

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 1ST DAY OF NOVEMBER, 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
	ROBERT L. BOWMAN IV	ELECTION DISTRICT #3
	DORETHA E. MOODY	ELECTION DISTRICT #4

ADMINISTRATION

PRESENT: GREGORY HORWEDEL, COUNTY ADMINISTRATOR  
KEVIN MASSENGILL, ASSISTANT COUNTY ADMINISTRATOR  
ANNE HOWERTON, FINANCE DIRECTOR  
MICHAEL DREWRY, COUNTY ATTORNEY

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**CLOSED MEETING**

At 6:00 P.M. upon motion of Mr. Stone, seconded by Mr. Haraway,

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, County Administrator - Transitional Issues; Personnel Matters - Part-Time Staff; §2.2-3711 (A)(7) – Legal Matters; and §2.2-3711 (A) (5) - New Business Matters

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

**CERTIFICATION**

WHEREAS, this Board convened in a closed meeting under: §2.2-3711 (A)(1) of the Code of Virginia – Personnel Matters, County Administrator – Transitional Issues; Personnel Matter - Part-Time Staff; §2.2-3711 (A)(7) – Legal Matters; and §2.2-3711 (A) (5) - New Business Matters,

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, this Certification Resolution was adopted.

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

**REGULAR MEETING**

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

Mr. Harrison A. Moody, Chairman, called the regular meeting to order at 7:35 P.M. followed by the Lord’s Prayer and the Pledge of Allegiance.

3. **AMENDMENTS TO AGENDA**

Mr. Horwedel stated that there were two items to be added under Action Items on the Agenda, Agreement for Billing Services between the County and Dinwiddie Ambulance and Rescue Squad and Ambulance Aid Incentive. Public Safety Chief Hale would be discussing these and seeking the Board’s approval on the first item. The second item would be discussed and brought back for further action. Mr. Horwedel asked that these be added as 6.E and that Appointments be moved to 6.F.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Agenda is amended as stated above.

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

#### **4. CONSENT AGENDA**

The Clerk to the Board stated that there were two revisions to the minutes. In the October 18, 2005 Regular Meeting minutes on page 3, Item 4.D, VDOT Secondary Six-Year Plan, the following phrase needed to be added to the end of the resolution: "as to form for public hearing". In the October 20, 2005 Meeting minutes the word "Special" needed to be replaced with "Continuation".

#### **4.A.i. APPROVAL OF MINUTES FOR OCTOBER 18, 2005 REGULAR MEETING**

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Minutes of the October 18, 2005 Regular Meeting are approved with revisions as stated.

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

#### **4.A.ii. APPROVAL OF MINUTES FOR OCTOBER 20, 2005 CONTINUATION MEETING**

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Minutes of the October 20, 2005 Continuation Meeting are approved with revisions as stated.

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

#### **4.B. CLAIMS**

Upon Motion of Mr. Haraway, 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 1051277 through 1051477 (voided check numbers 1051278 and 1051358) .

##### **FY – 05/06**

##### **Accounts Payable:**

(101) General Fund	\$ 288,120.25
(103) Jail Commission	\$ 46.28
(209) Litter Grant Fund	
(222) E911 Fund	\$ 1,538.59
(225) Courthouse Main Fund	\$ 4,300.37
(226) Law Library	
(228) Fire Programs & EMS	\$ 7,734.69
(229) Forfeited Assets	
(304) CDBG Grant Fund	\$ 1,174.46
(305) Capital Projects Fund	\$ 7,224.61
(401) County Debt Service	<u>\$ 15,673.87</u>

**TOTAL** **\$ 325,813.12**

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

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 1051279 through 1051355 (voided check number 1051278) .

**October 31, 2005**

**Payroll:**

(101) General Fund	\$ 552,709.58
(222) E911 Fund	\$ 52,319.71
(229) Forfeited Asset Sharing	
(304) CDBG Grant Fund	<u>\$ 8,223.15</u>
	<b>\$ 613,252.44</b>

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

**4.C. INTERIM COUNTY ADMINISTRATOR / CLERK TO THE BOARD**

The Board received the following memo from County Attorney Michael Drewry:

In accordance with a directive from the Board of Supervisors, attached is a resolution appointing W. Kevin Massengill to the positions of Interim County Administrator and Clerk to the Board.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the attached resolution titled "APPOINTMENT OF W. KEVIN MASSENGILL AS INTERIM COUNTY ADMINISTRATOR AND CLERK TO THE BOARD" is approved as presented.

