

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 14th day of March 2006, 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

Also Present: Planning Commission members:
Chairman Parker Wheeler
Keith Oulie, District 2
Patrick Smook, District 1
Bill Burger, District 3
Roland Gilliam, District 5
David Brown, District 4
Irene Speas, At-Large
Catherine Kahl, Planning & Zoning Director

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

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

1. Approval of Agenda

On a motion by Mr. Osl and carried, the Board amended the agenda as follows:

- 3) Public Hearings

Information only - Joint Public Hearing with
Planning Commission
- 4) Departments/Agencies
 - c) Info only - Emergency Services Committee
minutes

d) Sara Terry - Chairman of the Board of the Farmville Chamber of Commerce

6. County Administrator's Report

a) Consent Agenda

4) \$200,000 appropriation to Schools for filing of Certificate of Take for Old Elementary School

7. Assistant County Administrator's Report

a) Ratify resolution supporting Cumberland Historical Society's proposal to Mary Morton Parsons Foundation to restore interior of Old Jail for use as a museum

b) Consider resolution requesting funding from Dept of Health-Office of Drinking Water in the amount of \$200,000 for Reservoir Project

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

Mr. White - aye
Mr. Womack - aye

2. **VDOT - Mark McKissick**

Mr. McKissick stated that Rt. 638, Guinea Road is currently under construction and that bids are due in next month for construction to Rt. 601, Ashburn Road.

Mr. Heaton inquired about the airport sign missing on Raines Tavern Road.

3. **Public Hearings**

a) Joint Public Hearing w/Planning Commission CUP Application by Covance Research Products, Inc.

Catherine Kahl, Planner explained the requested CUP by Covance Research Products, Inc.

Planning Commission Chairman Wheeler called the Planning Commission to order, called the roll and established a quorum.

Chairman Osl opened the public hearing for the Board of Supervisors and the Planning Commission and one adjoining landowner expressed concerns regarding the kennel and machine noise and asked if a noise barrier could be an option to help with this issue.

Ed Gormley and Justin Lexow of Covance were present and stated that they would be glad to tour the adjoining property to get a sense of the noise level and how it could be addressed.

The Board of Supervisors and the Planning Commission discussed the proposed CUP requested by Covance Research Products, Inc.

The public hearing was closed and the Planning Commission recommended adding "Animal Research Facility" as a use permitted by conditional use permit in the A-2 Zoning District and to recommend granting the conditional use permit;

On the motion of Mr. White and carried, the Board of Supervisors approved to add "Animal Research Facility" as a use permitted by conditional use permit in the A-2 Zoning District and to grant the conditional use permit, all pursuant to the above referenced votes, the following action was taken:

WHEREAS, Covance Research Products, Inc. has, for many years, operated an animal research facility on its property located in the A-2 Zoning District on French's Store Road, identified as Tax Map Parcel #52-A-24 (hereinafter, the "Property").

WHEREAS, the use of the Property for such purposes is a pre-existing nonconforming use in the A-2 zoning classification.

WHEREAS, Covance Research Products, Inc. wishes to have "animal research facility" added to the uses permitted by conditional use permit in the A-2 Zoning District classification and, in furtherance thereof, has made an application (CUP #06-01-1) with the County for a conditional use permit to allow for the expansion of its animal research facilities on the Property.

WHEREAS, the Planning Commission and Board of Supervisors have conducted a joint public hearing regarding the foregoing requests and have each found:

- a. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- b. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- c. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- d. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district as to cause a substantial depreciation in the property values within the neighborhood;
- e. That adequate utilities, access roads, drainage or necessary facilities have been or are being provided;
- f. That ingress and egress to property structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access of fire or catastrophe are adequately provided for;
- g. That offstreet parking and loading areas are adequate and the noise, glare or odor effects of the permit on adjoining properties and properties generally in the district are adequately provided for;

- h. That appropriate screening and buffering with reference to type, dimensions, and character of the use are adequately provided for;
- i. That any signs and exterior lighting are compatible and in harmony with properties in the district with reference to aesthetics, glare, traffic safety and economic effect;
- j. That the proposed use is compatible with adjacent properties and other property in the district;
- k. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Supervisors.
- l. That adding "animal research facility" as a use permitted by conditional use permit in the A-2 Zoning District and the granting of the aforesaid conditional use permit are required by public necessity, convenience, general welfare or good zoning practice.

