

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 10th day of March 2009, 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
Judy Ownby, County Administrator
Jill Matthews, Assistant County Administrator
Mike Cooper, Assistant County Administrator
Stephany Johnson, Deputy Clerk
Andrew Sorrell, Zoning 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) Approval of Agenda-

On a motion by the Chairman and carried, the board amended the agenda as follows:

- 3) Public Hearings
 - a) ADD'L INFO-Rezoning of Tax map 57A1-A-15 – Final proffer for REZ-08-04 (Cabell Metts)
Interchange items 3a and 3b.
- 4) Departments/Agencies
ADD-c) Sheriff Darrell Hodges – comments regarding emergency operations during the snow storm
- 5) Assistant County Administrator/Finance
 - a) Consent Agenda
ADD- 3) Appropriations
 - i) Clerk's Office - \$10,552.00
 - ii) Clerk's Office - \$5,678.00 (Funds are from the Technology Trust Fund – no local funds required)
- 6) Planner/Zoning Administrator
ADD-f) Annual Report of the Planning Commission and the BZA
- 7) County Administrator's Report
 - d) Resolution for the NAACP
Moved between agenda items 2 and 3
- 8) Asst. County Administrator/Community Development
REMOVE-c) Resolution for Tobacco Commission economic development application

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

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

Resident Engineer, Alan Leatherwood, informed the Board of a meeting to be held at Central Virginia Community College, in Lynchburg, at 6 p.m. on Wednesday, March 11, 2009. The purpose of the meeting is to collect public input on a comprehensive plan to address long-term funding reductions. The Chairman inquired about an amount from stimulus funds for Cumberland. Mr. Leatherwood said that to his knowledge, no funds have been allocated specifically for Cumberland projects; however, they may receive a small amount of funds for road resurfacing.

Mr. Leatherwood informed the Board that Pearson Construction Company has been awarded a contract for the Rt. 45 North project, from Rt. 614 to Rt. 611. The project is scheduled to begin between mid-April, and early May 2009. Mr. Leatherwood also stated that his residency office submitted a list of projects needing funding totaling over \$55 million dollars. The only project approved for stimulus funding is one in Prince Edward County.

3) **Resolution for the NAACP Centennial Anniversary-**

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

**NAACP CENTENNIAL ANNIVERSARY
RESOLUTION**

The County of Cumberland, Virginia at the regular meeting of the Board of Supervisors held on March 10, 2009, at the Cumberland County Courthouse, Cumberland, Virginia,

Present:

W. F. Osl, Jr., Chairman
Van H. Petty, Vice-Chairman
Timothy Kennell, Board member
Elbert Womack, Board member
Robert J. Oertel, Board member
Judy Ownby, County Administrator
Howard Estes, County Attorney

Hereby issues this Resolution in observance of the National Association for the Advancement of Colored People (NAACP), on the occasion of its 100th Anniversary, February 12, 2009.

WHEREAS, the National Association for the Advancement of Colored People (the NAACP) is the oldest and largest United States

grassroots based civil rights organization; founded February 12, 1909, by a diverse multi-racial group of activists of varying political and religious backgrounds, including Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villiard, and William English Walling, all committed to the common cause of equality;

WHEREAS, the mission of the NAACP is to ensure the political, educational, social and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination,

WHEREAS, the NAACP for over 100 years has advanced its mission through reliance upon the press, the petition, the ballot and the courts, and has successfully utilized the legal system and moral persuasion, even in the face of overt and violent racial hostility, the NAACP has worked to tear down the barriers of racism, discrimination and education, economic and political exclusion in this country;

WHEREAS, the sustained efforts of the NAACP led to desegregation of America's public schools, military, election to public office and public places of accommodation; as well as ended the horrific practice of routine lynching of African Americans;

WHEREAS, more than 1,700 NAACP units in the United States, Italy, Germany and Japan are the life blood of the Association, acting as grassroots 'freedom fighters' in their communities;

WHEREAS, the NAACP mission of ensuring the political, educational, social, and economic equality of rights of all persons remains relevant today due to the continuing disparities in housing, health care, the workplace and elsewhere;

WHEREAS, the NAACP was prominent in lobbying for the passage of the Civil Rights Acts of 1957, 1960, and 1964, the Voting Rights Act of 1965, the Fair Housing Act of 1968, and the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, laws that ensured legislative protection for all Americans; and

