

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 9<sup>th</sup> day of September 2008, at the Cumberland County Circuit Court Room:

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

Absent: Judy Ownby, County Administrator

The Chairman called the meeting to order and the Assistant 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 the Chairman and carried, the board amended the agenda as follows:

- 2) VDOT-Additional information-Rt. 621 bridge closure
- 5) Assistant County Administrator/Finance
  - a) Consent Agenda
    - 4) Approve tentative CIP and budget calendars for FY 2009-10
  - d) Piedmont Court Services - discuss/reconsider reimbursement to Prince Edward County for PCS fund balance to reimburse State.
  - g) Piedmont Regional Hazard Mitigation Plan

- 7) County Administrator's Report
  - a) Appointment
    - 4) Piedmont Alcohol Safety Action Program
  
- 12) Additional Information-
  - Response from US Department of Justice re: relocation of the General Registrar's Office

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

2) **VDoT - Alan Leatherwood, Resident Engineer-**

VDoT Resident Engineer, Alan Leatherwood, informed the Board that repairs of the Rt. 621 Bridge (Brook Hill Rd.) are expected to be complete in the next couple of weeks.

3) **Public Hearings –**

- a) Conditional Use Permit 08-02– TM# 110AH-3-13, Larry Atkins Property –

Zoning Administrator Andrew Sorrell reviewed the application, and suggested approval of the Conditional Use Permit (C.U.P.). The Chairman opened the Public Hearing. With no citizens signed up to speak, the Chairman closed the Public Hearing.

BOARD OF SUPERVISORS  
 OF THE  
 COUNTY OF CUMBERLAND, VIRGINIA  
 RESOLUTION  
 APPROVING

**CONDITIONAL USE PERMIT APPLICATION #08-02  
FOR TAX MAP PARCEL 110AH-3-13**

September 9, 2008

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., September 9, 2008, the following action was taken following a duly held public hearing during which time County staff provided a review of the conditional use permit 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 Supervisor Oertel, it was moved that the Board of Supervisors of Cumberland County grant, in accordance with the following Resolution, the request for the conditional use permit described in said Resolution;

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

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<u>Present:</u>	<u>Vote:</u>
William F. Osl, Jr., Chairman	aye
Timothy Kennell	aye
Van H. Petty	aye
Elbert R. Womack	aye
Robert J. Oertel	aye
<u>Absent:</u> None	

**WHEREAS**, Larry D. Atkins (the "Applicant") filed a conditional use permit application and supporting materials (the "CUP Application, CUP #08-02") seeking a conditional use permit for the property described below in accordance with Chapter 74 of the Cumberland County Code of Ordinances (the "Zoning Ordinance"); specifically, the Applicant has requested a conditional use permit to allow for the replacement of a preexisting nonconforming structure that fails to meet the minimum setback requirements located on a lot that fails to meet the minimum lot width and area requirements on an existing parcel of record; and

**WHEREAS**, the subject property is located on at 1536 Cumberland Road (Route 45) on the east side of the road approximately 0.21 of a mile south of the

intersection of Route 45 and Route 1009 (Edgewood Drive) and 0.14 of a mile north the incorporated boundary of the Town of Farmville and more particularly described as Tax Map Parcel 110AH-3-13 (the "Property"), containing approximately 0.275 of an acre, as shown on the tax map attached to the CUP Application; and

**WHEREAS**, the Board of Supervisors duly referred the CUP Application to the County Planning Commission for its recommendation on July 8, 2008; and

**WHEREAS**, the Planning Commission directed staff to make the CUP Application available for public review; and

**WHEREAS**, the Planning Commission duly advertised and held a public hearing on August 18, 2008; and

**WHEREAS**, the Planning Commission carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed CUP Application; and

**WHEREAS**, after the Planning Commission duly considered the testimony and evidence presented at the public hearing in support or opposition to the proposed CUP Application and 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 the proposed use, the trends of growth or change, and the current and future requirements of the County as to land for various purposes as determined by population and economic studies, and the conditional use permit standards more fully described in Section 74-786(b) of the Zoning Ordinance;

**WHEREAS**, the Planning Commission, by resolution adopted at its August 18, 2008 meeting after a duly held public hearing, recommends conditional approval of this CUP Application;

**WHEREAS**, the Board of Supervisors duly advertised and held a public hearing on September 9, 2008; and

**WHEREAS**, the Board of Supervisors carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed CUP Application including the information and recommendation from the Planning Commission;

