

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 16TH DAY OF MAY 2006 AT 3:30 P.M.

PRESENT:	DORETHA E. MOODY – CHAIR	ELECTION DISTRICT
#4		
	DONALD L. HARAWAY	ELECTION DISTRICT
#2		
	ROBERT L. BOWMAN IV	ELECTION DISTRICT
#3		
ABSENT:	HARRISON A. MOODY	ELECTION DISTRICT
#1		
	(arrived at 3:45 p.m.)	
	MICHAEL W. STONE - VICE CHAIR	ELECTION DISTRICT
#5		
	(arrived at 6:05 p.m.)	

ADMINISTRATION

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

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
Ms. Moody

ABSENT: Mr. Moody
Mr. Stone

Note: Mr. Moody arrived at 3:45 p.m.

4. AMENDMENTS TO AGENDA

Mr. Massengill asked that, pending the outcome of Public Hearing P-06-1 Tindall Corporation Rezoning, he would like to add 13.A.1 as an agreement to one of the proffers to be acted upon.

He added that he would like to add as 14.C. under Old / New Business, County Administrator Contract.

Mr. Massengill stated that due to information that had just been received, he would like to remove Action Item 7.A. Fire Truck Contract Awards.

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

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia does approve the agenda with noted changes.

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

Nays: None

Absent: Mr. Stone

**5.A. CONSENT AGENDA – APPROVAL OF MINUTES FOR APRIL 18, 2006
SPECIAL MEETING**

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the April 18, 2006 Special Meeting Minutes are approved.

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

Nays: None

Absent: Mr. Stone

**CONSENT AGENDA – APPROVAL OF MINUTES FOR APRIL 18, 2006
REGULAR MEETING**

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the April 18, 2006 Regular Meeting Minutes are approved.

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

Nays: None

Absent: Mr. Stone

5. B. CONSENT AGENDA - CLAIMS

Upon motion of Mr. Haraway, 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 1053536 through 1053774 (voided check numbers 1053290, 1053535, 1053551, 1053626 and 1053726).

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

Nays: None

Absent: Mr. Stone

FY – 05/06

Accounts Payable:

(101) General Fund	\$	179,721.74
(103) Jail Commission		
(222) E911 Fund	\$	259.29
(225) Courthouse Main Fund	\$	380.43
(228) Fire Programs & EMS	\$	1,953.00
(226) Law Library	\$	74.20
(229) Forfeited Asset Sharing		
(304) CDBG Grant Fund	\$	127.02
(305) Capital Projects Fund	\$	304.00
(401) County Debt Service	\$	752.50
TOTAL	\$	181,776.79

May 16, 2006

Accounts Payable:

(101) General Fund	\$	257,632.89
(103) Jail Commission	\$	42.50
(209) Litter Grant Fund	\$	301.52
(222) E911 Fund	\$	6,714.14
(228) Fire Programs & EMS	\$	198.25
(229) Forfeited Asset Sharing	\$	3,097.70
(304) CDBG Grant Fund	\$	418.32
(305) Capital Projects Fund	\$	15,802.54
(401) County Debt Service	\$	16,755.67
TOTAL	\$	300,963.53

Upon Motion of Mr. Haraway, 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 1053455 through 1053533 (voided check number 1053454).

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

April 28, 2006

Payroll:

(101) General Fund	\$ 540,310.78
(222) E911 Fund	\$ 50,735.67
(229) Forfeited Asset Sharing	
(304) CDBG Grant Fund	\$ 9,490.30
TOTAL	\$ 600,536.75

6. A. REPORT: VIRGINIA DEPARTMENT OF TRANSPORTATION

Ray Varney, Resident Engineer, gave the Board a list of VDOT Residency personnel and their contact numbers, as well as the three area headquarters that are responsible for various parts of Dinwiddie County. He also introduced his new assistant, Bob Zimmerman. Mr. Varney discussed the possibility of improvements at the intersection of Southbound 85 and Westbound Rt. 460. The proposal is to eliminate two through lanes, and use one as a through lane. The idea is to allow motion coming southbound on 85 and going westbound on Rt. 460 to be free flow. The heavy movement would be allowed to have priority. The stop bar was shown as coming further out on Rt. 460. Mr. Varney said that it would be better for the stop bar to be moved back. It was the consensus of the Board to proceed with these improvements. Mr. Varney stated that Sawmill Road and the first phase of Brills Road are complete. He said that it appears that after the second phase of Brills Road is completed as well as the next project, McKissicks Road, there will be enough money left that while they are in the area they could eliminate the gap on Continental. It was the consensus of the Board to go forward and advertise a public hearing to change the Secondary Six-Year Plan in order to do this.

Mr. Bowman expressed a concern regarding the area where northbound I85 merges into northbound I95. He asked if it would be possible to stripe the lane where the merge takes place, or if there could be bigger signs, etc. Mr. Varney's reply was that was not in his jurisdiction, but that he would talk with someone to see what could be done.

Mr. Massengill stated that he had heard a lot of positive feedback regarding the Route 703 project that had been done by VDOT and he thanked Mr. Varney.

6.B. REPORT: LUCKY LAKE RECREATION MINE UPDATE

Mr. Barry Resnick, Owner, spoke to the Board regarding the recreation mine.

Accompanying him was Mr. Roger Fuller, a certified gemologist, who has been hired by the Board of Directors to head up the project. Mr. Resnick said they had cut in a nice road which would be asphalted, and he hoped the project would be up and going by late summer. Mr. Fuller spoke to the Board as well, and was available for any questions. He brought some of the stones to show the Board. Mr. Resnick said there will be two certified gemologists at the mine. He said there will also be a gift shop on the premises.

