

At a regular meeting of the Cumberland County Board of Supervisors held at 7 p.m. on the 13th day of February 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
Jill Matthews, Asst. County Administrator

The Chairman called the meeting to order and the County Administrator called the roll. The invocation and the pledge of allegiance were 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:

Public Hearings

- 3 c) Correction to read "CUP request for mobile radio tower..."
- 4 d) Delete
- f) Cartersville Ruritan

6. County Administrator's Report

- b) Appointments
 - (4) Citizens Landfill Advisory Committee
- e) Refer Rezoning Application to Planning Commission

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

2. VDOT - Alan Leatherwood

VDoT representatives stated that a decision needs to be made on Morris Drive and whether to move forward with that project. The

expense of moving telephone lines would have to be paid by the County as Verizon has refused to bear this cost.

3. Public Hearings

a) Joint Public Hearing w/VDOT re: 6-year plan

Alan Leatherwood presented a copy of the proposed 6-year plan based on public input during a prior public hearing, and a work session with the Board of Supervisors.

Chairman Osl opened the public hearing and two speakers mentioned problem areas in the County where curves presented a problem and asked for reductions in speed limits.

The hearing was closed and on a motion by Mr. Petty and carried, the Board adopted the 6-year plan as advertised.

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

b) Rezoning Request – Northfield

The County Attorney explained the request to rezone the entire parcel from A-2 to R-2 (a portion of which is currently zoned R-2).

The Chairman opened the public hearing and one speaker asked the Board to consider how this impacts future rezoning of large parcels. Another speaker thought there was no consistency in rezoning.

The hearing was then closed.

RESOLUTION

GRANTING AND APPROVING

REZONING ON APPLICATION #06-10-1

FOR TAX MAP PARCEL 58-A-1B

REQUESTED BY BUCKINGHAM PARTNERS, LLC

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Circuit Courtroom at Cumberland Courthouse, Virginia commencing at 7:00 p.m., February 13, 2007, the following action was taken following a duly held public hearing during which time County staff provided a review of the rezoning request, the applicant's representative and agents provided a review of the proposal and members of the public offered comment:

On a motion made by Board Member Oertel, it was moved that the Board of Supervisors recommend that the Board of Supervisors of Cumberland County grant and approve, in accordance with the following Resolution, the request to rezone from A-2 to R-2 and subdivide the property described on and as Tax Map Parcel 58-A-1B in such Resolution;

Following presentation of the Resolution, the Board of Supervisors adopted and approved the Resolution according to the votes stated below:

<u>Present:</u>	<u>Vote:</u>
William F. Osl, Jr., Chairman	aye
Clifton C. White	aye
Van H. Petty	aye
Elbert R. Womack	aye
Robert J. Oertel	aye

WHEREAS, Buckingham Partners, LLC (the "Applicant") filed a rezoning application and supporting materials (the "Rezoning Application") seeking to rezone the property described below from A-2 to R-2 in accordance with Chapter 74 of the Cumberland County Code of Ordinances (the "Zoning Ordinance"); specifically, the Applicant has requested the rezoning in order to subdivide the property into three residential parcels; and

WHEREAS, the subject property is a portion of the property formerly known as the "Northfield Property" and more particularly described as Tax Map Parcel 58-A-1B (the "Property"), containing in the aggregate approximately 34.893 acres, more or less, as shown on the Plat attached to the Rezoning Application; and

WHEREAS, the Board of Supervisors duly referred the Rezoning Application to the County Planning Commission for its recommendation on November 14, 2006; and

WHEREAS, the Planning Commission directed staff to make the Rezoning Application available for public review; and duly advertised and held a public hearing on January 22, 2007; and

WHEREAS, the Planning Commission carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed Rezoning Application; and after discussion, staff presentation and due deliberation with respect to such information, the Planning Commission recommended to the Board of Supervisors granting the Rezoning Application;

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on February 13, 2007; and

WHEREAS, the Board of Supervisors carefully considered the Planning Commission's recommendation and the testimony and evidence presented at the public hearing on February 13, 2007, in support or opposition to the proposed Rezoning Application; and

WHEREAS, in its review of the Rezoning Application, the Board of Supervisors gave reasonable consideration to numerous factors, including but not limited to the following: the existing use and character of the Property, the County's Comprehensive Plan, the suitability of the Property for various uses, 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 and data, including documentation, information and materials presented at this public hearing, the Board of Supervisors desires to affirm its findings and to take action with respect to the Rezoning Application; and

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

- a. The foregoing recitals are hereby incorporated by this reference.
- b. Upon consideration of the foregoing and the conditions and standards set forth in the Zoning Ordinance, the Board of Supervisors considers it appropriate to rezone the Property in accordance with the Rezoning Application.
- c. The Board of Supervisors further finds that the request made in the Rezoning Application is in substantial accordance with the County's Comprehensive Plan.
- d. The Board of Supervisors has also determined that the request made in the Rezoning Application furthers the general purpose and objectives of the Zoning Ordinance and would be beneficial and appropriate taking into consideration public necessity, convenience, general welfare and good zoning practice;
- e. Upon consideration of the foregoing, the Board of Supervisors grants and approves Rezoning Application #06-10-1 for the Property to be rezoned from A-2 to R-2 for subdivision into three residential lots.