**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 set forth on the Zoning Ordinance, including Section 74-786(b), the Board of Supervisors finds it appropriate to grant Conditional Use Permit #08-02 in accordance with the CUP Application.
- c. The Board of Supervisors further finds that the request made in the CUP 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 CUP Application furthers the general purpose and objectives of the Zoning Ordinance and would be beneficial and appropriate taking into consideration public health, safety, necessity, convenience, general welfare and good zoning practice.
- e. The Board of Supervisors hereby grants the CUP Application to Larry D. Atkins to allow for the replacement of a preexisting nonconforming structure that fails to meet the minimum setback requirements located on a lot that fails to meet the minimum lot width and area requirements on an existing parcel of record (as shown in the CUP Application) located at 1536 Cumberland Road, identified as Tax Map Parcel #110AH-3-13 (the "Property") subject the following terms and conditions:
  - 1. If the side parcel line between tax map parcels 110AH-3-13 and 14 is to be adjusted in a manner that would decrease the conformance of 110AH-3-14, parcel 110AH-3-14 and 15 shall be combined to create one conforming parcel no smaller in area than 20,000 square feet;
  - 2. If public water service is not available, as a precursor to any future sale or transfer of tax map parcel 110AH-3-13, an individual well as approved by the Virginia Dept. of Health shall be located on the parcel. Upon approval of an individual well on parcel 110AH-3-13, the sharing of a well with parcels 110AH-3-14 and 15 shall be discontinued;
  - 3. Any proposed dwelling on parcel 110AH-3-13 shall meet all applicable building setbacks as required by the zoning ordinance except for the rear setback for which the applicant will be in non-conformance by nine (9) feet;
  - 4. The manufactured home being replaced shall be removed from the parcel no later than 45 days after the replacement dwelling is placed on the parcel;
  - 5. There shall be no dual occupancy while dwellings are being replaced; and
  - 6. A removal bond in the amount of \$300.00 shall be required to ensure that if not removed within 45 days, the manufactured home being replaced can be removed at the owner's expense. A removal bond shall not be required if the manufactured home is removed prior to locating or constructing the replacement home on parcel 110AH-3-13.
- f. This Resolution is effective immediately.

- b) Code Amendment 08-05 – Minor Subdivision frontage and lot entrance requirements

Zoning Administrator, Andrew Sorrell reviewed the proposed Code amendment. The Chairman opened the Public Hearing. With no citizens signed up to speak, the Chairman closed the Public Hearing.

**BOARD OF SUPERVISORS  
OF  
COUNTY OF CUMBERLAND, VIRGINIA  
RESOLUTION  
ADOPTING AMENDMENTS TO THE  
CODE OF CUMBERLAND COUNTY:  
CODE AMENDMENT 08-05:**

**“AN ORDINANCE AMENDING CHAPTER 54 OF THE  
CUMBERLAND COUNTY CODE AMENDING ARTICLE  
IV. MINOR SUBDIVISIONS, SECTION 54-124. LOTS,  
SUBSECTION (D) ROAD FRONTAGE, (E) LOT  
ENTRANCES, AND (G) CUL-DE-SAC LOT.”**

**September 9, 2008**

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., September 9, 2008, the following action was taken following a duly held public hearing during which time County staff provided a review of the code amendment proposal and members of the public offered comment:

On a motion made by Supervisor Kennell, it was moved that the Board of Supervisors of Cumberland County approve and adopt, in accordance with the following Resolution, an ordinance amending the Code of Cumberland County by addressing provisions regarding dimensional requirements for minor subdivision lots;

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

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<u>Present:</u>	<u>Vote:</u>
William F. Osl, Jr., Chairman	aye
Timothy Kennell	aye
Van H. Petty	aye
Elbert R. Womack	aye
Robert J. Oertel	aye
<u>Absent:</u>	None

**WHEREAS**, the Planning Commission held workshops on August 11, 2008 and August 18, 2008 to discuss proposed amendments to the Code of Cumberland County, which said amendments (collectively the “Code Amendment”) address CHAPTER 54 OF THE CUMBERLAND COUNTY CODE AMENDING ARTICLE IV. MINOR SUBDIVISIONS, SECTION 54-124. LOTS, SUBSECTION (D) ROAD FRONTAGE, (E) LOT ENTRANCES, AND (G) CUL-DE-SAC LOT (as shown in the attached ordinance); and