**RESOLUTION**

**APPOINTMENT OF W. KEVIN MASSENGILL AS INTERIM COUNTY ADMINISTRATOR AND CLERK TO THE BOARD**

WHEREAS, effective November 11, 2005 the position of County Administrator and Clerk to the Board will be vacant; and

WHEREAS, W. Kevin Massengill is currently the Assistant County Administrator serving in that capacity since 2002 and has proven his effectiveness and commitment to the community.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that W. Kevin Massengill is hereby appointed to the positions of Interim County Administrator and Clerk to the Board to be effective November 11, 2005, and shall assume all responsibilities of these positions until a County Administrator is appointed by the Board of Supervisors.

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

**5.A. PUBLIC HEARING: P-04-3, RICHARD BOGESE, BUILDER, REZONING**

Mr. Scott Wrenn, Zoning Administrator/Planner, presented a PowerPoint presentation on P-04-3 and provided the summary report below.

Mr. Derrick Johnson of Timmons Group spoke as representative for the applicant. He stated that they are seeking 24 lots on the 70 acre parcel with a 2 acre minimum requirement and the lots average out to almost 3 acres each. There are 27 proffers that address the traffic access issues, buffering of adjacent properties, future road improvements with dedications of right-of-way on Turkey Egg Road for any future improvements. The size and design of homes was addressed, and also restrictions. He asked for approval of the rezoning with proffers.

The Chairman opened the public hearing for this case.

Richard Bogese, Builder, said he was present to answer any questions.

Michael W. Bratschi - 23500 Cutbank Road, McKenney, VA – said that he would like to know why the money from the proffers that were being paid on these homes had to go into the County Capital Improvement Fund rather than to offset Schools, Public Safety and the Sheriff's Department. He said also that he was pleased that the cemetery that is on this parcel had been protected.

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

The Chairman then asked if Staff would comment on the question regarding the use of the proffer dollars.

County Attorney Drewry said that these are voluntary proffers and can be proffered in specific terms. This is a general cash proffer and is not for a specific item. If it were specific then it would go to a specific category in the CIP.

Mr. Horwedel said that he thought the citizen's concern was more in the line of why can't these funds be used to defray operational costs rather than only capital improvement costs.

Mr. Drewry said that cash proffers can not be accepted for operational costs, they have to be applied to capital items.

### **Summary Report**

File:	P-04-3
Applicant:	Richard Bogese Builder, Inc.
Property Address:	Turkey Egg Road, Dinwiddie, VA 23841
Acreage:	70 acres
Tax Map Parcel:	45-14
Zoning:	Agricultural, General, A-2 to Residential, Rural, RR-1
Date:	October 26, 2005

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### **BACKGROUND:**

The Planning Commission heard the rezoning request, P-04-3, at their October 13, 2004 meeting. The Planning Commission voted 4-0 (Abstaining: Mr. Stone) to recommend approval of P-04-3 to the Board.

The Board of Supervisors heard this rezoning case at their November 2, 2004 meeting at which time several concerns were addressed regarding the cemetery, wells, deceleration lane, and cash proffers regarding the proposed rezoning. The Board of Supervisors decided to postpone the action on this rezoning case until the High Growth Committee had finished the Growth Plan for the County.

At the October 4, 2005 Board of Supervisors meeting, case P-04-3 was heard by the Board which raised some discussion regarding proffers. The applicant's representative made a request to defer the case to the November Board of Supervisors meeting, in which the applicant and Board would have time to review the proffer and meet with the County's County Attorney and Staff.

Since that meeting, the Board of Supervisors has met with the County Attorney, Staff and Mr. Steve Jacobs of Robinson, Farmer, Cox & Associates (RFC) to discuss the proffers and the legal issues associated with the policy. In addition, on October 25, 2005 the County Attorney and staff met with the applicant to discuss this matter.

The applicant has resubmitted an updated proffer statement to the County.

In summary, the following change is noted for your edification:

- Proffer Statement 26. The applicant is offering a cash proffer of \$5,629.00 per lot. The new proffers have been submitted and signed by the applicant.

Staff's recommendation of approval with proffers of the request for a rezoning based on the following reasons:

1. The Staff feels that the concerns that were addressed by the Board of Supervisors in December of 2004 have been expressed in the updated proffers such as placement of cemetery site, well sites, deceleration lane, and provided cash proffers.
2. The applicant has provided signed proffers to the subject property.
3. The request is not in conflict with the Comprehensive Land Use Plan.
4. There are three zoning classifications in the subject property's area (Agricultural, General, A-2; Business, General, B-2; and Residential, Limited, R-1), the Staff feels that the rezoning requested is compatible with other adjacent zoning classifications.
5. The proffer statement updated on October 25, 2005 accurately diminishes the impact this development will have on the County.

