

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 8<sup>th</sup> day of November 2005, 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  
Jeremiah Heaton, District 5  
Darvin E. Satterwhite, County Attorney  
Judy Ownby, County Administrator  
Sherry Swinson, Assistant County Administrator  
Sandy Sullivan, Deputy Clerk

The Chairman called the meeting to order and the Deputy Clerk called the roll.

The invocation was led by Rev. Dargon B. Lucas and the pledge of allegiance was led by the Chairman.

#### **1. Approval of Agenda**

On a motion by Mr. Osl and carried, the Board approved an addendum to the agenda as follows:

4. Public Hearing with VDOT - Rescheduled for December
5. Old Business
  - b) Board discussion re: Landfill
7. County Administrator's Report
  - d) School's request for appropriation of \$40,152.28 in carryover funds from FY 2004-2005 toward purchase of new school bus.
  - e) Request for Conditional Use Permit (for Board referral to Planning Commission for consideration)
  - f) Authorization from Board of Supervisors to transfer funds (\$6,950) from Misc. Projects to General Properties for 15KW generator to be located at bus shop for operations of fuel pumps (emergency services).



**4. Public Hearings**

- a) Joint hearing with VDOT re: 6-year plan  
Rescheduled for December Board meeting.

**5. Old Business**

- a) Consideration of tax exemption ordinance as discussed at public hearing in October.

The County Attorney explained the proposed ordinance with the noted changes.

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

WHEREAS, the Board finds the following ordinance to be in the best interests of the welfare of the citizens of Cumberland County.

NOW THEREFORE, BE IT ORDAINED, that the Cumberland County Code be, and it is hereby, amended to add the following ordinance pursuant to subsection 6(a)(6) of Article X of the Constitution of Va. and Sec. 58.1-3651 of the Code of Va., to allow by designation or classification the exemption from real or personal property taxes, or both, the real or personal property, or both, owned by a non-profit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes:

[Sec. 58-2 --- 58-4. Reserved.]

CHAPTER 58  
TAXATION

Article I-A.

PROPERTY EXEMPT FROM TAXATION  
BY DESIGNATION AND CLASSIFICATION

Sec. 58-5. Authorized.

(a) Pursuant to subsection 6(a)(6) of Article X of the Constitution of Virginia and Section 58.1-3651 of the Code of Virginia 1950 (as amended), the County by ordinance may by

designation or classification exempt from real or personal property taxes, or both, the real or personal property, or both, owned by a non-profit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes. The ordinance shall state the specific use on which the exemption is based, and the continuance of the exemption shall be contingent on the continued use of the property in accordance with the purpose for which the organization is classified or designated.

(b) No exemption shall be provided to any organization that has any rule, regulation, policy, or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex, or national origin.

(c) The Commissioner of Revenue is delegated the authority to promulgate guidelines to assist staff in the administration of this article. The guidelines and any amendments shall be approved by the County Administrator and submitted to the Board of Supervisors for its review and approval.

Sec. 58-6. Exemption by designation.

(a) *Application.* Any organization seeking an exemption by designation pursuant to the provisions of this Article shall file an application with the Commissioner of Revenue on such forms as the Commissioner shall prescribe. The Commissioner of Revenue shall forward the application to the County Administrator for her review. As part of such review, the Commissioner of Revenue and the Treasurer may assist the County Administrator by providing information regarding the financial impact that any exemption may have upon the County. Upon consideration of this information, the County Administrator shall make a written recommendation to the Board of Supervisors.

(b) *Public hearing requirement.* An ordinance exempting property by designation pursuant to this Article shall be adopted only after holding a public hearing on the application at which citizens shall have the opportunity to be heard. The County shall publish notice of a hearing once in a newspaper of general circulation in Cumberland County, Virginia. The notice shall include the assessed value of all real and tangible personal property for which an exemption is requested, as well as the property taxes assessed against such property. The public hearing shall not be held until at least five (5) days after the

notice is published in the newspaper. Prior to processing the application, the County shall collect a non-refundable fee of three hundred fifty dollars (\$350.00) from the owner of the subject property to cover the cost of processing the application and of the publication of the notice from the requesting organization. The effective date of any ordinance adopted pursuant to this Article shall be governed by Section Sec. 58-11.