BE IT FURTHER RESOLVED that such rezoning be subject to the voluntarily proffered conditions set forth in the Applicant’s proffer statement titled “Statement of Proffer for Tax Map Parcel 58-A-1B” and declaration referenced therein titled “Declaration of Covenant, Conditions, Restrictions & Easements” submitted by Applicant and presented at this meeting; and provided further that a copy of said proffer statement, including the declaration, shall be recorded in the Office of the Clerk of the Circuit Court for Cumberland County within forty-five (45) days from hereof. If such filings are not timely made, the rezoning of the Property shall be deemed null and void.

This Resolution is effective immediately.

c) CUP – Radio Tower at Randolph Fire Department

The County Attorney stated that the County wishes to locate a public safety land mobile radio tower at the Randolph Fire Department, which is the next step in achieving a higher level of communications within the County.

The Chairman opened the public hearing and one person asked about the possibility of interference.

The hearing was then adjourned and the Board took the following action:

**RESOLUTION
GRANTING CONDITIONAL USE PERMIT
APPLICATION #07-01-01
REQUESTED BY
CUMBERLAND COUNTY, VIRGINIA**

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Circuit Courtroom at Cumberland Courthouse, Virginia commencing at 7:00 p.m., February 13, 2007, the following action was taken following a duly held public hearing during which time the County staff provided a review of the conditional use permit request and members of the public offered comment:

On a motion made by Supervisor White and carried, it was moved that the Board of Supervisors of Cumberland County granted the Conditional Use Permit in accordance with the following Recitals and Resolutions;

Following a reading of the Recitals and Resolutions, the Board of Supervisors adopted and approved the Recitals and Resolutions according to the votes stated below:

<u>Present:</u>	<u>Vote:</u>
William F. Osl, Jr., Chairman	aye
Clifton C. White	aye
Van H. Petty	aye
Elbert R. Womack	aye

WHEREAS, Cumberland County (the “Applicant”) filed a conditional use permit application and supporting materials (the “CUP Application”) seeking to obtain a conditional use permit in accordance with Chapter 74 of the Cumberland County Code of Ordinances (the “Zoning Ordinance”) for the construction and operation of a 125 ft. communications tower; and

WHEREAS, the subject property is all or a portion of Tax Map Parcel 97-3-7, containing in the aggregate approximately 4.345 acres, more or less, as shown in the CUP Application (hereinafter the “Property”); and

WHEREAS, the Planning Commission directed staff to make the CUP Application available for public review and duly advertised and held a public hearing on February 5, 2007; and

WHEREAS, after the Planning Commission duly considered the testimony and evidence presented at its public hearing in support or opposition to the proposed CUP Application and gave reasonable consideration to numerous factors, including but not limited to the County’s Comprehensive Plan and the suitability of the Property for various uses, the Planning Commission adopted a resolution on February 5, 2007, recommending the granting of the conditional use permit; and

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on February 13, 2007; and

WHEREAS, the Board of Supervisors carefully considered the Planning Commission’s recommendation and the testimony and evidence presented at the public hearing on February 13, 2007, in support or opposition to the proposed CUP Application; and

WHEREAS, in its review of the CUP Application, the Board of Supervisors gave reasonable consideration to numerous factors, including but not limited to the following: the existing use and character of the Property, the County’s Comprehensive Plan, the suitability of the Property for various uses, 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, the Board of Supervisors desires to affirm its findings and take action with respect to the CUP Application;

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

- f. The foregoing recitals are hereby incorporated by this reference.

- g. The Board of Supervisors has determined that the request made in the CUP Application furthers the general purposes and objectives of the Zoning Ordinance, is consistent with the County's Comprehensive Plan, and would be beneficial and appropriate taking into consideration public necessity, convenience, general welfare and good zoning practice.
- h. Upon consideration of the foregoing, the Board of Supervisors grants the request in Conditional Use Permit Application #07-01-01 for a conditional use permit, subject to the Applicant's compliance with the following conditions (collectively, the "CUP Conditions"):
 - 1. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted therein.
 - 2. That the exterior architectural appeal and functional plan of any proposed structure will not cause a substantial depreciation in the property values within the neighborhood.
 - 3. That adequate utilities, access roads, drainage or necessary facilities have been or are being provided.
 - 4. 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.
 - 5. That off-street parking and loading areas are adequate and the noise, glare or odor effects of the permit on adjoining properties are adequately provided for.
 - 6. That appropriate screening and buffering with reference type, dimensions, and character of the use are adequately provided for.
 - 7. That any signs and exterior lighting are compatible and in harmony with adjacent properties with reference to aesthetics, glare, traffic safety and economic effect.
 - 8. That the propose use is compatible with adjacent properties.