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

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A)(7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, rezoning P-04-3 is approved with proffers by the Board of Supervisors.

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

Nays:

#### **5.C. PUBLIC HEARING: C-05-5, PEGASUS TOWER COMPANY**

Mr. Scott Wrenn, Zoning Administrator/Planner, presented a PowerPoint presentation on C-05-5 and provided the summary report below.

The Chairman asked if there was a copy of the Planning Commission Board Meeting minutes for this case.

Mr. Wrenn said that the minutes had been drafted but not approved as yet.

Chairman Moody asked whether the buffer areas of 400 ft. went over the property line.

Mr. Wrenn said that the buffer is a 400 ft. radius and does go over into the adjacent property. However, it does not prevent the adjacent property owners from developing whatever they choose on their property. The buffer constricts the property owner on which the tower is on. Nothing can be developed within the 200 ft. set back of the tower.

At this time Harold Timmons, representative of Pegasus Tower Company, spoke. He said that Pegasus Tower Company is a Virginia company located in Tazewell County. He said that they have reviewed the staff reports and agree to abide by all the conditions as stated. Mr. Timmons spoke in detail regarding the tower site, the tower itself, and the conditions the company had agreed to. Mr. Timmons also read a statement provided by Cingular as a justification for this site. A copy of this statement was provided with the submittal package. He said that under the current network design that Cingular Wireless is proposing there are 11 total sites in Dinwiddie County. Of those 11 sites, only two are proposed as new sites. The rest are existing structures.

Mr. Moody asked the plan should the power fail to this site.

Mr. Timmons answered that the carriers will utilize a generator. He said that Pegasus does not require that they do, that they are basically the tower owner and they deal with any issues related to the tower. The carrier will decide whether they utilize a generator.

Mr. Moody also asked about interference and that according to FCC they have to make sure they are not causing interference, and if it's found that they are, they have to correct it.

Mr. Timmons responded that is a part of their licensing agreement with the FCC. They have to correct issues they are made aware of.

The Chairman opened the public hearing in this case.

Mary Ellison – 9020 White Oak Church Road – Wilsons, VA – said that she was before the Board as a Dinwiddie citizen and adjoining landowner in opposition to the proposed Pegasus Tower. She stated that the base of the tower would be approximately 200 ft. off of her property line with an added projection of a 200 ft. buffer onto her property which equals two acres. She said she had been planning to build on those two acres for over a year. She can build inside the buffer but she does not want to build that close to a 190 ft. tower and the extras that come with it. There will be a substation at the base that kicks on periodically with the ability to scare her horses. She stated that she works within 200 feet of a similar tower and the noise is quite loud. She said that her logic is that if a parcel is not big enough to accommodate the tower and the buffer, it should not be erected. She said that the owners of the land for the proposed tower are residents of Blackstone. Nothing that is done on this piece of property will affect them. She said she has owned her property for over 22 years and did not buy it for the view and inconveniences of a tower. She had hopes of leaving her property to her four children but this will change that option. She said that the County has been lead to believe that this site is a must in order to provide wireless customers with coverage. She questioned the need for this tower. She said there was another tower within a mile. She was also concerned about the creek between her property and the proposed site. Finally, she was concerned about whether a light will eventually be needed.

Dave Duncan – 901 Yorkshire – Colonial Heights, VA – said that he had come before the Board in order to speak about what he had learned about cell towers in recent meetings. He was surprised about how many cell towers there are in Dinwiddie County. He said that as many as five companies can utilize these towers. He said with 33 watts of power being utilized per antenna ray per company it can go up to 100 watts. This is a microwave that will be directed toward the ground. He said this is why he had questions regarding the buffer zone. He said that he understood that on the applications for towers they will keep them less than 200 ft. so they don't have to have FAA approval. He said that the land where this tower is placed is a very narrow piece of land. He asked how these towers would be maintained. He said that in being a good neighbor he didn't feel that the buffer zone should infringe on the adjoining property.

Michael W. Bratschi - 23500 Cutbank Road, McKenney, VA – said he supported what Ms. Ellison and Mr. Duncan had said. He said that when the County built the radio system most of the wireless towers didn't want to give the County any space. He asked whether the County was trying to get space on this tower.

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

Mr. Timmons asked if he could answer some of the questions that were raised; and he was allowed this time. He said that structures had to be spaced properly in order for the network to operate properly. He said that the landowner who lives in Blackstone pays taxes in Dinwiddie County. He said also that for any tower located in Dinwiddie County the County gets a portion of the taxes that are placed on it by the State Cooperation Commission. He said also that if it is approved that they will develop the site with corridors with an approved erosion and sediment control plan. He said that they were not mandated by FAA to put a light on the structure.