6.C. REPORT: UPDATE – E-911 COMMUNICATIONS

Charles Lewis, Emergency Communications Manager, gave the Board an update on the Communications Center since he came on board on January 3, 2006. He said he hired two communications officers, and they have gone through extensive training since they've been on board. He has worked with the promotional process, is in the process of working on a policy manual, and is completing obligations to get money from a grant project for Emergency Medical Dispatch Program. They have installed a new security system, and he has been working with Interact on the CAD project. He is withholding funding until the CAD project is complete. He said that one of the communications officers is interested in starting a public education program in the 911 Center to be able to talk with school-age children about when and why to call 911. Mr. Lewis stated that the school system is looking at putting mobile radios on all the school buses and their fleet of cars. He said they agreed that it would better serve the County if the Schools came on board with the County's radio system instead of having cell phones on their own radio system. They would have a dedicated channel. He invited the Board members to visit the center. Mr. Lewis said they are answering between 600 to 800 calls per week. He said he would give a breakdown in his next report.

Mr. Massengill stated that Mr. Lewis is doing a fabulous job and it is appreciated.

6.D. REPORT: VIRGINIA'S GATEWAY REGION

Renee Wyatt, Executive Director, Virginia's Gateway Region, talked about what has been accomplished in the past year at Gateway Region. She said that they serve Colonial Heights, Petersburg, Hopewell, Chesterfield, Prince George, Surrey, Sussex, and Dinwiddie. They are the regional marketing arm for economic development. Ms. Wyatt stated that in the last decade they had announced more than 180 projects, represented 90 new corporate citizens in the area, and had 2.4 billion dollars in capital investment. She said that just this past year alone they've had over 2,000 jobs and approximately \$60,000,000 worth of investments. She stated that in the past year they were announced as one of the top 20 economic development organizations in the country today. This recognition was based on the quantity and quality of the jobs and projects they worked with in the past year, plus a lot of questions that involve economic development and how that process works with their organization. Ms. Wyatt stated that one thing they were very proud of was their return on investment. They did a three year return on investment that was conducted approximately three months ago. They found that their cost per

direct job (dollars they actually spent per job) was \$83. She said that typically in a regional organization it is between \$1500 and \$2000 per job. She said they have a very low budget, but they try to work very hard. Ms. Wyatt discussed the overall marketing of Dinwiddie County. They created a new logo for the region, a lot of new collateral pieces, and from the standpoint of their domestic and international marketing efforts they have increased about 500% over the last 13 months. They also implemented a new overall corporate image package. Their new website was launched back in October.

6.E. REPORT: COUNTY CODE REPUBLICATION

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

The republication of the County Code has recently been completed and is now available on the internet at the following addresses:

1) Municipal Code Web Page:

- www.municode.com
- select: online library, Virginia, Dinwiddie County

2) Direct Link to Dinwiddie County Code:

- www.municode.com/resources/gateway.asp?pid=14211&sid=46

The republication includes: the incorporation of all ordinance amendments through February, 2006; updating of state law references in page notes; conversion of the Code to an electronic form, posting on the internet, and printing of 50 copies of the Code. The republished County Code will soon be available in hardcopy for County Staff and available for purchase by citizens directly from Municipal Code Corporation.

It is important to note that the republication updates the County Code as it relates to past ordinance amendments. The next step will be a legal review of the County Code to ensure compliance with existing State Statutes. The last review and recodification of the entire County Code was performed in 1985.

6.F. REPORT: PROFFER POLICY

The Board received the following memo from Scott Wrenn, Planning/Zoning Administrator. As Mr. Wrenn was ill and unable to attend the meeting, Mr. William Scheid presented the information below to the Board and was available for questions.

As you all know there is a lot of work that needs to be done within the Planning & Zoning Department. The Staff has been working to find solutions to the concerns regarding the submittal of proffer statements. Staff has encountered many different issues with proffer submittals due to the absence of a proffer policy.

The Staff recommends that the Board of Supervisors adopt a proffer submission policy. This policy would be intended to serve certain important objectives, which have been demonstrated as important in recent proffer submissions:

- (1) To develop a binding submittal schedule for proffer statements which ensures that our citizens are given adequate time to review revised and final proffer agreements well in advance of public meetings;
- (2) To create a system that will permit and encourage more substantial review of proffer statements during Planning Commission and Board of Supervisors consideration of a project;
- (3) To maintain a system which allows the Planning and Legal staff, Planning Commission and Board of Supervisors adequate time to thoroughly review proffer statement submittals;
- (4) To achieve a system whereby all proffers accepted by the Board of Supervisors are enforceable and consistent with County ordinances and policies.

Staff recommends that a new policy be agreed to by the Board of Supervisors to assume a greater role in examining and recommending proffer statements. In addition, the new policy should meet the four objectives noted above.

The new policy recommended for acceptance of proffers in advance of Planning Commission and Board of Supervisors Meetings is as follows:

- (1) Draft proffers shall be submitted with the application packet to the Planning & Zoning Department.
- (2) Signed original proffers shall be submitted twenty-one (21) days in advance of the Planning Commission Meeting.
- (3) Final revised signed proffers shall be submitted at least ten (10) days prior to the Planning Commission regular scheduled meeting for the month.
- (4) The Board of Supervisors will not routinely act upon those proffers which were not reviewed by the Planning Commission in cases where the Planning Commission has recommended denial (this will not apply to minor or non-substantive changes).
- (5) Signed revised proffers shall be submitted twenty-one (21) days in advance of the Board of Supervisors Meeting.
- (6) Final revised signed proffers shall be submitted ten (10) days in advance of

the Board of Supervisors Meeting.

(7) All proffers under this policy must be signed by the owner, or a representative of the owner authorized by a valid power of attorney, and by a notary public. A proffer statement submitted by an attorney representing the owner is not sufficient.

(8) Deferral is appropriate to resolve late submittals and other inadequacies under this policy.

If the deadlines created in the proposed policy are not met, Staff will automatically recommend deferral of the case.

Adoption of this proposed proffer policy would represent a significant departure from the manner in which the Planning Commission and Board of Supervisors considers proffers on proposed development projects. Currently, proffers are submitted at any time up to the day of the meeting. The Public, Planning and Legal staff, Planning Commission, and Board of Supervisors are often confronted with updated or new proffers "on the day of" which is difficult and often results in less than adequate review. The new proposal will allow the Commission and Board to more carefully examine and make decisions about proffers prior to those cases being voted on by the Planning Commission and Board of Supervisors.

