

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 20th DAY OF JUNE 2006 AT 3:30 P.M.

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

ABSENT: HARRISON A. MOODY ELECTION DISTRICT #1

ADMINISTRATION

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

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1.2.&3. ROLL CALL – INVOCATION – PLEDGE OF ALLEGIANCE

The Chair called the meeting to order at 3:30 p.m. followed by the roll call, invocation and pledge of allegiance.

ROLL CALL

PRESENT: Mr. Haraway
Mr. Bowman
Mr. Stone
Ms. Moody

ABSENT: Mr. Moody

4. AMENDMENTS TO AGENDA

Mr. Haraway said that under Item 11.A Closed Session §2.2-3711 (A) (1) Personnel Appointments: he would like to add 4. Social Services Board.

Mr. Stone stated that under 11.A Closed Session §2.2-3711 (A) (1) Personnel: he would like to add 3. County Attorney.

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.

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

Nays: None

Absent: Mr. Moody

**5.A. CONSENT AGENDA: APPROVAL OF MINUTES FOR MAY 11, 2006
SPECIAL MEETING**

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the May 11, 2006 Special Meeting Minutes are approved.

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

Nays: None

Absent: Mr. Moody

**CONSENT AGENDA : APPROVAL OF MINUTES FOR MAY 16, 2006
REGULAR MEETING**

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the May 16, 2006 Regular Meeting Minutes are approved.

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

**CONSENT AGENDA : APPROVAL OF MINUTES FOR MAY 23, 2006
REGULAR MEETING**

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the May 23, 2006 Regular Meeting Minutes are approved.

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

**CONSENT AGENDA: APPROVAL OF MINUTES FOR MAY 31, 2006
SPECIAL MEETING**

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the May 31, 2006 Special Meeting Minutes are approved.

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

5. B. CONSENT AGENDA: CLAIMS

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

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 1053853 through 1054137 (voided check numbers 1053852 and 1053978).

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

FY – 05/06

Accounts Payable:

(101) General Fund	\$	94,261.25
(103) Jail Commission	\$	120.99
(209) Litter Grant Fund	\$	30.00
(222) E911 Fund	\$	7,823.34
(228) Fire Programs & EMS	\$	7,835.58
(304) CDBG Grant Fund	\$	729.60
(305) Capital Projects Fund	\$	53,293.76

(401) County Debt Service	\$ 27,730.00
TOTAL	\$ 191,824.52

June 20, 2006**Accounts Payable:**

(101) General Fund	\$ 275,969.29
(209) Litter Grant Fund	\$ 380.30
(222) E911 Fund	\$ 3,577.67
(226) Law Library	\$ 102.65
(228) Fire Programs & EMS	\$ 453.88
(304) CDBG Grant Fund	\$ 259.09
(305) Capital Projects Fund	\$ 6,328.01
(401) County Debt Service	\$ 42,901.85
TOTAL	\$ 329,972.74

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

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 1053776 through 1053851 (voided check number 1053775).

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

Nays: None

Absent: Mr. Moody

May 30, 2006**Payroll:**

(101) General Fund	\$ 540,409.18
(222) E911 Fund	\$ 52,788.87
(229) Forfeited Asset Sharing	
(304) CDBG Grant Fund	\$ 9,926.06
TOTAL	\$ 603,124.11

5.C. CONSENT AGENDA: HAZMAT MOU

The Board received the following memo from Chief Dennis Hale, Dinwiddie County Fire & EMS.

Background

In the interest of increasing Hazardous Materials response capabilities the emergency services representatives from the City of Petersburg, the City of Colonial Heights, the City of Hopewell, the County of Prince George, the County of Dinwiddie and Fort Lee have worked to form a regional Hazardous Materials Response Team. Each of the jurisdictions realized that it could not solely provide this capability to its citizens. This initiative would combine the human and capital resources from all of the localities emergency service agencies into a single response element capable of delivering service in any of the jurisdictions. The articles of the agreement outline the rights and responsibilities of each jurisdiction under the agreement. This agreement has been in formation for several months and has been reviewed by each jurisdictions emergency services representative and legal counsel for each jurisdiction. This agreement also strengthens our compliance with NIMS and other emergency preparedness documents by demonstrating that Dinwiddie County is committed to a regional approach to dealing with emergency events.

Last Board Action

N/A

Fiscal Impact

N/A

Requested Action

Approval of the Memorandum of Understanding.

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

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia does hereby direct W. Kevin Massengill, County Administrator, to execute the necessary documents to enter a memorandum of understanding between the City of Petersburg, the City of Hopewell, the City of Colonial Heights, the County of Prince George, Fort Lee and the County of Dinwiddie for hazardous materials incident response and the formation and response of a regional hazardous material response team.

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

Nays: None

Absent: Mr. Moody

5.D. CONSENT AGENDA: BOND REQUISITIONS – SCHOOL BOARD

The Board received requisitions No. ES-15 and No. HS-15 from Dr. Maranzano. These items were approved by the Dinwiddie School Board at their meeting on June 13, 2006.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$37,173.50 from the Lease Revenue and Refunding Bonds, Series 2004B is approved.

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

Nays: None

Absent: Mr. Moody

No. ES-15

REQUISITION FROM THE PROJECT FUND

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

Note/Bond 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: SunTrust Bank

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

DATE: June 13, 2006

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

AMOUNT	TO	PURPOSE
\$37,173.50	Mosley Architects	Construction Documents

\$37,173.50**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 Mr. Bowman,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$241,514.00 from the Lease Revenue and Refunding Bonds, Series 2004B is approved.

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

Nays: None

Absent: Mr. Moody

No. HS-15

REQUISITION FROM THE PROJECT FUND

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

Note/Bond 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: SunTrust Bank

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

DATE: June 13, 2006

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

<u>AMOUNT</u>	<u>TO</u>	<u>PURPOSE</u>
\$114,960.00	Mosley Architects	Construction Documents
\$119,750.00	Mosley Architects	Bidding
\$ 2,160.00	Mosley Architects	Design (3) R-Turn Lanes
\$ 1,296.00	Mosley Architects	Design of Reconstr Boisseau Rd.
\$ 1,620.00	Mosley Architects	Design of Widening Boisseau Rd.
\$ 1,728.00	Mosley Architects	Prepare right-of-way plats
\$241,514.00		TOTAL OF THIS REQUISITION

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

Authorized County Representative

5.E. CONSENT AGENDA: AMBULANCE BILLING UNCOLLECTIBLE ACCOUNTS

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

The ambulance billing company, Diversified Ambulance Billing, has 398 patient accounts totaling \$160,026 with dates of service from February 2003 – March 2006 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. Almost all of these accounts are self pay. Our recommendation is to write off the \$160,026 as bad debt in keeping with the Board's previous policy of writing off self pay ambulance accounts.

The attached chart shows the charges, collections, and bad debt write offs since February 2003.

Diversified Ambulance Billing Analysis	approved							Total	% Bad Debt
	Dates of Service	Charges	Collections	% Collections	12/7/2004 Bad Debt	10/18/2005 Bad Debt	6/20/2006 Bad Debt		
Feb 03-Dec 03	663,388	219,422	33.08%	49,639	29,789	34,713	114,141	17.21%	
Jan 04-Oct 04	612,670	312,690	51.04%	34,769	75,816	93,975	204,559	33.39%	
Nov 04-Sep 05	760,574	390,902	51.40%	0	10,962	26,081	37,044	4.87%	
Oct 05-Apr 06	518,993	246,633	47.52%	0	0	5,257	5,257	1.01%	
Total	2,555,625	1,169,647	45.77%	84,408	116,567	160,026	361,001	14.13%	
				252 accts	288 accts	398 accts	938 accts		

We are asking for approval of the following resolution:

Upon motion of Mr. Stone, 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 398 accounts totaling \$160,026 in uncollectible ambulance charges.

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

Nays: None

Absent: Mr. Moody

5.F. CONSENT AGENDA: APPROPRIATION – RECORDS MANAGEMENT SYSTEM CLERK OF THE CIRCUIT COURT

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

BACKGROUND

Per state mandate, the Clerk of the Circuit Court's office must have on-line accessibility of recorded documents by July 1, 2006. Going forward from July 1, 2006, the Clerk's Office must scan in all new documents and have them available to the public for on-line viewing. Previously recorded documents will be back-scanned into the new system as funds allow. (This back-scanning process will not be complete for several years.) In order to accomplish this mandate, the Clerk's office must purchase a new records management system – their current system only offers computerized indexing of documents.

We decided to go with the system provided by the Supreme Court of Virginia. This system is used by 62 other Clerk's Offices in Virginia; the system support is located in Richmond; and the price was considerably lower than Cott Systems, which is the vendor we currently use for document indexing.

The total price of the system software and hardware and installation is \$53,568.76 and the annual software/hardware maintenance will be \$11,900. Technology Trust Fund monies will be used to fund most of the system (\$41,217) and the remaining funds are available from the Clerk's FY 2005-06 budget (\$20,000 budgeted) for the software and hardware.

LAST BOARD ACTION

On March 21, 2006 the Board of Supervisors of Dinwiddie County, Virginia authorized Kevin Massengill, then Interim County Administrator, to execute the necessary documents to award the contract for the purchase, installation, and annual maintenance of the Clerk of the Circuit Court's Office records management system from the Supreme Court of Virginia in an amount not to exceed \$57,429 for hardware, software, and installation and \$11,900 annual maintenance.

REQUESTED ACTION

Approval of resolution for receipt and expenditure of state trust fund monies.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia to appropriate and approve the receipt and expenditure of State Technology Trust Fund monies in the amount of \$41,217 for the purchase of the Clerk of the Circuit Court's records management system.

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

Nays: None

Absent: Mr. Moody

6. A. REPORT: VIRGINIA DEPARTMENT OF TRANSPORTATION

Ray Varney, Resident Engineer, discussed the Secondary Six-Year Plan and the change in funding due to the General Assembly cuts. He said it will be difficult to fund those roads that don't meet the qualifications for federal funding. He said that revenue sharing is now compared by the amount of sharing the municipality is willing to put forth, which is totally different than it was in the past. He stated that if there are lots of revenue sharing projects out there, then the applications for those need to be submitted this year. He said that it would get the State's attention by showing how important revenue sharing is to localities, and perhaps prompt a change by the Legislature. Mr. Varney stated that he would let the Board know when the State had a revised secondary six-year plan budget, and at that point perhaps a time could be scheduled for a workshop.

6.B. REPORT: DINWIDDIE COUNTY CHAMBER OF COMMERCE

Ms. Tanya Hale discussed the formation of the Dinwiddie County Chamber of Commerce. She said it was appreciated that they are able to use the Enhancement Center as it was an easy access for most of the residents, and is also in the thoroughfare of things. She stated that a question/answer session would be held on June 21st between 11:00 and 1:00 and all business owners in the county were invited to attend. This had been announced through the *Dinwiddie Monitor* as well as *The Progress Index*. The membership meetings are scheduled for the second Wednesday of every month from 11:00 to 1:00. Ms. Hale stressed that farmers are businesses as well. She stated that they are still in process of forming the Chamber and are working on corporate charitable designation with the State Corporation Commission. It will take six weeks to six months to receive that. The Chamber cannot open their account, nor can they employ anyone, until such time as they receive that designation. She stated that she and the rest of the Board of the Chamber of Commerce are working diligently on their own funding and time in order to get this up and rolling. They are planning a kickoff meeting the second Wednesday of September. By that time, they hope to have a lot more available to the county. She stated that they do already have some membership applications in. They are on the School Board Advisory Committee, and are looking at some different things that can be done for the School Board. Ms. Hale stated that other than bringing business into the county and sustaining the business that is here, they are making citizens aware of the businesses that are here and how they are of benefit. They are also keying in on the youth through the senior ages. They are focusing on what the youth are learning, what they're going away with, and whether they will return. They are also centering in on those seniors in the community who are either shut-in or in rehabilitation and nursing homes in the surrounding communities. They are seeking to find out what can be done for them and how those seniors' knowledge and wealth of experience can be shared.

Mr. Massengill, County Administrator, stated that in the meeting in March under his comments period that he had suggested, with input from the Board, that a Dinwiddie County Chamber of Commerce needed to be started. He stated that Ms. Hale was in the audience at that meeting and called him the next day and told him that this was something she would like

to do. Mr. Massengill stated that this was not an easy undertaking, and that Ms. Hale has put so much of her own time into getting this started. He said that she had done an excellent job of expressing all the potential benefits of having a Chamber of Commerce in the county. He expressed his appreciation for all that she and the Board of the Chamber have accomplished.

