

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 18TH DAY OF AUGUST AT 3:00 P.M.

PRESENT: DONALD L. HARAWAY – CHAIR	ELECTION DISTRICT #2
HARRISON A. MOODY – VICE CHAIR	ELECTION DISTRICT #1
JOHN V. TALMAGE	ELECTION DISTRICT #3
MICHAEL W. STONE	ELECTION DISTRICT #5
DORETHA E. MOODY	ELECTION DISTRICT #4

ADMINISTRATION

PRESENT: W. KEVIN MASSENGILL, COUNTY ADMINISTRATOR
ANNE HOWERTON, DIVISION CHIEF OF FINANCE AND GENERAL SERVICES
JOHN C. BLAIR II, COUNTY ATTORNEY

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

ROLL CALL

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

4. AMENDMENTS TO AGENDA

John C. Blair II, County Attorney, stated there was a need to add an item under Closed Session. He asked that under §2.2-3711(A)(7) Legal Consultation that Contract Negotiations be added. W. Kevin Massengill, County Administrator, stated there was a need to amend the agenda under Reports to add Community Needs Assessment by Angel Young-Gill, Director of Comprehensive Services.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County that the agenda is amended as stated.

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

5.A. CONSENT AGENDA: APPROVAL OF MINUTES FOR JULY 21, 2009 REGULAR MEETING

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the July 21, 2009 Regular Meeting Minutes are approved.

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

5. B. CONSENT AGENDA: CLAIMS

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following claims are approved and funds appropriated for same.

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

Nays: None

CLAIMS	7/17/09	7/23/09	7/24/09	7/7/09	7/31/09	
	Void 1069689	Void 1069714	Void 1069843	Void 1069968	Void 1069890	
	1069690-1069713	1069715-1069841	1069844-1069889	1069969-1070052	1069891-1069964	TOTALS
101 - General Fund	\$36,764.34	\$435,941.65	\$75,289.31	\$38,325.54	\$878,376.78	\$1,464,697.62
103 - Jail Commission				\$211.83		\$211.83
105 - Playground Equipment						
202 - Medical Center						\$0.00
209 - Litter Grant Fund						
210 - Community Developmt						\$0.00
226 - Law Library						
228 - Fire Programs & EMS			\$501.16			\$501.16
229 - Forfeited Asset Sharing Program				\$1,126.00		\$1,126.00
301 - School Construction		\$34,446.35				\$34,446.35
304 - CDBG Grant Fund						\$0.00
305 - Capital Projects Fund		\$303,721.65	\$30,043.82	\$51,455.36		\$385,220.83
401 - County Debt Service	\$125,411.68	\$27,802.42				\$153,214.10
3-101 - Revenue			\$145.00	\$430.00		\$575.00
3-202 - Medical Center						\$0.00
TOTALS	\$162,176.02	\$801,912.07	\$105,979.29	\$91,548.73	\$878,376.78	\$2,039,992.89

5. C. CONSENT AGENDA: SCHOOL BOND REQUISITIONS FROM PROJECT FUND: HS-53; ES-56; FH-09

The Board received the following requisitions from Dr. Charles Maranzano, Jr., Superintendent of Schools. These requisitions were approved by the School Board at their meeting on Tuesday, August 11, 2009.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$250,054.04 from the VPSA 2007 Bonds, is approved.

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

Nays: None

No. HS -53

REQUISITION FROM THE PROJECT FUND

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

Note/Bond Account

Industrial Development Authority of Dinwiddie County, Virginia
VPSA 2007 Bonds

TO: PFM Asset Management

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

DATE: August 11, 2009

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

<u>AMOUNT</u>	<u>TO</u>	<u>PURPOSE</u>
\$ 250,054.04	Kenbridge Construction Co., Inc.	Application for Payment No. 37
\$ 250,054.04	TOTAL OF THIS REQUISITION	

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$10,000.00 from the VPSA 2007 Bonds is approved.

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

Nays: None

No. ES- 56

REQUISITION FROM THE PROJECT FUND

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

Note/Bond Account

Industrial Development Authority of Dinwiddie County, Virginia
VPSA 2007 Bonds

TO: PFM Asset Management

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

DATE: August 11, 2009

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

<u>AMOUNT</u>	<u>TO</u>	<u>PURPOSE</u>
\$ 10,000.00	Kenbridge Construction Co., Inc.	Application for Payment No. 35
\$ 10,000.00	TOTAL OF THIS REQUISITION	

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$211,008.42 from the VPSA 2007 Bonds is approved.

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

No. FH-09

REQUISITION FROM THE PROJECT FUND

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

Note/Bond Account

Industrial Development Authority of Dinwiddie County, Virginia
VPSA 2007 Bonds

TO: PFM Asset Management

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

DATE: August 11, 2009

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

<u>AMOUNT</u>	<u>TO</u>	<u>PURPOSE</u>
\$ 1,669.00	Moseley Architects	Architectural Services - Stadium Lighting Replacement
\$ 209,339.42	Instrumentation & Control Systems Engineering, Inc.	Stadium Sports Lighting Application 3 – 7/31/09
\$ 211,008.42	TOTAL OF THIS REQUISITION	

5.D. CONSENT AGENDA: SIGNING AUTHORITY

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

BE IT RESOLVED by the Board of Supervisors that the resolution designating Anne R. Howerton to perform certain administrative duties and exercise certain administrative powers in the absence of the County Administrator is approved as presented.

