back at least 400 feet from any residential development. There is also a 110% requirement that the tower be off the property lines. He said to show that they complied with the zoning ordinance, they put in the circle to show 400 feet. There are no restrictions on adjoining properties outside of the site. This just shows that the tower is set back the appropriate distance.

Mr. Romine continued that they believe the site is a very optimum site because it has mature trees with limited open areas. He said it will not be visible from most of the surrounding properties. He showed a board of a photo simulation of the tower on the site. A balloon is floated in the area where the tower will be and then photographed and a picture of the tower is superimposed on the photo.

Mr. Romine addressed the issue of suitability by saying that there is a lot of scrutiny when these hearings are done. He said they have gone through all the scrutiny: the staff recommends approval; the Planning Commission recommended approval; the County hired a consultant which the company paid a fee for and the consultant recommended approval. He said also that this is in the Rural Conservation Area, zoned A2, and under CZO Section 22-7145 it meets all the setback requirements specified as well as the 400 foot ring, and 110% setback from the property line. Mr. Romine said that at the last hearing they were asked about the Allen property to the west that it looked like it might be a little more suitable. They had not looked into that property previously. He said they went back and approached the property owners. The property owners said they were not interested. He closed by saying that the proposed tower meets the county guidelines, has been recommended by the Planning Commission staff, been recommended by the Planning Commission, and the County's hired consultant. Pegasus and the carriers will comply with all FCC and FAA regulations. He stated that it will have very little visual impact on surrounding properties, and it will satisfy coverage needs along Rt. 460 which is desperately needed. Mr. Romine respectfully requested approval.

The Chairman opened the public hearing in this case.

At this time the clerk introduced a written statement from an adjoining landowner, Mary Ellison, who was ill and unable to attend the meeting. This statement was given to the Board and handed out to those of the public who desired a copy. The representatives of Pegasus received a copy. The statement read as follows:

TO: DINWIDDIE BOARD OF SUPERVISORS
FROM: MARY ELLISON
9020 WHITE OAK CHURCH ROAD
WILSONS
DATE: DECEMBER 6, 2005
RE: PEGASUS TOWER

DUE TO ILLNESS, I AM UNABLE TO ATTEND THIS HEARING. PLEASE ACCEPT MY APOLOGY.

I AM STILL IN OBJECTION TO THE TOWER BEING ERECTED AT THE PROPOSED LOCATION DUE TO THE IMPOSITION OF THE BUFFER TAKING OVER 2 ACRES OF MY PROPERTY. THIS AREA IS WHERE MY BARN AND TRAINING PEN ARE LOCATED AS WELL AS WHERE I HAVE BEEN PLANNING TO BUILD A HOUSE.

FURTHER, PEGASUS TOWER HAS BEEN DECEITFUL. MR. TIMMONS TOTALLY IGNORED THE EXISTING TOWER LOCATED 1 MILE EAST, WHICH HAS ONLY 2 CARRIERS ON IT. HE STATED THAT PEGASUS E-MAILED THE AIRPORTS AND THAT WAS ALL THEY WERE REQUIRED TO DO. OUR ORDINANCE, SEC. 22-273, **REQUIRES** AN FAA AIR NAVIGATION HAZARD DETERMINATION REPORT. THE PHOTOGRAPHS TAKEN ARE DECEIVING, IT APPEARS THAT THERE WILL BE TREES TO HIDE HALF OF THE TOWER. THIS IS NOT SO, THE ONLY MATURE TREES ARE ON THE PROPERTY LINE AND THE PENNELL PROPERTY IS CUT-OVER. THE VEGETATION BETWEEN MY FENCE LINE AND THE TOWER WILL BE GONE, LEAVING NOTHING TO MUTE SIGHT OR SOUND.