Ms. Hale expressed her appreciation to their Board as well. She said the Board consisted of April Green, Bank of McKenney, Dean Edens, the Military Liaison, Lee Desutty and Kim Gerry from Chaparral Steel, Carl Ashby and Lisa from If It's Printed, WalMart, and Paul Coleman. She said that Tim Smith, Director of Recreation, and his staff had been wonderful to work with. She also thanked her husband and his business, Hale's Electrical Service; because without their support and the time they allow her she would not have been able to do this. Ms. Hale stated that it was the small businesses as well as the large businesses in this county that are really going to make the Chamber of Commerce what it will be. She said they all need to bond together.

6.C. REPORT: RECREATION DEPARTMENT PROGRAM UPDATE – PLAY CAMP

Mr. Tim Smith, Director of Recreation, presented some programs that are being offered this summer. He discussed the following programs and activities: instructional ball league for 3 and 4 year olds; peewee baseball league for 5-7 year olds; the British soccer program; summer wrestling camp; "Kaleidoscope of Fun" camp that allows a variety of activities; arts and crafts programs; a tennis clinic for 5-18 year olds; and "soccer madness". Cost of the camp is \$70 for a two week session.

Mr. Smith thanked Tom Paige of *The Dinwiddie Monitor* for offering a section in the paper on a weekly basis (when space is available) to highlight what's going on at the recreation department.

Mr. Smith said they are working on the horseshoe program. The pits should be prepared in the next couple of weeks. He said they had met with representatives from Chaparral Steel and Simmons Metal regarding donations from them to help start off the campaign. He said they had received an email from the Virginia Horseshoe Pitcher's Association acknowledging the gift program and how well it was done.

7.A. ACTION ITEM: WASTE WATER TREATMENT PLANT EXPANSION ADDITIONAL FUNDS REQUEST

The Board received the following memo from Robert Wilson, Executive Director of the Dinwiddie County Water Authority.

BACKGROUND

At the October 5, 2004 Board of Supervisors meeting, the executive director for the Dinwiddie County Water Authority approached the Board of Supervisors to request permission to refinance the 1994 Bond for the plant. The refinancing of the bond netted the county an annual savings of \$80,000/year through October 2011. At the same meeting the executive director also advised the Authority needed to proceed with the design of the expansion of the plant from 50,000 gallons per day to 100,000 gpd.

At the March 15, 2005 Board of Supervisors meeting, the executive director advised the Board of Supervisors of the estimated cost for the plant expansion. The estimated cost of construction was between \$1.5 million and \$1.75 million. Dinwiddie County administrative staff recommended that the Board of Supervisors authorize the Authority and County to pursue a bond or municipal loan, whichever was most advantageous to the county, to finance the necessary expansion and improvements. As with the original 1994 Bond, Dinwiddie County would adopt a formal Support Agreement with the Dinwiddie County Water Authority to secure the necessary funding.

The Authority is currently under a consent order from the Department of Environmental Quality (DEQ) to upgrade the plant to 100,000 gpd and address a copper problem by September 15, 2007. The construction time allowed in the contract is 450 days. To meet the September 15, 2007 time limit the Authority will need to begin construction as soon as possible but no later than July.

LAST BOARD ACTION

At the May 3, 2005 Board of Supervisors meeting, the executive director advised the Board of Supervisors that the chief

finance officer and executive director had reviewed the financial implications of a bond and a municipal loan and determined that a municipal loan was more advantageous for the Authority and county. A formal resolution was passed at the May 3rd meeting securing the funding in the amount of \$1.75 million with the necessary Support Agreement from Dinwiddie County. The funding was secured before the project was bid to take advantage of the current low rates (3.85%) before the federal government raised the interest rates.

CONTRACT NEGOTIATIONS

The Authority accepted bids for this project on November 22, 2005 (after Katrina). The Authority received three bids \$2,819,000; \$3,085,000; and \$3,866,000. The Authority rejected the bids and went back to the drawing board. The process design was value engineered from an oxidation ditch to a sequencing batch reactor (SBR). Anything that was not considered essential to the process was deleted from the project.

The Authority's consultant provided new contract drawing and specifications. The Authority re-bid the project and accepted new bids on May 24, 2006. This time the Authority received six bids ranging from \$2,287,000 to \$3,212,000. The low bidder is F.L. Showalter in the amount of \$2,287,000. The Authority's consultant, R. Stuart Royer and Associates, has evaluated the bids and recommends award to F. L. Showalter in the amount of \$2,287,000.

The low bids exceed the current municipal loan by \$537,000. SunTrust has advised that the current municipal loan rate is 4.65%. A new municipal loan for 15 years would be approximately \$49,000/year additional. The annual payment for the \$1.75 million loan is approximately \$154,000/year. The total of both loans would be \$203,000/year for the next 15 years. The additional debt of \$49,000/year has been reviewed with the chief finance officer and county administrator and they have determined that this expenditure can be accounted for in the operating budget annually.

REQUESTED ACTION

The Authority's Board of Directors in conjunction with county administrative staff request that the Board of Supervisors enter into a Support Agreement with the Dinwiddie County Water Authority to proceed with the expansion of the Courthouse WWTP.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the resolution authorizing the execution of an agreement and support agreement are approved as presented by the Dinwiddie County Water Authority relating to the expansion of the Courthouse Wastewater Treatment Plant.

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

RESOLUTION

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT PROVIDING FOR A NON-BINDING UNDERTAKING OF DINWIDDIE COUNTY, VIRGINIA, TO CONSIDER CERTAIN APPROPRIATIONS TO THE DINWIDDIE COUNTY WATER AUTHORITY, AND AGREEING TO CERTAIN MATTERS RELATED TO THE ISSUANCE AND SALE OF REVENUE BONDS OF DINWIDDIE COUNTY WATER AUTHORITY TO SUNTRUST BANK

WHEREAS, the Dinwiddie County Water Authority (the "Authority") has been duly created by the Board of Supervisors (the "Board of Supervisors") of Dinwiddie County, Virginia (the "County"), in accordance with the Virginia Water and Waste Authorities Act (Chapter 51, Title 15.2, Code of Virginia of 1950, as amended);

WHEREAS, at the request of the Board of Supervisors, the Authority has agreed to finance the costs of expansion and improvements to the sewer facilities in and around the courthouse area of the County by the issuance of a water and sewer system revenue bond in a maximum principal amount not to exceed \$550,000 (the "Series 2006 Municipal Loan");

WHEREAS, the Authority has received a proposal from SunTrust Bank (the "Bank") for the purchase of the Series 2006 Municipal Loan, and the Bank has indicated that its agreement to purchase the Series 2006 Municipal Loan will be conditioned upon the Authority's entering into a support agreement with the County;

WHEREAS, the Board of Supervisors desires to enter into a support agreement with the Authority, providing for the Board of Supervisors to consider certain appropriations to the Authority, to reduce the Authority's cost of financing; and

WHEREAS, there has been presented to the Board of Supervisors at this meeting a draft of a Support Agreement to be dated on or before the issuance of the Series 2006 Municipal Loan between the Board of Supervisors, acting on behalf of the County, and the Authority (the "Support Agreement");

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA:

1. It is determined to be in the best interests of the County and its citizens for the Board of Supervisors to enter into the Support Agreement in connection with the issuance by the Authority of the Series 2006 Municipal Loan at the request of the Board of Supervisors.
2. In consideration of the Authority's undertakings with respect to the Series 2006 Municipal Loan, the Chairman or Vice-Chairman, either of whom may act, is hereby authorized and directed to execute and deliver the Support Agreement. The Support Agreement shall be in substantially the form presented to this meeting, which is hereby approved, with such completions, omissions, insertions or changes not inconsistent with this resolution as may be approved by the Chairman or Vice-Chairman, the execution thereof by the Chairman or Vice-Chairman to constitute conclusive evidence of his approval of such completions, omissions, insertions or changes.
3. The County Administrator is hereby authorized and directed to carry out the obligations imposed by the Support Agreement on the County Administrator.
4. As provided by the Support Agreement, the Board of Supervisors hereby undertakes a non-binding undertaking to appropriate to the Authority such amounts as may be requested from time to time pursuant to the Support Agreement, to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia. The Board of Supervisors, while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby states its intent to make such appropriations in future fiscal years, and hereby recommends that future Boards of Supervisors do likewise during the term of the Support Agreement.
5. The Board of Supervisors, on behalf of the County, hereby agrees to the issuance by the Authority of the Series 2006 Municipal Loan, provided that the original aggregate principal amount of the Series 2006 Municipal Loan does not exceed \$550,000.
6. All resolutions or parts thereof in conflict herewith are hereby repealed.
7. This resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of Dinwiddie County, Virginia, certifies that the foregoing constitutes a true and correct extract from the minutes of a regular meeting of the Board held on the 20th day of June, 2006, and of the whole thereof so far as applicable to the matters referred to in such extract.

WITNESS my signature and the seal of the Board of Supervisors of Dinwiddie County, Virginia, this 20th day of June, 2006.

Clerk of the Board of Supervisors, Dinwiddie County, Virginia

(SEAL)



SUPPORT AGREEMENT

THIS SUPPORT AGREEMENT, made as of June 20, 2006, between the **BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA** (the "Board"), acting as the governing body of Dinwiddie County, Virginia (the "County"), and

DINWIDDIE COUNTY WATER AUTHORITY (the "Authority"), a public body politic and corporate of the Commonwealth of Virginia;

WITNESSETH:

WHEREAS, the Authority was created by the Board pursuant to the Virginia Water and Waste Authorities Act (Chapter 51, Title 15.2, Code of Virginia of 1950, as amended), and owns and operates water and sewer utility facilities in the County; and

WHEREAS, the Authority owns and operates water and sewer facilities in and around the courthouse area of the County (the "Courthouse System") and desires to finance the costs of expansions and improvements to the Courthouse System (the "Project") by the issuance of a water and sewer system revenue bond in the original aggregate principal amount not to exceed \$550,000 (the "2006 Municipal Loan") to SunTrust Bank (the "Bank") and use the net proceeds of the 2006 Municipal Loan to finance the Project; and

WHEREAS, on June 20, 2006, the Board adopted a resolution requesting the Authority to issue the 2006 Municipal Loan and authorizing the execution of an agreement providing for a non-binding obligation of the County to consider certain appropriations to the Authority;

NOW, THEREFORE, for and in consideration of the foregoing and of the mutual covenants herein set forth, the parties hereto agree as follows:

The Authority shall use its best efforts to issue the 2006 Municipal Loan as soon as reasonably possible and use the net proceeds of the 2006 Municipal Loan to pay the costs of the Project.

No later than March 15 of each year beginning March 15, 2007, the Authority's Executive Director shall notify the County Administrator of the amount (the "Annual Deficiency Amount") by which the sum of (a) Courthouse System operating expenses, and (b) the principal of and interest coming due on the 2006 Municipal Loan and any other debt incurred in connection with the Courthouse System in the next ensuing fiscal year, is expected to exceed Courthouse System operating revenues during the County's fiscal year beginning the following July 1.

The County Administrator shall include the Annual Deficiency Amount in the County budget submitted to the Board for the following fiscal year. The County Administrator shall deliver to the Bank within ten days after the adoption of the County's budget for each fiscal year, but not later than July 15 of each year, a certificate stating whether the Board has appropriated an amount equal to the Annual Deficiency Amount to or on behalf of the Authority for such purpose in the adopted County budget for such fiscal year.

If at any time revenues of the Courthouse System (the "Revenues") shall be insufficient to make the debt service payments to or for the account of the Bank, the Executive Director shall notify the County Administrator of the amount of the deficiency and shall request an appropriation from the Board in the amount of such deficiency to increase the amount required to be deposited with or for the account of the Bank.

Upon receipt of each request for appropriation from the Authority pursuant to paragraph 4 above, the County Administrator shall present such request to the Board, and the Board shall consider such request, at its next regularly scheduled meeting at which it is possible to satisfy any applicable notification requirement. Promptly after such meeting, the County Administrator shall notify the Bank and the Authority as to whether the amount so requested was appropriated. If the Board shall fail to make any such appropriation, the Authority shall add the amount of such requested appropriation to the Annual Deficiency Amount reported to the County Administrator for the County's next fiscal year. The County shall pay to or on behalf of the Authority the amount of any appropriation made pursuant to this Agreement. The County and the Authority acknowledge that any amounts received by the Authority from the County pursuant to this Support Agreement shall be deemed to constitute a portion of Revenues pledged to the payment of principal of and, premium, if any, and interest on the 2006 Municipal Loan.

