

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 12th day of February, 2008, at the Cumberland County Circuit Court Room:

Present: William F. Osl, Jr., Chairman, District 1
Timothy Kennell, District 2
Van Petty, District 3
Elbert Womack, District 4
Robert Oertel, District 5
Howard Estes, County Attorney
Judy Ownby, County Administrator
Jill Matthews, Assistant County Administrator
Mike Cooper, Director, Community Development
Andrew Sorrell, Zoning Administrator
Stephany Johnson, Deputy Clerk

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.) Approval of Agenda-

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

- 6. Departments/Agencies
 - d) Animal Warden – discuss coyote problem
- 8. County Administrator-
 - a.) Consent Agenda
 - 5.) Appropriation of \$119.89 – Technology Trust Fund (no local funds required)
 - 6.) Approval of Local Agreement with Health Department for FY 2008
 - c.) Consider requesting Planning Commission to revisit poultry ordinance

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| Vote: | Mr. Osl – aye | Mr. Kennell – aye |
| | Mr. Petty-aye | Mr. Womack – aye |
| | Mr. Oertel – aye | |

2. Organizational Matters-

- a) Code of Conduct - On a motion by Supervisors Womack and carried, the Board amended the Code of Ethics and Standards of Conduct as follows:

**CODE OF ETHICS AND STANDARDS OF CONDUCT
FOR MEMBERS OF
THE CUMBERLAND COUNTY BOARD OF SUPERVISORS**

Adopted February 12, 2008

CODE OF ETHICS

Recognizing that persons who hold public office have been given a public trust and that the stewardship of such office demands the highest levels of ethical and moral conduct, any person serving on the Cumberland County Board of Supervisors should adhere to the following Code of Ethics.

- 1.) Uphold the Constitution, laws and regulations of the United States and all governments therein and never knowingly be a part of their evasion.
- 2.) Put loyalty to the highest moral principals and to the county as a whole above loyalty to individuals, district, or particular groups.
- 3.) Give a full measure of effort and service to the position of trust for which stewardship has been granted; giving earnest effort and best thought to the performance of duties.
- 4.) Seek to find and use the most equitable, efficient, effective, and economical means for getting tasks accomplished.
- 5.) Adopt policies and programs that support the rights and recognize the needs of all citizens regardless of race, sex, age, religion, creed, Country of origin or disability.
- 6.) Avoid adopting policies, supporting programs, or engaging in activities that discriminate against or offend individuals because of race, sex, age, religion, creed, Country of origin, or disability
- 7.) Ensure the integrity of the actions of the Board of Supervisors by avoiding discrimination through the dispensing of special favors or unfair privileges, to any one whether for remuneration or not. A member should never accept for himself or family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties.
- 8.) Make no private promises of any kind binding upon the duties or any office, since a public servant has no private word which can be binding on a public duty.

- 9.) Engage in no business with the County Government, or the school system either directly or indirectly, which is inconsistent with the conscientious performance of government duties except as may be consistent with the conflict of interest statutes in the Code of Virginia.
- 10.) Never use any information gained in confidentiality in the performance of governmental duties as a means of making private profit.
- 11.) Expose through appropriate means and channels, corruption, misconduct, or neglect of duty whenever discovered.
- 12.) Adhere to the principle that the public's business should be conducted in the public view by observing and following the letter and spirit of the Freedom of Information Act using closed sessions only to deal with the sensitive personnel, legal matters, contractual matters by the Code of Virginia.
- 13.) Avoid using the position of public trust to gain access to the media for the purposes of criticizing colleagues, citizens or personnel, impugning their integrity, or vilifying their personal beliefs.
- 14.) Make sure, when responding to the media, that a clear distinction is made between personal opinion or belief and a decision made by the Board.
- 15.) Review these principals orally and in public session at the annual organizational meeting each year.
- 16.) Pledge to honor and uphold these principles, ever conscious that public office is a public trust.

STANDARDS OF CONDUCT

Recognizing that persons holding a position of public trust are under constant observation by the media and interested county residents, and recognizing that maintaining the integrity and dignity of the public office is essential for maintaining high levels of public confidence in our institutions of government, every member of the Board of Supervisors should adhere to the following Standards of Conduct:

- 1.) Avoid during public meetings and during the performance of public duties the use of abusive, threatening, or intimidating language or gestures directed at colleagues, citizens, or personnel.
- 2.) Pay all taxes due to the County, State, or National Government.
- 3.) Avoid a private lifestyle that causes public doubt upon the integrity and competence of the County Government.
- 4.) Make a conscientious effort to be well prepared for each meeting.
- 5.) Recognizing the dignity of each individual, the Board shall attempt to avoid offering public criticism of colleagues or County employees.

