

At a regular meeting of the Cumberland County Board of Supervisors held at 7 p.m. on the 19th day of November at the Circuit Courtroom, Cumberland, County, Virginia:

Present: William F. Osl, Jr., Chairman, District 1
Clifton C. White, District 2
Van H. Petty, Vice-Chairman, District 3
Elbert R. Womack, District 4
Robert J. Oertel, District 5
Howard Estes, County Attorney
Judy Ownby, County Administrator
Michael Cooper, Director of Community Development
Andrew Sorrell, Planner/Zoning Administrator

Absent: Jill Matthews, Asst. County Administrator

The Chairman called the meeting to order and the County Administrator called the roll. The invocation was lead by Reverend Dargan Lucas, and the pledge of allegiance was led by the Chairman.

1. Agenda – Addendum

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

4.) Additional Information

a.) Request for Appropriation of \$390,000 for the 21st Century Learning Centers Grant (Federal Funds)

e.) Request for Appropriation – Randolph Fire Department -\$11,820.00

Vote:	Mr. Osl - aye	Mr. White – aye
	Mr. Petty – aye	Mr. Womack – aye
	Mr. Oertel - aye	

2. VDOT –Mark McKissick

VDOT Representative Mark McKissick informed the Board that Morris Drive is ready to be paved, but that they are going to wait until spring to begin. The Chairman set a public hearing for the regular Board meeting in January 2008 to discuss the 6 year plan. Mr. Petty asked Mr. McKissick how to begin the procedure of adding a road to the 6 year plan. Mr. McKissick stated that a Public Hearing would need to be conducted first.

3. Public Hearings

a) Public Hearing on Cluster Ordinance

The Planner explained the proposed amendments and informed the Board that the Planning Commission recommended approval to the Board of

Clifton C. White	aye
Van H. Petty	aye
Elbert R. Womack	aye
Robert J. Oertel	nay

WHEREAS, the Planning Commission and the Board of Supervisors held a joint workshop on October 15, 2007 to discuss proposed amendments to the Code of Cumberland County, which said amendments provide for optional cluster development in A-2 zoning districts and specifically add Section 74-151 and provide for related amendments to Sections 54-81, 54-151, and 74-142 (the “Code Amendment”); and

WHEREAS, the Planning Commission directed staff to prepare the specific provisions of the Code Amendment for public review; and

WHEREAS, the Planning Commission duly advertised and held a public hearing on October 29, 2007 for comment on said Code Amendment; and

WHEREAS, after conducting said public hearing and considering the comments of County staff, landowners, residents, and the general public, the Planning Commission adopted a resolution recommending to the Board of Supervisors that it adopt the Code Amendment; and

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on November 19, 2007; and

WHEREAS, the Board of Supervisors carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed Code Amendment, the comments of County staff, landowners, residents, and the general public, and the recommendation of the Planning Commission, the Board of Supervisors finds that the proposed Code Amendment furthers the goals of the Comprehensive Plan by preserving and protecting valuable natural and rural county resources and reduces the amount of land consumed by development while also accommodating growth; and

WHEREAS, in its review of the Code Amendment, the Board of Supervisors gave reasonable consideration to the mandated requirements of the Code of Virginia, furthering the goals of the County’s Comprehensive Plan factors, including but not limited to the following: the County’s Comprehensive Plan, the trends of growth or change, and the current and future requirements of the County as to land use; and

WHEREAS, after discussion, staff presentation and due deliberation with respect to such information, including information and materials presented at this public hearing, the Board of Supervisors desires to affirm its findings and take action with respect to the Code Amendment;

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

- a. The foregoing recitals are hereby incorporated by this reference.
- b. The Board of Supervisors further finds that the Code Amendment is in substantial accordance with the Code of Virginia and County’s Comprehensive Plan.
- c. Upon consideration of the proposed ordinance amending the Code of Cumberland County by adding optional cluster development in the A-2 agricultural zoning district and amending related provisions to the subdivision and zoning ordinances, testimony, staff remarks, and public comment, and the foregoing recitals, the Board of Supervisors adopts and approves the ordinance amending Chapters 54 and 74 of the Code of Cumberland County to add Section 74-151 entitled

“Optional Cluster Provisions for the A-2, Agricultural Zoning District” and related amendments to Sections 54-81, 54-151 and 74-142, consistent with the text as attached to this resolution and incorporated herein by this reference.

- d. This Resolution is effective immediately.

WHEREAS, after discussion, staff presentation, and due deliberation with respect to such information, including information and materials presented at this public hearing, the Board of Supervisors desires to affirm its findings and take action with respect to the Code Amendment;

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

- a. The foregoing recitals are hereby incorporated by this reference.
- b. The Board of Supervisors further finds the Code Amendment is in substantial accordance with the Code of Virginia and County’s Comprehensive Plan.
- c. Upon consideration of the proposed ordinance amending the Code of Cumberland County by adding the optional cluster development in the A-2 agricultural zoning district and amending the related provisions of the subdivision and zoning ordinances, testimony, staff remarks, and public comment, and the foregoing recitals, the Board of Supervisors adopts and approves the ordinance amending Chapters 54 and 74 of the Code of Cumberland County to add Section 74-151 entitled “Optional Cluster Provisions for the A-2, Agricultural Zoning District” and related amendments to Sections 54-81, 54-151, and 74-142, consistent with the text attached to this resolution and incorporated herein by this reference.
- d. This resolution is effective immediately.