The Board hereby undertakes a non-binding obligation to appropriate to the Authority such amounts as may be requested from time to time pursuant to paragraphs 3 and 4 above, to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia. The Board, while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby states its intent to make such appropriations in future fiscal years, and hereby recommends that future Boards of Supervisors do likewise.

Nothing herein contained is or shall be deemed to be a lending of the credit of the County to the Authority or to any holder of the 2006 Municipal Loan or to any other person, and nothing herein contained is or shall be deemed to be a pledge of the faith and credit or the taxing power of the County. Nothing herein contained shall bind or obligate the Board to appropriate funds to the Authority for the purposes described herein, nor shall any provision of this Agreement give the Authority or the holder of the 2006 Municipal Loan or any other person any legal right to enforce the terms hereof against the Board or the County.

The Authority agrees not to issue additional bonds relating to the Courthouse System, refunding bonds relating to the Courthouse System or subordinate debt relating to the Courthouse System, without the County's prior written consent. The Authority agrees to redeem the 2006 Municipal Loan in such amounts and at such times as permitted by its terms and as the County may request upon payment by the County of the applicable redemption price therefore.

The Authority shall deliver to the County a copy of each annual audit of the Authority's books and records promptly upon the Authority's acceptance of such audit.

The Authority shall operate and administer the Courthouse System in accordance with its generally applicable rules and regulations, as the same may be in effect from time to time, including any mandatory connection policy that may be in effect from time to time.

The County's entry into this Agreement is in partial consideration for the Authority's continued operation of the Courthouse System.

The County understands that the Authority undertook the Courthouse System and is undertaking the Project solely at the County's request, because of their importance to the economic development of the County. The Courthouse System was designed with a limited treatment capacity, and serves a limited area, consistent with its limited purpose of providing service to the County Buildings. For these reasons, the Courthouse System cannot be made self-supporting unless usage rates are set many times higher than any rates charged by the Authority or by similar bodies for similar services. Annual appropriations by the County pursuant to this Agreement will therefore be essential for the Authority to pay the Courthouse System operating expenses and debt service on the 2006 Municipal Loan. The Authority has nevertheless agreed to operate the Courthouse System because of its commitment to provide service to the County and to assist in the County's economic development efforts.

The Authority shall at all times retain its ability to set and collect rates and fees for its services. Except as the County and Authority may otherwise agree, the Authority intends to charge rates and fees for services provided by the Courthouse System not less than the rates and fees charged to customers of the Authority's other operations, as the same may be in effect from time to time.

Any notices or requests required to be given hereunder shall be deemed given if sent by registered or certified mail, postage prepaid, addressed (a) if to the Authority, to 23008 Airpark Drive, Petersburg, Virginia 23803, Attention: Executive Director, with a copy to its Counsel, James F. Andrews, Esquire, at Shell, Johnson, Andrews & Baskerville, P.C., 43 Rives Road, Petersburg, Virginia 23803, and (b) if to the County, to Dinwiddie County Administration Building, Dinwiddie, Virginia 23841, Attention: County Administrator, with a copy to the County Attorney, at _____. Any party may designate any other address for notices or requests by giving notice under this paragraph.

It is the intent of the parties hereto that this Agreement shall be governed by the laws of the Commonwealth of Virginia.

This Agreement shall remain in full force and effect until the 2006 Municipal Loan has been paid in full.

This Agreement may be executed in several counterparts each of which shall be an original and all of which together shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have each caused this Agreement to be executed in their respective names as of the date first above written.

**BOARD OF SUPERVISORS OF
DINWIDDIE COUNTY, VIRGINIA**

By _____
Chairman

Dinwiddie County Water Authority

By _____
Chairman

7.B. ACTION ITEM: MORAL OBLIGATION T- HANGER CONSTRUCTION

The Board received the memo below from Spencer L. Waddell, Jr., Dinwiddie Airport and Industrial Authority Manager.

Mr. Haraway stated that the interest rate seemed a little high. He asked if the Airport Authority had gone out to bid on this loan.

Mr. Waddell answered no, that they had gone to the same bank that held the previous loan.

Mr. Haraway stated that if the County was going to be morally responsible for a loan, then the County should require that it receive three different rates from three different banks.

Mr. Waddell stated that he would be more than happy to provide the Board with whatever they would need to feel comfortable with approving this request.

BACKGROUND

The Dinwiddie Airport and Industrial Authority is requesting a Letter of Moral Obligation from Dinwiddie County for the construction of ten new T-Hangar units. The loan amount would be between **\$300,000.00** and \$320,000.00 at a rate of 5.9 percent. The maximum monthly payment would be approximately \$1900 per month. Currently, the FAA has agreed to reimburse the Authority for approximately \$150,000.00 of the loan amount within 12 months (approximately May 07), if the current budget proposed for the FAA by the Senate and Congress were to pass. That would leave the net amount of the loan for the T-Hangar construction being approximately \$150,000.00 to \$165,127.00 for the remainder of the loan.

The Airport currently has a waiting list of approximately fifteen (15) airplane owners waiting for a hanger to become available for rent. It is anticipated that these ten (10) new hangars would rent for between \$200 and \$220 per month, which would be more than sufficient to cover the loan payment.

The Project has been bid and tentatively awarded to Interstate Construction Corporation. The total amount of the project is one million twenty five thousand nine hundred and eighty-two dollars (\$1,025,982.00). Of that the participation breaks down as follows:

FAA: \$449,983 (note that approximately \$150k of this is still tied up in budget negotiations and, if passed, will not be available for disbursement until March 07)

State: \$410,872

Local: \$165,127.00 (plus the additional 150k obligated by the FAA for a minimum of 10-12 months)

TOTAL Project Cost: \$1,025,982.00

REQUESTED ACTION

The Dinwiddie Airport and Industrial Authority is requesting a Letter of Moral Obligation from Dinwiddie County for the construction of ten new t-hangar units.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Board agrees to be morally obligated to the loan to construct additional t-hangars for the Dinwiddie County Airport Authority subject to annual appropriations, and that the final loan documents are subject to final approval by the County Attorney. This resolution is

contingent upon receiving three comparable loan rates for the construction of said t-hangars.

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

RESOLUTION
MORAL OBLIGATION TO DINWIDDIE COUNTY AIRPORT

WHEREAS, the Dinwiddie County Airport and Industrial Authority (the "Airport Authority") has the need to construct additional t-hangars capable of housing corporate aircraft; and

WHEREAS, the Airport Authority has limited access to sources necessary to secure such funding; and

WHEREAS, the fees to be derived from the rental of space within the hangars appears to be adequate to justify the request for a loan; and

WHEREAS, the County of Dinwiddie stands to benefit from such construction project due to the added jobs, increased tax revenues, both sales and personal property and added fuel sales;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, agrees to repay a loan for such hangars, if sufficient funds are not available from the Airport Authority, subject to annual appropriation by the Board of Supervisors for such repayment, with the funds for such loan to be used by the Airport Authority for the construction of ten new t-hangars at the airport to be repaid by the Airport Authority as rental fees are collected; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that this action is contingent upon the review of all loan documents by the County Attorney.

ADOPTED by Dinwiddie County this 20th day of June, 2006

APPROVED: _____
Doretha E. Moody
Chair, Board of Supervisors

ATTEST: _____

7.C. ACTION ITEM: BOARD OF SUPERVISOR'S BYLAWS AMENDMENTS

The Board received the following memo from Michael Drewry, County Attorney. Last month, draft amendments to the Board of Supervisors' bylaws were presented to you with thirty days' written notice as required by Article IX. The bylaws may now be amended as proposed by a majority vote of the entire Board. Staff recommends approval of the amendments as presented.

To refresh your memory, the following summary of amendments is provided:

Article IV (F) – Meetings – General Rules of Procedure: Language has been deleted and new language inserted to reflect the use of Robert's Rules of Order as Parliamentary Procedure in most circumstances while reserving, however, the right to amend the rules as the Board deems appropriate and in keeping with historical practices of the Board.

Article IV (G) – Meetings – Member Absenting Himself From Meeting Prior to Adjournment: Language has been amended relating to Board member absenting himself from a meeting.

Article IV (I) – Meetings – Citizens' Comment Period: Bylaws are amended to allow a speaker three minutes per comment period.

Article VI (C) – Public Hearings: Language has been amended to allow the Chairman or designee to call speakers to the podium.

Article IX – Amendments: Language has been amended relating to prior notice of amendments and language has been added concerning suspension of rules.

Article IV (F):

F. GENERAL RULES OF PROCEDURE

~~(1) The proceedings of the Board, except as otherwise specifically provided in these bylaws and all applicable State law, shall be governed by Chairman Rules except that no second shall be required on any motion. The Board's Parliamentary Procedures shall be Robert's Rules of Order, Newly Revised, 10th edition, specifically to include Section 49, *Conduct of Business in Boards*, pages 469 – 471, in all matters not covered by the Board's bylaws, to the extent compatible with law and the historical practices of the Board. The County Attorney, or his or her designee, shall act as Parliamentarian to the Board. Any questions involving the interpretation or application of Robert's Rules shall be addressed to the County Attorney. The Board may amend, by Resolution, the rules as it deems appropriate. The following rules shall apply:~~

~~(1) Members are not required to obtain the floor before making motions or speaking, which they can do while seated. An appeal may be taken by any member from a ruling of the chair. A majority vote of those members present shall determine any appeal.~~

~~(2) Motions need not be seconded. The Chairman shall be permitted to vote on all questions. If a motion is not seconded, the Chairman shall decide if a vote is taken on the motion or if a motion is dead.~~

~~(3) There is no limit to the number of times a member can speak to a question, and motions to close or limit debate generally should not be entertained.~~

~~(4) Informal discussion of a subject is permitted while no motion is pending.~~

~~(5) The Chairman can speak in discussion without leaving the chair, can vote on all questions, but can not make motions unless by consent of a majority of Board members present.~~

~~(6) When any Board member determines, prior to the calling of any issue before the Board, that he, because of a conflict or otherwise, will abstain from voting on such issue, he shall announce such intention at the time the issue comes before the Board and shall not participate in the discussion on such issue or question.~~

~~(7) In the incidence of a tie vote the issue voted upon by the board is dead and therefore voted down.~~

~~(8) Only Board members and the Parliamentarian shall have standing to raise noncompliance with these General Rules of Procedure, and only during the current meeting at the time of violation. Failure of the Board to comply with these General Rules of Procedure shall not invalidate any action taken by the Board.~~

Article IV (G):

G. MEMBER ABSENTING HIMSELF FROM MEETING PRIOR TO ADJOURNMENT

After the name of any member of the Board has been recorded as present at any meeting of the Board, he shall not absent himself from the remainder of the meeting prior ~~previous~~ to adjournment unless by consent of the Board.

Article IV (I):

I. CITIZENS COMMENT PERIOD

RULES FOR CITIZEN COMMENT PERIOD

(2) Each speaker shall be limited to a period of three minutes per meeting comment period; when two minutes have passed the speaker will be reminded that there is one minute remaining.

Article VI (C):

C. PUBLIC HEARINGS

The case before the Board shall be summarized by the Chairman or designated person(s). Interested parties wishing to speak must sign the register at the rear of the room prior to the start of the hearing. Each person wishing to speak will be called to the podium by the Chairman/Secretary or designated person(s) in the order such person signed the register and must state his or her name and address for the record. Each speaker shall be limited to five (5) or three (3) minutes, unless waived by the Board.

Article IX – Amendments:

- A. The Bylaws may be amended by a recorded majority vote of the entire membership of the Board after thirty (30) days provided that prior written notice has been given to all members of the Board and a copy of the proposed amendment is sent with the notice. prior to said meeting.
- B. The Bylaws may be suspended in whole or in part only upon the unanimous vote of Board members present, relating to any matter before it.

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

BE IT RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia, that the bylaws be approved and amended as presented.

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

Nays: None

Absent: Mr. Moody

7.D. ACTION ITEM: FIRE & EMS INSURANCE RESULTS

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

BACKGROUND

Property and Casualty insurance for Dinwiddie Fire & Rescue has been provided by Selective Insurance through Chesterfield Insurers for a number of years. The plan provides physical damage and general liability coverage for County and volunteer fire & rescue apparatus, portable equipment, and buildings and accident & health coverage for volunteers. (Certain apparatus & buildings are covered by the Town of McKenney and DVRS.)