SEC. 22-274, SPECULATIVE STRUCTURES ARE NOT PERMITTED. APPLICATIONS TO CONSTRUCT NEW ANTENNA SUPPORT STRUCTURES WILL **NOT** BE CONSIDERED UNLESS EVIDENCE IS PRESENTED OF A **LEGALLY BINDING** COMMITMENT BY AT LEAST (1) WIRELESS SERVICE PROVIDER AGREEING TO INSTALL HIS EQUIPMENT ON THE PROPOSED STRUCTURE UPON ITS CONSTRUCTION FOR A MINIMUM PERIOD OF (1) YEAR. AT THE NOVEMBER MEETING, MR. TIMMONS CLAIMED TO HAVE A "LETTER OF INTENT" FROM CINGULAR BUT, DID NOT HAVE IT OR A REPRESENTATIVE AT THE MEETING.

I HOPE THE BOARD WILL TAKE INTO CONSIDERATION ALL COUNTY REQUIRED DOCUMENTS AND MY RIGHT TO RAISE AND BREAK HORSES, WITHOUT INTERFERENCE FROM SUDDEN NOISES.

THANK YOU.

Dave Duncan – 901 Yorkshire Road – Colonial Heights, VA – spoke on behalf of family land at 8904 White Oak Church Road in opposition to the tower. He said that the land is too narrow. He spoke regarding the mature trees that are supposed to be surrounding the tower. He said that this property has been heavily timbered. He said that the mature trees that are being referred to are the trees on his family's property.

Michael W. Bratschi – 23500 Cutbank Road – McKenney, VA – spoke in opposition to the tower. He said that he was at the last meeting and referred to Mary Ellison's statement. He quoted her as saying that the person who owns this land does not have to live on the property so they don't have to put up with the inconveniences of the tower. He said that it will be Ms. Ellison who will be inconvenienced. He said according to the statement of Mr. Duncan and according to Ms. Ellison's statement the land has been cut over and there are no mature trees on the property. He asked as Ms. Ellison's statement asked, "has a wireless company committed in writing to this company for this tower"?

Michael Wilde – 11647 Old Stage Road – spoke in opposition to the tower. He said it shouldn't infringe on someone else's property. He said that at the last meeting Mr. Stone had commented that his company bid on this also. He said that as a conflict of interest Mr. Stone should abstain his vote.

Mr. Romine spoke in response to the issues that were brought up. The first issue with respect to the tower falling: Mr. Romine said that the 110% rural is very conservative. This means that if the tower falls directly over, it would fall completely within the property and would not descend over into any other property. These steel lattice towers are designed to twist and turn if they should fail, and fall on themselves. He said he knew of none that had failed. He said that the setback is not a buffer. The 400 ft. circle just shows that there are no other residents within 400 feet of that particular facility.

He said there was another question about turning up power and redirecting antennas. He said some of those issues are very technical. He said that if the Board wanted to delve into the power issues and height, he would be glad to call up an RF engineer. He said that it has been modeled at 195 and they believe this is a good proposal as indicated earlier.

He said that he had read Ms. Ellison's letter very quickly and did address several of her questions: 1) it is not a buffer nor encroachment or restriction on her property; 2) they do have a binding commitment that has been signed off by Staff from Cingular Wireless that satisfied the County's requirements. He said the FAA has signed off on this as well. He stated that with respect to the lighting, it can be lit at 195 if that is desired.

The Chairman closed the public hearing in this case.

Mr. Haraway commented that he understood that Cingular needs to put their equipment on a tower because they do not have good coverage on Rt. 460. He said his question was whether the County's consultant was present at the meeting.

The consultant was not present.

Mr. Haraway said that before he would vote on this he would want the County's independent consultant to say that the Crowne Tower that is located one mile away will not work. He said he would hate to see Rt. 460 have towers every other mile down the road. He said he wanted the consultant to say whether this would work, or would not work, on the existing tower.

Mr. Moody asked Mr. Wrenn whether the consultant had addressed this question.

