

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 12th day of September, at the Cumberland Elementary School Cafeteria:

Present: W. F. Osl, Jr., Chairman, District 1
Clifton C. White, District 2
Van Petty, District 3
Elbert Womack, District 4
Christine Ross, District 5
Howard Estes, County Attorney
Judy Ownby, County Administrator
Jill Matthews, Assistant County Administrator
Catherine Kahl, Planner

The Chairman called the meeting to order and the Assistant County Administrator called the roll.

The invocation was led by Rev. Carolyn Craft, and the Pledge of Allegiance was led by the Chairman.

1. Approval of Agenda

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

6. Asst. County Administrator
 - b) Approve tentative CIP calendar for FY 2007-08 – 2011-12 and budget calendar for FY 2007-08
 - c) Appropriation - \$14,465 to Clerk of Court (grant discussed and approved by Board during budget process).
 - d) 2005 Homeland Security Funds – request from Town of Farmville for Town’s share – \$1,206.81.
 - e) Annual Debt Service
7. County Administrator
 - b) Roof Bids – additional bid from John Binns
12. Additional Information
 - Public Meeting Notice – 9/20/06, 5:00 p.m. – Farmville Regional Airport

2. Resolution in Appreciation of Jim Partridge

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

WHEREAS, the Cumberland County Emergency Services Committee at a meeting held on July 27, 2006, recommended unanimously that the Cumberland County Board of Supervisors issue a Resolution of Gratitude to James “Jim” H. Partridge for his almost fifty years of tireless and continuous service in the area of Safety, Fire Protection and Training; and

WHEREAS, Jim Partridge’s list of accomplishments include nearly one hundred areas of certifications and instruction in Safety, Fire Protection and Training as an Instructor, Firefighter, Deep Sea Diver, Personnel Protective Equipment, Self-contained Breathing Apparatus (SCBA), First Aid and Personnel Rescue (water); and

WHEREAS, beginning in 1957 after joining the US Navy, he started his career with a five-day Basic fire fighting school and continued in retraining school each year thereafter for the next sixteen years; and was designated the ship’s Fire Marshal and Gas Fire Engineer on board the aircraft carrier USS America (CVA66), one of the navy’s largest aircraft carriers; being the ONLY Chief Petty Officer to be appointed Fire Marshall on a Naval Aircraft Carrier, a Craft Master Instructor for water craft 75 feet or less; and

WHEREAS, after retiring from the Navy in 1980, he was employed at Virginia Power’s (Vepco’s) North Anna Unit #3 and his list of qualifications continued to expand as the Loss Prevention Supervisor, Fire Marshal, Safety Coordinator and Hazmat Coordinator, operator of the Site Fire Truck (a Beam 750 gallon pumper), Fire Inspection and Prevention, and Training of the Site Fire Brigade, and the person responsible for the

Safety and First Aid teams at North Anna, and Senior Instructor at Virginia Power's Emergency Services Training Facility; and

WHEREAS, while working full time and raising four sons (two of which are firefighters now), eleven grandchildren (and another on the way) and two great grand children he still found time nights and weekends to volunteer, even though three and a half years ago he had bypass surgery, and returned to teaching six months after surgery; and

WHEREAS, he served with Cartersville VFD and as Training officer for Cumberland VFD; taught the first pilot Firefighter class at Goochland HS; assisted in writing several manuals used for training; held classes across the State and within the County including: Fire Instructor I, II, III & IV; Emergency Vehicle Operations (EVOC); Hazardous Materials Awareness (HazMat); Vehicle Extrication; Fire Extinguisher training for AARP members, the Boy Scouts and others; served as Chief judge for statewide fire competitions for several years; and taught most of them free of charge as he would not usually accept compensation for his efforts; and

WHEREAS, throughout his career he has been employed by the Virginia Department of Fire Programs, John Tyler Community College and others due to his vast knowledge and experience in the field of Fire Safety, including OSHA Regulations and NFPA Standards, Management & Supervision, and HAZMAT & Fire and Emergency planning & response; and

WHEREAS, Jim Partridge has now retired from teaching for the Virginia Department of Fire Programs, he still consults and teaches for Virginia Power, several private companies and most importantly the volunteers in Fire and EMS services; and

WHEREAS, Jim Partridge has dedicated his life to the Safety, Fire Protection and Training of all those with whom he comes in contact;

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Supervisors, through this resolution, hereby declares their gratitude and profound appreciation to James "Jim" H. Partridge, for his life-long dedication and service to the Commonwealth of Virginia, and more importantly, the County of Cumberland.