LAST BOARD ACTION

Last July we received quotes from Chesterfield Insurers (Selective Insurance and Hartford) and Watkins Insurance Agency (VFIS and Provident). At that time we awarded the contract to Chesterfield Insurers as the lowest bidder.

CONTRACT NEGOTIATIONS

In May we released an RFP for Fire & Rescue insurance and received responses from Chesterfield Insurers and Watkins Insurance Agency. Chris Carey, Assistant Administrator with VACO Risk Management Programs reviewed the proposals and produced a report comparing the various plans between the two companies. Mr. Carey, Dennis Hale, Division Chief, Public Safety and I discussed the report findings and checked references on the companies. Based on the RFP evaluation and award criteria, we feel that the best value for the County is to award the fire & rescue insurances to Chesterfield Insurers (Hartford).

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

NOW, THEREFORE , BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, does hereby authorize and direct the County Administrator to execute the necessary documents to award the contract to provide insurance services for Fire & Rescue Property, Equipment, General Liability, Auto Liability & Physical Damage, Umbrella Insurance, and Fire & Rescue Accident and Health Insurance to Chesterfield Insurers, Inc. (representing Selective Insurance and Hartford) for an amount not to exceed \$70,960.

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

CONTRACT
PROPERTY AND CASUALTY INSURANCE COVERAGES
FOR DINWIDDIE FIRE & RESCUE

The Agreement is made this 20th day of June, 2006, by and between **Selective Insurance, represented by CHESTERFIELD INSURERS, INC.**, of Richmond, Virginia, (party of the first part, and hereinafter known as "SELECTIVE"), and the County of Dinwiddie, Virginia (party of the second part, and hereinafter known as "County").

WHEREAS, pursuant to the Virginia Public Procurement Act, County solicited proposals for Property and Casualty Insurance Coverages for Dinwiddie Fire & Rescue; and

WHEREAS, SELECTIVE submitted a proposal to provide insurance coverage, consistent with the specifications in the Request for Proposal; and

WHEREAS, SELECTIVE was selected as having made the best proposal to provide the aforesaid insurance coverages; and

WHEREAS, County has selected SELECTIVE to provide the aforesaid insurance coverage;

NOW THEREFORE, in consideration of the mutual benefits, promises, and undertakings, the sufficiency and receipt of which are acknowledged, the following terms and conditions are agreed to by the parties to this Contract:

1. **Incorporation by Reference.** County's Request For Proposal (RFP-06-050506-01, dated April 2, 2006), including all related appendices and addenda; and SELECTIVE's bid proposal in its entirety dated May 5, 2006 and additional information supplied June 2, 2006 are made a part hereof as if the same were fully set forth. If any discrepancies arise between County's Request for Proposal and SELECTIVE's proposal, SELECTIVE agrees to abide by County's Request for Proposal.
2. **Time of Performance.** SELECTIVE agrees to provide said insurance coverage, to be effective from July 1, 2006 through June 30, 2007, with the option of renewal for three (3) successive one-year periods under the terms and conditions of the original contract with price increases to be negotiated only at the time of renewal.
3. **Costs.** SELECTIVE agrees to provide insurance coverages pursuant to this Contract for a sum no greater than SEVENTY THOUSAND NINE HUNDRED SIXTYAND NO/100 (\$70,960.00) DOLLARS (the "Contract Price"). Payment shall be made to SELECTIVE at its Richmond, Virginia office within thirty (30) days after receipt of invoice.
4. **Notices.** Any notices required shall be in writing, unless otherwise permitted hereunder, and shall be deemed received five (5) days after mailing of same in the U. S. Mail with postage prepaid at the addresses set forth below or upon actual receipt:

Notice to County shall be made to:
W. Kevin Massengill
County Administrator
P. O. Drawer 70
Dinwiddie, Virginia 23841
(804) 469-4500

Notice to SELECTIVE shall be made to:
Chesterfield Insurers, Inc.
c/o Mark J. Vermeern, Vice-President
P. O. Box 34220 (3535 Ironbridge Rd.)
Richmond, Virginia 23234
(804) 271-9426

5. **General Terms and Conditions.** During the term of this Contract, SELECTIVE agrees to procure and maintain insurance which meets all County's requirements in the Request for Proposal documents.

6. **Miscellaneous.** This Contract shall be governed by the laws of the Commonwealth of Virginia. Venue for any action arising out of the performance of this Contract shall be with a state or federal court with jurisdiction in Dinwiddie County, Virginia. All pronouns used herein shall refer to every gender. Headings or titles in this Contract are only for convenience and shall have no meaning or effect upon the interpretation of the provisions of this Contract. This Contract is the entire agreement between the parties and may not be amended or modified, except by writing, signed by each party. If any provision of this Contract is determined to be unenforceable, then

the remaining provisions of this Contract shall be interpreted as in effect as if such unenforceable provision were not included therein.

IN WITNESS WHEREOF, the parties hereto have executed this Contract as of the day first written above.

Dinwiddie County, Virginia _____ **Selective Insurance by**
Chesterfield Insurers, Inc.

By: _____ By: _____
W. Kevin Massengill
Interim County Administrator Title: _____

Attest:----- _____ Attest: _____

Approved as to form:

Michael H. Drewry
County Attorney

7.E. ACTION ITEM: COMMUNITY-BASED CORRECTIONS PLAN

The Board received the following memo from W. Kevin Massengill, County Administrator.

Background: The Dinwiddie County Jail was built in 1971 and opened in 1972 with a certified Department of Corrections (DOC) capacity of 32 beds. The staffing standards used by the Compensation Board and approved by The Virginia Sheriff's Association allows for one correctional officer per 3 certified bed spaces. This equates to Dinwiddie having ten (10) permanent correctional officers.

In 1985 the Dinwiddie jail was double bunked to accommodate 64 inmates. DOC however does not recognize double bunking in its certification or staffing needs. Therefore any numbers in excess of 32 constitute overcrowding in DOC's view. The overcrowding staffing standards require one Correctional officer per 5 inmates of overcrowding. This equates to Dinwiddie receiving funding for four (4) Emergency Correctional officers. Each jail in Virginia is funded one (1) position for (LIDS) Local Inmate Data System. The ADP (average daily population) of inmates housed in Dinwiddie over the past three years has been 55. This population keeps Dinwiddie slightly above the inmate count of the allotted staffing of the jail. However Dinwiddie's total responsible inmate count has increased to approx. 130 inmates. (See attached chart "Dinwiddie County Average Yearly Population")

Consultant's Report/Findings: In March of 2003 Dinwiddie County joined with the City of Emporia and the Counties of Greensville and Brunswick authorizing Powell Consulting Services to conduct a study addressing the jail population needs and forecast needs for the member jurisdictions. In November 2003 Powell Consulting issued its findings in a report titled Jail Usage and Consolidation Study. (Copies of which were supplied to all members of the Board along with the Sheriff and other County officials.)

In his report Mr. Powell predicted some alarming numbers as to Dinwiddie's future inmate projects and subsequent facility needs. Mr. Powell predicted by July 2015 Dinwiddie's responsible inmate population would rise to 249.4 ADP (average daily population).

Current Overflow of Inmates: In order to house the current number of inmates, Dinwiddie has entered into two separate jail contracts with other jurisdictions to absorb our overflow.

1. One contract is with Southside Regional Jail for the housing of 25 male inmates and the housing of 10 female inmates. This contract is renewable each year and allows for the cancellation annually by either party with thirty days notice. This contract is a pay regardless of usage contract.
- The second contract is with Piedmont Regional Jail and is for up to 40 inmates (either sex) and is a pay as utilized contract with the same cancellation process.

Attached to this memorandum is a chart "Purchased Jail Beds", illustrating the historical increase the County has paid to lease additional jail space and the projected cost for next fiscal year. As you will see, in 2002 the County expended \$59,191 for overflow jail space. Furthermore, the FY06/07 budget includes \$575,000.

Staff Action: With a long term solution in mind, the Sheriff's Department, staff and I have been working on realistic options to solving the jail needs problem for at least the next ten years. Unfortunately, we have no way of knowing if Mr. Powell's predictions for Dinwiddie will hold up. We can say that his prediction for 2006 is 12 % higher than what was realized. Applying this 12% error throughout his predictions would mean Dinwiddie's jail population in 2015 will be approx. 210.

As you are familiar, the County has been working with Southside Regional Jail for several months in their efforts to construct additional beds at their facility. The Commonwealth of Virginia currently has a moratorium on jail construction. It is anticipated that the 2006 General Assembly will passed a budget amendment allowing Southside Regional Jail to move forward to build additional beds.

Community Based Corrections Plan: Southside Regional Jail is currently meeting with the Counties of Dinwiddie, Sussex, Mecklenburg, and Brunswick to determine if there is an interest in participating in the Community Based Corrections Plan (C-BCP). A C-BCP is required by the Department of Corrections before any jail space is constructed in Virginia that anticipates reimbursement from the Commonwealth. The cost of the Plan per jurisdiction is as follows:

- SSRJ plus 4 jurisdictions \$13,200
- SSJR plus 3 jurisdictions \$15,750
- SSRJ plus 2 jurisdictions \$19,333

Regardless of the County's solution to handling the overflow of inmates, a C-BCP is required. I have attached to this memorandum the requirements of a C-BCP. By participating with the other member localities the cost of this plan is significantly reduced. Captain Booth with the Dinwiddie Sheriff's Department has received an estimate of \$80,000 if the County decided to hire our own consultant.

Requested Board Action - I would like to again remind the Board of this very serious issue and request that you allow the County to proceed by entering into a contract with SSRJ not to exceed \$19,333 to perform a C-BCP for Dinwiddie County.

Mr. Massengill stated that he had a conversation with Lance Forsyth, Superintendent of the Southside Regional Jail, on the day of the meeting. Col. Forsyth informed Mr. Massengill that the Boards of Supervisors of three jurisdictions had approved the Plan. Therefore, the cost to Dinwiddie County would not exceed \$13,200. This information was faxed to Mr. Massengill after the Board packs had been distributed.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that W. Kevin Massengill, County Administrator, is authorized and directed to sign the necessary paperwork to enter into a contract with SSRJ, not to exceed \$13,200, contingent upon four localities participating, to perform a Community-Based Corrections Plan for Dinwiddie County, and to appropriate the same from the Undesignated General Fund Balance for the current fiscal year.

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

Nays: None

Absent: Mr. Moody

7.F. ACTION ITEM: APPOINTMENTS

Mr. Massengill stated that he had been reminded that Mr. Tim Smith, Recreation Director, had not been officially appointed to the Board of the Friends of the Lower Appomattox River. During a previous Board meeting it had been requested that Mr. Smith attend in place of Mr. Bowman, but no action had ever been taken to appoint him as Dinwiddie County's representative.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Tim Smith is appointed to the Board of the Friends of the Lower Appomattox River for an indefinite term.

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

Mr. Bowman stated that he would like to recommend Ms. Thayer Baird to the Dinwiddie County Board of Zoning Appeals.

Mr. Massengill stated that this recommendation would be forwarded to the Circuit Court Judge as he is the one who makes the appointment to the BZA.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Ms. Thayer Baird be recommended to the Circuit Court Judge for appointment to the Dinwiddie County Board of Zoning Appeals for the unexpired term of Charles Horne.

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

8. CITIZEN COMMENTS

Before the citizen comments the Chair read the following statement:

In accordance with the Board of Supervisors Bylaws we will allow and listen to all persons desiring to speak to the Board in an orderly manner. Speakers should address the Board with decorum. Loud, boisterous and disruptive behavior, obscenity and vulgarity shall be avoided. You are allowed three minutes to speak after you have signed the registry. Speakers shall not be interrupted by audience comments, laughs or other gestures. This is disruptive to the order of the meeting, and others attending. If this occurs, I'll ask you to refrain from speaking out of order. If this continues, I'll ask the deputy sheriff on duty to escort you out of the Board room. You must take responsibility for your own actions. Please keep your comments germane to the business at hand. As Chair, it is my responsibility to keep the meeting in order at all times. Thank you in advance for your cooperation.

1. David Dudley – 25907 Smith Grove Road – Petersburg – thanked the County for placing ads back in the Monitor. He said that the County was not giving the citizens the truth of the full amount that the loan to construct schools would cost. He said citizens were not being kept informed.