4. Departments/Agencies

- a) Jim Thornton –

Dr. Thornton updated the Board on the new educational programs the school now has in place. The New Beginnings, AVID, and Advanced Programs are personalized to help each student with different learning abilities. Dr. Thornton also requested an Appropriation of Federal Funds.

On a Motion by Supervisor Womack and carried, The Board of Supervisors approved an appropriation to the School Fund as requested in the amount of \$390,000 for the 21st Century Learning Center’s Grant (Federal Funds).

Vote:	Mr. Osl - aye	Mr. White – aye
	Mr. Petty – aye	Mr. Womack – aye
	Mr. Oertel - aye	

b) Karen Mulleins – School Construction Progress Report

Karen Mulleins gave a progress report of school construction, stating that currently the project is about four months ahead of schedule. As of December 2007 the project will be 50% complete.

c) Kevin Ingle – Emergency Services Committee Report

Mr. Ingle updated the Board with the ESC meeting minutes from October 18, 2007 and provided a listing of activity for the month for each department. Mr. Ingle also informed the Board of search and rescue classes and a possible mass casualty exercise in the near future. He also stated that the Cumberland Rescue Squad’s list of members is growing, and the Randolph Volunteer Fire Department will soon be ISO certified.

Request for appropriation – The Randolph Fire Department requested an appropriation of funds in the amount of \$11,820.00. This amount was not included in the budget request; however it will come from the Capital Improvements Fund. On a motion made by Supervisor Oertel and carried, the Board appropriated \$11,820.00 to the Randolph Fire Department for a payment due to Rural Development on the fire truck.

Vote: Mr. Osl – aye Mr. White – aye
Mr. Petty – aye Mr. Womack – aye
Mr. Oertel – aye

5. Assistant County Administrator-N/A

6. Planner/Zoning Administrator-

a) PDR Committee – The Planner requested that the Board appoint a Purchase of Development rights (PDR) Committee, and that the Committee consist of (1) Planner and (4) Board appointed Citizens. The Chairman stated that appointments would be made by the Board at the December meeting. The Planner also requested that the Board approve an application fee for this committee. The Chairman suggested that the amount of the application fee be subject to the Staff’s recommendation.

On a motion by Chairman Osl and carried, the Board set the application fee for the PDR Committee at \$100.00 as recommended by staff.

Vote: Mr. Osl – aye Mr. White – aye
Mr. Petty – aye Mr. Womack – aye
Mr. Oertel - aye

b.) Request for approval of temporary use permit –

The Planner requested that the Board approve a temporary use permit for a temporary office to be located on property owned by Greater Works ministries. The Planner suggested that a removal bond be required as a condition of the temporary permit. The County Attorney suggested that the amount be put in escrow instead of a bond.

On a motion by Chairman Osl and carried, the Board application for Special Temporary Use Permit on Tax map parcel 23-A-64, 1.72 acres, zoned A-2, with the following conditions;

- 1) The applicant shall provide Cumberland County with an escrow or removal bond in an amount to be determined by the Zoning Administrator to ensure the structure can be completely removed at the applicant's expense when the permit expires. This bond or escrow will be released once the structure is completely removed from the property and the applicant has demonstrated to staff in its sole determination that the site is in good order and in full compliance with the current zoning provisions;
- 2) The temporary structure shall not be used for any residential purposes. The structure would be deemed residential if the facility had restrooms and permanent kitchen facilities in the structure;
- 3) Prior to use or occupancy, the applicant shall provide proof that the temporary structure is properly insured for the proposed use;
- 4) Within thirty (30) days of approval of this request, the applicant shall sign a release waiver drafted by Cumberland County indicating in writing that if not removed by the applicant prior to the expiration of the permit or any subsequent renewal, Cumberland County can remove the temporary structure without notice or recourse by the applicant;
- 5) If expansion of the existing church structure is desired, the applicant shall apply for the necessary conditional use permit prior to the expiration of the special temporary use permit;
- 6) Placement of the temporary structure shall meet all applicable building setbacks for the A-2 zoning district. Particular attention should be given to the rear setback requirement of 35 feet and the setback required from Route 45 which is 130 feet from the road's centerline; and
- 7) Approval of the special temporary exception permit by the Board or any extension thereof or action consistent with such approval by County staff is not to be construed as approval or acceptance of a site plan or of any expansion of the existing structure.