NOW THEREFORE, BE IT ORDAINED, by the Board of Supervisors, following the recommendations of the Planning Commission, pursuant to Chapter 74 of the County Zoning Ordinance (Cumberland County Code), Sec. 74-7, that an "animal research facility" is hereby added to the uses permitted in the A-2 Zoning District classification by conditional use permit, and that a conditional use permit is hereby granted to Covance Research Products, Inc. to allow for the expansion of its animal research facilities located on French's Store Road, identified as Tax Map Parcel #52-A-24 (the "Property") subject to the following terms and conditions:

1. This conditional use permit shall allow for the expansion of facilities on the Property for construction work commenced on or before March 13, 2007, and any such expansion activities commenced thereafter shall require a new conditional use permit.

2. All operations on the Property shall comply with all applicable health and environmental laws, rules and regulations.
Effective date: March 14, 2006

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

**4. Old Business _ Public Hearing
-Family Subdivision ordinance**

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

WHEREAS, the Board of Supervisors finds that granting the hereinafter stated amendment to the subdivision ordinance promotes good land use planning and will not adversely affect the public health, safety and welfare and is required by public necessity, convenience, general welfare or good zoning and subdivision practice.

NOW THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the Board of Supervisors amend Sec. 54-3 of the Cumberland County Code to read as follows:

Sec. 54-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Subdivision means the division of a parcel of land into two or more lots or parcels of land for the purpose of transfer of ownership or building development. The sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building lots, shall be exempt from the provisions of this chapter.

- (1) *Subdivision, family*, means the division of a lot or parcel of land to a member of the immediate family of the property owner. For the purpose of this section, a member of the immediate family is defined as any person who is a natural or legally defined offspring, sibling, spouse or parent of the owner. Only one such subdivision shall be allowed per family member and shall not be for the purpose of circumventing this chapter. Title to family subdivision lots shall be

held by the initial family member grantee(s) for a minimum period of five (5) years in order to avoid a rebuttable presumption that any conveyance to non-family members within such five (5) year period shall be deemed to be in circumvention of this chapter. Conveyances to trustees under deeds of trust for purposes of financing shall not be deemed in circumvention of this chapter, unless circumstances indicate a deliberate plan to induce a foreclosure for purpose thwarting the purposes of this chapter.

- (2) *Subdivision, major*, means the division of a parent tract into four or more lots or parcels.
- (3) *Subdivision, minor*, means the division of a parent tract into not more than three lots or parcels, and family subdivisions which result in one lot per family member.

[All definitions prior to and after the definition of "Subdivision" shall remain unchanged.]

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

5. Department and Agencies

- a) David Roberts, RC&D - annual report

Mr. Dave Roberts, Director of the Old Dominion Resource Conservation and Development Council shared his annual report with the Board of Supervisors and stated that the Civil Rights in Education Heritage Trail was recognized as the state's project of the year by the Virginia Association of RC&D Councils.

Mr. Roberts also informed the Board of future RC&D programs including a program with Court Services for those on probation or completing community service to clean up roadside litter and a bio-fuel promotion program to promote and identify alternative fuels to foreign oil.

- b) Jerry Giles - LEPC Report; Public Works report

Mr. Giles was not present.

- c) Emergency Services Committee report

Kevin Ingle stated that the Committee is having good turn outs for meetings and that the Committee is still working to improve communications for the County and to acquire bid estimates to construct communication towers in the County.

Mr. Ingle also stated that three fire department volunteers have expressed interest in serving/sharing in the Fire Marshal position and that the Fire Department recently participated in a house fire training exercise, which included all of the volunteer rescue and fire teams in the County.

- d) Water & Sewer Advisory Committee

It was the consensus of the Board of Supervisors to hold a public hearing at the April 11, 2006 regular Board meeting to discuss a possible increase in sewer rates that has been suggested by the Water & Sewer Advisory Committee.