Mr. Stone asked if a Cingular represent was present. There was no Cingular representative present.

Mr. Stone asked if the County's cellular consultant was present.

The County's consultant, Mr. George Condyles, President of Atlantic Technology Consultants, came forward to answer any questions.

Mr. Stone asked whether the cell tower was less than 1½ miles away from an existing location.

Mr. Condyles said that the cell tower was about 1½ miles away to the east.

Mr. Stone asked whether it was being fully utilized.

Mr. Condyles answered that no, it was not.

Mr. Stone asked Mr. Timmons whether his company, or Cingular, had looked at this tower.

Mr. Timmons answered that he had not done the site acquisition. He stated that he would suppose that his site acquisition person had done a "scrub" of the area to determine what competing structures would be there, and had not located this particular structure.

There was much discussion at this point between Mr. Timmons and Mr. Stone regarding this site.

The Chairman asked the County's consultant to return to the podium to assist with some of the questions that had been raised in discussion.

Mr. Bowman asked whether the 400 ft. buffer was a federal regulation.

Mr. Condyles said that several years ago when the County was developing an ordinance there were two issues, safety and ascetics. The safety issue is a standard setback of 110% of the overall height of the structure. The 400 ft. was put in as a requirement by the Planning Commission and the committee that was formed. He said that the sound that Ms. Ellison said she was hearing was caused by the two air handling units in the shelter at the base of the tower. Those run when the humidity or the temperature drops inside the shelter. That was why the 400 ft. buffer was required so as to hopefully not disturb neighbors nearby.

There were no more questions of Mr. Condyles or Mr. Timmons.

Mr. Haraway commented that he uses the minutes of the Planning Commission meeting as a valuable resource in how he votes on issues that come from the Planning Commission, especially when it's a three to four vote on an issue. He stated that he would not be able to vote at this meeting without having those minutes in order to understand what discussion took place at the Planning Commission meeting.

Mr. Moody asked whether there was a report that was prepared by the consultant.

As the consultant responded that he had prepared a report, Mr. Bowman asked what the consultant's recommendation had been.

Mr. Condyles said that upon reviewing the applicant's request, speaking with the wireless carrier, and having discussions with them, his company felt that the applicant had met the conditions that the County had specified in its planning and zoning guidelines.

Mr. Bowman asked that since this buffer overlaps the adjoining property owner by about 200 ft., would the noise from the air-handling units be a real concern for the neighbor.

Mr. Condyles stated that if the neighbor says that it is a concern, then it is. He said he wanted to mention also in addressing the question of a standby plan during a power outage that this location is not planned to have a standby generator. The plan is to have a generator brought in and connected. He said that not every cell site is equal.

Mr. Moody asked if there were any other questions or comments.

Mr. Drewry commented that if an applicant proves lack of tower space in a vicinity, it is heavily regulated and the County is legally restricted as to what it can and cannot do. He said that he would like to have time to look into more of the factual situation of this matter. From a conditional use standpoint, if an applicant complies with the County's ordinance, the County can only reasonably restrict from a physical aspect of what the applicant can or cannot do. He said the reason the Planning Commission minutes were not in the packet was because this went to two Planning Commission meetings. The minutes of the last meeting were just drafted and won't be approved until the next week's meeting. He said there seemed to be many issues around this, and it would be difficult for him to advise from a legal standpoint at this time.

### **Summary Report**

File: C-05-5  
 Applicant: Pegasus Tower Company  
 Property Address: 337 Hawthorne Drive, Blackstone, VA 23824  
 Magisterial District: Darvills District

Acreage: A lease portion of 37.9 acre parcel  
 Tax Map Parcel: 26-5  
 Zoning: Agricultural, General, A-2  
 Water Source: N/A  
 Sewer Disposal: N/A

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The applicant, Pegasus Tower Company, is seeking a conditional use permit to construct a 195 foot steel lattice tower and related facilities on a leased portion of the property located on Cox Road, Wilsons, VA 23894. The property is zoned Agricultural, General A-2 which allows this use under County's Zoning Ordinance Section 22-71 (45). The property is designated as Tax Map 26, Parcel 5. The County Comprehensive Land Use Plan places this property within the Rural Conservation Area.

Section 22-71 (45) of the Dinwiddie County Code provides for the location of "communication towers with stations" within the Agricultural, General, A-2 district provided that a conditional use permit is approved by the Board of Supervisors.

The site is located within the Rural Conservation Area as identified by the Dinwiddie County Comprehensive Land Use Plan. Telecommunication towers and co-locates have been approved within this planning area by the Board of Supervisors in the past.