WHEREAS, the NAACP's actions have improved the quality of life of African Americans and benefited all Americans well into the future and fosters a lasting progressive spirit in this nation;

WHEREAS, the Cumberland County Branch of the NAACP was founded in 1943 by an exemplary group of activists, acting as grassroots "freedom fighters", including Bernetta West Munford, John Liscomb, Dolly Fleming, Joe Giles and Norma Booker, who were all committed to justice, equality and the pursuit of happiness for All Americans; and

WHEREAS, today the NAACP Cumberland County Branch continues this struggle by supporting the present Cumberland County Public School System in being the best it can be while providing all our students an exemplary education, and the NAACP Cumberland County Branch seeks to have the works of renowned African American

historians and authors included in our school libraries as required/recommended reading for all our students; and

WHEREAS, the NAACP also seeks to provide special support to African American youth through our NAACP Youth programs with the stated mission of helping them understand who they are and who they belong to as reflected in the pages of history covering our brave and courageous ancestors;

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Supervisors:

(1) recognizes the 100th anniversary of the historic founding of the National Association for the Advancement of Colored People; and its subsequent branches, chapters and youth councils in our jurisdiction

(2) honors and praises the National Association for the Advancement of Colored People for its steadfastness in the struggle for justice and equality in these United States.

(3) remains committed to working with the NAACP locally and nationally to achieve its mission for the betterment of our citizenry.

ADOPTED unanimously this 10th day of March 2009 by the Cumberland County Board of Supervisors.

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

4) Public Hearings -

a) CA-09-01 – Proposed amendment to County Code to amend the text pertaining to shopping centers (definitions) and (required conditions).

Zoning Administrator, Andrew Sorrell, reviewed the proposed code amendment, and stated that the overall goal with these revisions is to make the ordinance easier to work with. After some discussion, the Chairman opened the public hearing. With no citizens signed up to speak, the Chairman then closed the public hearing.

**BOARD OF SUPERVISORS OF
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION
ADOPTING AMENDMENTS TO THE
CODE OF CUMBERLAND COUNTY:
CODE AMENDMENT 09-01:**

**“AN ORDINANCE AMENDING CHAPTER 74 OF THE
CUMBERLAND COUNTY CODE AMENDING TEXT PERTAINING
TO SHOPPING CENTERS INCLUDING SECTION 74-711.
DEFINITIONS. AND SECTION 74-714. REQUIRED
CONDITIONS.”**

March 10, 2009

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., March 10, 2009, 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 Oertel, 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 revising text pertaining to shopping centers;

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
Timothy Kennell	Aye
Van H. Petty	Aye
Elbert R. Womack	Aye
Robert J. Oertel	Aye
<u>Absent:</u>	None

WHEREAS, at a regular monthly meeting held on January 20, 2009, the Planning Commission discussed the proposed amendments to the Code of Cumberland County, which said amendments (collectively the “Code Amendment”) address CHAPTER 74 OF THE CUMBERLAND COUNTY CODE AMENDING TEXT PERTAINING TO SHOPPING CENTERS INCLUDING SECTION 74-711. DEFINITIONS. AND SECTION 74-714. REQUIRED CONDITIONS (as shown in the attached ordinance); and

WHEREAS, the Planning Commission directed staff to prepare the Code Amendment for public review on January 26, 2009; and

WHEREAS, the Planning Commission duly advertised and held a public hearing on February 17, 2009; 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, the Planning Commission, by resolution, adopted at its February 17, 2009 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 March 10, 2009; 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 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 and zoning ordinance by providing a more narrow definition of what is deemed a shopping center and reducing the area required for shopping centers with public, common or central sewage availability;

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;

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 County's Comprehensive Plan, subdivision and zoning ordinance.
- c. 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 09-01, and

with the specific text and provisions of such ordinance as attached to this Resolution.

- d. This Resolution is effective immediately.

CODE AMENDMENT 09-01:
AN ORDINANCE AMENDING
CUMBERLAND COUNTY CODE
CHAPTER 74 ZONING ORDINANCE

ADOPTED BY THE BOARD OF SUPERVISORS
MARCH 10, 2009

SHOPPING CENTER ZONING TEXT REVISIONS

AMEND SECTION 74-711. DEFINITIONS. REGARDING THE
DEFINITION OF "SHOPPING CENTER" FROM:

Shopping center means two or more retail, commercial or service establishments located on one parcel of land serving the needs of the market area, including those uses ordinarily accepted as shopping center uses as allowed in B-1 and B-2 districts.