This Resolution is effective immediately

- 4. Departments/Agencies
 - a) Karen Mulleins – School Construction Progress Report
Karen Mulleins gave a status report of school construction, stating that demolition had begun and the Log Cabin was moved on Friday. The "brick campaign" is underway with 19 bricks having been sold so far.

a) Monthly Budget Report – revenue and expenditures appear to be reasonable and anticipated for this time of year.

b) Hazardous Materials Disposal Day – a firm date has not yet been established, however, Prince Edward County has agreed to participate and pay their share of the costs associated with disposal.

c) Records Manual – A draft records management manual was presented for the Board’s consideration. A copy is included with the official Board file for February 13, 2007.

On a motion by Mr. Petty and carried, the Board adopted the Records Management Manual for Cumberland County.

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

6. County Administrator’s Report

a) Consent Agenda

On a motion by Mr. White and carried, the Board adopted the consent agenda as presented:

- 1) Approval of minutes for December 2006 and January 2007
- 2) Approval of bills – January and February 2007
- 3) Adoption of resolution authorizing representatives for the special appropriation for Court House Water Project.

The Cumberland County Board of Supervisors, by a vote of 5 yes, 0 no, at their regular Board meeting on the 13th day of February 2007, passed a resolution authorizing the County Administrator, Judy Ownby, and the Assistant County Administrator, Jill Matthews, to represent the County of Cumberland in their special appropriation for the Court House water project.

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

b) Appointments

1) Farmville Area Chamber of Commerce – ex officio member – The Board appointed Michael Cooper, Director of Community Development to serve as Cumberland’s representative.

2) Virginia's Retreat Council – The Board appointed Michael Cooper, Director of Community Development to serve as Cumberland's representative.

3) Water & Sewer Advisory Committee – Mr. Oertel recommended Kevin Strosnider to serve as the committee member for District 5; Mr. Petty recommended Carolyn Helgeson to serve another term from District 3; and Mr. White recommended Richard Meador to serve another term from District 2.

On a motion by Mr. Osl and carried, the Board approved the above appointments.

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

4) Citizens Landfill Advisory Committee

Mr. White nominated Cliff Samuel, 52 The Woods, and Russell Boley, 757 French's Store Road, to serve on the Citizens Landfill Advisory Committee.

On a motion by Mr. Osl and carried, the Board approved the above nominations.

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

c) Approval of Citizens Landfill Advisory Committee By-Laws (as amended by the Committee).

On a motion by Mr. Petty and carried, the Board adopted the CLAC by-laws as recommended for amendment by the Committee. A copy of the revised by-laws in official Board file for February 13, 2007.

d) Special Use Permit for Bear Creek Hall

On a motion by Mr. Osl and carried, the Board authorized the County Administrator to sign an agreement with the Virginia Division of State Parks which allows the County free use of Bear Creek Hall up to five days annually on a first come, first served basis for five years.

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

He also stated that the Social Services Board looked at their policies and operations in an effort to avoid duplicating operations and programs within the County. As they continue to look at this, he will bring the Board additional information.

Mr. White announced that the Emergency Services banquet would be held on Saturday at 6pm at the Cumberland Fire Department. He requested that a revision to the hunting ordinance be brought up for discussion at the March meeting. Also, he requested that the County Attorney draft an ordinance creating a wireless authority.

Mr. Osl mentioned that a Rural Summit would be held in South Boston on land use planning, preservation, tools and techniques. He stated that the bio-energy workshop would be held on March 8th at the L.P. Jackson Adult Education Center. He and County staff will meet with representatives of SVCC regarding a satellite campus at the old elementary school for career and technical training.

10. Public Comments

One citizen asked about the traffic impact of a landfill on Rt. 60, and another citizen stated that she wanted answers to her FOIA requests. She asked if the Board by-laws had been changed, and if the Solid Waste Management Plan was posted on the County's web site. Another citizen stated that property values would be affected by the landfill.

The Chairman ordered the meeting adjourned. The next meeting will be held on February 14, 2007 at 1:00 p.m. in the Old Clerk's Office for a budget work session.

Chairman

County Administrator