**WHEREAS**, the Planning Commission directed staff to prepare the Code Amendment for public review on August 18, 2008; and

**WHEREAS**, the Planning Commission duly advertised and held a public hearing on September 8, 2008; and

**WHEREAS**, the Planning Commission carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed Code Amendment; and

**WHEREAS**, in its review of the Code Amendment, the Planning Commission gave reasonable consideration to furthering the goals of the County’s Comprehensive Plan, as expressed in the subdivision ordinance by addressing ordinance provisions regarding dimensional requirements for minor subdivision lots. In addition, the public purpose of the proposed amendments is to address ordinance provisions regarding requirements for minor subdivision lot frontage, lot entrances, and cul-de-sac lots. So that the spirit of the subdivision ordinance is achieved, the proposed ordinance provisions would reduce such lot frontage and lot entrances requirements and relocate the provision pertaining to cul-de-sac lots for minor subdivisions occurring on less traveled dead-ends roadways; and

**WHEREAS**, the Planning Commission, by resolution, adopted at its September 8, 2008 meeting after a duly held public hearing, recommends that the Board of Supervisors adopt the Code Amendment; and

**WHEREAS**, the Board of Supervisors duly advertised and held a public hearing on September 9, 2008; 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 including the information and recommendation from the Planning Commission; and

**WHEREAS**, in its review of the Code Amendment, the Board of Supervisors gave reasonable consideration to furthering the goals of the County's Comprehensive Plan, as expressed in the subdivision ordinance by addressing ordinance provisions regarding dimensional requirements for minor subdivision lots; and

**WHEREAS**, after conducting a public hearing and considering the comments of County staff, landowners, residents, and the general public, the Board of Supervisors found that the Code Amendment furthers the goals of the Comprehensive Plan through the subdivision ordinance by providing additional clarity and flexibility in the subdivision ordinance; and

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

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

- g. The foregoing recitals are hereby incorporated by this reference.
- h. The Board of Supervisors further finds that the Code Amendment is in substantial accordance with the County's Comprehensive Plan and subdivision ordinance.
- i. Upon consideration of the proposed Code Amendment, testimony, staff remarks, and public comment, and after consideration of the foregoing, the Board of Supervisors adopts and approves the Code Amendment entitled 08-05, and with the specific text and provisions of such ordinance as attached to this Resolution.
- j. This Resolution is effective immediately.

**CODE AMENDMENT 08-05:**  
**AN ORDINANCE AMENDING**

**CUMBERLAND COUNTY CODE  
CHAPTERS 54, SUBDIVISION ORDINANCE**

**AS ADOPTED BY THE BOARD OF SUPERVISORS  
SEPTEMBER 9, 2008**

**ARTICLE IV.  
MINOR SUBDIVISIONS**

**Sec. 54-124. Lots.**

**AMENDMENT #1:**

**REMOVE:**

(d) *Road frontage.* The road frontage for lots on an interior road created as the result of a division shall be a minimum of 250 feet. Any lot that fronts on a public/state road shall have a minimum frontage of 500 feet. All entrances to lots served by an existing state maintained roadway or new roadways proposed for state maintenance shall be approved by the Virginia Department of Transportation prior to the issuance of a building permit. Not more than one entrance shall be allowed any lot having less than 750 feet of continuous road frontage along existing state maintained roads. A second access to a lot will be allowed provided the access is placed not closer than 500 feet to the first provided the location is satisfactory to the highway engineer

**REPLACE WITH:**

(d) *Road frontage.*

(1) Except as provided in subsection (2) or (3) below, all lots with continuous frontage on a public street or state-maintained road shall have a minimum of **500** feet of continuous frontage on such street or road.

(2) Any lot with frontage on (i) a public street or state-maintained road that terminates without further public access and is assigned a functional classification of "local highway" (or any similar or less intensive use classification) by the Virginia Department of Transportation; or (ii) an interior or non-state maintained road created by the result of a division shall have a minimum frontage of **250** feet on such street or road.

(3) *Cul-de-sac.* The frontage at the street or road in a cul-de-sac shall be a minimum of 50 feet and the minimum lot width at the minimum required setback shall be equal to the minimum required frontage.