- 6.) Work to create a positive environment in public meetings where citizens will feel comfortable in their roles as observers or participants.
- 7.) Maintain an attitude of courtesy and consideration toward all colleagues and staff during all discussions and deliberations.
- 8.) Be tolerant. Allow citizens, employees or colleague's sufficient opportunity to present their views.
- 9.) Be respectful and attentive. Avoid comments, body language or distracting activity that conveys a message of disrespect for the presentations from citizens, personnel, or colleagues.
- 10.) Be concise. Avoid the practice of taking more time to address an issue before the body than is necessary and essential for an adequate consideration of those matters being discussed.
- 11.) Provide appropriate mechanisms for disciplining members who violate the code of ethics and standards of conduct by using, as a final measure of discipline, censure or removal from the position.
- 12.) Board members will follow the procedure of communicating directly with the County Administrator and/or the Chairman of the Board on all County matters.

CITIZENS AND MEDIA CONTACTS

- 1.) In responding to questions, from the media or citizens, Board members should:
 - a.) Remind the listener that they are not speaking for the entire Board;
 - b.) Clarify their position on a particular item;
 - c.) Make "no public comment" on closed session matters in reference to individuals, real estate, and other areas addressed pursuant to Section 2.2-3711 of the Code of Virginia.
- 2.) Each Board member must remember that personnel matters are to remain confidential and that it is the obligation of the Board and its membership to protect the privacy of the individual.
- 3.) The Board will focus on issues and avoid making public comments about individuals, staff members, fellow Board members, community residents or media representatives. The Board Chairman should be the main contact for County matters. When requested to do any interview, the Board member

asked, should contact the Chairman and the County Administrator to tell them of the nature of the interview. In turn, they will tell the other Board members of the circumstances of the interview. This procedure does not preclude any member from responding to individual questions from the media.

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| Vote: | Mr. Osl – aye | Mr. Kennell – aye |
| | Mr. Petty-aye | Mr. Womack – aye |
| | Mr. Oertel – aye | |

3. VDoT – Alan Leatherwood, Resident Engineer-

By unanimous consent the Board will conduct a public hearing on the current 6 year plan to be held at the next regular meeting of the Board, March, 11, 2008.

Resident Engineer Alan Leatherwood informed the Board that there have been two recent bridge closures in the County. One on Rt. 621, Brook Hill Rd., and one on Rt. 620, Stoney Point Rd. Mr. Leatherwood mentioned they are working to keep at least one structure open, but it could take a couple of months. The estimated cost for the renovation is \$750,000.00. Mr. Leatherwood informed the Board that construction on Morris Rd. would commence when the weather permits.

4.) Public Hearing – N/A

5.) Departments and Agencies -

a.) Dr. Jim Thornton – Superintendent of Schools –

Karen Mulleins spoke on behalf of Dr. Thornton. She advised the Board that the schools had received an excellence award from Governor Kaine, and that only 89 schools in the state had received this award.

b.) Karen Mulleins – School Construction Progress Report –

Mrs. Mulleins informed the Board that 57% of the budget had been allocated, and that the roof work would soon commence. In the next 60 days, the flooring will be installed, and the renovation of the ROTC room will be complete. Mrs. Mulleins also informed the Board that the Brick campaign has sold a total of 56 bricks; to raise \$3,386.00 to date. A date will be set by the County Administrator for the Board to tour the new Middle/High School Complex.

c.) Kevin Ingle – Emergency Services Committee –

Kelly Hale reported to the Board on behalf of Kevin Ingle. Mrs. Hale informed the Board that the ESC had their first meeting on January

17th, and now has 30 members, Buckingham EMS members also attended the meeting. Ms. Hale mentioned that they have a few issues with the Cartersville communications tower, but that IT Manager, Aaron Hickman, would be resolving those. She also informed the Board that the ESC has signed a mutual agreement with the Department of Conservation and Recreation to include them in the Communications project. Ms. Hale stated that in a year and a half, they have had 53 newly trained drivers, and 78 CPR certified members. Randolph Volunteer Fire Department has recently purchased extrication equipment that will be available by April, 2008.

Ms. Hale also reported on the multiple fires recently due to high winds. She stated that there were 12 fires reported within an 8 hour period, and that all 3 County Fire Departments as well as Powhatan and Buckingham departments and the Department of Forestry assisted with the fires. She informed the Board that there were no structure fires and no injuries, and that the main cause for the fires was tree limbs that were blown onto power lines. Ms. Hale also praised all of the citizens that helped not only with the fires, but by bringing food and water to the firefighters.