2. Michael Wilde – 11647 Old Stage Road – said the section that was paved on Route 40 was because of the logging trucks.

3. Michael W. Bratschi – 23500 Cutbank Road – McKenney – asked why other members on the Board did not say something when Mr. Bowman was offered a golf trip by Chaparral Steel. He said the Board should be policing itself. He said that Chaparral Steel should be punished by not getting any business from the County. He questioned why the School Board was putting radios in the buses. He said the School Board should offset the cost.

4. Anne Scarborough – questioned why thousands of dollars were spent on a firm to find people to fill vacancies. She said that the Board had been asked to allow citizens to sit in on a panel when bringing in people to interview for important positions. She said that Prince George County had used a local interview panel to screen and interview the applicants, and make recommendations to the County Administrator. She asked when Dinwiddie County was going to adjust proffers, and stated that Prince George County had just increased their proffers.

9. COUNTY ADMINISTRATOR COMMENTS

W. Kevin Massengill, County Administrator, stated that at the beginning of the year he had indicated that the County would have four Town Hall meetings this year. July 20th will be the first Town Hall meeting and all County officials, department heads, etc., will be there. The following Town Hall meetings will be: September 21st, October 19th, and December 7th. He said that at the last meeting it was requested that he establish a time in which the Board could establish his goals and objectives as County Administrator. That meeting has been scheduled for Thursday, July 6th, and it will be a workshop in which other items will be discussed as well (the County Attorney and Legal Intern, the Human Resource Manual, and findings regarding a community outreach program). On Monday, June 12th, the second annual Gang Prevention Task Force town hall style community forum was held. Mr. Massengill expressed his appreciation to the Sutherland Ruritan Club for their participation and for providing ice cream for the ice cream social that was held as a part of the meeting. He said they paid their way and also had volunteers who came out. Mr. Massengill said that Grace Baptist was gracious in allowing the Task Force to hold the event there.

Mr. Massengill said that he serves on an advisory committee with VCBR. He said they currently have 28 residents at that facility and are moving to Nottoway County through legislation passed by the General Assembly. He stated that they intend to break ground in June or July of 2006, and hope to be operating in the fall of 2008.

Mr. Massengill stated that the County had hired Norman Cohan as the new IT Director. Mr. Cohan is a graduate of Prince George High School; was in the US Army for some time; and worked for Cadmus Communications for eight years. He holds a degree in internet working technology.

Mr. Massengill said that he and Gene Jones, Building and Grounds Director, had met with John Wilson, the Boy Scout who had come before the Board at a previous meeting requesting to do a project. A spot in front of the administration building was chosen for the project he wants to accomplish for his Eagle certification, and John Wilson will come back before the Board to discuss his project in more detail.

Mr. Massengill informed the Board that he had met with Pamplin Park, the North Carolina Department of Rail and Transportation, and the Virginia Department of Rail and Transportation on Friday. He said that the route that was originally chosen would have cut through Pamplin Park, as well as adversely affecting some of the businesses in that area. Both departments of transportation met with the Federal Department of Rail and Transportation and that route has been taken off the table.

The Comprehensive Land Use Plan Committee placements will be sent out shortly.

Mr. Massengill said that Mr. Wilde had suggested that there was a problem with over-weight trucks on Route 40. Mr. Massengill said that the State Police will be placing mobile scales in the area.

Mr. Massengill said that the School Board will be paying for a portion of the radio system maintenance for the bus drivers.

10. BOARD MEMBER COMMENTS

Mr. Haraway asked for the mileage usage on all County vehicles at fiscal year end.

Mr. Bowman expressed concern about the Ingram Building parking lot. He said it was loaded with trailers and didn't look like what he thought the County had envisioned for that piece of property. Mr. Bowman stated also that he had said from the beginning that the proffer plan was too low. He said he didn't recall any conversations by Board members regarding discounting proffers. He stated that he was still concerned about it.

Mr. Stone asked for information regarding the GIS information. He said he had previously asked that GIS information be given to the School Board and wanted to remind staff of that request. He also asked that the Board recognize the 100th anniversary of the McKenney Bank.

Ms. Moody stated that Pamplin Park has a new exhibit depicting black soldiers in the civil war. This exhibit is called *1,000 Men Go*. Ms. Moody suggested that the Board offer a resolution regarding the repayment of the new school loan. She suggested that this resolution state that monies go back into paying this loan off as soon as possible instead of being directed to other projects. Ms. Moody also stated that she had volunteered Dinwiddie County to host the CMC (Civilian and Military Community) meeting on August 28, 2006. These meetings are held in order to keep good communication among Ft. Lee and

the surrounding communities, and to keep the communities updated as to how they are impacted by Ft. Lee, BRAC, etc. The August 28th meeting will be held at Pamplin Park. She stated that more information will be forthcoming.

Mr. Bowman and Mr. Haraway stated that they would also like to see the school loan paid off as soon as possible. Mr. Haraway said he would like to see a quarterly report on collection of monies that could be used to pay off this loan.

Mr. Drewry, County Attorney, stated that at the upcoming June 26th meeting there will be resolutions provided to the Board regarding the loan.

Mr. Massengill stated that there will also be a citizen's comment period at that meeting. He said that the leadership of all three Boards, IDA, School Board, and the Board of Supervisors, desired the citizen comment period.

11. CLOSED SESSION

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

The Board of Supervisors of Dinwiddie County, Virginia convened in a closed meeting under:

- a.) §2.2-3711 (A) (1) Personnel: County Administration Staff; Planning & Zoning Staff; County Attorney; and Appointments: Planning Commission; Industrial Development Authority, and Social Services Board
- b.) §2.2-3711 (A) (7) Legal Matters: Voluntary Cash Proffers; and Conflict of Interest – Policy Development,
- c.) §2.2-3711 (A) (5) Business and Industry Development: Prospective Business/Commerce Park,
- d.) §2.2-3711 (A) (3) Land Acquisition

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

Mr. Massengill stated that Mr. Bowman had previously indicated that he would not be participating in any conversation regarding the Commerce Park; and, therefore, he would be exiting the closed session during that portion of discussion.

At 6:55 p.m. upon motion of Mr. Stone, seconded by Mr. Bowman,

The Board reconvened into open session.

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

Before the certification was read, Mr. Massengill interjected that the Board had not discussed everything that was originally indicated. The following was certified:

CERTIFICATION

WHEREAS, this Board convened in a closed meeting under:

- a.) §2.2-3711 (A) (1) Appointments: Planning Commission; Industrial Development Authority, Department of Social Services
- b.) §2.2-3711 (A) (7) Legal Matters: Voluntary Cash Proffers;
- d.) §2.2-3711 (A) (3) Land Acquisition

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

Nays: None

Absent: Mr. Moody

7:00 P.M. – PUBLIC HEARINGS

12.A. PUBLIC HEARING: ORDINANCE AMENDMENT A-06-4, SECTION 22-237 OFF-STREET PARKING AND LOADING

The Board received the memo below from Mr. William “Guy” Scheid, Code Compliance Director.

The Chair opened the public hearing in this case.

1. Michael W. Bratschi – 23500 Cutbank Road – McKenney – was signed up to speak, but passed.

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

BACKGROUND

The issue of off-street parking has been raised in the past with several retail store projects wishing to locate in Dinwiddie County. The Food Lion store in the Dinwiddie Courthouse area is a recent case in which excessive parking spaces were required. They fell into the category of providing one (1) parking space for each 100 square feet of building space. While the County had some degree of flexibility in reducing the amount of parking spaces, the final number to be provided with a set aside area still exceeds the actual spaces needed. With this in mind, the County faces a similar situation with the proposed Walgreens that is locating in the north east portion of the County. Since this situation has arisen previously, it was determined by staff that this is the time to correct a portion of the off-street parking criteria.

The effect of amending the Code will reduce the development costs for retail store without compromising the ability to service the public since adequate parking will be provided. This is an important consideration when retail stores are seeking to locate in the area and, in specific, in Dinwiddie County. By reducing the amount of pavement we will reduce the amount of water runoff generated by the site. This will enhance the overall stormwater management system since the unpaved areas will be able to absorb more water. The reduction in pavement will also increase the green space available for landscaping and buffering. This will improve the aesthetics of the area and create a more pleasant neighborhood appearance. Finally, the requirement for excessive parking reduces the amount of commercial land that could have been used for other more productive uses. Thus, it is an inefficient use of a limited asset, our commercially zoned property.

LAST BOARD ACTION

None

CONTRACT NEGOTIATIONS (if applicable)

Not Applicable

REQUESTED ACTION

The Staff has reviewed this matter and is satisfied that the amendment is justified. Therefore, Staff recommends approval of the amendment based on the following reasons:

1. the amended parking space criteria is more closely aligned with adjacent jurisdictions;
2. the amendment will provide adequate parking for the other retail stores;
3. retail stores seeking to locate in the area will be able to realize a savings in site development costs thus making Dinwiddie County more attract;
4. it is a more efficient use of our commercially zoned property;
5. the stormwater management system will be enhanced by reducing the amount of impervious surface and thus improving the site's ability to absorb water; and
6. the increased 'green space area' will improve the buffer zones and landscaping.

-06-4

**AN ORDINANCE TO AMEND THE
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,
 BY AMENDING SECTION 22-237 (I) (8)
 OFF STREET PARKING AND LOADING
 ARTICLE V, CHAPTER 22, ZONING**

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

(1) *That Section 22-37 (I) (8) of the Code of the County of Dinwiddie, 1985, as amended, is amended and re-ordained by deleting the following language shown with strikethroughs and inserting the following language shown underlined:*

Sec. 22-237 Off-Street Parking and Loading

(I) There shall be provided, at the time of erection of any main building or at the time any main building is enlarged, minimum off-street parking space, with adequate provision for entrance and exit by standard sized automobiles, as follows:

(8) For ~~retail stores selling direct to the public,~~ restaurants, including fast-food restaurants one parking space shall be provided for each 100 square feet of retail floor space in the building.

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

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

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A)(7) and in order 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, amendment A-06-4 is approved by the Board of Supervisors.

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

12.B. PUBLIC HEARING: C-06-1 NEXTEL COMMUNICATIONS

The Board received the memo below from Scott Wrenn, Planning/Zoning Administrator.

Dr. Moore, Chair of the Planning Commission, was available for questions. He stated that they had no disagreements with the case.

Mr. Bowman questioned the positioning of the tower. He said it was very close to Mayfield House. Mr. Bowman stated that at the previous meeting with Nextel he had concerns about the tower being seen by Mayfield. He stated that also he had asked that he be present when the balloon was floated to show where the tower would be located and how it would be seen. Mr. Bowman asked if the balloon had been floated.

The applicant's representative, Daniel Ryan, VP of Land Use for Network Building and Consulting, (5453 El Camino,

Columbia, Maryland 21044), was present. He stated that he had taken this file over from a previous representative who had since left. He had no knowledge as to whether the balloon had actually been floated at the location.

Mr. Bowman said that his concern, and the concern of the Historical Petersburg Foundation, was that The Mayfield House was a national landmark, and they did not want a tower that could be seen from a national landmark. He said that previously it had been indicated to the Historical Petersburg Foundation and to the Board that the tower would be quite a distance back. Mr. Bowman stated that the previous representative had stated that a balloon would be floated at the site, and that staff and he would be notified so they could be present at that time in order to see what impact the tower would have on Mayfield House.

Mr. Ryan said he was not aware of this, but they would certainly be willing to float the balloon. He said he understood the concern.

Mr. Scott interjected that the County's Telecommunications Consultant was present and had just informed him that the balloon had been flown, and that he had the information.

Mr. Bowman asked if staff had been informed of the time of the balloon being flown.

Mr. Paul Jones spoke to the Board, and stated that he was representing Mr. George Condalyas, the Telecommunications Consultant. He stated that they had computer pictures that were supplied to them. He said he had reviewed the pictures over the last few days. He said that you could barely see the balloon from the site.

Mr. Bowman asked if he had contacted the Historical Petersburg Foundation.

Mr. Jones stated they had not, that was done by the State.

Mr. Bowman asked if the State representatives had come out. He said sometimes they may make a decision from their office, whereas the local people who had actually raised the money to save this house would want to be at the site to see for themselves.

Mr. Jones said he could only go on what was provided to them as impartial consultants.

The Chair opened the public hearing in this case.

1. Michael W. Bratschi – 23500 Cutbank Road – McKenney – said that on the proffers Nextel had agreed to give Dinwiddie County a space on the tower. He said that he understood that if the space was not at a given height it would do no good. He said the exact space was not stated in the proffers. He asked if the County was receiving any money from Nextel for the tower space.