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

RESOLUTION

**DESIGNATION OF ANNE R. HOWERTON
TO PERFORM CERTAIN ADMINISTRATIVE DUTIES
AND EXERCISE CERTAIN ADMINISTRATIVE POWERS
IN THE ABSENCE OF THE COUNTY ADMINISTRATOR**

WHEREAS, On May 16, 2006, W. Kevin Massengill was appointed as County Administrator for the County of Dinwiddie, Virginia and has served ably in this capacity since that time; and

WHEREAS, Article VIII of the Bylaws of the Dinwiddie County Board of Supervisors, originally adopted March 16, 2004 and last revised on December 19, 2006 enumerates the duties of the County Administrator; and

WHEREAS, Section 15.2-1501 of the Code of Virginia, 1950, as amended provides that, when duly authorized by the governing body, the chief administrative officer may designate officers and employees to perform administrative duties and to exercise administrative powers; and

WHEREAS, Anne R. Howerton was appointed as Director of Finance for the County of Dinwiddie, Virginia on August 17, 2004, and is currently serving the County in the position title of Division Chief of Finance and General Services, and serves ably in this capacity and has proven her effectiveness and commitment to the County; and

WHEREAS, it is the desire of W. Kevin Massengill to designate Anne R. Howerton to perform certain administrative duties and exercise certain administrative powers in his absence;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that W. Kevin Massengill is hereby authorized to designate Anne R. Howerton, and she is hereby so designated, to perform the following administrative duties and exercise the following administrative powers in the absence of the County Administrator:

1. Prepare the agenda for each meeting for approval in conformance with the adopted agenda preparation procedure
2. Keep a written record of all business transacted by the Board
3. Administer the financial control procedures of the County
4. Execute all formal documents authorized by the Board of Supervisors
5. Provide and supervise all staff services directly under the control of the Board of Supervisors
6. Assume the role of Director of Emergency Management; and
7. Perform all other duties delegated by the Board of Supervisors as required by law

5. E. CONSENT AGENDA: RENEWAL OF PERFORMANCE CONTRACT WITH DISTRICT 19 COMMUNITY SERVICES BOARD

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

We have received the attached request from the District 19 Community Services Board for the Board of Supervisor's approval of their FY 2010 Performance Contract.

We are asking for approval of the following resolution as approval of this Performance Contract is required in §37.2-508 of the Code of Virginia.

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

WHEREAS, District 19 Community Service Board ("Board") was created to provide mental health, mental retardation, and substance abuse services to local citizens; and

WHEREAS, the Performance Contract establishes accountability and funding mechanism between the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services ("Department") and the Board; and

WHEREAS, in accordance with §37.2-508 of the Code of Virginia, as amended, requires approval by formal vote of the governing body of each political subdivision that established the Board; and

WHEREAS, The Board of Supervisors is of the opinion that it is in the best interest of the County to approve the Performance Contract.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia does hereby approve the FY 2010 Community Services Performance Contract.

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

6.A. REPORT: VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. Ray Varney, VDOT Resident Engineer, presented the information below.

Topics of Discussion

1. I-85 – Patching Contracts – Two contracts are underway. The contractor currently working on southbound 85 continues to work at night. This contract is scheduled to end September 22, 2009. The other contract is for repairs northbound on I-85 and is scheduled to begin work in Dinwiddie at the end of this month. This contract is scheduled to end October 31, 2009. – *No change in this update.*
2. The second mowing has started off of level service B roads – any roads that have average daily trips of 5,000 vehicles or more. VDOT will continue to work on site distance issues.

Maintenance Issues

Mr. Talmage asked why when the mowing is done is the center left – why are they not mowing the whole strip.

Mr. Varney responded that was how they had been directed to do as an issue of not spending the money to cut it all.

Mr. Moody stated that he had received calls from citizens stating that some of the equipment has bush hog equipment behind them and a mower to the side. He said it would seem that they cut a wider strip without it costing more.

Mr. Varney stated he wished he had a good answer. The only answer he could give was that the current mowing requirements of what they are to mow say, “you’re not to mow that” (referring to the center). All labor is in-house labor.

Mr. Moody also stated that he had a concern regarding the uniform enforcement of the sign ordinance.

Mr. Varney stated that he was not aware of any violations that have not been addressed.

Mr. Stone stated that VDOT had identified two dead oak trees that have been taped off and have x’s spray painted in front of them on Route 40 – Old Cryors Road section. He said that there is one tree that is not marked but has a cement column marker beside it. He said they may want to know the marker is there as it is buried under briars and debris.

Mr. Haraway asked if the same contractor did the repavement job as is being done on I-85.

Mr. Varney said it was a different contractor. He stated that the surface course hasn’t been put on the pavement on I-85 as yet. He said the ride will be similar to Rt. 460 when it is finished.