The staff feels that during the staff consultation meeting the new proffer policy will be explained and provided to the applicant along with a proffer policy schedule. Staff will explain to potential applicants the policy and the deadline dates, which will be enforced by staff. The goal of the policy will hopefully eliminate a lot of the information not provided by the applicant in advance; as well as it would provide the applicant with a good understanding of the whole proffer process.

At the Planning Commission Meeting on May 10, 2006, the Commission voted to recommend adoption of this proffer policy to the Board of Supervisors. The staff would encourage the Commission and Board to recommend support for this policy in order to continue to provide positive development in the County. The staff feels that being able to have written procedures to provide the public, as well as having the opportunity at the staff consultation meeting to explain the policy prior to submitting the application will help the staff receive accurate information and teach the public on how the proffer process works.

It was the consensus of the Board that the Planning Department may use the policy as presented.

7.A. ACTION ITEM: FIRE TRUCK CONTRACT AWARDS

The agenda was amended to remove this item.

7.B. ACTION ITEM: EOP ADOPTION

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

Emergency Operations Plan Adoption

Background

The Dinwiddie County Emergency Operations Plan (EOP) has been under revision for the past several months. This revision has been completed and the EOP has been reformatted and reviewed by both staff and the Virginia Department of Emergency Management. This process has been lengthy and has required numerous local and state agencies to assist with the update. At this time the county has a document that should provide a solid framework with which to use in the event of a disaster.

Last Board Action

Approval of the contract award to E & D Safety services in June 2005.

Requested Action

Adoption of the Emergency Operations Plan.

Upon motion of Mr. Moody to adopt, seconded by Mr. Haraway,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Emergency Operations Plan is adopted as stated.

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

Nays: None

Absent: Mr. Stone

The Emergency Operations Plan was adopted as stated.

WHEREAS, pursuant to the Commonwealth of Virginia Emergency Services and Disaster Law of 2000 (Va. Code 44-146.13 *et seq*) and Section 2-21 of the Code of Dinwiddie County the Director of Emergency Services is required to keep current the County's Emergency Operations Plan; and

WHEREAS, said update has been completed in accordance with local, state and federal directives.

THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia

that the "County of Dinwiddie Emergency Operations Plan, Revised May 2006" is approved as presented and the Director of Emergency Services for Dinwiddie County is hereby authorized to promulgate this to the citizens.

7.C. ACTION ITEM: APPOINTMENTS

Mr. Massengill stated that at the last meeting the need for an appointment to the Petersburg Area Regional Tourism Commission was discussed. At the request of the Board he had asked Mr. A. Wilson Greene, Executive Director of Pamplin Historical Park, to be the corporate person to serve on that Commission. Mr. Massengill said that he had spoken with Mr. Greene and Mr. Greene had agreed to serve.

The Board had also asked that Mr. Massengill serve as the County liaison on that Commission, and he stated that he was willing to serve.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that A. Wilson Greene is appointed to the Petersburg Area Regional Tourism Commission for a three year term ending May 31, 2009.

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

Nays: None

Absent: Mr. Stone

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that W. Kevin Massengill is appointed to the Petersburg Area Regional Tourism Commission for a term to run coincident with his term of office.

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

Nays: None

Absent: Mr. Stone

8. CITIZEN COMMENTS

Ms. Moody asked for a motion to suspend the portion of the Board Bylaws that relate to citizen comments for this meeting. The Board will be considering at the June meeting the option of allowing citizens to speak at both the afternoon and night portions of the meeting.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the motion to suspend the portion of the Board Bylaws that relate to citizen comments for this meeting is approved.

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

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.Rev. Robert Rowling – 7318 Courthouse Road – said that he was before the Board as a member of the committee that is working on the Christmas parade for this year. He stated that he was chosen by the committee to ask the Board to consider the possibility of calling the parade the Dinwiddie County Christmas Parade rather than the Holiday Parade. He said they are in the process of trying to get involvement from community agencies and churches. He stated that the theme this year will be “Building Community for Christmas”.

2.David Dudley – 25907 Smith Grove Road – Petersburg – said that on May 4th he attended a town hall meeting that Mr. Moody had held at Midway School. He said one of the items discussed was about citizens serving on a committee to update the Comprehensive Land Use Plan. He said the concern of the citizens was the question that if they spent their time assisting the County in updating this document, would the County use the document as a guide to manage growth in the county. He also said that it was time to reconsider using the Dinwiddie *Monitor*. In closing, Mr. Dudley asked where the additional money to build schools was going to come from.

3.Michael Wilde – 11647 Old Stage Road – said that he agreed with Mr. Dudley about advertising in the *Monitor*. He said there is a problem on Route 40 with log trucks. He said that debris is coming off of the trucks as they come from the sawmill in Nottoway County; and the debris is causing damage to vehicles. He said that Nottoway County cooperates with the State Police in pulling these trucks over and also doing weight checks. He stated that Dinwiddie needs to do the same.

4.Betty Bowen – 5110 Sterling Road – said she was before the Board representing the Historical Society. She stated that they are going to have a fund raiser and are

publishing a book. This book will be on the heritage of Dinwiddie County. This is not a history book where facts have to be proven. This book will be family stories.

5. Anne Scarborough – said that in an article about the top 50 area employers, both public and private, Dinwiddie County ranked 43rd. She said that Dinwiddie County had the largest percentage increase of the 13 localities. In the school system there was a 16.4% increase.

After Ms. Scarborough spoke, Mr. Bowman stated that he appreciated her bringing the figures to the Board's attention. He asked if the percentage of increase included the School Board or if it was just the County.

Mrs. Scarborough said it included both, and that most of it was coming from the Schools.

Mr. Bowman said he would like a comparison on the positions on the County side. He said that maybe the County is adding positions that the other localities in the comparison survey already have. He asked whether we are just catching up on positions that these other localities already have established.

Mr. Massengill interjected that when he saw the article he had asked Anne Howerton, Finance Director, to look into it. Ms. Howerton stated that on the County side, last year there were 178 and this year 168. The County has actually decreased 10 positions. She said the issue in the school system is that last year the bus drivers were not included in the number that was sent to the paper. This year they were included. They also added some positions that were in their budget, and filled some positions that had been vacant for a while. In addition, they added some positions that were grant funded and not funded by the County.