Mr. Wrenn said the consultant did say that they could co-locate on that tower, but to meet the coverage area they had discussed they would need to be in a different location.

Mr. Massengill asked whether Mr. Wrenn had a commitment that the consultant would be present at this meeting.

Mr. Wrenn stated that he did.

Mr. Haraway said that still didn't answer his question. He said he wanted to know whether it was acceptable. He said he realized that the location they prefer will probably give them better coverage. However, sometimes we can't have everything we want and we have

to take the next best. He said he wanted to know whether to co-locate on the Crowne Tower would be acceptable in the cell phone business. He said he needed someone who was not bias and was independent to answer that question.

Mr. Moody said he would like to hear from the consultant as well.

Mr. Romine said in reading the consultant's report that even if they were to co-locate on the Crowne Tower, they would still end up with another tower. He said that, yes, they could go there. They would have to structurally improve it. But, with Cingular, they would still need another facility and would have to go further west to fill that gap. He said that not only are they trying to get connectivity on Rt. 460 but also on the north/south arterial as well.

Mr. Massengill asked a question regarding the coverage maps. The applicant had referred to the coverage as "pretty good". He asked that Mr. Romine better explain what "pretty good" is.

Mr. Romine asked Brian Cash, Senior RS Engineer for Cingular companies in Virginia, to speak to this. He said the area they are trying to cover is where there is the mass population first. He said they had built out this arterial around Blackstone and the Ft. Pickett area. He said they try to build as few sites as possible in order to get their objectives met. He said they look at existing structures first, and if they can co-locate on existing structures and still accomplish their goals it is a cost savings for them. He said the coverage that is being looked at on the maps is the worst case coverage, the summer time coverage where the foliage is the densest. The models are not 100% perfect. They consist of dry data base being collected from areas that are very similar in foliage and terrain, and then loaded into a computer and tuned to fit the area as best as they possibly can. He said the maps were a bit conservative. He said in the winter the coverage tends to improve as well. He said the green is very good coverage, even indoors. He said as you get into the yellow area, that coverage would be questionable as to whether someone indoors would be very much benefited from it. It is very good outdoor coverage and in car coverage.

Mr. Romine commented that eleven total sites are proposed for Dinwiddie and only two of the eleven are proposed as new build in the whole network. He said that 81% of what they're doing within the county are co-location because they're useable and feasible, and provide the on-air service they need.

Mr. Drewry commented that regarding lights, that Dinwiddie County Code Section 22-274(5)(D) states that a tower shall not be artificially lit unless required by FAA or other applicable authorities. He said that would have to be addressed if anyone was seeking to put a light on the tower.

Mr. Romine stated that they would prefer not to light it. He said as well that that if the Board felt that they did not have enough information to take an effective vote with respect to the consultant, they would prefer a deferral than taking action when the Board doesn't feel it has enough information to make a good decision.

Summary Report

At the November 1, 2005 Board of Supervisors meeting, the Board had some concerns regarding the new tower construction from Pegasus Tower Company. The Board wanted justification from Pegasus that the tower would be needed in that area of the County. The Board also wanted to hear from Cingular and find out what the coverage area would be if the new tower were approved. The Board voted to defer this matter until the December Board meeting.

The Staff has not received any new information regarding this case as of November 18, 2005. The Staff has been in contact with the Pegasus Tower Company representative regarding addressing the concerns of the Board. The representative plans on presenting that information to the Board at the December meeting.

