

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 10th day of August 2004, at the Cumberland Courthouse:

Present: W.F. Osl, Jr., Chairman, District 1
Clifton C. White, District 2
Van Petty, District 3
Elbert Womack, District 4
Darvin E. Satterwhite, County Attorney
Judy O. Hollifield, County Administrator
Sherry Swinson, Assistant County Administrator
Sandy K. Sullivan, Deputy Clerk

Absent: Jeremiah Heaton, District 5

The Chairman called the meeting to order. The County Administrator called the roll. Chairman Osl gave the invocation and the 4-H Group led in the pledge of allegiance.

1. Approval of Agenda

On a motion by Mr. Womack and carried, the agenda was amended as noted.

- 1) Add to Public Hearing
 - Planning Commission minutes
- 2) Closed Session
 - VA Code Section 2.2-3711 (A-1) Personnel

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - absent

2. Resolution of Appreciation - Ann M. Kinsey

On a motion by Mr. White and carried, the Board adopted the following resolution:

RESOLUTION OF APPRECIATION

WHEREAS, Ann M. Kinsey has dedicated more than thirty years of service to the community as Cumberland County Public Library Director, and;

WHEREAS, she followed Ms. Virginia Horger, who began the efforts to establish a public library in Cumberland, taking up the pursuit of building an invaluable community resource, and;

WHEREAS, Ms. Kinsey has unselfishly and tirelessly given of her time in acquiring a collection of more than 15, 600 volumes, audio and videos, and;

WHEREAS, she has expertly filled the position of librarian and library director, with unrelenting dedication, matched with her positive attitude, good humor and strong sense of duty, and;

WHEREAS, she has earned the deep respect and esteem of all those with whom she has worked, guided and provided unparalleled service,

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Supervisors wishes to publicly acknowledge and thank Ms. Kinsey for her many years of dedicated service to Cumberland County and its citizens upon her retirement.

AND, be it further resolved, that a copy of this Resolution be presented to Ms. Ann M. Kinsey and that it be permanently recorded among the records of the Cumberland Board of Supervisors.

ADOPTED this 10th day of August 2004 by the Cumberland County Board of Supervisors.

Vote:	Mr. Osl - aye	Mr. White - aye
	Mr. Petty - aye	Mr. Womack - aye
	Mr. Heaton - absent	

3. VDOT - Alan Leatherwood, Resident Engineer

- a) Transportation Board's approval of resolution
Discontinuing use of old section of Rt. 45

No representative present from VDOT.

- b) Schedule public hearing on 6-year plan for September meeting

It was the consensus of the Board of Supervisors to schedule a public hearing on the 6-year plan for the regular Board meeting on September 14, 2004.

Following closed session, Supervisors re-scheduled the public hearing for September 23, 2004.

- c) Discuss "Slow-Children Playing" signs

The County Administrator stated that no information on this issue has been received from VDOT. The Board of Supervisors requested that the County Administrator contact VDOT to determine how this could be budgeted for and to check the criteria as to where the signs would be placed.

4. Public Hearings

- a) Amendments and deletions to County Code, Chapter 74, Article IV, Agricultural District, A-2; Landfill (CDD) (including inert waste)

Mr. Andrew Evans, Planner explained the proposed amendments and deletions to the current code.

The Chairman opened the public hearing.

There were three speakers. Speakers favored the amendments as long as the landfill is used for debris and stumps and not used for a commercial landfill. One speaker stated that methane control would likely be a new standard by the EPA and urged the Board to require the

installation of piping in the landfill from the beginning rather than waiting for expensive back fits.

The Chairman closed the public hearing.

On a motion by Mr. Womack and carried, the Board adopted the following ordinance:

AN ORDINANCE AMENDING CHAPTER 74, "ZONING," OF THE CUMBERLAND COUNTY CODE AS FOLLOWS: (1) AMENDMENT TO SEC. 74-2, ARTICLE I, TO ADD A DEFINITION FOR "INERT WASTE" AND AMENDMENT TO SEC. 74-143, ARTICLE IV, AND SEC. 74-543, ARTICLE XIV, TO ADD "LANDFILL (CDD) (INCLUDING INERT WASTE)" AS A LAND USE ALLOWED BY CONDITIONAL USE PERMIT; (2) AMENDMENT TO SEC. 74-302, ARTICLE VII.