**AMENDMENTS #2:**

**REMOVE:**

(e) *Lot entrances.*

(1) Except as provided in subsection (2) below, all minor subdivisions shall have no more than one entrance road onto any public or private road.

(2) A second entrance may be created if the minor subdivision has more than 750 contiguous feet of road frontage on a public road. The entrances serving the minor subdivision shall not be within 500 feet of each other. All entrances onto a public/state road must be approved by the Virginia Department of Transportation.

**REPLACE WITH:**

(e) *Lot entrances.*

No more than one (1) entrance onto any public street, state-maintained road or private road shall be permitted per lot created as the result of a division.

**AMENDMENT # 3:**

**REMOVE:**

(g) *Cul-de-sac lot.* The frontage at the street or road in a cul-de-sac shall be a minimum of 50 feet and the width of the lot at the building line shall be as provided for under section 54-124(e).

**REPLACE WITH:**

(g) *Repealed* [insert date Board adopts amendments]

**4) Departments and Agencies -**

a) Dr. Jim Thornton, Superintendant of Schools-

Assistant Superintendant, Dr. Michelle Belle informed the Board that there were four (4) Cumberland County Teachers that received Performance Pay.

Ms. Carrington Light, Middle School History teacher  
Ms. Crystal Cupp, Elementary School Special Education teacher  
Mr. Charles Motter, Elementary Math teacher  
Mr. John McCaughan, High School English teacher

Dr. Bell mentioned that Mr. Motter and Mr. McCaughan earned the Teacher Performance Pay last year as well. The teachers thanked the Board as well their teacher assistants, co-teachers, and team members for their hard work.

b) Kevin Ingle – Emergency Services Committee –

Mr. Ingle stated that at the ESC meeting held on August 21<sup>st</sup>, 2008, ESC members discussed vehicle replacement, First responders for the Randolph district, and recent training exercises. Randolph Fire Department is scheduled to receive a donated van from Farmville for housing and transporting air tanks. The next meeting of the ESC will be held at 6:30 p.m. on September 18<sup>th</sup>, 2008 at the Cumberland Volunteer Fire Department. Supervisor Oertel inquired about the Certification of Randolph Volunteer Fire Department. Mr. Ingle stated that none of the three Fire Departments are certified, but they now have the capability to improve their ISO rating.

c) Kenny Gann – Allied Waste

Mr. Kenny Gann, Project Manager for the Cumberland County Landfill presented the Board with an updated timeline for landfill construction. Phase I construction on the industrial access road is 80% cut to grade and is scheduled for completion in early December 2008. Phase II will include the construction of a bridge across the Maxey Mill Creek is expected to be completed in the late spring of 2009. Phase III will include the construction of the Solid Waste Landfill. The Department of Environmental Quality (DEQ) permit Part A was approved May 8<sup>th</sup>, 2008, and a draft approval for Part B is expected in February 2009.

5) **Assistant County Administrator/Finance Report –**

a.) Consent Agenda-

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

1) Approval of Minutes – August 2008

- 2) Approval of Bills- August 2008 and September 2008  
Ratified bills for August 2008 of warrants totaling \$ 246,343.78 with check numbers ranging from 54476-54655. Direct deposits for August 2008 totaling \$ 142,964.46. Approved bills for September 2008 totaling \$ 55,416.95.
- 3) Treasurer's request to dispose of old records-
- 4) Approve tentative CIP and budget calendars for FY 2009-10

b) Monthly Budget Report-

Ms. Matthews reviewed the monthly budget report; the Board members had no questions.

c) Short-Term Financing Report -

Mrs. Matthews reviewed the Short-Term Financing Report; the Board members had no questions.

d) Request from Prince Edward County re: state reductions for Piedmont Court Services – ratify action to reimburse Prince Edward-

Prince Edward is requesting Cumberland to reimburse them for a portion of their expenses for Piedmont Court Services. Originally it was presented to staff that the only alternative to reimbursing Prince Edward for the County's portion of the expense, was to reduce one of the full time probation officer positions to part time and reduce the frequency of drug testing. At that time it was the recommendation of staff to make the contribution on behalf of Cumberland County.

It was later revealed that the organization has a fund balance that could absorb that cost without a contribution from Cumberland, or the cost could be collected through fees. Upon receiving this new information, most of the localities have agreed that they would like the organization to absorb the cost through the fund balance.