6. John B. Wilson – 7410 Coleman's Lake Road – said he is with Boy Scout Troop 175 and he is working on his Eagle project. He said he is in the planning stage at the moment but would like the Board's support. He said he was considering building a memorial to the fallen officers of Dinwiddie County. He said he would like to do something at the new courthouse. He stated that he had met with Sheriff Shands and he was in agreement.

Mr. Moody suggested that Mr. Wilson meet with the County Administrator to discuss the project in more depth. Mr. Massengill said he would be happy to meet with him and discuss the details.

7. Dr. Charles Maranzano, Superintendent of Schools – 10717 Squirrel Level Road – said that he wanted to thank the Board for their collaborative efforts with the School Board. He said he wanted to be sure to make it clear regarding the bids for the school projects. He said he wanted to make a correction to an earlier statement by a citizen.

He said the projects were not \$53.8 million. He said he will have the numbers in the next week. He stated that the actual bid price was \$55 million, with a \$1.2 million discount. He said those prices will not be in the \$65 million to \$70 million range, but considerably below that. He said also that the elementary school is cored for 600 students.

9. COUNTY ADMINISTRATOR COMMENTS

W. Kevin Massengill, Interim County Administrator, discussed Continental Road and asked if it was the consensus of the Board to include it in the Secondary Six-Year Plan. He stated that there would be a workshop on Tuesday, May 23rd in the Multi-Purpose Room regarding the school construction project. Mr. Massengill stated that he would like to work with Mr. Wilde regarding his comments about Route 40. He said that he had previously had conversations with the Sheriff and the Virginia State Police regarding the problem. Mr. Massengill said that he and Ms. Howerton, Finance Director, had met with representatives from the sheriffs and county administrators from Brunswick County, Dinwiddie County and Mecklenburg County to entertain the idea of creating a regional jail. He said that Karen Wilmoth, Administrative Assistant in the Administration Office, had done a draft of an outreach program to recognize Eagle Scouts, get well announcements, anniversaries, etc.; and that program will be presented at the next meeting. Mr. Massengill said that there will be an emergency management training seminar on June 15, 2006 to which he, Ms. Howerton, Ms. Moody, Mr. Stone, Chief Hale and Sheriff Shands have been invited.

10. BOARD MEMBER COMMENTS

Mr. Haraway said that the Dinwiddie Health Investors who were going to build a nursing home in Dinwiddie County have submitted a change request to delete 32 assisted living beds from the 92 bed facility. Their request to the Central Virginia Health Planning Agency was denied. Mr. Haraway said that as a result of the denial one of three things can occur as far as the nursing home is concerned: 1) Dinwiddie Health Investors could build a facility with the assisted living beds that would be 60 nursing home beds, 32 assisted living beds; 2) they could not build the project and surrender its Certification of Public Need, and if this happens an RFA for 120 nursing home beds could be issued and a competitive review process likely would result; 3) if they don't build the project as originally intended the potential RFA for 60 beds could be issued in two to three years.

Mr. Moody stated that he had received word the day before that the Governor has appointed Mr. Neal Noyce as Executive Director of the Tobacco Commission.

Ms. Moody stated that she would like the staff to check into a free medication card discount offered by VACo to various counties.

Mr. Moody commented that it was NACO who had put it together for the counties.

Mr. Massengill stated that he would check with both.

Mr. Drewry, County Attorney, interjected that he had spent considerable hours on that concern. He stated that after talking to other county attorneys and with NACO, there were numerous concerns of legalities of the program in Virginia. They were going back to the drawing board to revamp some of the contracts.

11. CLOSED SESSION

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

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

- a. §2.2-3711 (A)(1) Personnel: County Administrator, and County Attorney and Staff; §2.2-3711 (A)(1) Personnel Appointments: Planning Commission, Board of Zoning Appeals, Industrial Development Authority
- b. §2.2-3711 (A)(7) Legal Matters: Overview of Active Legal Matters and Cash Proffers
- c. §2.2-3711 (A)(5) Business and Industry Development: Prospective Business

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

Nays: None

Absent: Mr. Stone

Note: Mr. Stone arrived at 6:05 p.m.

At 6:55 p.m. upon motion of Mr. Moody, seconded by Mr. Haraway,

The Board reconvened into open session.

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

Nays: None

CERTIFICATION

WHEREAS, this Board convened in a closed meeting under:

- a. §2.2-3711 (A)(1) Personnel: County Administrator, and County Attorney and Staff; §2.2-3711 (A)(1) Personnel Appointments: Planning Commission, Board of Zoning Appeals, Industrial Development Authority;
- b. §2.2-3711 (A)(7) Legal Matters: Overview of Active Legal Matters and Proffers;

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

AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed,

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

Upon motion of Mr. Haraway, seconded by Mr. Moody, this Certification Resolution was adopted.

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

Nays: None

7:00 P.M. – PUBLIC HEARINGS

12.A. RESOLUTION: FORD VOLUNTEER FIRE DEPARTMENT – 50TH ANNIVERSARY

Upon motion of Mr. Moody to approve, seconded by Mr. Haraway,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the resolution for Ford Volunteer Fire Department is approved as stated.

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

Nays: None

FORD VOLUNTEER FIRE DEPARTMENT ***50th Anniversary***

WHEREAS, Wilson Hebron Ford Ruritan Club requested on August 25, 1955 that the Dinwiddie County Board of Supervisors allow them to form a fire station called Wilson Hebron Ford Volunteer Fire Company, and thereby formed that fire company with one donated truck in the old Ford School House; and

WHEREAS, on November 8, 1955 the Wilson Hebron Ford Volunteer Fire Company helped form the Southside Virginia Volunteer Fire Association as a charter member and remains a member today of this organization that has grown to an impressive 55 departments; and

WHEREAS, between July 1956 and November 1956 the fire department name was changed to

Ford Volunteer Fire Department, and the bylaws were developed in November 1956; and

WHEREAS, in March of 1958 Ford Volunteer Fire Department moved into its new fire station on Route 460, and in 1959 got their first new fire truck; and

WHEREAS, in 1979 Ford Volunteer Fire Department moved into its current location on Cox Road, and in 1990 started providing emergency medical services; and

WHEREAS, currently Ford Volunteer Fire Department has the largest geographical call district and answers over 500 calls per year with 5 apparatus to nobly serve the needs of the residents of Dinwiddie County and our area; and

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors on this 16th day of May, 2006 desires to express our appreciation to the current and former members of Ford Volunteer Fire Department for 50 years of dedicated service to Dinwiddie County, and

BE IT FURTHER RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia, that this resolution be presented to Ford Volunteer Fire Department for reaching this impressive and inspiring milestone, and a copy spread upon the minutes of this meeting for eternity.