NOTE: The agenda was amended to include the item below.

6.B. REPORTS: COMMUNITY NEEDS ASSESSMENT

Angel Young-Gill, Director of Comprehensive Services reported the following information to the Board: Dinwiddie County Public Schools have partnered with the Department of Comprehensive Services to complete a comprehensive youth needs assessment; the areas of focus are alcohol, tobacco, drug use, violence, health, sexual behavior and attitudes; the key findings will be used to evaluate the appropriateness of existing programs, as well as trying to create new programs (it will also be used to secure future grants to help with these services); this assessment will be compared with the Needs Assessment done in 2006; this program is being funded by a grant from the Governor’s Office of Substance Abuse Prevention with the Governor’s proportion of funds from the United States Safe and Drug-Free Schools and Communities Act of 2001, Title 4, Part A of the No Child Left Behind Act of 2001; the Category of Federal Domestic Assistance Number is 84-186; projected completion date is April 2010.

7.A. ACTION ITEM: FINANCIAL POLICIES & GUIDELINES

The Board received the memo below from Anne Howerton, Division Chief of Finance & General Services.

BACKGROUND

The broad policies presented at the Board of Supervisor's workshop on August 4, 2009 follow the basic framework suggested by the Government Finance Officers Association and set forth guidelines against which budgetary performance can be measured and proposals for future programs can be evaluated. These policies were also taken in part from the approved financial policies of several other counties (New Kent, Prince George, Surry), and they have been reviewed by the County auditors, Robinson Farmer Cox Associates, the County Treasurer, and the County Attorney.

ACTION REQUESTED

We are requesting approval of the following resolution.

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

BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County, Virginia does hereby approve the attached Financial Policies and Guidelines to be effective immediately for the current and future administration of the County's revenues, expenditures, assets and liabilities.

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

Nays: None

Mr. Haraway stated the County should consider initiating a policy whereby when a new department head comes in that an inventory on the capital items in the department be taken and that new department head would sign off on that inventory. When that department head would leave employment with the County, an inventory of capital items would be taken before departure.

Mr. Massengill stated that the Information Technology department already inventories computers, copiers, etc. on an annual basis; and that staff would look into Mr. Haraway's request.

Financial Policies & Guidelines

Promoting financial integrity is an important priority in Dinwiddie County. The following broad policies set forth guidelines against which budgetary performance can be measured and proposals for future programs can be evaluated. The policies help to ensure that the County manages its funds in a fiscally responsible manner.

Objectives of Financial Policies

- To contribute significantly to the County's ability to insulate itself from fiscal crisis and promote long-term financial stability.
- To focus on the County's overall financial picture, while linking long-term financial planning to daily operations.
- To enhance financial credit ability by helping to achieve the highest possible credit and bond ratings.

Financial Planning Policies

Balanced Budget

The County shall prepare and approve an annual budget in compliance with sound financial practices, generally accepted accounting principles, and the provisions of the Code of Virginia which control the preparation, consideration, adoption, and execution of the County budget. The budget shall control the levy of taxes and the expenditure of money for all county purposes during the ensuing fiscal year. The County budget shall be balanced within all available operating revenues, including fund balance, and adopted by the Board of Supervisors at least 7 days after an appropriately advertised public hearing is held and before July 1st of the upcoming fiscal year.

Long Range Planning

The County shall assess the long-term financial implications of current and proposed operating and capital budgets by annually preparing a three-year cash flow projection for the General Fund, Capital Projects Fund, and the Debt Service Funds.

In order to meet debt ratio targets, to schedule debt issuances, and to systematically improve the County's capital infrastructure, each year the County shall prepare and adopt a five-year Capital Improvement Program. Capital improvement projects funding options (pay-as-you-go,

grant opportunity or debt financing) will be evaluated on a project-by-project basis. As a general rule, the Capital Improvement Program should not require an annual transfer from the Undesignated General Fund Balance of more than 5% of current revenues to fund each year of the Program.

Asset Inventory

The County shall annually inventory and assess the condition of all major capital assets in conjunction with the preparation of the County budget and the Capital Improvement Program.

Investments

The Treasurer has the constitutional responsibility to invest County funds in accordance with the applicable sections of the Code of Virginia which guide investment of public funds. The Treasurer, however, may restrict investments beyond the limits imposed by the Code if such restrictions serve the purpose of further safeguarding County funds or are in the best interests of the County. The investment goal is to minimize risk and to ensure the availability of cash to meet the County's expenditures, while generating revenue from the use of funds which might otherwise remain idle. Therefore, the primary objectives of the Treasurer's investment activities are safety, liquidity, and yield.

Revenue Policies

Revenue Diversification

The County will strive to maintain a diversified and stable revenue system to shelter the government from fluctuations in any one revenue source and ensure its ability to provide ongoing service. The County intends for ongoing expenditures to be funded through ongoing revenues, not one-time revenue sources. One-time or other special revenues will not be used to finance continuing County operations, but instead will be used for special projects.

Fees and Charges

All fees established by Dinwiddie County for licenses, permits, fines, services, applications, and other charges should be set to recover all or a portion of the County's expense in providing the attendant service. These fees shall be reviewed periodically.