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, Staff's recommendation of approval with condition 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.
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Upon motion of Mr. Haraway, seconded by Mr. Bowman,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Public Hearing Case C-05-5, Pegasus Tower Company, is deferred until the Board of Supervisors Meeting on December 6, 2005.

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

Mr. Stone commented that he had no need for the provider to be present.

Mr. Moody stated that the clarification he would like would be the availability of co-locations and what the response has been of the sites that are close by.

**6.A. VIRGINIA COOPERATIVE EXTENSION, RESOLUTION OF SUPPORT FOR TOBACCO GRANT – THE VALUE ADDED BEEF CATTLE INITIATIVE**

Mr. Kevin Massengill, Assistant County Administrator, presented the memo below to the Board.

Attached to this memorandum is a letter from Mr. Mike Parrish, Dinwiddie County Extension Agent ANR Unit Coordinator, requesting the support of the Board of Supervisors. Mr. Parrish is at the beginning phase of applying for a grant with the Virginia Tobacco Indemnification and Community Revitalization Commission (Tobacco Commission).

If successful, this grant will support the Southside Value Added Beef Cattle Initiative. This program is being initiated by Amelia County (Amelia County Cattleman's Association) in conjunction with the local Agriculture Extension Agents who are providing technical assistance with the application process. This program would allow local cattleman to improve their overall cattle herd management, hence resulting in more profitable enterprises for the cattle producers.

The jurisdictions that are recommended to participate in this program are:

1. Dinwiddie County
2. Amelia County
3. Prince Edward County
4. Nottoway County
5. Greensville County

The fiscal agent of this grant will be Amelia County and upon receiving grant approval from the Tobacco Commission will be vested with the responsibility to disburse (5) five equal amounts to the participating counties Soil and Water Districts. Each Soil and Water District will receive 2% of the local share to administer the project. Cattleman would then apply to the cost share program.

Staff has reviewed this request and is recommending approval. No funds are required from the County to participate in the program, and the Dinwiddie County cattleman will receive a benefit by having such funds available to them.

Mr. Bowman asked the dollar amount of the application.

Mr. Massengill's reply was \$380,000.

Mr. Bowman asked the qualifications to apply. He asked also whether this would create any additional jobs.

Mr. Massengill said that the agri-business portion of this grant is to keep and maintain the agri-business that the County currently has. It is to enhance the existing cattle producers.

Mr. Parrish, Dinwiddie County Extension Agent, said that the minimum requirement is to have an existing herd of at least 20 animals. This money can be used to improve genetics, facilities and equipment handling. Also, the tobacco farmers who have small herds on the side can improve those herds to become a more profitable enterprise instead of a break even enterprise. Mr. Parrish also will administer a training program for herd health, herd management, training on new techniques for vaccinating veterinary medicines to the livestock, and also encourage the herd owners to improve the handling facilities so the livestock maintain more growth.

There were no more questions at this time.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the attached resolution titled "VALUE-ADDED BEEF INITIATIVE EXPANSION PROJECT" is approved as presented

**RESOLUTION**

**VALUE-ADDED BEEF INITIATIVE EXPANSION PROJECT**

**WHEREAS**, Dinwiddie County and its surrounding counties have historically been tobacco dependent communities; and

**WHEREAS**, the agricultural sectors of these counties have endured economic losses as a result in the decline of tobacco production; and

**WHEREAS**, agricultural producers within these counties are actively seeking alternative sources of agricultural income and the means to foster economic development; and

**WHEREAS**, the Southside Value-Added Beef Initiative, a program endorsed and funded through the Tobacco Indemnification and Community Revitalization Commission, has provided much-needed assistance to agricultural producers in six other Southside counties to improve the production, management, and marketing capabilities of beef cattle producers; and

**WHEREAS**, the Beef Initiative would significantly impact beef production in Dinwiddie, Amelia, Nottoway, Prince Edward and Greensville Counties through the distribution of cost-share incentives to eligible cattlemen; and

**WHEREAS**, Amelia County will serve as the applicant and the fiscal agent to the Tobacco Indemnification and Community Revitalization Commission on behalf of Dinwiddie County and the other participating counties noted above; and

**WHEREAS**, the Board of Supervisors of Dinwiddie County does hereby authorize and direct the County Administrator, to execute the necessary documents to endorse the expansion of the Southside Value-Added Beef Initiative at no expense to the County and understands that the fiscal agent in charge of disbursement of such funding will be Amelia County to all participating jurisdictions in cooperation with their local Soil and Water Conservation Districts; and

**NOW, THEREFORE, BE IT RESOLVED** that the members of the Dinwiddie County Board of Supervisors unanimously endorses the expansion of the Southside Value-Added Beef Initiative at no expense to the County and understands that the fiscal agent in charge of disbursement of such funding will be Amelia County to all participating jurisdictions in cooperation with their local Soil and Water Conservation Districts.