(c) *Criteria for exemption by designation.* Before adopting any such ordinance exempting property by designation, the Board of Supervisors shall consider the following questions:

(1) Whether the organization is exempt from taxation pursuant to Section 501(c) of the Internal Revenue Code of 1954.

(2) Whether a current annual alcoholic beverage license for serving of alcoholic beverages has been issued by the Virginia Alcoholic Beverage Control Board to such organization for use on such property;

(3) Whether any director, officer, or employee of the organization is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer, or employee actually renders;

(4) Whether any part of the net earnings of such organization inures to the benefit of any individual, and whether any significant portion of the service provided by such organization is generated by funds received from donations, contributions, or local, state or federal grants. As used in this subsection, donations shall include the providing of personal services or the contribution of in-kind or other material services;

(5) Whether the organization provides services for the common good of the public;

(6) Whether a substantial part of the activities of the organization involves carrying on propaganda or otherwise attempting to influence legislation and whether the organization participates in, or intervenes in, any political campaign on behalf of any candidate for public office;

(7) The revenue impact to the locality and its taxpayers of exempting the property; and

(8) Any other criteria, facts, and circumstances that the governing body deems pertinent in the adoption of such ordinance.

Sec. 58-7. Exemption by classification.

(a) Any organization that claims exemption by classification pursuant to Article X, Section 6(a)(1) through (4) of the Virginia Constitution, or pursuant to Section 58.1-3606, or pursuant to Article 3 of Chapter 36 of Title 58.1 of the Code of Virginia, or pursuant to any ordinance adopted in accordance with this section, shall submit a letter to the Commissioner of Revenue describing the basis of its claim. The Commissioner of Revenue or her designee shall review the request to determine if the organization qualifies for a classification exemption and, if so, shall forward the request to the County Administrator.

(b) Following a review and recommendation by the County Administrator as provided in Section Sec. 58-6(a), the Board of Supervisors may by ordinance establish local classifications for common types of organizations that are not exempted directly by the self-executing provisions of Virginia Constitution Article X, Section 6(a)(1) through (4). A new classification shall only apply to property used by its owner for religious, charitable, patriotic, historical, benevolent, cultural or public park and playground purposes.

(c) Any ordinance exempting property by classification pursuant to section 58-5 and subsection (b) of this section shall be adopted only after holding a public hearing with respect thereto, at which citizens shall have an opportunity to be heard. The County shall publish notice of the hearing once in a newspaper of general circulation in Cumberland County, Virginia. The public hearing shall not be held until at least five (5) days after the notice of publication in the newspaper.

Sec. 58-8. Exemptions strictly construed.

All exemptions of property from taxation created under this Article shall be strictly construed in accordance with Article X, Section 6(f) of the Constitution of Virginia.

Sec. 58-9. Validity of previously granted exemptions.

Nothing in Section 58.1-3651 of the Code of Virginia, or in this Article, or in any ordinance adopted pursuant to this Article, shall affect the validity of either a classification exemption or a designation exemption granted by the General Assembly, prior to January 1, 2003, pursuant to Article 2 (Section 58.1-3606 et seq.), Article 3 (Section 58.1-3609, et seq.), or Article 4 (Section 58.1-3650, et seq.) of Chapter 36 of Title 58.1 of the Code of Virginia. An exemption granted pursuant to Article 4 (Section 58.1-3650, et seq.) of Chapter 36 may be revoked in accordance with the provisions of Section 58.1-3605.

Sec. 58-10. Triennial review of exemptions.

(a) Except for the Commonwealth of Virginia, any political subdivision of the Commonwealth, or the United States and its departments and agencies, every organization which owns real and personal property in Cumberland County, Virginia previously exempt pursuant to Chapter 36 of Title 58.1 of the Code of Virginia, shall be required to file triennially an application with the Commissioner of Revenue on such forms as the Commissioner shall prescribe as a requirement of retention of exempt status of the property.

(b) Every organization exempt pursuant to Section 58-5 shall be required to file triennially following approval of its exemption, an application with the Commissioner of Revenue as a requirement of retention of exempt status of the property.