Tax Collections

The County shall strive to achieve an overall property tax collection rate of 100%, utilizing all available resources for collecting delinquent accounts.

Restricted Revenues

Restricted revenues shall only be used for the purpose intended and in a fiscally responsible manner.

Grants, Donations, and Insurance Payments

Upon receiving notice of grant or program opportunities offered by various federal, state, local and other outside organizations, the County Administrator or his designee is designated as the agent to execute the necessary grant or program application and other documentation unless the terms of the grant or program require specific actions by the Board; to give such assurances as may be required by the Agreement, subject to approval as to form by the County Attorney, and to provide such additional information as may be required by the awarding organization. In addition, funding awarded and any interest earned on the funds awarded shall be appropriated to the applicable functional area.

Additional funds received for various County programs, including contributions and donations, shall be appropriated for the purpose established by each program.

Funds received through insurance claims for damages incurred to County property as a result of unusual or infrequent events shall be appropriated to the applicable functional area.

Expenditures Policies

Debt Capacity, Issuance and Management

The County intends to manage cash in a fashion that will prevent any borrowing to meet daily operational needs. The County will confine long-term borrowing to capital improvements or projects that cannot be financed from current revenues except where approved justification is provided.

The County will utilize a balanced approach to capital project funding, using a combination of debt financing, draws on unreserved fund balances, and pay-as-you-go current year appropriations. Debt will be repaid within a period not to exceed the expected useful life of

the project. Target debt ratios will be annually calculated and included in the review of financial trends.

The County wishes to set aside at least 25% of each year's new revenue growth for debt service obligations through a transfer from the unreserved general fund balance to the County debt service fund. This amount is calculated as the difference between the current fiscal year's actual revenue and the next year's budgeted revenue times 25%.

Reserved Funds

The larger the unreserved general fund balance, the greater the County's ability to cope with financial emergencies, fluctuations in revenues, and to maintain bond rating agencies' expectations. The County has established a target rate of 15% of total budgeted expenditures less annual debt service payments and bonds proceeds expenditures. The County does not intend to establish a trend of using the unreserved general fund balance to finance current operations.

The Board of Supervisors may, from time-to-time, appropriate undesignated fund balances that will reduce available fund balances below the 15% policy in the case of a declared fiscal emergency or other such global purpose as to protect the long-term fiscal security of the County. In such circumstances, the Board will adopt a plan to restore the fund balance to the policy level within 36 months of the appropriation.

Expenditure Accountability

The Director of Finance shall maintain ongoing contact with department managers and Constitutional Officers throughout the budget implementation and execution process. Monthly and quarterly financial reports shall be prepared to monitor budgeted and actual expenditures and revenues. The County shall appropriate as part of its annual budget or any amendments thereto amounts for salaries, expenses and other allowances for its Constitutional Officers that are not less than those established for such offices by the State Compensation Board.

Appropriation Amendments and Transfers

Appropriation amendments to the operating budget shall be brought before the Board of Supervisors for approval throughout the fiscal year. Per the Code of Virginia, any additional appropriation which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by publishing a notice of a meeting and a public hearing once in a general circulation newspaper at least 7 days prior to the meeting date. The notice shall state the Board's intent to amend the budget and include a brief synopsis of the proposed budget amendment. The amendment may be adopted at the meeting after the public hearing.

The County Administrator shall be authorized to transfer funds and personnel from time to time within and between the offices and activities delineated in the County budget as he may deem in the best interests of the County in order to carry out the work of the County as approved by the Board of Supervisors.

All appropriations lapse on June 30th of each fiscal year for all budgets.

7.C. ACTION ITEM: SOUTHSIDE ECONOMIC DEVELOPMENT FUND GRANT

Stephanie Allman, Director of Economic Development, presented the information below.

BACKGROUND

The following breakdown provides an overview of how the funds being requested from the Dinwiddie allocation of the Southside Economic Development Fund of Tobacco Commission will be used to further the development of the Commerce Park:

1. Dam Repair Total	\$635,000.00
(Using \$92,000 County CIP transfer as Dinwiddie's grant match)	
Includes the Following	
a. Wetlands Bank Credit Purchase	\$200,000.00
b. Construction of Dam Repair	\$400,000.00
c. Construction Oversight and Geotech Testing	\$35,000.00
2. Permit and Mitigation for Isolated Wetlands	\$110,000.00
3. Park Entrance Signage	\$ 75,000.00

- 4. Traffic Signal Engineering Plans (at 460 Entrance)
This does not include Construction Costs
of approximately \$250,000 **\$ 30,000.00**
- 5. Site LoGIStics (Business Point Analysis & Demographic Data) **\$ 26,000.00**

Total Request from Tobacco Commission on August 24, 2009 **\$876,000.00**

These costs do not include “shovel ready” pad site costs or utility extension costs to future buildings constructed in the Park, however completion of the above development costs will move the site closer to “ready to go” site status and increase the marketability Commerce Park.