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

Nays: None

**6.B. DIVERSIFIED AMBULANCE BILLING (DAB) – WRITE-OFF OF UNCOLLECTIBLE ACCOUNTS**

Mrs. Anne Howerton, Director of Finance, presented the memo below to the Board:

Mr. Haraway said he did not want to hold up the vote on this issue, however he would like to know whether this company could give the Board an analysis on Dinwiddie's collection rate compared with the other counties for which they do billing. He said he would like to see the range of collections.

**Memo:**

The ambulance billing company, Diversified Ambulance Billing, has 288 patient accounts totaling \$116,567 with dates of service from February 2003 – February 2005 which they have deemed uncollectible. They would like approval from the Board to write these accounts off as bad debt. DAB has followed their protocol of sending four bills to the patients, and they will turn these accounts back over to the County if they aren't written off. The County then has the option of giving the delinquent accounts to a collection agency. However, almost all of these accounts are self pay. If you'll recall, it was the

intent of the Board at the beginning of this program to collect from the insurance companies, not to send the self pay patient accounts to collections.

The bad debt to charges percentage is 9.87% which is less than the 10% guideline.

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

BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County, Virginia does hereby authorize Diversified Ambulance Billing to write off the 288 accounts totaling \$116,567.

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

Nays: None

Mr. Drewry commented that he has reviewed the Ambulance Billing Ordinance. He said that clarification is needed to allow a sliding scale of payment based upon the income of the citizens who were without insurance. He said that other localities do this and he will look into it. This may help with collections.

#### **6. C. GENERATOR BID – PAMPLIN ADMINISTRATION BUILDING**

The Board received the memo below from Anne Howerton, Director of Finance.

We held the bid opening for the Administration Building generator on October 7, 2005 at 3pm. Three vendors submitted bids that ranged from \$55,716 to \$71,094, with Fidelity Engineering Corporation providing the lowest bid.

This project was previously approved in a prior year's CIP. However, it has subsequently been identified as a qualifying expenditure under the County's Homeland Security Grant, thereby freeing up CIP funds for other projects. By equipping the Administration Building with a generator, continuation of government services is provided to the County during an emergency situation.

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

BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County, Virginia does hereby authorize and direct Gregory S. Horwedel, County Administrator, to execute the necessary documents to award the contract for the purchase of the Administration Building generator to Fidelity Engineering Corporation in an amount not to exceed \$55,716.

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

Nays: None

#### **6.D. SELECTION OF FINANCIAL ADVISOR**

Mr. Horwedel, County Administrator, presented the memo below to the Board.

Mr. Haraway asked whether this is seen as an ongoing expense, or is it an expense just for the next calendar year.

Mr. Horwedel responded that this is a one year expense. Once the model is set up, the figures can be plugged in year to year to make a good budgetary tool.

Mr. Stone commented that this was going to fall under his consolidation of services issue with the School Board because then the County Administrator would be able to work with two CPA's that the County had not had before. He said, therefore, he did not know whether this was needed with two CPA's working for the County.

Mr. Horwedel responded that in his opinion this was needed because of the modeling component that is built into this proposal. He said he felt this was worthwhile and much more like what the business world does as far as forecasting is concerned.

Mr. Moody asked how this compared with what Davenport had done as far as forecasting of revenue growth.

Mr. Horwedel said he thought there needed to be a different analysis done of Davenport's work. He said that he wasn't sure that some of the assumptions they made

are currently what is being faced by the County. He said that was beyond the scope of Staff to look into detail on those projections and assumptions, and be able to come up with a reasonable determination as to whether or not the Davenport analysis was flawed or simply did not look down the road far enough.

Mr. Moody said that the assumptions Davenport made were from input from the School Administration as far as when they projected the percent revenue growth. There had been a conservative amount in the assumptions, and they were asked to bump it up.

Mr. Horwedel said that his initial review of those assumptions was that they were not supportable now. He said the situation two years ago was different than what it is today.

Mr. Haraway said he was in favor of doing this one time, but he would ask for an example of a report that they have done for another county.

Ms. Howerton said that they had seen a report of Goochland County, and that she had talked with RFCA about the report.

**Memo:**

As you may recall, during the last budget cycle staff recommended, and the Board approved, creating a Finance Committee to help review the County's budget. Staff also has developed a 5-year financial forecast to predict the County's budget position during the next few years. (Previous budgets had been done year-to-year.) Based upon the 5-year projection, staff recommended that the County take certain steps to improve our forecasted budget outlook. Chief among those steps is the need to develop better analytical tools to model and track our financial performance against predicted outcomes.