(c) The Commissioner of Revenue shall give each organization sixty (60) days notice of the due date of the application. If the organization certifies that the ownership and the use of the property are the same as when the exemption was initially granted, and the financial status of the organization is substantially the same, the Commissioner of

Revenue may accept that certification as the application; however, the Commissioner may require a more complete application including one (1) identical to the application required in Section 58-6. The application shall be filed within the next sixty (60) days preceding the tax year for which such exemption or retention thereof is sought.

(d) Failure to timely file the required triennial application may result in termination of the exemption by the passage of a duly adopted ordinance.

(e) The Commissioner of Revenue or her designee shall review the applications and, provided the ownership and use of the property remains the same as when the exemption was initially approved, the exempt status shall continue.

Sec. 58-11. Effective dates.

(a) The effective date of the exemption by designation for all proratable property such as real estate and vehicles shall be the first day of the month following the later of the payment to the County of the full cost of the publication of notice and the adoption by the Board of Supervisors of the ordinance of exemption. The effective date of the exemption by designation for non-proratable property, such as certain tangible personal property shall be January 1st following the later of the payment to the County of the full cost of the publication of notice or the adoption by the Board of Supervisors of the ordinance of exemption.

(b) The effective date of the exemption by classification for all proratable property such as real estate and vehicles shall be the first day of the month following the adoption by the Board of Supervisors of the ordinance of exemption. The effective date of the exemption by classification for non-proratable property, such as tangible personal property, shall be January 1st following the adoption by the Board of Supervisors of the ordinance of exemption.

Effective Date: November 8, 2005

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



b) Board discussion re: Landfill

The Board provided background information and comments on the request for proposals on a landfill. Following are some of the comments:

Mr. Osl

- Cumberland County per capita income is around \$15,000, 15% of citizens are below poverty level, and 36% of the population less than high school degree
- Real estate taxes yield approximately \$48,000 per penny
- Cumberland is an economically distressed community, with limited financial resources and capabilities
- We need to break the cycle. Past Boards have tried to break the cycle, but nothing has been done yet.
- We have no funds to pave roads, adequately fund school budgets, and we have to rely on grants to do anything in the County.
- Cumberland is a rural community and we want to improve on the quality of life and landscape. We need emergency services, fire protection, sheriff, water and sewer, etc. How do we put infrastructure in place with no money?
- Our goal is to retain the rural character of the county while selectively broadening the tax base.
- In January, the Board asked citizens how they wanted us to raise revenue. They asked us to consider landfills and prisons.
- Someone asked about an incinerator rather than landfills. That would cost twice as much as a landfill.
- What about prisons? In the past it was considered, but now there is excess capacity in State prisons.
- Businesses? In order to finance schools we would need \$1.5 million in revenue for debt service.
- We are working on a number of business opportunities—reservoir project, water, sporting/hunting related business, etc.).
  
- Give the Board of Supervisors an opportunity to do the job. Let us see if there is a site that would work for a landfill, and let us evaluate and do our job. We currently are working on a retail warehouse in the County, sporting club type business, regional innovation center, regional farmers market, tourism (Bear Creek Lake water and sewer; rails to trails; civil rights heritage trail, and others).

- Residential housing does not pay for itself.
- Business - we have limited infrastructure in the county, limited water and sewer, limited technology, no broadband, no major transportation system, so we can't bring in a Walmart distribution center, no rail, no airport, a limited skilled workforce. Companies do not want to come. We have limited 3-phase power, only a few spots in the county where you have this. No Food Lion will come. Educational facilities are deteriorating—we have to find a way to improve educational facilities, this improves our ability to attract businesses.
- Based on what citizens told us in January, we have to look at a landfill. Why a landfill? Because it can pay for roads, schools, draw business. We need a high school, middle school, expansion of the elementary school, improved infrastructure for the future.
- We have over 190,000 acres in Cumberland County and a landfill would only use 500-1000 acres, and leave the rest alone. Mr. Osl personally would not like to build a landfill in Cumberland County, it is not the type of development he would like. We have to address the schools, the alternatives won't do it, and we cannot do it with taxes. We cannot lay that burden on citizens. Would like to do projects with a zero tax increase. Now that he knows what we struggle with in Cumberland County, he is willing to consider a landfill if we can find the right location, do it correctly. The reason we issued an RFP was part of the discussion just mentioned.