Vote:	Mr. Osl – aye	Mr. White – aye
	Mr. Petty – aye	Mr. Womack – aye
	Mrs. Ross – aye	

3. VDoT – Alan Leatherwood, Resident Engineer

- a) The Board set a work session to discuss the 6-year plan to be held at 4:00 pm on Monday, October 2, 2006 in the Old Clerk's Office.
- b) There was no update by the County Attorney on Morris Drive.

4. Public Hearings

- a) Code Amendment re: Late charge on water and sewer fees.

The Assistant County Administrator explained that the proposed amendment to the ordinance was necessary due to the change from bi-monthly billing to monthly billing.

The Chairman opened the public hearing. There were no public comments, therefore the hearing was closed.

On a motion by Mr. Petty and carried, the Board adopted the Code Amendment changing the billing schedule to monthly in lieu of bi-monthly and reducing the grace period on late payments to 10 days in lieu of 20 days.

Sec. 66-84. Fees and charges.

(a) All fees and charges payable under the provisions of this division shall be paid to the county.

(b) All user fees, penalties and charges collected under this division shall be used for the sole purpose of constructing, operating or maintaining the county sewer system, or the retirement of debt incurred for such purpose.

(c) All fees and charges payable under the provisions of this division are due and payable upon the receipt of notice of charges. Unpaid charges shall become delinquent and shall be subject to the legal rate of interest.

(d) A late charge of ten percent of the amount of monthly utility fees shall be imposed, for bimonthly utility fees which are unpaid 10 days after the due date.

(e) Interest at the rate of ten percent per annum shall be imposed on utility bills delinquent more than 60 days.

(f) An administrative fee shall be imposed to cover reasonable attorney's fees and other administrative costs associated with the collection of delinquent utility fees.

Vote:	Mr. Osl – aye	Mr. White – aye
	Mr. Petty – aye	Mr. Womack – aye
	Mrs. Ross – aye	

b) County Comprehensive Plan

Catherine Kahl, Planner briefly reviewed the Comprehensive Plan as approved by the Planning Commission for adoption at their August, 2006 meeting. Ms. Kahl pointed out that the purpose of the Comprehensive Plan is to guide land use and land use development.

Todd Fortune with Commonwealth Regional Council discussed changes made to the Comprehensive Plan.

Mr. Womack suggested that Embark be added to the utilities section on page 50.

Mr. White stated that he would like to see the school data updated in the Comprehensive Plan and Heartland Golf Course be changed to the correct name of Brook Lee Golf Course.

Mr. Petty suggested that the wording 'encourage and / strengthen' be added to page 71, objective 2.

The Chairman opened the public hearing regarding adoption of the Comprehensive Plan.

Twelve persons spoke during the public hearing, most commenting specifically on the subject of a landfill in Cumberland County. Speakers included citizens from various districts, school students, school staff members, and Senator Marsh who was acting as legal representative of the citizen group Residents Against Pollution.

Mr. Osl closed the public hearing on the comprehensive plan.

The Board members responded to many of the citizen comments and thanked the Planning Commission for their hard work.

On a motion by Elbert Womack and carried, the Board adopted the following resolution:

WHEREAS, on August 21, 2006 at 7:00 p.m. in Cumberland County Courthouse, the Planning Commission of Cumberland County reviewed and revised its Cumberland County, Virginia Comprehensive Plan, 2006-2011 to guide land use decisions in the County and also initiated a comprehensive review and proposed amendment of the County's Zoning Maps, including overlay districts and proposed growth areas, to implement the new Plan; and

WHEREAS, the Planning Commission conducted several work sessions to provide staff direction in the preparation of the Plan's text and maps; and

WHEREAS, the Planning Commission directed staff to make the drafts of the new Plan and maps available for public review; and

WHEREAS, the Planning Commission duly provided notice of its respective public hearings and duly received comment on the Plan; and

WHEREAS, after discussion, preparation, staff presentation and due deliberation, including public hearings and public input and final presentation, the Planning Commission finalized and affirmed its findings and recommendations for a new Plan; and