On a motion by the Chairman and carried, the Board agreed to rescind the resolution of control of the Cumberland Volunteer Rescue Squad, dated November 14, 2006, and return control to the Cumberland Volunteer Rescue Squad:

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

d.) John Sullivan – Animal Control Officer –

Mr. Sullivan informed the Board of the many complaints he has received from citizens regarding the loss of livestock due to coyote attacks. The Board discussed the option of enacting a bounty for coyotes and an incentive program for guard animals.

By unanimous consent the Chairman directed the County Attorney to draft an ordinance for a bounty on coyotes, and incentive program for guard animals for public hearing on March 11, 2008. The Chairman also directed the County Administrator to invite representatives from the USDA, the Agricultural Advisory Committee, as well as other Counties, to present their opinions and share their experiences with the Board.

6.) Assistant County Administrator’s Report –

a.) Monthly Budget Report - Mrs. Matthews reviewed the monthly budget report.

- b.) Short-Term Financing Report - Mrs. Matthews reviewed the short-term financing report.
- c.) Tire Disposal Day –

Mrs. Matthews reminded the Board that last year, the Tire Disposal Day was a great success but very costly, at approximately \$26,000.00. She informed the Board that the budget for this year’s event is only \$5,000.00, and requested direction in limiting the products we will accept this year. The Board advised Mr. Matthews to keep the tire limit at 50, and accept other items that would not be a cost to the County.

- d.) Sheriff Hodges – request for additional deputies/vehicles –
Deleted

7.) Planner/Zoning Administrator -

Mr. Sorrell informed the Board that a community meeting would be held on Wednesday, February 13th, 2008 at the Cumberland County Elementary School Cafeteria to review the Courthouse Historic District with the Department of Historic Resources to develop design guidelines for the Rt. 60 entrance corridor. Mr. Sorrell also informed the Board of a Public Hearing for the Planning Commission on the Capital Improvements Project which will be held on February 19th, 2008, as well as a Planning Commission workshop in regards to the landfill industrial access site plan review on February 25th, 2008. Mr. Sorrell also informed the Board that the Transfer of Development Rights work group met and discussed possible draft ordinances, and that their next meeting would be held in April. Mr. Sorrell informed the Board that the first meeting of the Purchase of Development Rights Committee (PDR Committee) went well.

8.) County Administrator’s Report –

On a motion by Supervisor Petty and carried, the Board approved the consent agenda as follows:

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| Vote: | Mr. Osl – aye | Mr. Kennell – aye |
| | Mr. Petty - aye | Mr. Womack – aye |
| | Mr. Oertel – aye | |

- a.) Consent Agenda –
 - 1.) Approval of Minutes – January 2008
 - 2.) Approval of Bills – January 2008 and February 2008
Ratified bills for January 2008 of warrants \$734,605.40, with check numbers ranging from 52765 to 52925. Direct deposits

totaling \$136,660.47. Approved Bills for February 2008 totaling \$76,721.32.

- 3.) Request for appropriation – \$1,023.00 for the water testing program (Extension)– County’s match
- 4.) Appropriation - \$2,075.00 – Community Development budget – Reimbursement of bus tour fees.
- 5.) Clerk’s Office Appropriation - \$119.89 – Technology Trust Fund-(no local funds required) –
- 6.) Approval of Local Agreement with Health Department for FY2008-

The Board tabled this item until the next Board meeting pending further review of the agreement terms.

b.) Appointments –

- 1.) Citizen’s Landfill Advisory Committee – Supervisor Tim Kennell nominated Janette Habel from the Woods subdivision, and Rick Nickell from Goshen Rd. On a motion by Supervisor Petty and carried, the Board approved Janette Habel’s nomination:

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| Vote: | Mr. Osl – aye | Mr. Kennell – aye |
| | Mr. Petty - aye | Mr. Womack – aye |
| | Mr. Oertel – aye | |

The Board decided to table the nomination of Rick Nickell pending further review of the CLAC by-laws.

- 2.) County Fire Marshall –

On a Motion by the Chairman and carried, the Board appointed Kevin Ingle as the County Fire Marshall:

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| Vote: | Mr. Osl – aye | Mr. Kennell – aye |
| | Mr. Petty - aye | Mr. Womack – aye |
| | Mr. Oertel – aye | |

c.) Poultry Ordinance –

On a motion by Supervisor Womack and carried, the Board requested the Planning Commission revisit the current Poultry ordinance as it pertains to zoning:

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

9.) **Director of Community Development –**

a) Update on projects

1.) Shell Building-

Michael Cooper, Director of Community Development provided the Board with a report on the museum project. He stated that the Cumberland and Farmville Industrial Development Authorities have agreed to convey the property to the Cumberland Board of Supervisors as long as the plans move forward.