- e) Sarah Terry, Chairman of the Board of the Farmville Chamber of Commerce

Sarah Terry presented the Board with copies of the Chamber's new community guide and member directory and thanked the Board of Supervisors for their support.

- f) Rudy Butler - President of Virginia Association of Counties

Mr. Butler encouraged the Board to support the proposed biennium budget that could possibly bring more funding to the Commonwealth for secondary roads

and hopes that localities take advantage of VACO programs and initiatives.

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. Petty and carried, the Board approved the items in the consent agenda as presented:

1. Approved minutes for February 2006.
2. Approved bills for March 2006 totaling \$211,142.36 and ratified bills for February 2006 of warrants totaling \$235,596.13 with check numbers ranging from 46899 to 47253. Direct Deposit totaling \$97,369.74.
3. Adopted Resolution - VJCCCA

BE IT RESOLVED that the Cumberland County Board of Supervisors will participate in the Virginia Juvenile Community Crime Control Act and accept funds appropriate for the purpose set forth in the Act; an

BE IT FURTHER RESOLVED that Cumberland County intends to combine with the other governing bodies listed below and that Charlotte County will act as fiscal agent for these localities. Other localities with who Cumberland County will combine include:

Appomattox
Buckingham
Charlotte
Lunenburg
Prince Edward

BE IT FURTHER RESOLVED that Charles Watts, Director of the 10th District Juvenile and Domestic Relations District Court Service Unit,

is hereby authorized to execute the plan on behalf of the County of Cumberland.

4. Appropriated \$200,000 to Schools for filing of Certificate of Take for Old Elementary School

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

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

- Update on projects

Sherry Swinson, Assistant County Administrator updated the Board of Supervisors on various projects including the Reservoir project.

- a) Ratify resolution supporting Cumberland Historical Society's proposal to Mary Morton Parsons Foundation to restore interior of Old Jail for use as a museum

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

WHEREAS, the Board of Supervisors of the County of Cumberland believes that it is critical to preserve our county's rich heritage; and

WHEREAS, the Cumberland Historical Society has for decades preserved historic artifacts and annually published books, newsletters and bulletins to illustrate and reflect the history of the area; and

WHEREAS, the Cumberland Historical Society is submitting a proposal to the Mary Morton Parsons Foundation to restore the interior of Cumberland's Old Jail for use as a museum;

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Cumberland, Virginia wholeheartedly supports the work of the Historical

Society and respectfully requests that the Mary Morton Parsons Foundation give every consideration to the Society's request.

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

- b) Consider resolution requesting funding from Dept. of Health Office of Drinking Water in the amount of \$200,000 for Reservoir Project

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

WHEREAS, Cumberland County has applied for funding for various water projects in the County;

WHEREAS, the Virginia Department of Health-Office of Drinking Water has funded several water projects in the County.

WHEREAS, Cumberland County's Board of Supervisors hereby votes to seek additional funding from the Office for the following project;

Cumberland County Reservoir Project \$200,000.00

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

8. **County Attorney's Report**

N/A

9. **Board Members**

Mr. Petty stated that he recently met with representatives from the School Administration and Social Services regarding possible ways to reduce some of the financial strain that the Comprehensive Services Act places on the County.

Mr. Osl stated that the Board is currently holding work sessions with department and agencies regarding the budget and that the Board continues discussions with Allied and hopes to finish negotiations by the end of the month on the proposed landfill.

Mr. Heaton

No comments.

Mr. White stated that he and the County Administrator had met recently with the engineers regarding the Civil War plaques and they are in the process of designing plans to have a structure built to display the plaques in the Circuit Courthouse lobby. Mr. White also stated that he hopes to keep the money for the renovations of Flippen's Store in the County by working with a prime contractor instead of a general contractor.

Mr. Womack

No comments.

10. Public Comments

No comments.

11. Additional Information

N/A

12. Adjourn

The Chairman ordered the meeting recessed until Monday, March 20, 2006, 9:00 a.m. for a budget work session and then a meeting with Allied in the Old Clerk's Office.

Chairman

County Administrator