WHEREAS, the Board duly noticed a public hearing and received comments from the public at its regular meeting on September 12, 2006 at 7:00 p.m.; and

WHEREAS, the Board duly deliberated the new Plan;

BE IT RESOLVED by the Board of Supervisors, as follows:

Section 1. Adoption of New Plan and Maps. A comprehensive new land use plan, titled Cumberland County Comprehensive Plan, 2006-2011 for the County of Cumberland is hereby adopted by the Cumberland County Board of Supervisors. The new maps corresponding to the new Plan are identified in the Land Use Plan section of the Comprehensive Plan, along with the maps of the overlay districts and proposed growth areas referenced in the new Plan, and are also hereby adopted by the Cumberland County Board of Supervisors.

Section 2. Authorization of Planner To Make Clerical Corrections. The Planner is hereby authorized and directed to make clerical corrections to the new Plan and Maps, if necessary, including (a) corrections of typographical or scrivener's errors and (b) codification changes to provide the appropriate section numbers and headings compatible with the existing codification of the Cumberland County Zoning Ordinances.

Section 3. Findings. The new Plan and Maps are adopted in furtherance of the public necessity, convenience and general welfare and of good zoning practice. After due deliberation and community discussion and input, the Board has given due consideration to the matters and purposes set out in the Code of Virginia for such action. Without limiting the foregoing, the Board includes the following findings as part of its action:

a. The new maps are in substantial conformance with the new comprehensive plan.

b. The Board affirms the mapping, findings and designations concerning particular planning areas.

c. This new Plan provides for residential and commercial growth in the County where services and infrastructure can be provided consistent with the efficient and economical use of public funds.

d. The new Plan implements the County's rural economic strategy, providing new and expanded economic development opportunities compatible with its rural character.

e. The new Plan furthers the protection of the County's natural, agricultural and historic resources and promotes the creation of a convenient, attractive and harmonious community.

Vote:	Mr. Osl – aye	Mr. White – aye
	Mr. Petty – aye	Mr. Womack – aye
	Mrs. Ross – aye	

Due to the large number of speakers on the sign-up sheet, the Board agreed to address the public comments segment of the meeting earlier than scheduled.

The Chairman opened the meeting for public comments. Thirty-two speakers addressed the Board during this segment, most to discuss the subject of a landfill in Cumberland County. One speaker elected to address the Board later in the evening to comment on the ordinance pertaining to nuisance animals.

The Chairman addressed many citizen concerns expressed during the public comments section of the meeting and thanked the speakers for their participation. Mr. Osl stated that there were over 3,000 subtitle D landfills in the nation and none have been found to leak in their twenty five years of existence. Mr. Osl explained that the type of landfill being considered is capped and entombed allowing them to dry out from the inside.

5. Departments / Agencies

- a) Debra McClane made a presentation on the survey of historical property being conducted in the Courthouse area by the Virginia Department of Historical Resources. Ms. McClane explained that her agency would be taking photos of buildings, speaking to property owners and conducting historical research along with Susan Smeed, also with Virginia Department of Historical Resources. Ms. Smeed stated that registering historical property does not restrict the property use, but instead opens doors for incentives.

Van Petty questioned how property owners could receive assistance in property rehabilitation and was informed that property owners were entitled to a 45% tax credit on the cost of rehabilitation of historic properties.

- b) Emergency Services Committee report

Kevin Ingle discussed recent work to the communications system which had improved the system operation. Mr. Ingle also discussed the Hazardous Materials trailer that was being planned for Cumberland County. Currently, hazardous materials situations are handled by Henrico County.

- c) David Smith, Extension Agent, addressed the Board requesting that they adopt a resolution requesting the Governor's designation of Cumberland County as agricultural disaster area.

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

WHEREAS, the lack of rainfall and increased daily temperatures during 2006 caused a decrease in production, quality, and yields on forages (pastures and hay), corn, and soybeans, and

WHEREAS, the current weather conditions have limited area agricultural producers in maintaining and establishing fall forage crops and, resulting in a decrease in animal weight gains and production, and

WHEREAS, Virginia Cooperative Extension Service agents and U.S. Agricultural representative have estimated crop losses in Cumberland as follows:

Crop	Acreage Affected	Yield Loss	Economic Loss
Corn	1900	40	1,128,624.00
Soybeans	200	85	85,305.00
Pasture	22000	70	323,400.00
Hay	12000	70	5,805,000.00
Vegetables	150	60	750,000.00
		Total losses	\$8,092,329

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors requests that the Governor of Virginia designate Cumberland County as an agricultural disaster area.