Mr. White

- The Board had to come up with issues during the campaign for office, and he has always been a champion for schools, and he is open-minded.
- He would rather not see a landfill, but what else is there? No Food Lion will come. We have to answer questions: Do we need schools? Full time EMS? School repairs last year cost over \$200,000. Building officials records indicate an average of 12 new houses per month, and if ½ of those have one child in school, we will need two more classrooms per year. As of December 2004, 82 counties out of 94 have landfills.
- 2.4% unemployment rate for Cumberland County hurts in attracting businesses. They need workers.
- Landfill - what other businesses are there? If we keep waiting, sooner or later schools will cost us \$50 million

to build. It would take \$1.10 on real estate tax rate to pay debt service for schools. Currently we are spending approximately half-a-million dollars to dispose of our trash. We would need approximately 2,000 tons per day to generate \$1.5 million, plus it would save us \$500,000. This is the thought process on why we issued an RFP.

Mr. Petty

- The Board of Supervisors looked at a lot of issues, how to generate revenue to pay for projects that the County needs. At the January 2005 meeting, citizens talked about missed opportunities. All these years of not doing anything, we are at a point where we have to play catch-up. We realize our citizens cannot afford to pay the taxes required to pay for schools. We compete against communities that already have infrastructure.
- We don't get anything and we need something big to bring in the dollars needed. Nothing else out there will come to Cumberland County that will generate the amount of money that a landfill will. The Chesterfield landfill does not smell, it has nice homes and businesses right up to the border of the landfill. It does not seem to bother property values in the long term. We have been open with the process, will hold public meetings. We do not know where the proposed locations are or anything that will be in the proposals. We will try to put it where it will have the least impact on citizens. We need to answer question—what will you do to improve schools? The goal is to look at all opportunities.

Mr. Womack

- Cumberland County has a lot of needs, schools are the biggest. We asked citizens what we needed to do, and they said build a landfill. Amelia is ahead, and Cumberland County could have had that landfill. For too long, we have sat back and done nothing. Cumberland has to find something to generate revenue. We are spending half-a-million dollars per year to take trash out of our county. Landfills today have better liners, etc. He wants to do the best he can do for Cumberland County.

Mr. Heaton

- This is the best Board of Supervisors the County has had.
- The goals and objectives are to put the County into a better place than where they picked up the ball. We're

- trying to make up. We do not want to have a landfill, but there is no other option. Comparing a landfill of today with old landfills is not the same.
- Let us have the opportunity to continue to do our job. Ask questions, let us follow the process.
  - We want to have the best model school system.
  - We want to have the best in emergency services and sheriff's department.
  - The Board is committed to open government. Please listen, be open-minded, we want constructive criticism. Help find solutions.

c) Public Comments

Citizen comments at Board of Supervisors meeting 11/08/05 re: landfill

Citizens discussed many issues related to the proposed landfill in Cumberland County, and they included the following statements and ideas:

- their own issues with rezoning and whether neighbors have been notified of the possibility of a landfill
- let the Board of Supervisors do their job, but listen to the people.
- Consider a food tax
- Schools need to be built
- Work hard to provide water in Courthouse area
- We need new schools
- Realize residences won't provide revenue for school debt
- There is not one cure-all. We need other businesses too. Consider planning construction in increments.
- Thanked the Board of Supervisors. Not in favor of a landfill, but this is one way to break the cycle and get schools built.
- There are emotions, and no one wants a landfill in their back yard. Hopefully there is somewhere it won't be in someone's back yard.
- If we are trying to bring industry here, there is no need on making it so hard on companies. We do not need to be overbearing. Organizations in DC will help to find industries.
- Are we familiar with interstate commerce? Cannot stop trash coming on barges down river.
- Charlotte County BOS voted down a landfill.

- Amelia - trash trucks come in with cover, they go out without the cover and trash blows everywhere.
- Supports the Board of Supervisors' proposal for a landfill.
- It needs our consideration. Look at the old buildings at the schools, too many mobile units, need new schools. Time is now for new schools. Let common sense solution prevail.
- Time to stand behind a progressive Board of Supervisors. Be open-minded.
- Not for a landfill but realizes that we have tried many years to bring industry to county. We have not succeeded. Let the Board of Supervisors research and do their job.
- Bring necessary information and approach with an open mind. We have an old building and what are we going to do about tomorrow?
- We had pride and still have pride. Would like to see citizens give the Board of Supervisors the opportunity to do their job. Think of the children. We need communications, emergency services, roads, we need to make a change now. We cannot survive on real estate taxes.
- Asked the Board to study information and come back to the citizens with what you have found.