Tobacco Commission Grant Funds to be Requested for IDA Property

So that the County will have one pad-ready site in preparation of Rolls Royce Supplier and other interest in the County, the IDA voted at their last meeting on July 27, to spend **up to \$60,000.00** of IDA money to help get the largest final IDA-owned parcel at Simpson & Weakley Roads “shovel ready.” It is 8.116 acres and we plan to prepare the site to support the construction of an 80,000 sf facility. This is the largest building that could fit on this property.

The IDA will be paying for the following costs as a match to the Tobacco Commission request:

Boundary and Topographic Survey	\$10,500.00
Geotechnical Preliminary Investigation	\$ 3,285.00
Civil Engineering Site Plans	\$17,700.00
Permit Fees (approximate range)	\$25 – \$30,000.00

The IDA will be requesting from the Tobacco Commission the following costs:

Construction Activities	\$400,000.00
Construction Administration	\$ 10,000.00
Total Request	\$410,000.00

Total Southside Economic Development Dinwiddie Allocation:	\$3,293,739.00
Minus Commerce Park Development Cost Application	<u>\$876,000.00</u>
	\$2,417,739.00
Minus IDA 8.116 Acre Shovel Ready Pad Construction	<u>\$ 410,000.00</u>
Dinwiddie Allocation Left This Year	\$2,007,739.00

REQUESTED ACTION

Staff is asking for the approval of the following resolution.

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

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, does hereby authorize County Staff to make application on August 24, 2009, to the Virginia Tobacco Commission for \$1,286,000 from the Dinwiddie County Southside Economic Development Allocation for Commerce Park Development Costs and to create a shovel-ready pad site to accommodate up to an 80,000 sf building with parking at the 8.116 Acre IDA parcel located at Simpson and Weakley Roads.

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

8. CITIZEN COMMENTS

The Chair opened the citizen comments period.

- 1. John Wamsley was signed up to speak but declined.
- 2. Anne Scarborough – Dinwiddie – stated that about two months ago the Sheriff had requested several new vehicles beyond the ones that were in the budget, and the Board granted him one more. She said the citizens consider the Sheriff’s Office a very important core service of the County; and a lot of them were upset that the Board did not award more funding for vehicles.

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

9. COUNTY ADMINISTRATOR COMMENTS

W. Kevin Massengill, County Administrator, discussed the following: he addressed the comments made by Ms. Scarborough regarding the Sheriff's Office – he stated that the Sheriff will be returning to the Board with vehicle requests at the September meeting; Ford Volunteer Fire Department groundbreaking took place on Monday, August 17th; the manned sites at Old Hickory and Hart Road are open – times they are open will appear in The Monitor; County is still looking for a site to use for a manned site on Old Stage Road; BRAC – public input meeting regarding hotels on Wednesday, August 19th at the Train Station in Petersburg, 6:30 p.m.; Legislative Day is scheduled for Thursday, August 20th; asked that the Board clear their schedules in order to attend a special workshop meeting on Monday, August 24th at 4:00 p.m. in the multi-purpose room regarding the general reassessment RFP; the Dinwiddie County Litter Control and Beautification Task Force will have a booth at the Dinwiddie County Fall Festival & Aviation Expo October 14-17, 2009; and the redistricting of election lines will take place before the next local election of 2011.

10. BOARD MEMBER COMMENTS

Mr. Moody stated that he attended the VACo Board of Directors meeting last Friday. He said that counties will be able to go under the State contract for bulk fuel; and VACo has a new website up. He asked if there was any informal report regarding the real estate sales ratio. He stated that a manned site was needed between Ford and McKenney.

Mr. Massengill responded that the Commissioner of Revenue had indicated that the sales ratio is at 99% fair market value (after 6 months).

Mr. Talmage stated that he will have a Town Hall meeting on Monday, August 24th, 7:00 p.m. – 9:00 p.m. at Oak Grove United Methodist Church, 12715 Acorn Drive, Petersburg and stressed that all are invited. He plans to have another Town Hall meeting before Thanksgiving at the East Side Enhancement Center. He stated that he is still looking for a manned site in his area.

Mr. Haraway stated that the Social Service Board met the morning before this meeting, and Cheryl Martinez was elected Chairman for one year.

11. CLOSED SESSION:

At 3:45 p.m. upon motion of Mr. Stone, seconded by Mr. Moody,

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

- a. §2.2-3711 (A) (1) Personnel Matters
 - Appointments
 - Crater Planning District Committee & Metropolitan Planning Organization (CPDA & MPO)
 - District 19 Chapter 10 Board
 - Dinwiddie County Social Services Board
 - Virginia's Gateway Region
- b. §2.2-3711 (A) (5) Business and Industry Development:
 - Prospective Business & Industry
- c. 2.2-3711 (A) (7) Legal Consultation:
 - Transportation
 - Contract Negotiations

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

At 6:20 p.m. upon motion of Mr. Stone, seconded by Ms. Moody the Board reconvened into open session.