On a motion by Supervisor Womack and carried, the Board authorized the County Administrator to draft a notice of intent letter to Prince Edward stating that Cumberland County wishes Piedmont Court Services to absorb the cost of state reductions in aid through the fund balance:

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

- e) Set work session to discuss facility uses/review CAD drawings of community center-

After some discussion, the work shop was set for Friday, September 19<sup>th</sup>, 2008 at 8:30 a.m. in the Old Clerk's Office.

- f) Award contract for painting administration building and other county buildings –

Mrs. Matthews reviewed the contract, and eligible bids. Supervisor Oertel asked if this project could be postponed for a year. Ms. Matthews stated that this project had been included in the financing program with other facility renovations. If we wait until later, the expense will come from the General Fund. Supervisor Oertel recommended that if it is not imperative that the project be done immediately, it should be postponed until next year. After further discussion, it was the consensus of the Board to refrain from awarding the contract.

- g) Piedmont Regional Hazard Mitigation Plan; Update process-

Mrs. Matthews informed the Board that this plan is required to be updated every five (5) years in order for the County to be eligible for FEMA funding. The review and update must be complete by the fall of 2010. The Commonwealth Regional Council (CRC) has requested that the Counties involved authorize them to proceed with the updating of this plan. The CRC is eligible for grant funds to cover the cost of the update. If the grant funds are awarded, they would be available on a 75% grant/25% match basis with an estimated cost to each locality of \$3,500.00. It was the consensus of the Board to move forward with updating of the plan. Mrs. Matthews will inform the CRC of the Board's decision.

6) **Planner/Zoning Administrator, Andrew Sorrell -**

a) Update on landfill site plan-

Staff has received a draft site plan for the Cumberland landfill. The site plan is currently under review by staff, and the Planning Commission has scheduled a site visit for Monday, September 29<sup>th</sup>, 2008.

b) Update of Code Enforcement Officer Activities –

Mr. Sorrell informed the Board that Code Enforcement Officer, Rodney Pillow has passed the initial courses to become a certified Erosion & Sediment Inspector, and his final exam will be in November 2008. Mr. Sorrell also informed the Board that on an inspection route, Mr. Pillow noticed an unlicensed vehicle off of the road. When he located the vehicle, Mr. Pillow found a handicapped individual whose vehicle was disabled. Mr. Pillow contacted the Department of Social Services and the State Police to assist the individual.

c) Recycling Committee report

Mr. Sorrell informed the board that the Recycling Taskforce has been meeting on a monthly basis. The taskforce is organizing an electronics recycling day in October 2008, developing a proposed recycling ordinance, and creating ways to educate the citizens about recycling options in the county.

Mr. Sorrell reminded the Board that two (2) appointments to the taskforce are needed, and that Pat Allard and Will Hatcher had expressed interest in serving. Supervisor Oertel stated that he would like to be given an opportunity to suggest a citizen from his district for appointment. He suggested Woody Ligon for appointment to the taskforce. Mr. Sorrell informed the Board that according to the by-laws of the committee, there is a limit of 6 members. It was the

consensus of the Board to review the by-laws and discuss further at their next meeting.

d) Update on floodplain map –

FEMA will update the County's 1979 flood map in 2009. The majority of the changes will be adding the new roads that have been created since the last update of the flood map. This will also require an update of the flood zone ordinance.

Mr. Sorrell also reminded the Board of the third public meeting on the Historic design guidelines for the Courthouse area, and the Rt. 60 entrance corridor, on Wednesday, September 10<sup>th</sup>, 2008 at 7 p.m. in the Elementary School Cafeteria. Staff will review a copy of the draft guidelines prepared by the consultants.

7) **County Administrator's Report –**

a) Appointments –

1) Water and Sewer Advisory Board –

No Appointment at this time.

2) Sesquicentennial Committee –

On a motion by the Chairman and carried, the Board appointed Tom Kneipp to the Sesquicentennial Committee:

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

3) Industrial Development Authority -

No appointment at this time

4) Piedmont Alcohol Safety Action Program –

On a motion by the Chairman and carried, the Board re-appointed Carolyn Helgeson to the Piedmont Alcohol Safety Action Program:

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

8) **Assistant County Administrator/Community Development**

a) Update on projects

1) Museum

Mr. Cooper informed the Board that Draper Aden Associates has submitted the required environmental paperwork to VDoT for their review and approval. The paperwork has now been forwarded to the Federal Highway Administration.