Ms. Moody, Chair, presented the resolution to Chief Langley and Assistant Chief Mark Rowland.

Chief Langley expressed appreciation from the Ford Volunteer Fire Department members and their families, past and present. He said they would hang the resolution in the building with honor, and they appreciated the recognition from the Board.

12.B. RESOLUTION: EMS WEEK

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the resolution for Emergency Medical Services Week is approved as stated.

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

Nays: None

EMERGENCY MEDICAL SERVICES WEEK ***MAY 14 -20, 2006***

WHEREAS, emergency medical services provide a vital public service; and

WHEREAS, the members of emergency medical services teams are prepared to provide lifesaving care to those in need twenty-four hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of the persons who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County, Virginia on this 16th day of May 2006 does hereby proclaim the week of May 14 - 20, 2006 as Emergency Medical Services Week, and does hereby encourage the community to observe this week with appropriate programs, ceremonies and activities.

13.A. PUBLIC HEARING: P-06-1 TINDALL CORPORATION REZONING

As Mr. Scott Wrenn, Planning/Zoning Administrator, was unable to attend the meeting, Mr. William "Guy" Scheid, Director of Code Enforcement, presented the summary below to the Board, and was available for questions.

The Chair opened the public hearing in this case.

1. David Dudley - 25907 Smith Grove Road – Petersburg – spoke in favor of this rezoning request.
2. Kenneth Wells – P.O. Box 340 – Sutherland – was signed up to speak but chose to pass.
3. Michael W. Bratschi – 23500 Cutbank Road – McKenney – spoke in favor of this case.

The Chair closed the public hearing in this case.

Mr. Bowman asked the applicant whether there would be a future easement for a waterline going down Olgers Road. The applicant replied that Tindall Corporation would work with anyone if this was so needed.

Mr. Bowman asked if it would interfere with the earthen berm.

The applicant said it would not interfere and he thought they could certainly work something out if needed.

Mr. Bowman asked the question that since the site distance was going to be increased on the other side as well as removing some trees, how many trees would be taken and would there be screening.

The applicant replied that they were sensitive to having the buffer there also.

Mr. Bowman also asked about the entrance.

The applicant replied that there are two entrances, and they would be paved to match.

Mr. Stone asked if there should be cement strips across the road where the traffic from Tindall Corporation went back and forth across the road, whether trucks or heavy equipment.

Mr. Scheid interjected that as he has an undergraduate degree in traffic engineering, he would like to comment. He said that if a pavement failure was going to occur, it would have occurred a long time ago. He said the worst pavement failures occur where the wheels turn, and when vehicles are coming out of a driveway and turning is where you get the worst movement because it is impacting and pushing material away. When you are taking the tires straight across the area, the loading on pavement is more evenly distributed and is not impacting on any one particular area. He stated that if there was going to be a pavement failure it would have been seen by now on the existing roadway.

Mr. Massengill asked if the means by which the product is being transported from one side to the other is by truck traffic.

The applicant answered yes. The larger equipment is maintained and kept on the other side. He said that piece of equipment would not be taken across the road because there is a power line there that prevents taking it across.

Impacts

During the previous Board meeting, there was discussion regarding the specific type of vegetative buffer which would be installed on the subject property. The applicant did discuss several vegetative buffer options for the subject property, during Planning Commission meeting. The Planning Commission voted to recommend approval of the request without a specific type of vegetative buffer stated in the proffer statement. After the Commission meeting, the applicant updated their proffer statement to make reference to a specific vegetative buffer consisting of two (2) rows of Leyland cypress trees. Several concerns arose during the Board meeting regarding the installation of trees rather than an earth berm. The trees have several negative aspects to them such as the Leyland cypress tree can be infected with diseases that will result in the death of the tree, and the trees can be knocked down during a heavy storm.

The applicant met with staff regarding the buffer issue and the applicant has updated their proffer statement. The applicant has proffered to construct an earth berm of approximately six (6) feet in height along the entire frontage of the subject property along Olgers Road. The applicant has also proffered to install the two (2) rows of Leyland cypress trees approximately twelve (12) feet apart with the second row centered on the spaces between the first row for the adjacent property owners as well as future development of additional residential dwellings to the north and south of the subject property. The applicant stated that the vegetative buffer will be installed before any activity occurs on the subject property.

The applicant has also proffered to clear cut the trees and other vegetation along Olgers Road at their existing location. The applicant will remove the vegetation to provide a better sight distance of at least 550 feet for citizens traveling in a southerly direction and rounding the curve on Olgers Road. The tree removal has been illustrated in a map provided to the Board in their packets.

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

- 1.The request is an up zoning of the property from a lower density to a higher density, which could provide for more economic development on the property;
- 2.The request is not in conflict with the Comprehensive Land Use Plan;
- 3.The rezoning classification requested is compatible with other adjacent zoning classifications;
- 4.The applicant has provided signed proffers to the subject property and;
- 5.The updated proffer statement accurately diminishes the impact this request will have on the County.

The applicant has met with Mr. Ray Varney, Resident Engineer with VDOT, regarding the proposed entrance to the subject property. The applicant plans to access the subject property straight across from the existing site, instead of the diagonal cross over approach which was mentioned at the previous meeting. The applicant will install an industrial entrance at the existing and proposed sites at the VDOT approved locations. The applicant has proffered to pave the entrances at a distance of at least fifty (50) feet from Olgers Road to help reduce the amount of dust from the area and the debris on the roadway which trucks bring onto Olgers Road.