WHEREAS, the Planning Commission has recommended the adoption of an ordinance:

- (1) Amending Sec. 74-2, Article I, Chapter 74, "Zoning," of the Cumberland County Code to add a definition for "inert waste" and amending Sec. 74-143, Article IV, Agricultural District A-2, and Sec. 74-543, Article XIV, Industrial District M-1, to add "Landfill (CDD) (including inert waste)" as a land use allowed by conditional use permit;

WHEREAS, the Board of Supervisors finds that the aforementioned amendments to the County Zoning Ordinance are required by public necessity, convenience, general welfare or good zoning practice.

NOW THEREFORE, BE IT ORDAINED, that Sec. 74-2, Article I, Chapter 74, "Zoning," of the Cumberland County Code is hereby amended to add a definition for "inert waste" and that Sec. 74-143, Article IV, and Sec. 74-543, Article XIV, Chapter 74, "Zoning," are hereby amended to add "Landfill (CDD) (inert waste only)" as a land use allowed by conditional use permit, as follows:

Article I. In General

Sec. 74-2. Definitions.

Add:

Inert Waste means: Establishment of a landfill to handle stumps, roots, limbs, brush, leaves, and inert waste which means solid waste which is physically, chemically and biologically stable from further degradation and considered to be non-reactive waste which includes rubble, concrete, broken bricks, rocks and road pavement. All of which can be deported without a liner providing it is five (5) foot above the water table.

Article IV. Agricultural District A-2

Sec. 74-143. Permitted uses with conditional use permit.

Add:

- (20) Landfill (CDD) (including inert waste)

Sec. 74-143. Permitted uses with conditional use permit.

Add:

- (17) Landfill (CDD) (including inert waste)

Article XIV. Industrial District M-1

Sec. 74-543. Conditional uses.

Add:

(17) Landfill (CDD) (including inert waste)

AND, BE IT FURTHER ORDAINED, that Sec. 74-302, Article VII, Rural Residential District R-3, is hereby amended to delete Class A Manufactured homes as defined in Chapter 42 as follows:

RURAL RESIDENTIAL DISTRICT R-3 TO DELETE CLASS A MANUFACTURED HOMES AS DEFINED IN CHAPTER 42; AND, (3) AMENDMENT TO SEC. 74-305, ARTICLE VII, RURAL RESIDENTIAL DISTRICT R-3 TO CHANGE MINIMUM LOT AREA OF PERMITTED USES IN AN R-3 DISTRICT FROM TWO ACRES TO FIVE ACRES.

- (1) Amending Sec. 74-302, Article VII, Rural Residential District R-3, to delete Class A Manufactured homes as defined in Chapter 42; and,
- (2) Amending Sec. 74-305, Article VII, Rural Residential District R-3, to change the area regulations from two acres to five acres.

WHEREAS, the Board of Supervisors finds that the aforementioned amendments to the County Zoning Ordinance are required by public necessity, convenience, general welfare or good zoning practice.

Vote:	Mr. Osl - aye	Mr. White - aye
	Mr. Petty - aye	Mr. Womack - aye
	Mr. Heaton - absent	

b) R-3 Amendments

Andrew Evans, Planner explained the proposed amendments to the R-3 zone and that the changes are temporary. The change would only affect 2,200 acres in the County.

The Chairman opened the public hearing. There was one speaker with concerns that the County needs to get zoned to benefit the people.

The Chairman closed the public hearing.

Mr. Petty would like to see the wording changed to a five acre average per lot, instead of a five acre minimum.

On a motion by Mr. Petty and carried, the Board adopted the following ordinance with it being noted that the amendments are temporary:

Article VII. Rural Residential District R-3

Sec. 74-302. Permitted uses and structures.

Delete:

(3) Class A Manufactured homes as defined in chapter 42

AND, BE IT FURTHER ORDAINED, that Sec. 74-305, Article VII, Rural Residential District R-3, is hereby amended to change the area regulations from two acres to five acres and to read as follows:

Sec. 74-305 Area regulations.

(a) The minimum lot area of permitted uses in an R-3 district shall be five acres. The acreage and boundaries of any lot or parcel area shall be shown on a plat of survey prepared by a certified surveyor licensed by the Commonwealth of Virginia.

Effective date: August 10, 2004.

Vote:	Mr. Osl - aye	Mr. White - aye
	Mr. Petty - aye	Mr. Womack - aye
	Mr. Heaton - absent	

5. Department/Agencies

a) Mark Davis and David Smith - Extension Office

Mark Davis, Extension Office introduced the new Extension Agent, David Smith. Mr. Smith will be stationed in Cumberland.