2) Water Line extension-

Mr. Cooper stated that survey work is ongoing. The surveyors are approximately fifty percent complete. The survey work is solely for the establishment of a base map for the initial design of the waterline itself. Once the base map has been completed, it will be submitted to county staff for review.

3) Educational Advancement Center

The renovation project has commenced, and substantial completion is expected within forty-five (45) days.

b) Resolution approving CDBG grant application

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

**A RESOLUTION OF THE BOARD OF SUPERVISORS  
OF  
THE COUNTY OF CUMBERLAND, VIRGINIA**

**WHEREAS**, pursuant to two public meetings, duly noticed, advertised and held on August 11, 2008 and August 27, 2008 for the receipt of public comment, Cumberland County set forth its desire and approval to apply for \$100,000 of Virginia Community Development Block Grant funds for its site development for a proposed Prospect 2008-01 Facility Construction Project (the “Project”); and

**WHEREAS**, the Industrial Development Authority of Cumberland County will expend approximately \$3,000,000 in land acquisition and construction for the Project; and

**WHEREAS**, any prospective business utilizing such site will submit lease payments to the Industrial Development Authority for land acquisition, construction and occupancy of the facility; and

**WHEREAS**, the prospective business will be required to acknowledge, agree and otherwise affirmatively seek to create at least 10 new full-time positions as part of this Project, of which at least fifty-one percent will be made available to low- and moderate-income persons;

**NOW THEREFORE BE IT RESOLVED**, that the Board of Supervisors of the County of Cumberland authorizes the County Administrator to execute, sign and deliver appropriate documents in furtherance of the Project and for the submittal of a Virginia Community Development Block Grant proposal.

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

- c) Consider agreement between Cumberland County and Southside Area Chapter of American Red Cross-

Upon review of the Agreement, and a suggestion by the County Attorney, the Board agreed to bring this information before the Emergency Services Committee for review and consideration prior to the approval of the agreement.

9) **County Attorney's Report -**

Mr. Estes informed the Board that the County has obtained approval from the Department of Justice for the relocation of the General Registrar's office. Assistant County Administrator, Jill Matthews, informed the board that the Registrar, Marlene Watson, has expressed interest in postponing the relocation until closer to the beginning of the year. Mrs. Watson feels she does not have enough time to prepare and relocate before the general election. Mr. Estes reminded the Board to review the proposed County owned facility public use plan prior to the workshop on September 19<sup>th</sup>, 2008.

Mr. Estes informed the Board that the Delores Beuth vs. Cumberland County Board of Supervisors, except for Van Petty court case was held today. On the County's motion for Demur, the case was dismissed with prejudice.

10) **Board Member Comments-**

Mr. Osl stated that he received a reprint of an article in the Richmond Times Dispatch regarding the new Middle/High School Complex. He also spoke about the opportunity to speak to the Entire Middle and High School Faculty. On behalf of the Farm Bureau, Supervisor Osl invited the Board members to a holiday dinner to be held December 8<sup>th</sup>, 2008 at 6 p.m. at the residence of Scott Newton.

Supervisor Kennell stated that he and Emergency Services Coordinator, Jerry Giles, visited the Virginia Emergency Management Response and

Preparations Center to follow Tropical Storm Hannah. The next District II Town meeting will be held on Wednesday September 17, 2008, at 7 p.m. in the Elementary School Cafeteria.

Supervisor Petty had no comments

Supervisor Womack complimented Mrs. Megan Harris on her article in the Farmville Herald regarding her new addition to the family. He also mentioned that he was able to enjoy the newly opened section of the Rails to Trails project at High Bridge.

Supervisor Oertel directed County Attorney, Howard Estes, to research the requirements in order to change the Board of Supervisors to staggered terms in office.

**11) Public Comments**

Mr. Harry Marshall thanked the Board for adopting the Resolution in favor of the first annual Cumberland County Juneteenth Festival. Mr. Marshall also requested that there be at least one (1) African American election official at each voting precinct to assist citizens with the voting process. Supervisor Osl informed Mr. Marshall that volunteers are approved by the Electoral Board, not the Board of Supervisors, and encouraged all interested persons to contact the Electoral Board.

**12) Additional Information-**

**13) Adjourn**

The Chairman adjourned the meeting until September 19<sup>th</sup>, 2008 at 8:30 a.m. for a workshop in the Old Clerk's Office.

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Chairman

County Administrator