Vote: Mr. Osl – aye Mr. White – aye
 Mr. Petty – aye Mr. Womack – aye
 Mr. Oertel - aye

7. County Administrator

- a) Consent Agenda
 - 1) Approved minutes for October 2007
 - 2) Approved bills for October 2007 totaling \$312,789.71 and ratified bills for October 2007 of warrants \$450,477.09. Direct deposits totaling \$121,785.31. Ratified bills for November 2007 of warrants \$520,510.53 with check numbers ranging from 52017 to 52333. Direct deposits totaling \$185,569.33.
 - 3) Ratified contract for radio UHF equipment with ProComm Services Corp. in the amount of \$434,032.00
 - 4) Appropriated \$3,076.00 to the Clerk's Office for restoration of books (grant)

On a motion by Supervisor Womack and carried, the Board approved the consent agenda in its entirety:

Vote: Mr. Osl – aye Mr. White – aye
 Mr. Petty – aye Mr. Womack – aye
 Mr. Oertel - aye

- b) **Review Legislative Priorities-**
VACO requested that the Board prioritize the top few positions for consideration. The Board agrees that they are as follows:
- 1.) Standards of Quality – State funding should be linked to re-benchmarking.
 - 2.) The Comprehensive Services Act – the General Assembly should provide that court-ordered children be classified as “mandated” for the purpose of receiving state reimbursements.
 - 3.) Funding for High Bridge Trail State Park – Fund the construction (\$10,290,000) and operations (\$541,000) of the Rice to Prospect section or at least Phase II (High Bridge to Farmville) construction (\$3,883,099) and operations (\$350,000)

8. Director of Community Development–

- a.) Update on Museum/Architectural work-
Mr. Cooper informed the Board that the Archeological survey work has been completed and sent on to DHR. Mr. Cooper also stated the Museum Board has been meeting regularly and in his opinion, those meetings are very productive.
- b.) Site work-detail changes on fence-
Mr. Cooper informed the Board the original fencing chosen is no longer available, and the replacement is considered to be an upgrade from the original material at no additional cost.
- c.) Mr. Cooper informed the Board that he is continuing to work with the contractors to find a suitable company to remove tree limbs that are in danger of falling onto the fence along the easement to Bear Creek Lake State Park, at the end of Foster Rd. The Board suggested that Mr. Cooper continue to work with the County Administrator to deal with the companies and identify those trees/branches which are an immediate threat or in danger of falling.
- d.) Mr. Osl mentioned that he had met with Prince Edward Board of Supervisors and the Farmville Town Council to discuss the additional development of the Sandy River Reservoir. Mr. Osl suggested that the other Supervisors consider the option of adding into the DAA study to include the Sandy River Reservoir as a possible water source for the southern end of the County.

9. County Attorney's Report-

a.) Set Public Hearing to establish a reimbursement resolution for the reservoir expenditures.

On a motion by Chairman Osl and carried, the Board agreed to set a public hearing for the December 2007 meeting to consider a reimbursement resolution for reservoir expenditures.

Vote:	Mr. Osl – aye	Mr. White – aye
	Mr. Petty – aye	Mr. Womack – aye
	Mr. Oertel – aye	

b.) VPSA Subsidy closing-

The County Attorney informed the Board that the closing of the loan for the MS/HS project went smoothly, and provided the Board with a copy of the closing transcript.

10. Board Members Comments-

Mr. White recommended that the Supervisors review an ordinance currently written for tax relief for Veterans, Disabled, and the elderly. Mr. White recommended that a public hearing be set to review the amounts stipulated for assistance. He also asked that we make provisions for tax relief for Disabled Veterans. Mr. White also questioned the status of the permitting from the SCC for the Wireless Board Authority. Mr. White suggested to the Board that Mr. Michael Guyer be nominated for the YMCA Citizen's Advisory Committee. No action taken at this time.

Mr. Petty reported to the Board that the leadership class was going well and the graduation ceremony was set for Tuesday, November 27, 2007. Mr. Petty stated that it would be in the County's best interest to inform the current property owners of the proposed historic streetscape project as soon as possible.

Mr. Petty also suggested that the ESC review the current emergency operations, and suggested appointing Patricia Lankford to the Local Emergency Planning Committee (LEPC).

Mr. Oertel and Mr. Womack commented on the VACO conference and the many helpful sessions and opportunities for networking they experienced.

Mr. Womack also had positive comments on his experience at the VACO Conference.

Mr. Osl asked for input for the multi-modal study for the Farmville Airport, and reminded the Supervisors of the check presentation to the Farm Bureau on Tuesday, November 20, 2007. Mr. Osl suggested conducting a meeting with the owner of "The Manor" (formally Poplar Hill) to discuss their master plan. Mr. Osl also requested the definition for "affordable

housing”. He suggested that the Supervisors consider the possibility of having a 2 year real estate assessment cycle.

11. Public Comments

One citizen voiced concerns about and requested the speed limit to be lowered on Cartersville Rd. from the intersection of Cartersville Rd., Cartersville Ext., and Deep Run Rd. to Central Virginia Bank to 45 m.p.h.

Another citizen asked about the progress of the signage on the water tower.

Chairman Osl responded to the public comments by stating that VDOT has rejected similar requests in the past, but that he would try again.

The Chairman adjourned the meeting. The Board will meet at 10am on December 4, 2007 in the Old Clerks Office for a workshop with Longwood University to discuss the University’s long-term plans

Chairman

County Administrator