Mr. Smith stated that he looks forward to working with the County.

b) Gary Heiser, Department of Forestry

Mr. Heiser presented the Board with a check in the amount of \$80,574.92 for payment in lieu of taxes for one quarter of timber sales from the Cumberland State Forest over the past year.

c) Aaron Hickman - IT Manager (report on web Page for County, status of communications at Randolph Fire Dept.)

Mr. Hickman gave a status report on the County's Web Page and stated that the hardware had been installed for the radio system for the Randolph Fire Department. As soon as Sprint installs a new circuit the system will be operational.

d) Elizabeth Jamerson, Cumberland Technology Team - presentation on TOP (Cumberland First Web site)

Mrs. Jamerson gave a power point presentation on the development of the Cumberland First Community Web Page.

6. County Administrator's Report

a) Consent Agenda

The County Administrator explained each item in the consent agenda and the following actions were taken:

On a motion by Mr. Womack and carried, the Board approved the following consent agenda items:

1. Approved the minutes for July 2004.
2. Approved bills for August 2004 totaling \$115,210.49 and ratified bills for July 2004 of warrants totaling \$360,495.00 with check numbers ranging from 42448 to 42678. Direct Deposit totaling \$58,465.00.
3. Approved Year-End Budget Entries Appropriations, transfers.
(Copy in Official Board file)
4. Approved Supplemental Appropriation of Revenue Maximization Funds to Social Services

The County Administrator explained that the supplemental appropriation in the amount of \$5,015 to Social Services is from unexpended Revenue Maximization funds and would not require any additional local funding.

Vote:	Mr. Osl - aye	Mr. White - aye
	Mr. Petty - aye	Mr. Womack - aye
	Mr. Heaton - absent	

b) Appointments

- 1) Piedmont Regional Disability Services Board

The County Administrator explained that this appointment would be an alternate for Mr. Womack and Mr. Ferrell.

It was the consensus of the Board to consider candidates to serve as alternates on the Piedmont Regional Disabilities Services Board at the next scheduled Board meeting.

- 2) Piedmont Court Services Board

On a motion by Mr. White and carried, the Board appointed Leroy Pfeiffer and Supervisor Jeremiah Heaton to serve on the Piedmont Court Services Board.

Vote:	Mr. Osl - aye	Mr. White - aye
	Mr. Petty - aye	Mr. Womack - aye
	Mr. Heaton - absent	

7. Assistant County Administrator's Report

a) Project Updates

Ms. Swinson reported that she recently attended a Workforce Investment Board meeting to share Cumberland's development concerns with economic planners from other counties in the region.

She and Ms. Hollifield attended a meeting in Appomattox to lobby for lengthening the trunk of the proposed Mid-Atlantic Broadband project to include more County users. The initiative is a product of the Economic Development Administration and the Tobacco Indemnification and Community Revitalization Commission. It would implement broadband internet infrastructure into the counties served by the Tobacco Commission. However, at this time the plan only allows for the backbone of the broadband to be installed at the southern end of the County. She will be attending a meeting to address extending the broadband line.

She is still working to develop a newsletter and internet information to update citizens on the status of the proposed reservoir project.

8. County Attorney's Report

a) Vote on whether to reconsider sewer charges

The County Attorney stated that a study performed by Draper Aden Associates in 2001 suggested that the County may wish to increase sewer rates. The County ordinance would have to be changed to implement any change in fees.

There was discussion that a water authority be developed from some of the sewer users that would be affected by an increase in fees and that the authority have some say in setting the prices for the increase, as they would be most affected and there was also discussion of the establishment of a water advisory committee.

The County Attorney advised the Board of Supervisors not to relinquish their authority to make the final decision on setting the rates and that the option on a water advisory committee would be feasible.

It was the consensus of the Board to have the County Attorney and staff examine if either option would prove preferable over having the Board of Supervisors independently make the decision about the rates.

b) Consider resolution requesting General Assembly to adopt amendment to State Code adding Cumberland County to list of localities whereby taxes or changes incurred for water or sewer shall be a lien on real estate.

The County Attorney explained this process.

On a motion by Mr. Osl and carried, the Board adopted the following resolution:

A RESOLUTION OF THE BOARD OF SUPERVISORS

OF CUMBERLAND COUNTY, VIRGINIA

WHEREAS, §15.2-2118 of the Code of Virginia 1950 (as amended) empowers various localities, including Botetourt, Culpeper, Franklin, Gloucester, Goochland, Hanover, Orange, Rockingham, Spotsylvania, Stafford, and York Counties and the Cities of Fairfax, Newport News, Petersburg, Richmond, and Roanoke to adopt ordinances providing that taxes or charges made, imposed or incurred for water or sewers or use thereof within or outside such jurisdictions shall be a lien on the real estate served by such waterline or sewer.