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

The Chair asked if the applicant's representative had any further comments.

Mr. Jones again apologized for not having the correct information on the balloon flight. He said they would be willing to defer if the Board so desired.

Mr. Bowman said he would like to have the balloon flown and to be present, as well as staff and the Historical Petersburg Foundation members.

Mr. Drewry suggested that the public hearing be continued in this case if it is deferred.

Mr. Stone stated that he would like to review the contract with the consultant company, and to speak with their CEO at their earliest convenience before this case returns to the Board.

EXECUTIVE SUMMARY

The applicant, Nextel Communications, is seeking a conditional use permit to construct a 160 foot tower and related facilities

on a leased portion of the property located on Old Cox Road, Petersburg, VA 23803. The property is zoned Business, General B-2, which allows this use under County's Zoning Ordinance Section 22-185 (35). The property is designated as Tax Map 10, Parcel 6. The County Comprehensive Land Use Plan places this property within the Urban Planning Area which allows for commercial development.

OVERVIEW

The Board of Supervisors heard rezoning case P-05-12 (Nextel Communications) at their March 21, 2006 meeting and voted unanimous to recommend approval with proffers of the rezoning request. The proffer statement accepted by the Board has limited the use of the property to allow a water treatment facility and only one (1) telecommunication tower.

The Dinwiddie County Water Authority has given permission to Nextel Communications to construct a 160 foot telecommunication tower on the subject property, if approved for a conditional use permit by the Board of Supervisors. The DCWA has plans to construct a water treatment facility on this parcel in the future. The conditional use permit will not affect the DCWA in constructing their facility.

Nextel feels that using this existing site would help prevent using two separate sites in the County for non-residential uses. The reasoning for the conditional use permit request is that Nextel has identified significant gaps in their coverage, which was conduct in a review from Nextel Engineers. Nextel was able to identify those gaps and the list below were the main three issues.

1. The in-building coverage to Central State Hospital and the surrounding businesses located on US Route 1.
2. On Interstate 85 at the intersection of Squirrel Level Road where no dominant server situation exists.
3. On Ferndale Road west of the proposed site and the area surrounding the site.

Nextel will also provide co-location opportunities for up to four (4) additional providers as well as the County, if requested by the County.

ANALYSIS

The property under review is designated by the Comprehensive Land Use Plan as Urban Planning Area. As such, page X-14 of the Comprehensive Plan states that the area is "expected to accommodate approximately 70% of future industrial and commercial development". The Plan also states that this area is "the primary area for public facilities, water and sewer extensions, and major transportation improvements, thus limiting the increase in costs for building and maintaining new facilities."

The subject property is located to the south of Route 1/Route 460, where the vast majority of the area is commercial and retail development, except for Central State Hospital. The properties located to the north are zoned Residential, Limited, R-1 along Route1/Route 460 which mainly consist of Central State Hospital and Training Institutions and the properties to the west are zoned Business, General B-2 and Shopping Center District, B-3.

Section 22-185 (35) of the Dinwiddie County Code provides for the location of "communication towers with stations" within the Business, General, B-2 district provided that a conditional use permit is approved by the Board of Supervisors.

Additionally, Article IX of Chapter 22 of the Code of Dinwiddie, Virginia sets forth guidelines for the sitting of telecommunication antenna and towers. Section 22-269 outlines the purpose and intent of the article, and within this section the goals of the ordinance are set forth. The goals are as follows:

- a. encourage the location of antennas and towers in areas where the adverse impact on the community is minimal,
- b. to accommodate wireless telecommunication services to county residents, businesses, and travelers;
- c. strongly encourages the co-location of telecommunication equipment on existing towers;
- d. maximize the use of existing structures;

- e. make available public property to facilitate the deployment of wireless telecommunication facilities;
- f. minimize adverse visual effects of wireless telecommunication facilities through careful siting and design and;
- g. minimize adverse impacts on the natural, scenic, environmental, historic, cultural, and recreational resources of the county.

During the rezoning process, there were concerns regarding the tower location's elevation. Staff consulted with Nextel Communications regarding the subject property's elevation at the point where the tower will be constructed. The location's elevation is between 130-135 feet. The staff and Nextel feel that the location's elevation will provide good coverage, which will meet the needs of Nextel.

The applicant explored the opportunities of collocation rather than structuring a new tower. The applicant has reviewed all towers within the three (3) mile radius of the subject property. There are four (4) existing towers within a three (3) mile radius of the proposed location, which the applicant currently is located on three (3) of those towers. The fourth tower, the Alltel tower, is half mile from the Spectra site tower (Nextel currently collocates on) therefore it would not be the right location to provide continuous coverage. There is also an existing water tank 1.6 miles southeast of the subject property which is too low to provide good coverage. The applicant's plan does comply with all federal, state, and local regulations regarding collocation of equipment at the existing telecommunications support structure. The applicant has explored their alternatives and feels that structuring the new tower would fulfill their service needs.

It is the applicant's intent to develop their telecommunication network within the framework established by the above stated goals. Additionally, there will be no impact on the subject and adjacent properties concerning by-right commercial and retail uses.

IMPACTS

Public Utilities & School System Impacts

The potential impacts on the subject property are minimal. The subject property does not anticipate the use of public utilities, only electricity. No impact on the public school system is anticipated, due to the fact that no new residences will be constructed as a result of this conditional use permit. The tower does require a monthly site maintenance visit.

Historic Impacts

During the rezoning process, there were also concerns regarding the historic impact of the subject area. The applicant has been in contact with the Virginia Department of Historic Resources regarding the effect on historic resources. In a memorandum from the Department of Historic Resources, dated May 25, 2005, the department stated the project would have an effect on historic resources, but based on the information that the applicant provided the effect would not be adverse.

BACKGROUND

Planning Commission Vote:

The Planning Commission heard the conditional use permit request, C-06-01, at their May 10, 2006 meeting. The Planning Commission voted unanimous to recommend approval of C-06-01 to the Board.

Past Meeting Minutes:

Attached in your packets are copies of the Board of Supervisors and Planning Commission minutes for rezoning case P-05-12 and Planning Commission minutes for conditional use permit case C-06-1.

Staff Recommendation:

The County's telecommunications consultant (Atlantic Technology Consultant, Inc.) has reviewed the conditional use permit information and is satisfied that the applicant has addressed the impact on the subject property and has recommended approval of the request.

The Staff has reviewed the conditional use permit and is satisfied that the applicant has successfully responded and addressed the impacts of conditional use permit on the property to allow a telecommunication tower.

In developing this recommendation, staff has evaluated the advantages and disadvantages of the conditional use permit on this property and believes that the overall proposed request will have a positive impact for the County. Specifically, staff wishes to share the following comments:

1. Staff feels that the impact of the conditional use permit will be minimal. Staff feels that the proposed conditional use permit will not have a direct effect on transportation, public safety, schools, and water quality.
2. The subject property will have a good vegetative buffer to shield the current and future adjacent property owners from the suggested use. The subject property is well-wooded, which will provide for a good buffer and screening of the facility to all adjacent property owners. The tower will be located on a 40.21 acres parcel, which would be a good distance to the nearest residence.
3. Staff feels that using this existing site would help prevent using two separate sites in the County for non-residential uses (i.e. Water Treatment Facility and a Telecommunication Tower).
4. The subject property has limited uses to only allow a water treatment facility and one (1) telecommunication tower as stated in the proffer statement from rezoning case P-05-12. Failure to utilize the subject property with the above mention uses will result in the Dinwiddie County Water Authority transferring the property back to the Commonwealth of Virginia.
5. Staff feels that the subject property is compatible with the other adjacent zoning classifications. The subject property is located to the south of Route 1/Route 460, where the vast majority of the area is commercial and retail development, except for Central State Hospital. The properties located to the north are zoned Residential, Limited, R-1 along Route1/Route 460 which mainly consist of Central State Hospital and Training Institutions and the properties to the west are zoned Business, General B-2 and Shopping Center District, B-3.
6. Staff feels that if the proposed tower shall be placed at this location, the tower will improve the service coverage area for existing and future businesses as well as citizens traveling along Interstate 85 and Cox Road/Route 1. Such improvements to the service coverage area could improve infrastructure needs and services to area businesses.

Therefore, Staff's recommendation of approval of the request for a conditional use permit based on the following conditions:

1. The applicant shall limit the height of the tower to 160 feet as stated in the conditional use permit.
2. The proposed tower is less than two hundred (200) feet, if the FAA make a determination that requires lighting, the applicant will request a red beacon, not a strobe light, to utilize lighting the tower.
3. The applicant will provide space to Dinwiddie County, at no cost to the County, to collocate communication equipment, if requested by the County.
4. Before obtaining a building permit, the applicant shall post a bond equivalent to the cost of removal of the tower with the Planning Department.
5. The conditional use permit must be reviewed at least every two (2) years for compliance with stated conditions.
6. The applicant must keep in compliance with all federal, state, and local rules and regulations.

Upon statement of the applicant's representative, and by the consent of the Board, this case was deferred.

12.C PUBLIC HEARING: P-06-02 JIM'S TRUCK, AUTO PAINT & BODY SHOP

The Board received the summary below from Scott Wrenn, Planning/Zoning Administrator.

Dr. Mark Moore, Chair of the Planning Commission, was present and spoke to the Board. He stated that the only thing he wanted to be cautious of in going forward was that the County needed to look at limiting the number of mini-storage buildings located in the county.

The Chair opened the public hearing in this case.

1. Michael W. Bratschi – 23500 Cutbank Road – McKenney – said that this was a well established building. He asked about proffers and whether they were required in all rezoning cases.

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

EXECUTIVE SUMMARY

The applicant, Jim's Truck, Auto Paint & Body Shop, is seeking a rezoning of one land parcel containing 1.34 acres from Agricultural, General A-2 to Business, General B-2 which allows commercial operations, to utilize the property for a mini storage facility. The property is located adjacent to 17203 Boydton Plank Road (Route 1). The property is further defined as Tax Map 69A-2, Parcel 9. The County Comprehensive Land Use Plan places this property within the Rural Conservation Area which allows limited commercial development.

OVERVIEW

The subject property is located on the south side of Boydton Plank Road (Route 1) near DeWitt, VA. The applicant wishes to utilize their adjacent property to establish a new operation within close proximity to their existing operation. The Board of Supervisors heard case C-89-1 (John A. Cairnes) at their March 8, 1989 meeting and voted unanimous to grant a conditional use permit to operate an automotive paint and body shop in an Agricultural, General A-2 zone. The proposed mini-storage warehouse will be located adjacent to Jim's Truck, Auto Paint & Body Shop, which was approved for a conditional use permit in 1989 by the Board of Supervisors. The proposed mini-storage warehouse will be constructed with masonry block sides and walls between the metal doors as stated in the applicant's proffer statement.

ANALYSIS

The property under review is designated by the Comprehensive Land Use Plan as Rural Conservation Area. As such, page X-15 of the Comprehensive Plan states that the area is "expected to accommodate approximately 5% of future industrial and commercial development". The Comprehensive Plan also expects commercial developments will be limited to service commercials within that Planning Area.

The Route 1 and Route 460 Corridor Enhancement Study does recommend focusing commercial growth to cluster commercial/retail development at historic commercial nodes with DeWitt as the focus location. The proposed use would be located near the DeWitt area as well as Jim's Auto Body Shop and Brier's Cabinet Shop which are within close proximity of each other in the DeWitt area.

The properties around this land parcel have mixed uses which include commercial and open space/agricultural/residential. The properties located to the north are zoned Agricultural, General, A-2 along Boydton Plank Road (Route 1), to the south properties are zoned Agricultural, General A-2, to the east the properties are zoned Agricultural, General, A-2 and to the west the properties are Business, General B-2 and Agricultural, General A-2 along Boydton Plank Road (Route 1).

If the rezoning case is approved by the Board of Supervisors, the applicant will be required to submit an application for a conditional use permit to the County in order to operate a mini-storage warehouse with approval from the Board.

IMPACTS

Public Utilities, School System, and Public Safety Impacts

The potential impacts on the subject property are minimal. The subject property does not anticipate the use of public water and sewer utilities. No impact on the public school system is anticipated, due to the fact that no new residences will be constructed as a result of this rezoning. The potential impact on public safety will be minimal, due to no specific public safety

requirements for mini storage warehouses. Upon the necessary rezoning and conditional use permit approvals from the Board of Supervisors, the applicant is required to submit a site plan outlining the mini-storage warehouse use to the Planning staff as a part of the site plan process.