## 6. Department/Agencies

- a) Department of Health - Dr. Kay Rankin, new District Director for Piedmont Health District

Mr. Osl introduced Dr. Kay Rankin, Director for Piedmont Health District.

Dr. Rankin gave a brief overview of her background.

Dr. Rankin stated that the next flu clinic will be held on November 9<sup>th</sup> from 8:30 - 11:00 at the Health Department. The cost of the vaccine is \$28.00 per person. Dr. Rankin informed the Board that Cumberland County will be receiving a Health Department refund in the amount of \$1,436.91 for the fiscal year ending June 30, 2005.

- b) Planning Commission Annual Report - Chairman Parker Wheeler

Mr. Wheeler presented the Board with the Planning Commission's Annual Report and goals for 2006. Mr. Wheeler also stated that the Planning Commission has worked hard on the Comprehensive Plan over the last year.

- c) County Humane Society - Sandra Everson-Jones

Ms. Everson-Jones was unable to attend the meeting but has requested that Board approve the "County Humane Society" request to obtain puppies from Cumberland Animal Control so that they can be immunized and spayed or neutered, fostered and given to adoptive homes.

On a motion by Mr. Womack and carried, the Board approved the request from the County Humane Society to obtain puppies from Cumberland Animal Control to be immunized, spayed, neutered and given to adoptive homes.

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

- d) Emergency Services Committee report

Bill Bailey, Emergency Services Committee representative presented the Board with a report from the committee. Mr. Bailey explained that the Committee did not favor the implementation of E911 markers for the County. At the present time there is no County enforcement to ensure that buildings are being marked properly and that the Committee feels that the marker system is outdated and costly to maintain. Mr. Bailey stated that the Committee feels that the use of a GPS system would be more effective in improving response time. The Committee recently voted to recommend that one GPS unit be placed at each fire department and rescue squad in the County for a 90-day trial period. The cost is estimated to be \$150.00 per vehicle. The Committed voted to award a

contract to ProComm for upgrades to the County's radio communications system.

Mr. Heaton requested that one unit be placed with the Prince Edward Rescue Squad since they respond to calls from Cumberland's Fourth and Fifth Districts.

- e) W & S Advisory Committee report (proposed water ordinance)

It was the consensus of the Board to hold a public hearing at the regular December meeting on the proposed water ordinance.

- f) LEPC report - Jerry Giles

Mr. Giles stated that the Local Emergency Planning Committee will soon begin evaluating the County's current disaster shelters and begin searching for additional potential shelters.

## 7. County Administrator's Report

- a) Consent Agenda

The County Administrator explained each item in the consent agenda and on a motion by Mr. Osl and carried, the Board approved items 1 through 5.

1. Approved minutes for 6:00 p.m. on September 13, 2005, September 30, 2005 and October 2005.
2. Approved bills for November 2005 totaling \$63,615.84 and ratified bills for October 2005 of warrants totaling \$216,330.16 with check numbers ranging from 45970 to 46207. Direct Deposit totaling \$94,731.71.
3. Authorized the following resolution for the Cumberland County Christmas Parade

WHEREAS, the Cumberland County Christmas Parade Committee has organized a Christmas Parade for the benefit of the County in the past; and

WHEREAS, the parade is and event providing enjoyment, recreation, fellowship, and recognition of County civic organizations; and

WHEREAS, the parade is sponsored on a volunteer contribution basis by the community:

NOW, THEREFORE, does the Board of Supervisors authorize the Cumberland County Christmas Parade Committee to organize, administer, and produce a parade, this year and each year thereafter, on behalf of County residents to celebrate the joys of the winter season.

ADOPTED, the 8<sup>th</sup> day of November 2005 by the Cumberland County Board of Supervisors.