WHEREAS, the Board of Supervisors finds that it is in the public interest to request the Virginia General Assembly to add Cumberland County to the list of those localities sited in Virginia Code §15.2-2118.

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Cumberland County, Virginia, hereby requests its representatives in the Virginia General Assembly to adopt an amendment to Virginia Code §15.2-2118 adding Cumberland to the list of those localities cited therein; the Board further directs the County Administrator to provide the County's representatives in the Virginia General Assembly with a copy of this Resolution, and to take such other and further actions as may be appropriate in furtherance thereof.

Vote:	Mr. Osl - aye	Mr. White - aye
	Mr. Petty - aye	Mr. Womack - aye
	Mr. Heaton - absent	

9. Board Members

Mr. Osl

Mr. Osl stated that there are two vacancies on the Workforce Investment Board and that the Workforce Investment Board works to obtain workforce training funds for the County. He encouraged any Cumberland business representatives interested in serving on the Workforce Investment Board to contact the County. He is working to help organize an agricultural advisory board and encourages Supervisors to review the goals and objectives for the update of the Comprehensive Plan which is currently underway and asked that they submit their comments to the Zoning Administrator. He referenced Virginia's Private-Public Education and Infrastructure Act of 2002 which could be pursued to help with the long range financing plans for the school system.

Mr. White

Mr. White stated that he had attended the recent Meals on Wheels start-up meeting and encouraged the Board to support the project. The initial cost to start this program is estimated at \$22,000 for which a grant application has been submitted. The goal to start this program is set for January 1, 2005. He serves on the Crossroads Community Services Board and stated that it is a shortage of bed space for female mental health patients in the State. Mr. White stated that he had received pricing from Jones Printing for a quarterly County newsletter to be sent to all postal patrons of Cumberland. The charge would be

\$5,500 per year to print a seven page letter or \$5,000 for a four page letter. The school system is interested in participating with this project. He attended the VACO Steering Committee meeting and asked that a resolution be developed to request that VDOT be given more funds for secondary road funding.

Mr. Petty

Mr. Petty encourages support for the proposed Meals on Wheels program. He announced the monthly Third District meeting will be held on Wednesday, August 18, from 4:00 - 6:00 p.m. in the Old Clerk's Office. He attended the VACO's Local Government Conference. Upon attending this meeting, there is a big concern by localities about losing taxing authority on phone, television and satellite communications as more patrons switch to internet based systems, which incur no tax. It is believed that this will endanger E-911 services, which greatly depends on communications taxes. New methods of taxation are currently being researched.

Mr. Womack

Mr. Womack stated that during the last two Environmental Agricultural Steering Committee meetings, emphasis was placed on the State's clean up of the Chesapeake Bay. The completion of this clean up is targeted for the year 2010. New taxes may be implemented to help fund the project.

Mr. Heaton

Absent

10. Public Comments

Citizens had complaints about safety and health related issues on Bonbrook Road that include potholes and dust. The citizens asked the Board of Supervisors to help find a way to make the needed improvements.

11. Closed Meeting

The County Attorney explained the items to be discussed in closed session.

On a motion by Mr. Petty and carried, the Board entered into closed meeting under VA Code Section 2.2-3711 A(1) personnel, and , A (7) potential litigation re: sewer charges.

The Board returned to regular session on a motion by Mr. Osl.

A motion was made by Mr. Osl and adopted by the following vote:

Vote:	Mr. Osl - aye	Mr. White - aye
	Mr. Petty - aye	Mr. Womack - aye
	Mr. Heaton - absent	

that the following Certification of a Closed Meeting be adopted in accordance with The Virginia Freedom of Information Act:

WHEREAS, the Board of Supervisors of Cumberland County has convened a

closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Cumberland County hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of Cumberland County.

No action was taken on items discussed in closed session.

12. Additional Information

There will be a meeting between the Board of Supervisors and the School Board in Richmond on September 15, 2004.

13. Adjourn

The Chairman ordered the meeting adjourned until Tuesday, September 14th, 2004, at 7:00 p.m., in the Circuit Courtroom of the Courthouse.

Chairman

County Administrator