The Planning Commission heard the conditional use permit request, C-05-5, at their September 14, 2005 meeting. The Planning Commission voted to defer the case until the October 12, 2005 meeting to address issues concerning the maximum height of the tower, notification of adjacent property owners, setbacks from property lines, and public safety antenna access. At the October 12, 2005 meeting, the issues the Commission had were addressed and the Commission voted 4-3 to recommend approval with conditions of C-05-5 to the Board with the following conditions:

1. The tower proposed by Pegasus Tower Company shall not exceed one hundred ninety-five (195) feet in height.

2. A red beacon, not a strobe light, is utilized in lighting the tower, if required.
3. The conditional use permit must be reviewed at least every two (2) years for compliance with stated conditions.
4. The applicant shall reserve space for public safety antennas, in accordance with Dinwiddie County Code.
5. Ensure E-911 compliance with wireless cell phone calls originating from the site.
6. Ensure E-911 coordinator has GIS data for the towers.
7. The applicant must keep in compliance with all federal, state, and local rules and regulations.

Staff's recommendation is that this request complies with the provisions of the Dinwiddie County Zoning Ordinance. Therefore, Staffs recommendation of approval with conditions of the request for a conditional use permit is contingent upon the applicant's ability to address the following conditions:

1. The tower proposed by Pegasus Tower Company shall not exceed one hundred ninety-five (195) feet in height.
2. A red beacon, not a strobe light, is utilized in lighting the tower, if required.
3. The conditional use permit must be reviewed at least every two (2) years for compliance with stated conditions.
4. The applicant shall reserve space for public safety antennas, in accordance with Dinwiddie County Code.
5. Ensure E-911 compliance with wireless cell phone calls originating from the site.
6. Ensure E-911 coordinator has GIS data for the towers.
7. The applicant must keep in compliance with all federal, state, and local rules and regulations.

Upon motion of Mr. Haraway, seconded by Mr. Stone,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a decision on case C-05-5 Pegasus Tower Company is deferred until the next meeting, December 20, 2005, provided the questions are answered by the County's consultant at that time.

Ayes: Ms. Moody, Mr. Haraway, Mr. Stone, Mr. Moody
 Nays: None
 Absent: Mr. Bowman

6.F. APPOINTMENTS

There were no appointments at this meeting.

7. CITIZEN COMMENTS:

1. Mr. Michael Bratschi – 23500 Cutbank Road – McKenney, VA – said that for the last couple of months he and several citizens had approached the Board asking that a resolution be done for Geri Barefoot. He said that he contacted Delegate Dance and asked her to come before the Board to request it. He said that she responded that she will have a memorial resolution done for Geri Barefoot at the upcoming 2006 General Assembly and asked Mr. Bratschi to contact her family. He said that it is a shame when the local Board could not have the curtesy to nominate someone for a resolution. He said that Ms. Barefoot had done a lot for the county.

As there was no one else signed up to speak, the Chairman declared the Citizen Comments period closed.

8. COUNTY ADMINISTRATOR COMMENTS

Mr. Kevin Massengill, Interim County Administrator commented that the Dinwiddie County Holiday Parade was scheduled for Saturday, December 10, 2005 at 2:00 P.M. He said it would start at the County Administration Building and go to Boze's Lumber Yard.

He stated also that Food Lion will have their grand opening on Wednesday, December 14th at 8:00 A.M. A press release should go out on that sometime this week. Each of the Board Members has been invited to attend.

The Board Retreat has been scheduled for Friday, December 16th at Namozine Volunteer Fire Department at 9:00 A.M. to 4:30 P.M.

In closing, Mr. Massengill said that he and Chairman Moody had a meeting during the day of this meeting with Delegate Dance and went over the county's legislative issues. He said they could report great success from that meeting as far the goals the county has legislatively.

9. BOARD MEMBER COMMENTS

Mr. Stone stated that the next District 5 Town Hall Meeting will be Monday, December 19, 2005 - 7:00 P.M. to 9:00 P.M. at McKenney Town Hall.

There were no further Board comments.

Mr. Moody announced that the next regular meeting is scheduled for Tuesday, December 20, 2005 at 2:00 P.M.

ADJOURNMENT

The Chairman adjourned the meeting at 9:40 P.M.

Harrison A. Moody, Chairman

ATTEST: _____
Kevin Massengill
Interim County Administrator
Clerk to the Board

/wjn