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

- 4)    Adopted the following amendment to Personnel Manual

TRANSFER OF YEARS OF SERVICE  
LAW ENFORCEMENT OFFICERS

Cumberland County will consider past years of service as a law enforcement officer with other agencies for the purpose of accruing annual leave time for Sheriff's Deputies. This allowance applies only to service as a law enforcement officer with an agency of State Police, Town Police or another local Sheriff's Department. These combined years of service will be considered when determining an employee's eligibility for accrual of annual leave according to the following schedule:

0-5 years of service - 8 hours of annual leave per month  
5-10 years of service - 10 hours of annual leave per month  
10 + years of service - 12 hours of annual leave per month

- 5)    Approved Treasurer's request to destroy old records



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

- 6) Set PH on recommended changes to zoning Ordinance (130' setbacks, etc)

It was the consensus of the Board to hold a public hearing at the regular December meeting to consider recommended changes to the zoning ordinance including the establishment of a 130 foot building setback from the centerline of any primary highway or 75 feet from the centerline of any secondary highway.

- b) Treasurer's Request to Extend Due Date for November 15<sup>th</sup> taxes

On a motion by Mr. Womack and carried, the Board agreed to approve the Treasurer's request to extend the due date of taxes from November 15<sup>th</sup> 2005 until November 30<sup>th</sup> 2005.

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

- c) Appointment to Water & Sewer Advisory Committee - District 5

A recommendation will be made at the December Board meeting.

- d) School's request for appropriation of \$40,152.28 in carryover funds from FY 2004-05 toward purchase of new school bus.

On a motion by Mr. Osl and carried, the Board approved the school's request for an appropriation of \$40,152.58 in carryover funds from FY 2004-05 towards the purchase of new school bus.

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

- e) Request for Conditional Use Permit (for Board referral to Planning Commission for consideration)

On a motion by Mr. White and carried, the Board agreed to refer this item to the Planning Commission for consideration.

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

- f) Authorization from Board of Supervisors to transfer funds (\$6,950) from Misc. Projects to General Properties for 15KW generator to be located at bus shop operations of fuel pumps (emergency services).

On a motion by Mr. Petty carried, the Board authorized the transfer of funds in the amount of \$6,950.00 from Misc. Projects to General Properties for a 15W generator to be located at the bus shop for operating fuel pumps.

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

**8. Assistant County Administrator's Report**

- a) Update on projects

The Assistant County Administrator gave an update on the Reservoir Project and stated that meetings are being conducted with different agencies for comments on the permit application. A meeting will be held on 11-10-05 with Army Corps of Engineers and the Department of Environmental Quality for response to comments received concerning the permit application.

There were four bids received for the Water Project. The bids were opened on November 1, 2005 for the construction of the water lines. E.C. Pace Company, Roanoke, VA was the lowest bidder at \$937,955.50.

b) Resolution of Support - High Bridge

The Assistant County Administrator asked the Board to consider adopting a resolution of support for the Transportation Enhancement Grant for the High Bridge Trail State Park project.

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

WHEREAS, in accordance with Commonwealth Transportation Board procedures, resolutions of support from local governments may supplement Transportation Enhancement Grant applications; and

WHEREAS, Norfolk Southern Corporation is abandoning approximately 33 miles of railroad from Burkeville, Virginia to Pamplin City, Virginia, partially located in the Counties of Appomattox, Cumberland, Nottoway and Prince Edward and the Towns of Burkeville, Farmville and Pamplin; and

WHEREAS, Norfolk Southern Corporation is donating the abandoned railroad corridor to the Commonwealth of Virginia Department of Conservation and Recreation for the purpose of creating a rails-to-trails linear state park; and

WHEREAS, the creation of *High Bridge Trail State Park* enables the abandoned rail corridor, to become an outdoor recreational and heritage tourism opportunity, and protects the future of High Bridge, a nationally and historically significant railroad bridge structure; and

WHEREAS, *High Bridge Trail State Park* creates new economic and outdoor recreation opportunities for citizens of the Commonwealth and the Counties of Price Edward, Cumberland, Appomattox and Nottoway and the Towns of Farmville, Burkeville, Pamplin and the villages of Rice and Prospect; and

WHEREAS, the Virginia Department of Conservation and Recreation has applied for Transportation Enhancement funding for the construction of bridge decking and trail surfacing along the trail corridor;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the county of Cumberland, Virginia, wholeheartedly supports the Transportation Enhancement Grant application of the Virginia Department of Conservation and Recreation; and

BE IT FURTHER RESOLVED, that the County of Cumberland hereby understands that the Virginia Department of Conservation and Recreation will serve as fiscal agent for this project and requires no local matching funds from the localities.