Some of the necessary work involves departments or offices other than the County administration. Staff in those departments (as well as in administration) is focused on existing end-of-year tasks, which makes it difficult at best to add this additional task. However, staff believes these analytical and modeling tools are essential in tracking for the County's long-term fiscal health.

Therefore, we recently solicited written quotes for the following financial advisory services:

1. Perform historical review and trend analysis of cash, revenues, and expenditures (FY 2000 – 2005 budget and actual).
2. Review the County's integrated operating and CIP 5 year budget projection model and identify superior financing options, if any.
3. Review the analysis of cash flow impact of funding each capital project and evaluate the impact of funding multiple projects.
4. Evaluate the County's debt capacity and equivalent tax-based funding requirements in terms of the 5-year budget projection model.
5. Provide comprehensive peer group review for the County in terms of key financial and economic ratios.
6. Perform analysis and provide model of revenue potential from more frequent reassessments, pro rata personal property taxation, etc.

We received four quotes for the project. Interested vendors were BB&T Capital; Davenport & Company; Robinson, Farmer, Cox Associates (RFCA); and SunTrust Capital. Costs ranged from \$10,000 to \$14,750. RFCA offered the lowest quote.

Staff recommendation is to proceed with RFCA so that the results of this project may be used during the FY 2006-07 budget process. Vacancy savings in the County Administrator position are one potential funding source; the pending bond refinancing is another. In any event, funding for this project will need to come from the unrestricted reserve fund balance.

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

BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County, Virginia does hereby authorize and direct Gregory S. Horwedel, County Administrator, to execute the necessary documents to award the contract for the financial forecast project to Robinson, Farmer, Cox Associates in an amount not to exceed \$10,000.

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

Nays: Mr. Stone

**6.E. BILLING SERVICES: DINWIDDIE AMBULANCE AND RESCUE SQUAD, INC.**

Mr. Dennis Hale, Division Chief of Public Safety, provided the memo below.

Mr. Stone commented that as this was an addendum to the agenda he did not feel he had received adequate time to review this item.

Mr. Haraway agreed.

It was decided by consensus of the Board to carry this item over to the next meeting in November in order to give adequate time for review.

**BACKGROUND**

The Division of Public Safety, County Administration and the Dinwiddie Ambulance and Rescue Squad, Inc. have worked diligently for the past several months to develop an agreement between the parties that will allow the Dinwiddie Ambulance and Rescue Squad, Inc. to utilize the counties billing contractor and Medicare number to participate in the Revenue Recovery Program. Attached you will find a copy of the agreement that outlines the distribution of the collected funds and the responsibilities of all the involved parties.

**CONTRACT NEGOTIATIONS**

A similar agreement was reached between the parties in June of 2003; however, that agreement was never utilized. Since February 2005 the parties have met on several occasions to rework the agreement and presently have a document that is agreeable to all parties. The Dinwiddie Ambulance and Rescue Squad has been utilizing the county billing contract since March 2005 without a written agreement. At this time no funds have been distributed to the squad. This agreement would allow for those funds previously collected as well as future funds to be distributed to the squad under the terms of the agreement. As you will note the agreement would be retroactive to March 2005.

Chief Hale also presented an informational memo to the Board regarding the an incentive for volunteer members. This item will also be presented at the next meeting.

**6.F. APPOINTMENTS**

There were no appointments at this meeting.

**7. CITIZEN COMMENTS:**

1. Mr. Michael Bratschi – 23500 Cutbank Road – McKenney, VA – spoke in favor of an incentive for volunteers. He also asked that the Board request that the County Attorney investigate the State Code regarding former employees coming back to work for the County on contract. He said that he felt the Board should adopt the same, that if an employee leaves then the employee has to wait a year before being hired on contract. He also asked that the nepotism policy be investigated. He also stated that he felt Mr. Bowman should not have been voted to the Gateway Commission due to conflict of interest.
- 2) Mrs. Anne Scarborough – Dinwiddie, VA – said that she would like to see the County cut all ties with Davenport. She spoke in opposition of the financial advisor item. She said that she also did not agree with the cost of the report. She agreed with Mr. Bratschi regarding the length of time an employee is hired as a contractor after they have left employment with the County. She also agreed with Mr. Bratschi regarding nepotism.