BACKGROUND

Planning Commission Vote:

The Planning Commission heard the rezoning request, P-06-01, at their March 8, 2006 meeting.

The Planning Commission voted 5-0 to recommend approval with proffers of P-06-1 to the Board.

Past Meeting Minutes:

Attached in your packets are copies of the Board of Supervisors and Planning Commission minutes.

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 industrial density.

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

1. Staff feels that the proposed vegetative buffer that will be installed shall provide a good buffer to all existing and future adjacent property owners as well as the citizens traveling along Olgers Road.
2. The applicant has addressed the transportation concerns by providing funding to the County that will be used as matching dollars to the state revenue sharing program to make the necessary measure to improve the intersection of Olgers Road and Cox Road and to address other safety issues in that subject area.

Tax Parcel No. 20-23

PROFFERED CONDITIONS

Tindall Corporation, a South Carolina corporation hereinafter referred to as "Owner," represents as follows:

RECITALS

A. Owner is the owner of certain land fronting on Olgers Road (State Route 632) in Dinwiddie County, Virginia, and consisting of a parcel containing 35.301 acres, more or less, and a parcel containing 5,738 square feet, more or less. Owner acquired said land by deed from John Robert Olgers, et al, dated April 25, 2005, and recorded in the Clerk's Office of the Circuit Court of Dinwiddie County as Instrument Number 050001812. Said land is hereinafter referred to as "the Property."

B. The Comprehensive Plan for Dinwiddie County indicates the Property is located in an Urban Planning Area. The Property is currently zoned Agricultural, General A-2. Owner has submitted an application to rezone the Property to Industrial, General M-2, with proffers.

C. Owner has decided to voluntarily proffer certain conditions on the use of the Property if the rezoning occurs, with such proffers providing for matters that are not generally applicable to land that is zoned Industrial, General M-2.

PROFFERS

NOW, THEREFORE, for and in consideration of the requested rezoning of the Property, and pursuant to the Dinwiddie County Zoning Ordinance and Section 15.2-2298 of the Code of Virginia, 1950, as amended, Owner agrees that, if the requested rezoning is granted, Owner will comply with the following conditions that will be binding upon Owner and its successors in interest as owners of the Property:

1. The use of the Property will be restricted to (A) the open or covered storage of (i) finished concrete products and (2) vehicles used by Owner and its employees and/or otherwise used in connection with Owner's business, (B) the manufacture of concrete products and (C) activities relating to such storage and/or manufacture.
2. Before any of the uses referred to in paragraph 1 above are implemented, an earthen berm approximately 6 feet in height will be constructed along the entire Olgers Road frontage of the Property, with the exception of entrances to the Property. In addition, before any of the uses referred to in paragraph 1 above are implemented, vegetative buffering will be installed to screen activities on the Property from any dwellings located now or in the future on adjoining property lying to the north and south of the Property, unless (A) such dwellings are owned by Tindall Corporation or its successors in interest as owners of the Property or (B) the owners of such dwellings agree in writing that such buffering is not necessary. As used in this paragraph, vegetative buffering will consist of two rows of Leyland cypress trees. The trees in each row will be approximately 12 feet apart. The trees in the second row will be centered on the space between the trees in the first row.
3. Before any of the uses referred to in paragraph 1 above are implemented, all entrances to the Property will be paved for a distance of at least 50 feet from Olgers Road.
4. Lighting on the Property will be positioned in such a manner as to minimize its impact offsite.
5. Owner is the owner of certain land fronting on Olgers Road across from the Property. Owner will clear the trees and other vegetation on this other land in order to provide a sight distance of at least 550 feet for the operators of motor vehicles traveling in a southerly direction and rounding the curve on Olgers Road. In addition, within 6 months after the date hereof, all entrances to such other property will be paved for a distance of at least 50 feet from Olgers Road.
6. Owner will pay half of the expenses incurred after May 16, 2006, by Dinwiddie County

and/or the Virginia Department of Transportation, as applicable, for studies and tests to determine ways to address safety issues at the intersection of Olgers Road and U. S. Route 460, and for construction or other activities that improve such intersection; provided, however, that the total amount to be paid by Owner will not exceed \$250,000.00. Owner will pay the entire \$250,000.00 to Dinwiddie County upon receipt of (A) a written request from the Interim County Administrator of Dinwiddie County and (B) a signed agreement between Owner and Dinwiddie County that confirms the manner in which the \$250,000.00 will be used and provides for the return to Owner of any portion of the \$250,000.00 that is not so used.

WITNESS the following signature this 12th day of May, 2006, pursuant to due authority:

Tindall Corporation

By _____
Andrew Wise
Vice President

STATE OF VIRGINIA
COUNTY OF DINWIDDIE, to-wit

The foregoing instrument was acknowledged before me this 12th day of May, 2006, by Andrew Wise, Vice President of Tindall Corporation, a South Carolina Corporation, on behalf of the corporation.

My commission expires _____.

Notary Public

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

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-06-01 is approved with proffers.

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

13.A.1. TINDALL CORPORATION AGREEMENT

The agenda was amended to include this item.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Agreement between Tindall Corporation and the County of Dinwiddie made as of May 16, 2006 is approved as stated.