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

CERTIFICATION

WHEREAS, this Board convened in a closed meeting under:

- a. §2.2-3711 (A) (1) Personnel Matters
 - Appointments
 - Crater Planning District Committee & Metropolitan Planning Organization (CPDA & MPO)
 - District 19 Chapter 10 Board
 - Dinwiddie County Social Services Board
 - Virginia's Gateway Region

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

- c. 2.2-3711 (A) (7) Legal Consultation:
 - Transportation
 - Contract Negotiations

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 Ms. Moody, this Certification Resolution was adopted.

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

At 6:22 p.m. the Chair called a recess until 7:00 p.m.

12.A. PUBLIC HEARING: C-09-1, NEW CINGULAR WIRELESS PCS, LLC (t/a AT&T)

Mark Bassett, Director of Planning, presented the information below.

Mr. Samuel Hayes, Chairman of the Planning Commission, spoke to the Board and was available for any questions. He stated that there was a lot of discussion at the Planning Commission on this case. He addressed the issue of the tower on the State Police property adjacent, as well as the new water tower that is close to the property in question. He said there was concern as to why another tower would be erected when there were two options close by. That question was investigated and answered. He said the overall feeling of the Planning Commission was that they wanted to have plenty of coverage for folks and yet minimize the number of tower locations.

The representative for the applicant, Lisa Murphy, Attorney, spoke to the Board. With her was the radio frequency engineer and the gentleman involved with locating this particular site. She stated that because of the recent recession, people are getting rid of their land line phones. In addition to this trend of people having only wireless phones in their homes, at least 50% of emergency calls are made from wireless phones. Where before most networks were built out primarily along major roadways and interstates, now they are coming back and filling in the networks to cover people in their homes. She discussed the network map for Dinwiddie County and the proposed new cell tower. She respectfully requested approval of the application as well as the waiver request.

The property owner, Daniel Blaha, of 2324 Squirrel Level Road, stated that he intended to continue to maintain the property.

The applicant stated that they would install and maintain the Leyland cypress surrounding the tower. The site will be set up to allow for a temporary generator until the permanent generator is installed.

The County tower consultant, George Condyles, President of Atlantic Technologies, stated that in reviewing the application they look at what the applicant is requesting and the

coverage desired, and then they investigate to see what other sources are available. He said it became very evident that the State Police tower was 100-150 feet from this requested location. Mr. Condyles stated that they received a letter from the applicant sent from the State Police that they had projects planned for the State Police cell tower (the State Area Radio System – STARS project is in the process of being worked at this time and requires some heavy duty microwave dishes). In addition, there is an additional project that will benefit Dinwiddie County. That project is RAMIS (the Richmond Area Microwave Information System). This is an alternative telephone system. If there is a major event and the telephone systems go out, the RAMIS system would take over. RAMIS ties in all of the 911 Centers to the State Police and EMS. He addressed the issue of the water tank and why it could not serve as the tower for the applicant.

The Chair opened the public hearing in this matter.

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

Please find the attached Planning Commission meeting summary materials for Conditional Use Permit (CUP) request, C-09-1, that has been advertised for Public Hearing at the, August 18, 2009 meeting of the Board of Supervisors. The applicant, New Cingular Wireless PCS, LLC (t/a AT&T), through its agent, Lisa M. Murphy, is seeking a Conditional Use Permit to allow the construction and operation of a 199-foot unlit monopole wireless telecommunications tower and related equipment to satisfy a service coverage gap on Halifax Road and the surrounding area including the campus of Richard Bland College. The subject property is located at 8312 Halifax Road. After the Planning Commission heard the request and held the Public Hearing at their July 8, 2009 meeting, the Planning Commission recommended approval of the CUP, C-09-1, with conditions and the setback waivers to the Board of Supervisors by a vote of 6-1.

Planning Commission Report

File #: C-09-1
Request: Conditional Use Permit: Telecommunications Tower
Applicant: New Cingular Wireless PCS, LLC (t/a AT&T)
Property Address: 8312 Halifax Road Petersburg, VA 23805
Tax Map Parcel #: 36-3A1
Acreage: Lease area 2025 square feet
Magisterial District: Rohoic District
Existing Zoning: A-2, Agricultural, General
Public Hearing Date: July 8, 2009

APPLICATION OVERVIEW

The applicant, New Cingular Wireless PCS, LLC (t/a AT&T), through its agent, Lisa M. Murphy, is seeking a conditional use permit to allow the construction and operation of a 199-foot unlit monopole wireless telecommunications tower and related equipment to satisfy a coverage gap on Halifax Road and the surrounding area including the campus of Richard Bland College. The property is located at 8312 Halifax Road, Petersburg, Virginia 23805. The property is designated as Tax Map Parcel 36-3A1 and is zoned Agricultural, General, A-2 which allows such use upon receiving a conditional use permit. The County Comprehensive Land Use Plan places this property within the Planned Growth Area which recommends public service facility development for this general area.

INFORMATION INCLUDED

The following information is included for your review:

- Conditional Use Permit Application (**See page 2 in black book**)
- Attachment A – Applicant’s Supporting Information (**See Page 1, 3-17**)
- Attachment B – County’s Telecommunication Consultant’s Technical Review

CASE SUMMARY

The applicant needs to locate a tower in this area of the County to fill in a gap in their existing coverage area along Halifax Road and to provide coverage for the Richard Bland College campus and surrounding area. The possibility of co-location on the existing State Police tower was pursued by the applicant, and the State does not permit co-locations on this 384-foot communications tower. It is apparent that a gap in adequate coverage exists and the addition of the proposed tower will fill in any “dead” areas enhancing the coverage area along Halifax Road and Johnson Road.