Proffer Statement

The applicant has submitted a proffer statement to the County. The applicant did address potential impacts on the subject property. The applicant has limited the permitted uses on the property, if rezoned, to the B-2 zoning district. Those permitted uses are listed below:

Limited Types of Businesses
■ Retail stores and shops
■ Mini-storage warehouse units <i>with a conditional use permit</i>
■ Office Building
■ Auto sales and services

The Staff feels that the limited uses mentioned above would be acceptable for the property based on the lot size and location. The applicant has also offered general proffers regarding the limited uses on the list above (i.e. mini-storage facility will have 120 units consisting of 10 x 20, 10 x 10 units and 10 x 5 units to be constructed in numerous stage).

The applicant did address the hours of operation (Monday – Friday 8AM – 5PM and Saturday 9AM – 5PM). The applicant also address security lighting which would keep the glare contained on the site. The applicant will install a business sign which shall meet the requirements of the Dinwiddie Code section regarding signs and receive an approved sign and building permit by the Planning and Building Departments.

The subject property has a good vegetative buffer of timber surrounding the subject property, which would provide a good buffer area to adjacent property owners. The subject property currently has a six (6) foot high chain link fence around the property in which the business would be located inside the enclosed area.

The applicant will be required to have two (2) parking spaces (two (2) office/employee parking spaces) as stated in Dinwiddie Code section 22-237-(10)-B. The applicant has proffered that all areas between the buildings shall be paved.

The applicant has also proffered to locate the commercial entrance to the business at the VDOT approved location. The applicant will obtain a VDOT Commercial Entrance permit and the commercial entrance will meet VDOT's standards.

BACKGROUND

Planning Commission Vote:

The Planning Commission heard the rezoning request, P-06-02, at their May 10, 2006 meeting. The Planning Commission voted unanimous to recommend approval with proffers of P-06-02 to the Board.

Past Meeting Minutes:

Attached in your packets are copies of the Board of Supervisors and Planning Commission minutes for conditional use permit case C-89-1 and Planning Commission minutes for rezoning case P-06-2.

Staff Recommendation:

The Staff has reviewed the rezoning matter and is satisfied that the applicant has successfully responded and addressed the impacts of rezoning the property to allow greater commercial density.

In developing this recommendation, staff has evaluated the advantages and disadvantages of rezoning this property and believes that the overall proposed rezoning will have a positive impact for the County. Specifically, staff wishes to share the following comments:

1. Staff feels that the limited uses which the applicant has provided in the proffer statement are compatible uses based on the size of the property.

2. Staff feels that the conditions which have been placed on the limited uses permitted on the subject property are sufficient and addresses potential impacts of those limited uses on the subject property.
3. The applicant has a good vegetative buffer of timber surrounding the subject property, which would provide a good buffer area to adjacent property owners.
4. The applicant will work diligently with the Virginia Department of Transportation (VDOT) regarding the commercial entrance for the subject property.
5. Staff feels that a mini-storage warehouse use has been addressed in the proffer statement and the impacts of that particular use have been addressed.

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

1. The request is an up zoning of the property from a lower density to a higher density which will provide for more economic development on the property;
2. The rezoning classification requested is compatible with other adjacent zoning classifications;
3. The request is not in conflict with the Comprehensive Land Use Plan;
4. The applicant has provided signed proffers to the subject property and;
5. The applicant, if approved, will submit a conditional use permit application for the mini-storage warehouse to the County for necessary approvals.

Upon motion of Mr. Stone, 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, that rezoning P-06-2 is approved, with proffers, by the Board of Supervisors.

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

Nays: None

Absent: Mr. Moody

12.D. PUBLIC HEARING: P-06-03 WHIPPONOCK, LLC REZONING

The Board received the summary below from Scott Wrenn, Planning/Zoning Administrator.

Dr. Moore, Chair of the Planning Commission, spoke to the Board. He said that he thought that at some point the County had the right to know how this piece of property was going to be developed. He said he was disappointed that the applicant had not considered some of the concerns of the citizens who had spoken earlier regarding the previous piece of property that had been rezoned. He said this had come in with the same cookie-cutter design to get as many lots as possible according to the rezoning. He said that nothing had changed; there were no additions to the property that would benefit the residents within the total subdivided area. He said that he had a concern about what would be offered within this property as far as recreation. He also had concerns as to where the nearest sheriff or state trooper would come from if needed at this location. He stated that he felt the County deserves to know the plans for this piece of property.

The applicant's representative, Mr. T. O. Rainey, III (21316 Rainey Road, Dinwiddie) asked for a brief recess to make a legal determination before going forward.

After the recess, Mr. Rainey stated that they had made a determination and were ready to go forward.

The Chair opened the public hearing in this case.

1. Brenda Emory – 1213 Creek Court Church Road – spoke in opposition of this case. She said the Planning Commission voted that this was not the time to rezone this case. She said there were 1200 signatures on a petition against the original rezoning. She was concerned about the roads and EMS response time. She said the proffer package had too many gray areas.
2. Martin Edens – 17175 Lakeland Road – Church Road – spoke in opposition to this case. He said many residents of the county had presented many issues and concerns regarding roads, schools, water quality, impacts to Lake Chesdin, EMS and sheriff response. He said he also had a concern about the movement of Lakeland Road. He said he had talked with his attorney and had been advised that he could fight the movement of this road. He said the Board had heard from many residents and the Planning Commission who were in opposition to this rezoning. .
3. Richard Beck – 839 Even Keel Lane – Church Road – spoke in opposition to this case. He said he was concerned about well water and stated that the study of the consultant was not based on wells in the area. He was concerned about Sutherland Road not being eligible for federal funding.
4. Mark A. Kruger – 841 Even Keel Lane – Church Road – spoke in opposition to this case. He was concerned about there being no site plan. He said there were no recreational facilities in place for an upscale subdivision. He said that part of the subdivision could have five acre lots. He said there was no need for a right-turn lane.
5. Brian Emory – 1213 Creek Court – spoke in opposition to this case. He thanked the Planning Commission for doing their homework in this case. He asked if the proffers were per lot or per house. He said he would like to see a proffer of a purchase of a piece of land and have a fire department/EMS built in that area.
6. David Hale – 1311 Sutherland Road – spoke in opposition to this case. He said his property would be wrapped by this subdivision. He said the Board needed to understand how this subdivision and other subdivisions like it would affect the County. He said no buffer had been allowed on both sides of the lake, and he asked why that was so. He stated that he was available to work on a Comprehensive Use Plan for the county.
7. Michael W. Bratschi – 23500 Cut Bank Road – McKenney – spoke in opposition to this case. He was concerned about the movement of Lakeland Road. He said this rezoning would add to the overcrowding of the schools. He said the county was not adequately covered by law enforcement, and this would create a greater impact.

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

Mr. Rainey asked that the Board be consistent with their decision in March. He said the School system had stated there would be no significant impact. He asked what was better for the County, to have 17 houses on the 90 acres with none of the things that were proffered, or the possible high density 2 ½ acre lots with all that was proffered.

Mr. Drewry stated that he disagreed with one statement, and that it needed some clarification which he wanted the applicant to know at this time. He said the proffers were voluntary and had indicated a contribution of \$5,629 per lot should be paid to the County prior to issuance of each building permit. He stated that his interpretation of that in the first rezoning was that it is per lot, not per dwelling unit. If 1 house goes on 5 lots, it's 5 proffers.

Mr. Rainey said that if that's the County Attorney's interpretation they have no problem with it and will defer to his interpretation. He said that his understanding was that it was based on building permits issued. He stated that if that was the County Attorney's interpretation, they would certainly respect it and defer to it.

Mr. Rainey consulted with his client on one other issue. He said that one of the earlier speakers had suggested deferring this matter for additional considerations. He said if requested, they would ask for a deferral.

EXECUTIVE SUMMARY

The applicant, Whipponock, LLC, is seeking a rezoning of two (2) land parcels containing a total of approximately 90.0 acres from Residential, Conservative RR to Residential, Rural RR-1 to create a development of approximately 35 single family homes at a proposed density of approximately one dwelling unit per 2.5 acres. The Residential, Rural RR-1 allows residential developments at a minimum lot size of two (2) acres. The properties are located on Sutherland Road (Route 623). The properties are further defined as Tax Map 2, Parcel 4; Tax Map 2, Parcel 4A. The County Comprehensive Land Use Plan

places this proposed development within the Rural Conservation Area which allows residential development at a density not to exceed one dwelling unit per five acres, with no individual lot less than two acres.

OVERVIEW

The land under consideration is located on Sutherland Road (Route 623). The applicant is seeking a rezoning of two (2) land parcels from Residential, Conservative, RR (5 acre lots) to Residential, Rural, RR-1 (2 acre lots) to create a development of approximately thirty-five (35) single family homes.

The Board of Supervisors heard rezoning case P-05-8 (Whipponock LLC) at their March 21, 2006 meeting and voted 3-2 to grant approval with proffers to rezone 391.06 acres from Residential, Conservative, R-R to Residential, Rural, RR-1 to create a development of one hundred fifty-six (156) lots.

ANALYSIS

The properties under review are designated by the Comprehensive Land Use Plan as Rural Conservation Area. As such, page X-15 of the Comprehensive Plan states that the area is "expected to accommodate approximately 10% of future residential development". The Comprehensive Plan also expects all developments to be served by individual water supplies and septic fields within that Planning Area. The Plan allows residential development at a density not to exceed one dwelling unit per five acres, with no individual lot less than two acres.

The Residential, Rural, RR-1 zoning district is designed to protect the environmentally and ecologically sensitive areas and preserve the natural beauty of rural areas in the County where water and sewer mains are not planned. The County's Zoning Ordinance does state the area is "intended to provide developmental flexibility by allowing for spacious residential development for those who choose to live in a rural environment."

The properties around these land parcels have mixed uses which include open space/agricultural/residential. The properties located to the north are zoned Residential, Conservative, RR and Residential, Rural, RR-1 along Lake Chesdin, to the south properties are zoned Residential, Conservative, RR along Sutherland Road (Route 623), to the east the properties are zoned Residential, Conservative, RR and to the west the properties are Residential, Conservative, RR along Sutherland Road (Route 623).

IMPACTS

Traffic Impacts

During the Board meeting for the rezoning case, the applicant proffered to construct a right turn lane to the proposed subdivision development pending the rezoning on the subject ninety (90) acres. The previous traffic study did not warrant a left or right turn lane to the development, but the applicant has agreed to install the turn lane contingent on the approval of the current rezoning case as stated in the proffer statement. The applicant had originally planned to improve the existing private road (Lakeland Road) for the primary roadway to the development. The applicant has now shifted the existing roadway to the west and will tie in the new roadway to the existing roadway further north for the present property owners who reside on Lakeland Road. The new roadway will be constructed to Virginia Department of Transportation (VDOT) standards as well as taken into the state system as stated in the proffer statement. The new roadway layout has been shown in the conceptual plan provided in the agenda packets. The applicant will also construct a boulevard style entrance to the proposed development as shown in the attached conceptual primary entrance plan.

Public Safety Impacts

The impact on public safety for the additional thirty-five (35) homes to be constructed on the ninety (90) acres will place an additional three to five (3-5) Fire & EMS calls and approximately sixteen (16) total public safety calls (i.e. Fire & EMS, Animal Control and Sheriff's Office) added to the previous count. Once again the vast majority of the Sheriff's Office calls are normally based on alarm activations, 911 Hang ups, complaints, etc. The response time, suggested in the previous rezoning case, will be increased due to the apparatus having to travel through a longer residential area instead of the originally plan non-residential entry road. The proffer statement from the previous case regarding the dry hydrants will be sufficient enough to handle the additional homes.

School System Impacts

The school system impact will be minimal. The school system believes that the proposed type of development generally does not yield the same number of school age children that a starter home or smaller lot subdivision development yields. The school system stated that schools in the northern end of the county are at or above capacity and any additional children will represent a significant impact to the school's infrastructure. The school system hopes that the new schools that will be constructed will alleviate the overcrowding at Rohoic Elementary School and Dinwiddie Middle and High Schools.

Soil Impacts

The applicant acquired a soil consultant to conduct a soil feasibility study to review the subject properties for adequate soil types. The soil feasibility study suggested the soils on the subject properties seem to be moderate to very well drained and suitable for onsite sewer disposal systems.