Vote: Mr. Osl – aye Mr. White – aye
 Mr. Petty – aye Mr. Womack – aye
 Mrs. Ross – aye

6. Assistant County Administrator

- a) On a motion by Mr. White and carried, the Board appropriated \$1,300 to the Accounting Department to cover additional postage and printing charges associated with changes in the utilities billing cycle.

Vote: Mr. Osl – aye Mr. White – aye
 Mr. Petty – aye Mr. Womack – aye
 Mrs. Ross – aye

- b) On a motion by Mr. Osl and carried, the Board approved the following CIP calendar for FY2007-2008 – 2011-12 and budget calendar for FY2007-08:

**DEVELOPMENT OF FY 2007-08 – 2011-12
 CAPITAL IMPROVEMENTS PLAN**

- October 6, 2006 - CIP package to departments
- October 30, 2006 - CIP requests returned to County Administrator
- November 6-7, 2006 - County Administrator compiles requests and submits to Planner for inclusion in November PC packet
- November 20, 2006 - Planning Commission receives report on status of previous year’s projects and new requests received
- Nov - Dec, 2006 - CIP Committee meets to review requests and begin ranking projects
- Jan 2007 - CIP Committee meets with department and agency representatives and completes ranking of projects
- January 22, 2007 - CIP Committee presents and recommends proposed CIP to Planning Commission for public hearing

- February 26, 2007 - Planning Commission holds public hearing on Capital Improvements Plan
- April 3, 2007 - Board of Supervisors holds public hearing on CIP

Per Board Action, Agencies are requested to submit:

- 1) minutes of meetings
- 2) Current Operating budget and CIP budget
- 3) Financial statement
- 4) Membership List

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**CUMBERLAND COUNTY
BUDGET CALENDAR FOR FY 2007-08**

- Dec. 2006 Asst. County Administrator prepares budget instruction and estimate forms.
- Dec. 15 Issue instruction and estimate forms to County Departments and Agencies
- Jan. 2007 County Administrator and Treasurer prepare Jan. 2007 revenue estimates. County Administrator meets with School Superintendent
- Jan. 19 Dept. heads/Agencies - Deadline for submitting budget requests to County Administrator
- February Departments/Agencies make budget presentations to the Board of Supervisors.
(to be scheduled) School Board and Superintendent meet w/Board.
(2/12-23)
- March 13 County Administrator issues recommended budget to the Board of Supervisors
- March 14-16 Board of Supervisors work sessions
- March 19 Final BOS work session and approval of budget and tax levies for public hearing.
- March 23 Advertise Board of Supervisors proposed budget and tax levies for public hearing in FH (March 22 for CB)
- April 3 Public Hearing – Board of Supervisors 1) Proposed Budget 2) Tax Levy 3) 5-year Capital Improvements Plan
- April 10 Adoption of Budget and Tax Rates

(This is a tentative calendar and is subject to change in accordance with the progress of the budget sessions.)

Vote: Mr. Osl – aye Mr. White – aye
 Mr. Petty – aye Mr. Womack – aye
 Mrs. Ross – aye

- c) On a motion by Mrs. Ross and carried, the Board appropriated \$14,465 to Clerk of Court for a closed circuit TV monitoring system, which will be fully reimbursed by the state.

Vote: Mr. Osl – aye Mr. White – aye
 Mr. Petty – aye Mr. Womack – aye
 Mrs. Ross – aye

- d) On a motion by Mr. Womack and carried, the Board authorized release of \$1,206.81 to the Town of Farmville to cover their per capita share of a Homeland Security grant totaling \$10,379.84.

Vote: Mr. Osl – aye Mr. White – aye
 Mr. Petty – aye Mr. Womack – aye
 Mrs. Ross – aye

- e) Jill Matthews, Assistant County Administrator, presented the Board with information on the County's current standing on annual debt service in relation to the current County Financial Policy requirements. The County is currently operating under an annual debt service of 4.58% of total budgeted revenues, which is well within the 10% requirement.