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

Nays: None

AGREEMENT

THIS AGREEMENT, hereinafter called "this Agreement," made as of May 16, 2006, by and between TINDALL CORPORATION, a South Carolina corporation hereinafter called "Tindall," party of the first part, and the COUNTY OF DINWIDDIE, a Virginia municipality hereinafter called "the County," party of the second part, WITNESSETH:

WHEREAS, Tindall has made certain proffers, hereinafter called the Proffers," to the County in connection with the rezoning on May 16, 2006, of certain land fronting on Olgers Road in the County, and consisting of a parcel containing 35.301 acres, more or less, and a parcel containing 5,738 square feet, more or less; and

Whereas, the Proffers include a commitment by Tindall to pay half of the expenses incurred after May 12, 2006, by Dinwiddie County and/or the Virginia Department of Transportation, as applicable, for studies and tests to determine ways to address safety issues at the intersection of Olgers Road and U. S. Route 460, and for construction or other activities that improve such intersection; provided, however, that the total amount to be paid by Tindall will not exceed \$250,000.00, hereinafter called "the \$250,000.00"; and

WHEREAS, the Proffers also include a commitment by Tindall to pay the entire \$250,000.00 to the County upon receipt of (A) a written request from the Interim County Administrator of the County and (B) a signed agreement, hereinafter called "the Terms Agreement," between Tindall and the County that confirms the manner in which the \$250,000.00 will be used and provides for the return to Owner of any portion of the \$250,000.00 that is not so

used; and

WHEREAS, this Agreement is the Terms Agreement;

NOW, THEREFORE, for and in consideration of the agreements set forth in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Tindall and the County, Tindall and the County hereby agree as follows:

1. Tindall agrees to pay the entire \$250,000.00 to the County upon receipt of (A) a written request from the Interim County Administrator of the County and (B) a fully signed original of this Agreement.

2. The County agrees that, before any portion of the \$250,000.00 is spent, (A) the County and/or the Virginia Department of Transportation will match such portion, and (B) the total of the portion of the \$250,000.00 and the matching amount will be spent for studies and tests to determine ways to address safety issues at the intersection of Olgers Road and U. S. Route 460, and for construction or other activities that improve such intersection.

3. The County agrees to furnish Tindall reasonable documentation of the manner in which the \$250,000.00 is spent.

4. The County agrees that any portion of the \$250,000.00 that is not spent in accordance with the terms of this Agreement on or before December 31, 2007, will be returned to Tindall.

WITNESS the following signatures pursuant to due authority:

Tindall Corporation

By _____
Andrew Wise
Vice President

The County of Dinwiddie

By _____
W. Kevin Massengill
Interim County Administrator

Approved as to form:

Michael H. Drewry, Esquire
County Attorney

13.B. PUBLIC HEARING: EMS FEE SCHEDULE (REVENUE RECOVERY)

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

The Chair opened the public hearing in this case.

1. Michael W. Bratschi – 23500 Cutbank Road – McKenney – said he was in favor of the fee schedule. He said he was concerned, however, about someone not being able to afford the subscription rate and not calling an ambulance when needed because of the cost. He said he would hope the uncollectible would be written off.

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

Mr. Haraway stated that he wanted to point out that in the report there is a 55% collection rate. Therefore, 45% is not being collected so that is a good indication that the County is not pushing citizens too hard.

Chief Hale said that is strictly cash collection rate and that the bad debt rate had been approximately 9%. He said the County’s actual collection rate by DAV’s standard is about 67%.

BACKGROUND

The Dinwiddie County Board of Supervisors approved the adoption of Section 10-6 of the Code of Dinwiddie County on November 6, 2002. The ordinance allowed for the imposing of a fee for Emergency Medical Services and to authorize the collection of such fees. This ordinance went in to effect on February 1, 2003 with the following fees imposed for emergency medical services:

Basic and Advanced Life Support Base Rate	\$385.00
EMS Transport (Patient Pick Up to Hospital)	\$7.50 per mile
Annual Subscription Fee	\$59.00

This ordinance has been successful with providing the EMS system of Dinwiddie County with a sustainable revenue stream.

Several issues have prompted the need to review the ordinance and fees. (1) The EMS system within the county has grown and progressed tremendously over the past 3 years. Several new

ALS treatment modalities have been implemented which have required the purchase and replacement of specialized ALS equipment. At this time we do not bill at separate rates for ALS versus BLS care, therefore we are not off setting the costs of this equipment with the patients it is utilized on. (2) The constant staffing of both ALS trucks has been a priority to handle the increasing call load. This has generated a significant increase in the part time and overtime budget. (3) In January 2006 the Center for Medicare & Medicaid Services (CMS) released the increased rates for EMS transport services and at the current time our fees are below the allowable levels for certain ALS calls. Medicare generally adjusts its rates every 2 to 3 years, which requires us to reevaluate our rates on the same cycle. Dinwiddie has had no rate changes in the last 3 years. Also, insurance carriers will generally follow Medicare in adjusting payment schedules; therefore we can expect that many of the commercial carriers have also adjusted allowable payments. (4) There have been several inquiries by citizens and Board members about changing the annual subscription fee structure, in particular, for setting a lower rate for single member households.

In January 2006 a meeting between staff and Diversified Ambulance Billing was held to address many of these issues. They were also able to point out several issues with our current rates. (1) Our current ALS rate is \$59.76 below the allowable CMS reimbursement for ALS 2 calls. (2) Commercial insurance carriers are currently paying \$8.25/mile as an acceptable mileage rate. In addition CMS pays the \$8.25/mile rate for transports from designated rural areas. At the current time our \$7.50/mile rate does not take full advantage of the higher payment rates. (3) Our current billing rates should be set so that commercial insurance carriers pay higher rates than CMS. Our current schedule can charge insurance carriers less than CMS for certain call types. This can cause issues with CMS.

Recent Collections History

Calendar Year 2004	Transport Fees	\$378,513.00
	<u>Subscriptions</u>	<u>\$66,682.00</u>
	Total	\$445,195.00

Fiscal Year 2005	Transport Fees	\$412,522.00
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Calendar Year 2005	Transport Fees	\$461,516.38
	<u>Subscriptions</u>	<u>\$63,619.00</u>
	Total	\$525,132.00

EMS Budget Allocations

FY 05	\$943,155.00	
FY 06	\$985,859.00	(4.5%)
FY 07	\$1,023,776.00	(3.8%)

Current Fee Schedules for Other Jurisdictions

(Dinwiddie County \$385.00 ALS/BLS & \$7.50/mile)

Colonial Heights	\$350.00 BLS \$450.00 ALS 1 \$575.00 ALS 2 & \$8.25/mile
Prince George	\$350.00 BLS \$400.00 ALS 1 \$450.00 ALS 2 & \$8.25/mile
Hopewell	\$350.00 BLS \$400.00 ALS 1 \$500.00 ALS 2 \$7.50/mile
Hanover County	\$350.00 BLS \$400.00 ALS 1 \$575.00 ALS 2 \$7.00/mile
Hampton	\$375.00 BLS \$475.00 ALS 1 \$575.00 ALS 2 \$8.25/mile
Warren County	\$300.00 BLS \$400.00 ALS 1 \$550.00 ALS 2 \$7.50/mile
Orange County	\$300.00 BLS \$400.00 ALS 1 \$550.00 ALS 2 \$7.50/mile

Current CMS Fee Schedule

BLS Emergency	\$258.77
ALS 1 Emergency	\$307.29
ALS 2 Emergency	\$444.76
ALS/BLS Mileage	\$5.53/mile (\$8.25/mile for designated rural areas)

FISCAL IMPACT

Current Subscription Program

Currently there are 193 single person subscriptions for 2006.