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

**9. County Attorney's Report**

- a) Ordinance/resolution to provide for implementation of 2004-05 changes to the PPTRA of 1998- specific relief

The County Attorney explained the proposed ordinance/resolution.

On a motion by Mr. Petty and carried, the Board set a public hearing for December 6, 2005 to discuss the proposed ordinance/resolution for implementation of 2004-05 changes to the PPTRA of 1998.

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

- b) Claim against County by Dell Computers

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

A RESOLUTION DENYING THE ALLEGED  
CLAIM OF VALENTINE AND KEBARTAS, INC.,

ACTING AS AGENT FOR DELL FINANCIAL SERVICE, L.P.

WHEREAS, the Board finds that, by letter dated November 2, 2005 addressed to the Cumberland Housing & Community Development Corporation and Judy Hollifield, Valentine and Kebartas, Inc., acting as agent for Dell Financial Service, L.P.:

1. demanded that certain computers be returned to it that were apparently leased by the Cumberland Housing & Community Development Corporation; and
2. made a claim upon Cumberland County, Virginia, in the amount of \$2,051.82.

WHEREAS, by letter dated November 3, 2005, the County Attorney responded to Valentine and Kebartas, Inc. and advised them that the alleged claim against the County of Cumberland is without merit, and specifically that the alleged claim of \$2,051.82 would be submitted to the Board of Supervisors with a recommendation of denial.

WHEREAS, the Board of Supervisors finds that the aforementioned claim against the County is baseless and should be denied.

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Cumberland County, Virginia, does hereby deny the alleged claim submitted by Valentine and Kebartas, Inc., acting as agent for Dell Financial Service, L.P., in the amount \$2,051.82, and directs the Clerk of the Board to provide the claimant with written notice of the denial of this claim pursuant to §15.2-1246 of the Code of Virginia 1950 (as amended).

Dated: November 8, 2005

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

## 10. Board Members

Mr. White stated that the Board needs to address the 911 marker issue in the County. Mr. White also stated that the Board of Supervisors will be attending the annual VACO Conference, which presents a great opportunity to talk to other counties with issues, concerns and solutions to problems that a county may be experiencing and stated that the Board of Supervisors wants to find the correct answers concerning all landfill issues before allowing a landfill to come to Cumberland County.

Mr. Womack stated that he attended a recent meeting with the Compensation Board in Richmond. The Jail Board is trying to find a solution to funding so that counties will not have to pay to house inmates. The Jail Board is researching an agreement with the Compensation Board to house Powhatan inmates to help with funding.

Mr. Womack also stated that the Halloween event held at the Randolph Fire Department was a great success and that there will be a spaghetti supper held at the fire house on November 11, 2005 from 4:30 p.m. until 7:00 p.m.

Mr. Petty stated that each month he attends additional meetings, other than the traditional Board of Supervisors meeting, which help him as a Board member to make decisions in the best interest of the County. He also stated that he recently attended the Division Conference for the Planning District and the GIS conference in Richmond.

Mr. Heaton expressed his concern for 911 markers in the County and gave a phone number where he can be reached during the day at school, and a home number for the evening.

Mr. Osl stated that he attended a workshop with the Planning Commission in October, on future land use. He has also had the opportunity to meet with Jeff Anderson, Executive Director of Virginia Economic Development Partnership. Mr. Osl stated that he serves on the Search Committee for the Commonwealth Regional Council. The Committee has received 25-30 resumes for their new Executive Director position. The screening process has

begun. Mr. Osl stated that he and Mr. Womack met with Hunter Watson regarding the transportation needs within the County.

**11. Additional Information**

The Board of Supervisors scheduled a work shop on November 16, 2005 to discuss the Flippen's Store contract. This will be in closed session under VA Code Section 2.2-3711.

**12. Adjourned**

The Chairman ordered the meeting recessed until November 16<sup>th</sup> at 7:00 p.m. in the Old Clerk's Office, for closed session.

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Chairman

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County Administrator