Mr. Cooper also mentioned that there is still a possibility of grant money being awarded, although the funds will not be available until October 2009.

2.) Museum project –

Mr. Cooper informed the Board that the Phase I Archeological survey has been completed and has been submitted to the Virginia Department of Historic Resources (VDHR) for review and approval. Construction plans are expected to be completed soon and submitted to VDOT and VDHR for review and approval.

3.) Reservoir proposal –

Mr. Cooper provided the Board with a proposal from Virginia Tech and Virginia Commonwealth University to assist the County in developing a master planning process for the reservoir. Mr. Cooper stated that the total cost to proceed with Phase 1, would be \$48,000.00, half of which would be due upon the signing of the contract. Board reviewed the proposal and directed Mr. Cooper to move forward with the project.

By unanimous consent, the Board approved the proposal from Virginia Tech and Virginia Commonwealth University. A copy of the proposal is available for review in the official Board file.

4.) Community Center Proposal –

Mr. Cooper provided the Board with a proposal from Austin Brockenbrough & Associates, L.L.P. for architectural and engineering services related to the Educational Advancement

Center. The proposal is in the amount of \$37,500.00 which is fully funded by a grant received from the Virginia Tobacco Indemnification and Community Revitalization Commission. This amount does not include the renovations to the auditorium which would cost the County \$9,000.00. Mrs. Matthews informed the Board that there is money available to complete the auditorium renovations.

On a motion by Supervisor Oertel and carried, the Board approved the proposal for renovations to the Community Center:

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| Vote: | Mr. Osl – aye | Mr. Kennell – aye |
| | Mr. Petty - aye | Mr. Womack – aye |
| | Mr. Oertel – aye | |

Mr. Cooper also provided the Board with an informational packet for Virginia’s Retreat which included the annual report for the organization as well as the 2008 calendar of events.

10.) County Attorney’s Report -

Howard Estes, the County Attorney, informed the Board that Embarq will be raising telephone rates and within 60 days will go before the State Corporation Commission (SCC). Mr. Estes also mentioned that he was pleased to see the Board members at the General Assembly meeting.

11.) Board Member Comments-

Mr. Osl mentioned that the County was recognized as a “County of excellence” by the American Farm Bureau Federation. Mr. Osl invited the Board members to attend a banquet to be held on February 21st 2008, at the Richmond Coliseum hosted by the local Boy Scouts, with Ross Perot as the speaker. He also mentioned that the Commonwealth Regional Council (CRC) has drafted an Economic Development strategy that will be reviewed at the next meeting to be held in March, and that they have engaged an advertising firm and have begun a marketing and promotional program that will feature Cumberland County as one of the many Counties in Virginia’s Heartland. Mr. Osl also mentioned that he would like to see any tax rate change more visible on the tax forms.

Mr. Kennell informed the Board that he was in attendance of the Emergency Services Committee (ESC) meeting, and praised all members for their dedication and continuous hard work. He also attended the Local Emergency Planning Committee (LEPC) meeting, and was pleased with the ambition of the group.

Mr. Womack mentioned that he attended his first meeting of the Crossroads Service Board. He was elected Chairman of the Piedmont Regional Jail Board looks forward to serving on both Boards. Mr. Womack also mentioned that

he would like to see RC&D designate roads in the southern end of the County as a bike route.

Mr. Oertel mentioned that the award the County received from the American Farm Bureau Federation was only awarded to 15 Counties in the United States. Mr. Oertel stated that he and Mr. Osl met with the New Rails to Trails Park Ranger as well as a representative from VDOT on January 31st, and was informed that there are many possible entrance roads to the park and that one could be Burks Rd. Mr. Oertel did mention that there are a few abandoned vehicles at the end of the road and suggested that Mr. Sorrell to look into this possible violation of County Code. Mr. Oertel voiced concerns of property owners that have accessory structures close to the trail.

12.) Public Comments-

The Chairman opened the meeting for public comment. One citizen praised the Sheriff's Department for quick response time when a 911 call was placed. With no other speakers the Chairman closed the public comments portion of the meeting.

13.) Additional Information-

- a.) Business License Annual Report –
The Chairman reviewed the report and mentioned that the business licenses within the County have nearly doubled in the past 4 years.
- b.) Building Permits Report

The Chairman adjourned the meeting until the budget work session to be held on February 20th, 2008 at 9:00 a.m. in the Cumberland Conference Room.

Chairman

County Administrator