Water Impacts

The staff has reviewed a previous hydrogeologic study on the subject area to determine adequate water quality and quantity. The study discovered that groundwater resources should be suitable to support the development without an adverse impact to existing groundwater users, stream base flow, or groundwater quality.

In the subject area, there are normally two types of wells, bored wells and bedrock wells. Bored wells generally have adequate yield and storage within their 30 inch casings to support individual homes, however they are susceptible to drought and surface contamination. Bedrock wells generally have sufficient yield and storage to support individual homes and are less likely to be impacted by sustained periods of drought and are less vulnerable to surface contamination.

The bedrock underlying the proposed area consists of metamorphic granitic rocks that have moderately good water producing characteristics for successful development of bedrock wells. The majority of the wells should intersect sufficient fractures to yield adequate supplies for an individual home, only estimated three to five percent of wells will not provide adequate yield.

Groundwater recharge rates are significantly greater than maximum predicted groundwater withdrawal and actual consumptive water use. Nearly 90% of groundwater withdrawn from the aquifer is returned to the ground via the septic drainfield. Withdrawals from the development should not have adverse impacts on the availability of groundwater in the subject area and the impact on the existing groundwater users.

The applicant also acquired Gentry Well Works, Inc. to conduct a test to review the subject area for uranium. The results of the test found small amounts of uranium which should not affect the proposed development's water supply.

Proffer Statement

The applicant has submitted a proffer statement to the subject properties. The applicant has offered a voluntary cash proffer of \$5,629 per lot, which shall be paid prior to the issuance of the building permit. The applicant shall organize a homeowners association, which shall consist of all the property owners within the development. The applicant will also deposit at the time of each settlement on each lot, one hundred dollars (\$100.00) into an account established for the association. All homes developed in the proposed development shall be no less than 2,200 square feet of heated area and plans must be approved by the designated Architectural Review Board prior to any construction. There shall be a fifty (50) foot no cut buffer zone located at the rear of each lot. Selective cutting shall be approved by the County Planning Director.

Staff has requested that local agencies (Public Safety, VDOT, and School System) be present at the Board of Supervisors meeting to answer any questions the Board may have regarding the proposed development.

BACKGROUND

Planning Commission Vote:

The Planning Commission heard the rezoning request, P-06-03, at their May 10, 2006 meeting. The Planning Commission voted unanimous to recommend disapproval of P-06-03 to the Board.

Past Meeting Minutes:

Attached in your packets are copies of the Board of Supervisors and Planning Commission minutes for rezoning case P-05-8 and Planning Commission minutes for rezoning case P-06-3.

Staff Recommendation:

The Staff has reviewed the rezoning matter and is satisfied that the applicant has successfully responded and addressed the impacts of rezoning the properties to allow greater residential density.

In developing this recommendation, staff has evaluated the advantages and disadvantages of rezoning these properties and believes that the overall proposed rezoning will have a positive impact for the County. Specifically, staff wishes to share the following comments:

1. Staff feels that the proposed development will continue to diversify the existing housing inventory of the County. Such diversity is needed to balance the number of low, moderate and higher income housing and provide an advantageous mix.
2. The applicant has voluntarily offered a cash proffer. Such Monies, allow the County to make Capital Improvements resulting from the impact of the development. Nearly 75% of the proffer being offered will be spent on improvements identified by the Dinwiddie County School System and incorporated into the County's CIP Plan. Staff recognizes there will be an associated increase in student enrollment. However, staff supports the School Superintendent's characterization of this increase to be minimal.
3. The applicant has provided staff with a conceptual plan for the ninety (90) acres being rezoning. The conceptual plan shows the shift of the existing private road (Lakeland Road) to the proposed location and the potential lot design layout for the proposed development. The conceptual plan has provided staff with a good understanding of how the development will connect to the previous rezoning case.
4. Staff reviewed the traffic study for the proposed development and the proposed development does not warrant a left or right turn lane. However, the applicant has agreed to construct a right turn lane to the proposed development. The applicant will have the road construction meet VDOT state standards and have the road taken into the state system.
5. The applicant has provided staff with a conceptual primary entrance plan outlining the boulevard style entrance and the addition to the right turn lane to the proposed development. The applicant also plans to landscape the entrance way to the development to beautify the subject area. The conceptual plan has provided staff with a good understanding of the traffic flow into the proposed development.
6. Staff recognizes the need for transportation improvements to Route 623 (Sutherland Road) and Route 708 (Namozine Road). Staff recommends and urges the Board to add these routes to the Virginia Department of Transportation Secondary Six Year Plan for Dinwiddie County.
7. Staff feels that the subject properties are suitable for acceptable water supply. After reviewing the studies, staff recommends that the proposed development encourage property owners to drill bedrock wells to reduce the chances of drought and/or surface contamination. The studies suggest that the soils are suitable for onsite sewer disposal systems. Staff feels that the final well locations should be determined after the septic tank/drainfields have been located.

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

1. The request is an up zoning of the properties from a lower density to a higher density which will provide for more residential development on the properties;
2. The rezoning classification requested is compatible with other adjacent zoning classifications;
3. The applicant has provided signed proffers to the subject properties and;

4. The proffer statement accurately diminishes the impact this development will have on the County.

Tax Parcel Nos. 2-4 (part of) and 2-4A (part of)

PROFFERS

THESE PROFFERS are made this 18th day of April, 2006 by WHIPPONOCK LLC and James B. Cobb, managing member as attorney in fact for LGA Associates L.L.L.P. and Gray Lumber Company, together with their successors and assigns, (the "Owners").

RECITALS

- A. Owners legally possess and Whipponock LLC is contractually obligated to purchase the tracts or parcels of land located in Dinwiddie County, Virginia, (the "County") and being Tax Parcel Nos. 2-4 (part of) and 2-4A (part of) containing approximately 90.0 acres (the "Property").
- B. The Property is within the Rural Conservation Area on the County's Comprehensive Plan and is now zoned Residential, Conservative RR. Owners have applied to rezone the Property from Residential, Conservative RR to Residential, Rural RR-1, with proffers.
- C. Owners desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned Residential, Rural RR-1.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2298 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owners agree that they shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. In order to assist the County with mitigation of impacts on the County from the development of the Property, a contribution of \$5,629.00 per lot shall be paid to the County prior to the issuance of each building permit. The County may use these funds for any project in the County's Capital Improvement Plan, the need for which is generated in whole or in part by the physical development and operation of the Property.
2. The per lot contribution paid each year pursuant to Section 1 shall be adjusted annually beginning January 1, 2007 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84 = 100) (the "CPI") prepared by the U.S. Bureau of Labor Statistics of the U.S. Department of Labor. In no event shall the per lot contribution be adjusted to a sum less than the amount set in Section 1. In the event the CPI is not available, another reliable government indicator approved by the County may be relied upon in establishing an inflationary factor for purposes of determining the per lot contribution to approximate the rate of annual inflation in the County.
3. The Owners shall organize a homeowners association (the "Association") in accordance with Virginia law in which all property owners in the development, by virtue of their property ownership, shall be members. The articles of

incorporation, bylaws and restrictive covenants (the "Governing Documents") creating and governing the Association shall be submitted to, reviewed, and approved to be in accordance with these proffers, by the County Attorney prior to final subdivision plat approval. The Association shall protect the investments and assure a pleasant environment free of many of the disquieting aspects of denser and less inherently beautiful communities for those families who are residents.

4. The Owners shall deposit at the time of settlement on each lot, the sum of one hundred dollars (\$100.00) into an account established for the homeowners association. These monies shall be to absorb any up front costs incurred by said association.
5. The Governing Documents shall provide for an Architectural Review Board with the powers to review and approve all site development and construction plans within the development. All homes to be constructed on said property shall be subject to review by the Architectural Review Board that shall be established by the Association prior to the conveyance of the first lot. No home shall be built without written approval of said board.
6. No home located on said property shall have less than 2200 square feet of heated area.
7. All roads within said property; including entrance roadway will be designed and constructed in accordance with the subdivision street requirements of the Virginia Department of Transportation and County Code Requirements.
8. The Owners shall cause to be established the following buffers:
 - a. There will be a fifty (50) foot no cut buffer located at the rear of each individual non-waterfront lot which backs up to a property owner outside of proposed development. There may be selective cutting of trees and vegetation to maintain the health of the buffer, per approval of the County Planning Director.
9. The Owners shall limit the total number of lots within the subject property to a maximum of thirty-six (36). This would create an overall gross density of approximately two and one half (2.5) acres per home site.
10. The Owners does hereby agree to install a VDOT approved right turn lane into the primary entrance of subject property, contingent upon the rezoning of the said approximately ninety (90) acres to RR-1.

WITNESS the following signatures:
WHIPPONOCK LLC

JAMES B. COBB – M.M. as attorney in fact for
LGA Associates, L.L.L.P.,
Gray Lumber Company

STATE OF VIRGINIA
COUNTY OF DINWIDDIE, to wit:

The foregoing instrument was acknowledged this _____ day of April 2006, by James B. Cobb, Managing Member of Whipponock LLC.

My commission expires: _____

Notary Public

Mr. Rainey asked, on behalf of his client, for a 90 day deferral of this case.

P-06-3 Whipponock, LLC case was deferred for 90 days.

Mr. Stone asked the reason for the client requesting deferral.

Mr. Rainey answered that it was requested in order to respect and answer some of the questions from the public.

Mr. Stone stated that these were the same questions the public had asked previously.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the 90 day deferral is accepted and the public hearing will be continued in this case.

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

Nays: None

Absent: Mr. Moody

13.A. OLD / NEW BUSINESS: APPOINTMENTS

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Thomas E. Tucker, Jr. is appointed to an at large position on the Dinwiddie County Planning Commission for a term ending June 30, 2010.

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

Nays: None

Absent: Mr. Moody

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Cheryl Martinez is appointed to the Social Services Board for a term ending June 30, 2008.

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

Nays: None

Absent: Mr. Moody

14. CITIZEN COMMENTS

Before the citizen comments the Chair read the following statement:

In accordance with the Board of Supervisors Bylaws we will allow and listen to all persons desiring to speak to the Board in an orderly manner. Speakers should address the Board with decorum. Loud, boisterous and disruptive behavior, obscenity and vulgarity shall be avoided. You are allowed three minutes to speak after you have signed the registry. Speakers shall not be interrupted by audience comments, laughs or other gestures. This is disruptive to the order of the meeting, and others attending. If this occurs, I'll ask you to refrain from speaking out of order. If this continues, I'll ask the deputy sheriff on duty to escort you out of the Board room. You must take responsibility for your own actions. Please keep your comments germane to the business at hand. As Chair, it is my responsibility to keep the meeting in order at all times. Thank you in advance for your cooperation.

1. Michael W. Bratschi – 23500 Cutbank Road – McKenney – said that the Board had not thanked the people in the audience for coming. He asked if the people who were appointed had submitted applications. He said the Planning Commission had some good members on it.

2. Michael Wilde – 11647 Old Stage Road – said that Mr. Bowman was unprofessional.

15. CLOSED SESSION

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

The Board of Supervisors of Dinwiddie County, Virginia convened in a closed meeting under:

a.) §2.2-3711 (A) (1) Personnel: County Administration Staff; Planning & Zoning Staff; and County Attorney.

b.) §2.2-3711 (A) (7) Legal Matters: Conflict of Interest – Policy Development,

c.) §2.2-3711 (A) (5) Business and Industry Development: Prospective Business/Commerce Park,

Mr. Bowman stated that he would be excusing himself from the discussion on the Commerce Park.

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

Nays: None

Absent: Mr. Moody

CERTIFICATION

WHEREAS, this Board convened in a closed meeting under:

a.) §2.2-3711 (A) (1) Personnel: County Administration Staff; Planning & Zoning Staff; and County Attorney.

b.) §2.2-3711 (A) (7) Legal Matters: Conflict of Interest – Policy Development,

c.) §2.2-3711 (A) (5) Business and Industry Development: Prospective Business/Commerce Park,

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

Nays: None

Absent: Mr. Moody

Mr. Massengill indicated that in closed session changing of the Director of Planning position from a Grade 14 to a Grade 15 position was discussed.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Director of Planning position, which is currently a Grade 14, is changed to a Grade 15.

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

Nays: None

Absent: Mr. Moody

16. ADJOURNMENT

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

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

Nays: None

Absent: Mr. Moody

The meeting was adjourned at 10:45 p.m.

Doretha E. Moody, Chairperson

ATTEST: _____

W. Kevin Massengill
County Administrator
Clerk to the Board

/wjn