If the subscription fee was reduced from \$59.00 to \$29.00 for these subscribers, that would be a projected revenue reduction of \$5,790.00.

Currently all surrounding jurisdictions charge approximately \$59.00 and only Colonial Heights offers a single person subscription rate of \$29.00.

Projected Billing/ Collections with New Rates

BLS	\$242,550
ALS 1	\$420,000
ALS 2	\$26,250

Mileage \$214,087
Total \$902,887 X 55% Cash Collection Rate = \$496,587.85

Projected Total Collections

Transport Fees \$496,587.85
Subscription Fees \$54, 210.00
 Total \$550,797.85

Total Projected Increase \$25,665.85 or 4.8 % over current year

LAST BOARD ACTION

The Board has taken no action on the EMS rate schedule since it was instituted in February 2003.

Board members did inquire as to the possibility of splitting the subscription program to include a lower rate for single subscribers during a public hearing December 6, 2005 on changes to other parts of the ordinance.

Also, the rate schedule increases were discussed as part of the December 2005 retreat with the Board and staff and during budget workshops.

RECOMMENDED ACTIONS

Amend the Code of Dinwiddie County, Chapter 10, Article 1, Section 10-6 (c) to the following:

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

Service	Fee
BLS	\$385.00
ALS 1	\$400.00
ALS 2	\$575.00
GTM	\$8.25 per patient loaded mile in addition to transport charges
Annual Subscription Fee	\$59.00 per household (2 or more persons) \$29.00 for one person

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County that Section 10-6 of the Code of the County of Dinwiddie, 1985, is amended and re-enacted as presented.

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

Nays: None

14.A. OLD / NEW BUSINESS: BOARD OF SUPERVISORS BYLAWS

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

Article IX of the current bylaws states that the bylaws may be amended by a majority vote of the entire Board after thirty days prior written notice. This memorandum shall serve as written notice of amendments. I propose that the amendments be voted upon at the June Board meeting.

A summary of the amendments is as follows:

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 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 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.

14.B. OLD / NEW BUSINESS: APPOINTMENTS

Ms. Moody stated that she would like to reappoint Mr. Milton Hargrave to the Virginia's Gateway Region for a term of one year.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Milton Hargrave is reappointed to the board of the Virginia Gateway Region for a term of one year, ending June 30, 2007.

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

Nays: None

14.C. OLD / NEW BUSINESS: COUNTY ADMINISTRATOR CONTRACT

The agenda was amended to add this item.

Ms. Moody stated that the County Attorney had drafted an employment contract for the County Administrator and resolution for the Board to consider and act upon. Ms. Moody stated that it was her pleasure to announce that after completing their search and interviewing several candidates for the position of County Administrator, that as a Board they unanimously decided to ask Kevin Massengill to accept this position. Ms. Moody stated that the Board is very grateful that Mr. Massengill has agreed to accept this position. She said Mr. Massengill had already proven to be a strong and effective leader who truly cares about Dinwiddie County, its people, and the positive direction in which the County is headed. She said the Board is excited about his acceptance of this position, and they look forward to working with Mr. Massengill.

Upon motion of Mr. Moody to adopt the resolution as stated, seconded by Mr. Haraway,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the resolution to appoint W. Kevin Massengill as County Administrator and Clerk to the Board is

adopted as stated.

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

Nays: None

RESOLUTION

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

WHEREAS, the position of County Administrator is currently vacant; and

WHEREAS, W. Kevin Massengill is currently the Interim County Administrator, has served the County since 2002 and has proven his effectiveness and commitment to the County; and

WHEREAS, the details regarding salary and benefits are contained in an employment agreement dated May 16, 2006.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that W. Kevin Massengill is hereby appointed to the positions of County Administrator and Clerk to the Board to be effective May 16, 2006, and shall assume all responsibilities as found in §15.2-1539 and § 15.2-1541 of the Code of Virginia, and the Board of Supervisors bylaws.

BE IT FURTHER RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia does hereby authorize and direct the Board Chairman to execute the employment agreement as proposed and dated May 16, 2006.

Mr. Massengill expressed his appreciation to each of the Board members for placing their faith in him by appointing him to this position. He stated that he looks forward to continuing in this capacity.

Mr. Stone stated that he would like the Board to consider a date and time to meet with Mr. Massengill to go over goals and objectives. He said he would like to have that meeting before July 1.

15. 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 he thought the Board had made an excellent choice in choosing Mr. Massengill. He said he thought he was a very approachable person. He said the Board had also made an excellent choice when they hired the County Attorney, Mr. Drewry. He said that the citizens had wanted that. Mr. Bratschi also said that another employee who needed to be recognized was Gene Jones, Building and Grounds Director. He said that he had saved the County money just in plans alone that he had drawn rather than having to pay to have them done. Mr. Bratschi also spoke of a veteran that he had called the Crater Area on Aging to assist. He said that he thought he had spoken to Sarah Beville on that board and that she had been most helpful. Mr. Bratschi said that it was nice to see the resolution for the Ford Volunteer Fire Department. He asked the Board to once again consider a resolution for Gerry Barefoot.

As there was no one else signed up to speak, the Chair declared the citizen comment period closed.

16. ADJOURNMENT

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

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

Nays: None

The meeting was adjourned at 8:15 p.m.

Doretha E. Moody, Chairperson

ATTEST: _____

W. Kevin Massengill
County Administrator
Clerk to the Board

/wjn