7. County Administrator

- a) Consent Agenda

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

On a motion by Van Petty and carried, the Board approved the following items in the consent agenda as presented:

- 1) Approved minutes for August 2006
- 2) Approved bills for September 2006 totaling \$98,257.95 and ratified bills for August 2006 of warrants totaling \$457,754.90 with check numbers ranging from 48433 to 48670 and Direct Deposit totaling \$110,202.91.

Vote: Mr. Osl – aye Mr. White – aye
 Mr. Petty – aye Mr. Womack – aye
 Mrs. Ross – aye

- b) On a motion by Christine Ross and carried, the Board authorized the County Administrator to accept a bid from J. H. Smith Roofing in the amount of \$11,000.00 for roofing work on the Old Clerks Office.

Vote: Mr. Osl – aye Mr. White – nay
 Mr. Petty – aye Mr. Womack – aye
 Mrs. Ross – aye

8. Assistant County Administrator's Report / Economic Development

Sherry Swinson, Assistant County Administrator, was not present.

9. County Attorney's Report

- a) Ordinance re: nuisance animals

The County Attorney requested guidance from the Board on the direction on which to proceed in development of an ordinance on nuisance animals. Mr. Estes stated that there is little consistency among other localities and informed the Board that the County Humane Society wished to participate in development of the ordinance. Mr. Estes recommended that a workshop be scheduled to discuss the issues.

- b) The County Attorney suggested that a workshop be scheduled to discuss various options relating to establishing wireless "hot spots" throughout the courthouse area. Mr. Estes offered the Board the following two options in pursuing this project:

1. Cumberland County would apply to be certified as a wireless internet provider through the State Corporation Commission.
 2. Establish an authority through Articles of Incorporation – all assets and revenues must be separated and tracked.
- c) Zoning ordinance re: business licenses

The County Attorney recommended that applicants for business licenses certify that the type of business in question complies with the zoning requirements as opposed to certification by County staff. Mr. Estes stated that the Commissioner of Revenue would prefer to have the section for certification by County staff removed from the business license application.

- d) Lot line adjustment – proposed amendment

A public hearing was set for the November 14, 2006 regular meeting of the Board of Supervisors to discuss subdivision of properties that are then never developed. The proposed change would allow property owners to vacate subdivision lines in these certain circumstances.

- e) Members of the Board were in agreement that they did not want to include or penalize agricultural operations with any changes to the grass / weed ordinance. After discussion, the Board agreed to discuss the ordinance at a future workshop.

- f) Financing Resolution

The County Administrator informed the Board that the previous need for short-term capital had been resolved. Ms. Ownby and the Treasurer have been seeking long-term financing for capital projects. The County Attorney was instructed to prepare a financing resolution to include the name of the lender, interest rates, etc. and a public hearing will be held if necessary information is available on October 17, 2006 at the regular meeting of the Board of Supervisors.

10. Board Members

Mr. Osl informed Board members that the next airport meeting would be held on September 21, 2006.

Mr. White stated that he would support the Landfill even as a citizen because he trusts the science. Mr. White takes offense to accusations of wrong doing and taking bribes and felt that this issue should not affect his family through threats and negative comments.

Mr. Petty thanked attending students for their participation and was impressed by their courage to speak in public.

Mr. Womack agreed with comments made by Mr. White and was also very impressed by students in attendance at the meeting.

Mrs. Ross wanted to thank Mr. Partridge for his years of service.

11. The Board addressed public comments earlier in the meeting.

12. Additional Information

A public meeting will be held in the Terminal at Farmville Regional Airport on Wednesday, September 20, 2006 between the hours of 5:00 p.m. to 7:00 p.m. to discuss the environmental assessment process for the development at Farmville Regional Airport.

On a motion by Mr. Osl and carried, the Board entered into closed meeting under VA Code Section 2.2-3711 A(1) personnel; A(3) consultation with legal counsel; and A(6) contract negotiation.

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:

Mr. Osl – aye
Mr. White – aye
Mr. Petty – aye
Mr. Womack – aye
Mrs. Ross - aye

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.

The Chairman adjourned the meeting. The next meeting will be held September 19, 2006 at 6:00 p.m. in the Old Clerk's Office.

Chairman

County Administrator