ZONING AND LAND USE ANALYSIS

The property under review is designated by the Comprehensive Land Use Plan as Planned Growth Area. As such, the area is expected to accommodate future public service facility development for this general area.

The properties around this land parcel have mixed uses which include commercial (the veterinary clinic which is a conditional use, the State Police tower, and Richard Bland College), open space, agriculture, and residential. Additionally, the Collier Railroad Yard is located to the east and the properties surrounding the tower site are zoned Agricultural, General, A-2.

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

Additionally, Article IX of Chapter 22 of the Code of Dinwiddie, Virginia sets forth guidelines for the siting of telecommunication antennae 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 antennae 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.

As previously noted the applicant explored the opportunities for co-locating on the existing State Police tower, but co-locating on the tower is not permitted by the State Police. The applicant's plan does comply with all federal, state, and local regulations regarding providing future co-location of equipment on the existing telecommunications tower and equipment site. 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 agricultural and forestal uses.

As per the Zoning Ordinance, Article IX, Section 22-274 (3) Setback requirements, "Towers must be setback a distance equal to 200% of the height of the antenna or tower to the nearest residential structure and in no case less than 400 feet". The distance from the proposed tower to the nearest residential structure is approximately 800 feet. In addition, Section 22-274 (4) requires that "All antenna support structures must be setback 110% of the height of the structure from all property lines". The proposed location of the tower does not meet this setback requirement; therefore, a setback waiver is needed to allow the tower to locate closer to the front (eastern), side (southern), and rear (western) property lines than allowed by Section 22-274 (4). The existing State Police tower and veterinary clinic building are both located closer to the road than the proposed tower would be, and the proposed tower would comply with and exceeds the setback requirements for an accessory structure in the A-2, Agricultural, General Zoning District.

IMPACTS

Public Utilities, School System, Environmental & Historic Recourses, & Surrounding Properties

The potential impacts on the subject property are minimal. Electricity is the only utility needed to develop the site for a telecommunications tower. There is no impact on the public school system, and there is no adverse effect on environmental or historic resources. Looking southward from Fort Wadsworth the tower will be slightly visible, and looking west from Richard Bland College the tower will not be visible above the existing tree cover. Furthermore, letters of support were submitted from the owners of the adjacent Paws and

Claws Veterinary Clinic, from the developers of the Fort Dushane residential subdivision, and from the President of Richard Bland College. Finally, there is no hazard to air space navigation.

The tower will be designed to collapse upon itself once wind loads exceed the required limits, and the tower does require monthly site maintenance visits.

COUNTY CONSULTANT'S RECOMMENDATION

The County's telecommunications consultant, Atlantic Technology Consultants, Inc., has reviewed the conditional use permit application and is satisfied that the applicant has addressed the impacts of the tower on the subject property and has recommended approval of the request subject to granting the property line setback waiver.

STAFF RECOMMENDATION

The Staff has reviewed the conditional use permit and finds that the applicant has successfully addressed the impacts of the telecommunication tower.

1. The impact of the proposed tower will be minimal given that the proposed tower will not have a direct effect on public utilities, the transportation network, public safety, schools, and water quality.
2. The subject property already houses a commercial building and the State Police communications tower, and locating the 199-foot unlit monopole tower will not adversely impact the surrounding land uses and will allow for the clustering of communications towers thereby reducing the visual impact of communications towers within this general area.

The proposed tower will improve the service coverage area for citizens traveling along Halifax Road and within the general area.

Therefore, staff recommends APPROVAL of the request for a conditional use permit to construct the subject telecommunications tower based on the following conditions:

1. The applicant shall limit the height of the tower to 199 feet as stated in the application.
2. If requested by the county, the applicant will provide space to Dinwiddie County, at no cost to the county, to co-locate communication equipment on the proposed tower.
3. Before obtaining a building permit, the applicant shall post a bond equivalent to the cost of removal of the tower with the Dinwiddie County Planning Department.
4. The tower shall be engineered to accommodate a minimum of an additional four (4) service provider antennae.
5. The applicant shall install the landscaping around the base of the tower facility as shown on the site plan submitted to the County.
6. The tower will be constructed to meet the setbacks as shown on sheet number C-2 of the site plan and titled "Detailed Site Plan".
7. The conditional use permit must be reviewed at least every two (2) years for compliance with stated conditions.
8. The applicant shall maintain compliance with all federal, state, and county rules and regulations related to the tower use

PLANNING COMMISSION RECOMMENDATION

At the July 8 Planning Commission Public Hearing, Lisa Murphy, an Attorney for Leclair Ryan, representing New Cingular Wireless PCS LLC which trades as AT&T indicated to the Commission that the tower would benefit the citizens of Dinwiddie County by providing good in-building and good in-vehicle reliable service and enhancing the County's wireless grid. Ms. Murphy respectfully requested approval of the application for the new tower based on the fact that the County's tower consultant and County staff have recommended approval of the Conditional Use Permit for the new tower. Mr. Tucker asked Ms. Murphy what the wind speed resistance was for the proposed tower, and Ms. Murphy indicated that the wind load for this region is 110 miles per hour. Mr. McCray asked Ms. Murphy if there is a generator proposed for the site, and Ms. Murphy indicated that there is a pad proposed on site where a generator can be installed in an emergency situation.