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

**8. COUNTY ADMINISTRATOR COMMENTS**

County Administrator Horwedel stated that the Crater Planning District Commission had sent some information to the County asking for participation in a regional corridor initiative related to the Jamestown event that will happen next year, "The Godspeed Sail". They are requesting financial participation from the County in the amount of \$4,000. This would not have to be made until next year. Therefore, Mr. Horwedel suggested that this be considered at budget time. He said he did feel there was value to having a regional tourism initiative that involves other counties as well as Dinwiddie. This was one of the findings of the regional tourism studies that the County participated in just a couple of months ago. The entities that have already committed are the cities of Colonial Heights, Hopewell, Petersburg, the counties of Chesterfield and Prince George. Mr. Horwedel said that he had told Ms. Martha Burton that he would make the Board aware of this request. He suggested that it be considered, and said that it would fall into a budget time when the Board has requested that all other types of these requests be considered at the same time which would be in January 2006.

## **9. BOARD MEMBER COMMENTS**

Mr. Haraway – stated that as this is County Administrator Horwedel's last meeting he would like to thank him for his many positive contributions to Dinwiddie County. He said that Mr. Horwedel had initiated enthusiasm with his ideas regarding the commerce park. He said that Mr. Horwedel will be missed and that it had been a pleasure working with him.

Mr. Horwedel said that he will miss everyone as well and will miss the citizens. He said that he knows that the County will continue to move forward. He said that there are enough people who have very strong interest in making sure that happens. He thanked Mr. Haraway for his kind words.

Mr. Haraway said also that he felt the County was very fortunate that Mr. Kevin Massengill would be handling the administrative duties during the interim. He said that Mr. Massengill has a lot of knowledge at a very young age. He said also that the residents of Dinwiddie can certainly be assured that the County is in good hands during this interim period.

Mr. Bowman said that he would like to echo what Mr. Haraway had stated about Mr. Horwedel. He said it had been a pleasure working with Mr. Horwedel, that he had thought out of the box and showed a lot of leadership. He said also that he felt Mr. Horwedel had gotten the County headed in the right direction.

Mr. Horwedel expressed his appreciation.

Mr. Stone said that since the last meeting there had been a question regarding an invoice from the School Board for some architectural drawings. Mr. Stone said he had been in contact with the School Superintendent and had not yet been able to get a firm date set to meet with him. He said he had suggested November 7<sup>th</sup>, 10<sup>th</sup> and 14<sup>th</sup> at 5:00 P.M. Mr. Stone said that he had not yet received a reply. He said that he was working to have the consolidation package by November 10<sup>th</sup> to Ms. Howerton, Finance Director. He said that he had conveyed to Dr. Maranzano and Mr. Field that he would give it to them as well.

Mr. Stone advised that there will not be a District 5 meeting in the month of November because the week that it is usually held would be Thanksgiving week. The next meeting will be December.

Ms. Moody said that she would also like to echo what Mr. Haraway and Mr. Bowman had said concerning Mr. Horwedel. She said that she will miss him and that she has learned a lot. She said that she does expect to continue to grow under Mr. Massengill's leadership.

Mr. Moody said that he also felt the same regarding Mr. Horwedel. He said that Mr. Horwedel had jumped in, rolled up his sleeves, and achieved a lot in a little bit of time. He said that he appreciated Mr. Horwedel's time and diligence in the efforts he had made. He said that he knew also that the County was in good hands with Mr. Massengill during the interim time of searching for another County Administrator.

Mr. Horwedel expressed his appreciation. He said also that none of what was done was done in a vacuum. There were a lot of staff people, and certainly the Board of

Supervisors and citizens who made sure that there was an awareness of things that needed to be considered. He said that he felt that the future for Dinwiddie is very bright.

Mr. Moody said that he agreed. He said Mr. Horwedel had a good staff and he had done a good job leading them in this short amount of time.

Mr. Moody said also that a citizen had contacted him regarding the flags at the Courthouse. The citizen had said that the code says that the flags have to be lit at night. He asked that this be checked on.

He said also that he attended a Tobacco Commission Meeting during the week and that a lady had put together a list of career prospects in Virginia. He said that he would like to pass this along to the Schools so that high school children could go on the website to investigate subjects they may like.

There were no further Board comments.

In accordance with a request by the Chairman, due to the VACo Conference and the time the Board members who would be attending that conference would be returning, it was publicly stated and agreed upon by the Board that the next Board meeting regularly scheduled for November 15, 2005 is cancelled and a special meeting is scheduled for November 16, 2005 at 7:30 P.M.

### **ADJOURNMENT**

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

The meeting was adjourned at 10:00 P.M.

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

Nays: None

\_\_\_\_\_  
Harrison A. Moody, Chairman

ATTEST: \_\_\_\_\_  
Kevin Massengill  
Interim County Administrator  
Clerk to the Board

/wjn