After the conclusion of the Planning Commission's questions for Ms. Murphy, the County's consultant, Mr. George Condyles came forward and discussed his review of the applicant's

request and indicated that the County does have antennae space on the existing State Police Tower. Mr. Condyles also indicated to the Commission that the State Police are reserving space on their existing tower for the State's microwave antennae as part of the Stars Project that will link the entire State radio system and the County will be able to be a part of this linked radio system. Mr. Condyles also clarified the wind load rating for the proposed tower stating that it is based on a three second gust at 100 miles per hour with one inch of radial ice on the tower. Mr. Condyles also agreed with the applicant that the setback waiver is required for the tower location and that it should be granted. The collapsing of the tower was also addressed by Mr. Condyles with him stating that the proposed tower is designed to bend over on itself at the tower's midpoint. In concluding, Mr. Condyles discussed the possibility of co-locating on the water tank located on the campus of Richard Bland College, and Mr. Condyles stated that the water tank is not designed to support wireless telecommunications antennae. His firm performed research on retrofitting water towers for this purpose and did find one in Blacksburg, VA that has been retrofitted and those photographs are attached to the end of this summary report. Mr. Condyles concluded his comments stating that he has studied and confirmed the applicant's application and agrees with their data, and therefore, recommends approval of the application.

Following Mr. Condyles' comments, Mr. McCray asked Mr. Condyles about the benefits of the proposed tower's service area versus the potential service area for a location on the College's water tank, and Mr. Condyles responded to indicate that the proposed tower does offer better coverage including in-building coverage for the new dormitories. Also, Mr. Condyles talked about the fact that the water tank would have to be retrofitted and that the aesthetics of retrofitting the water tank for mounting the antennae would not be a positive for the College or surrounding community (see attached photographs of the retrofitted Blacksburg water tank).

During the Public Hearing period Mr. Daniel Blaha, the property owner, spoke in favor of the request asking the Commissioners to approve the request for the Conditional Use Permit.

After closing the Public Hearing, the Planning Commission recommended approval with conditions and with the setback waiver of the Conditional Use Permit request, C-09-1, to the Board of Supervisors by a vote of 6-1 with Mr. McCray voting "nay"

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

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) 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 CUP, C-09-1, is approved with conditions and the setback waivers by the Board of Supervisors.

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

Nays: None

13. OLD / NEW BUSINESS: APPOINTMENTS

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Doretha E. Moody is reappointed to the Crater Planning District Committee & Metropolitan Planning Organization for a term expiring September 30, 2010.

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

Nays: None

Abstain: Ms. Moody

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Kathy Young is appointed to the Dinwiddie County Social Services Board for a term expiring August 30, 2013.

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

Nays: None

The Board expressed the wish for Mr. Hooker to report to the next Social Services Board meeting as that appointment has not been made as yet.

13.B. OLD / NEW BUSINESS: GENERAL REASSESSMENT REQUEST FOR PROPOSAL

W. Kevin Massengill, County Administrator, stated that there will be a special workshop of the Board of Supervisors on Monday, August 24th at 4:00 p.m. in the multi-purpose room at the Pamplin Administration Building to discuss the options before them concerning general reassessment.

Mr. Massengill discussed the following options: hiring a designated County employee (full or part-time) who would check on the process as it unfolded; and report to the Board; establishment of a County Assessor's Office (by law cannot duplicate the assessment process); Board of Assessors (would meet monthly – go out in the field – communicate to the Board); do a proper sales ratio and assess whether there would be cost advantages to doing a reassessment; could go with a firm as was done last reassessment (required to set a cycle, to select a firm, land book would be filed 2010). He also discussed a timeline. Would need someone or firm on board by first part of October 2009 which would give 12 months – anything less than that would be difficult.

Mr. Stone requested that if the Board will receive any materials for the Monday meeting that they receive it in advance of the meeting.

14. CITIZEN COMMENTS

The Chair opened the citizen comments period.

1. John Wamsley – 2619 Oxford Drive – Sutherland – said that it was good that the reassessment was being looked at. He said it was good the Commissioner of the Revenue was going to be involved. He asked if the UVOTID could have some comments and questions at the work session.
2. J. W. Crumpler – 15320 Boydton Plank Road – said that maybe the County Attorney could prepare a referendum for the Governor's election so the general reassessment could be on that ballot so the citizens could pick how they wanted the real estate reassessment to be done. He discussed the military base rules and the hotel requirements.

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

15. ADJOURNMENT

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

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

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

Donald L. Haraway
Chairman

ATTEST: _____
W. Kevin Massengill
County Administrator
Clerk to the Board

/wjn