TO:

Shopping center means either (1) one or more retail, business, commercial, or service establishments offering retail, business, or commercial goods or services, including those uses ordinarily accepted as uses or activities as permitted in B-1 and B-2 zoning districts, and which, separately or combined, contains 5,000 square feet or more of gross floor space and is characterized by two (2) or more of the following:

- (a) It is designed or planned as a single commercial group, whether on the same parcel or not;
- (b) It has a unified aesthetic appearance, landscaping, or signage.
- (c) It is under one (1) common ownership or management, or has one (1) common arrangement for the maintenance of the site or grounds;
- (d) It is connected by party walls, partitions, covered canopies or other shared structural members to form one (1) continuous structure;
- (e) It shares a common parking area or walkways;
- (f) It otherwise presents the appearance of one (1) continuous commercial area; or
- (g) It has one (1) or more "out parcels" under separate ownership or lease which contain complementary commercial enterprises; or (2) any retail, business, commercial, or service establishment or establishments offering retail, business, or commercial goods or services, including those uses ordinarily accepted as uses or activities as permitted in B-1 and B-2 zoning districts, and which,

separately or combined, contains more than 50,000 square feet of gross floor space.

AMEND SECTION 74-714.(1). REQUIRED CONDITIONS.
REGARDING THE MINIMUM SITE AREA FOR A "SHOPPING
CENTER" FROM

(1) The minimum site area shall be three acres.

TO:

(1) The minimum site area shall be three (3) acres. Notwithstanding this, for lots, parcels, sites or locations that are connected to (i) central, common or public sewer and (ii) central, common or public water there shall be no minimum site area provided the site can meet all other required conditions including but not limited to building setbacks, off-street parking and loading, and dimensional requirements.

- b) REZ-08-04 – Rezoning of Tax map # 57A1-A-15 and 16, 1.75 acres from R-2 to B-1

Zoning Administrator, Andrew Sorrell, reviewed the rezoning request. Mr. Sorrell informed the Board that the applicant has submitted voluntary proffers to protect the neighboring properties from any potential commercial impact. The Board members discussed the rezoning request. The Chairman opened the public hearing, and with no citizens signed up to speak, the Chairman closed the public hearing.

**BOARD OF SUPERVISORS
OF THE
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION
APPROVING AND ADOPTING
REZONING APPLICATION #08-04
FOR TAX MAP PARCELS 57A1-A-15 AND 57A1-A-16
REQUESTED BY THE BUILDING & LAND COMPANY, LLC
March 10, 2009**

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Circuit Courtroom of the Cumberland Courthouse, Cumberland, Virginia commencing at 7:00 p.m., March 10, 2009, 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 Supervisor Kennell, it was moved that the Board of Supervisors of Cumberland County grant, in accordance with the following Resolution, the request to rezone from R-2, Rural Residential to B-1, Business the property described in said 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
Timothy Kennell	Aye
Van H. Petty	Aye
Elbert R. Womack	Aye
Robert J. Oertel	Aye
<u>Absent:</u>	None

WHEREAS, The Building & Land Company, LLC (collectively, the “Applicant”) filed a rezoning application and supporting materials (the “Rezoning Application”) seeking to rezone the property described below from R-2, Rural Residential to B-1, Business 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 allow for a commercial use and future commercial development of the Property; and

WHEREAS, the subject property is located on the north side of Rt. 60 (Anderson Highway) approximately 0.45 of a mile northeast of the Rt. 60 and Rt. 669 (Tarwallet Road) intersection and more particularly described as Tax Map Parcels 57A1-A-15 and 57A1-A-16 (the “Property”), containing in the aggregate approximately 1.73 acres of Tax Map 57A1-A-15 and approximately 0.02 of an acre of Tax Map 57A1- A-16, 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 January 13, 2009; and

WHEREAS, the Planning Commission directed staff to make the Rezoning Application available for public review on January 26, 2009; and

WHEREAS, the Planning Commission duly advertised and held a public hearing on February 17, 2009 after which action was deferred until February 23, 2009; 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

WHEREAS, in its review of the Rezoning Application, the Planning Commission 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, including information and materials presented at this public hearing, the Planning Commission desires to affirm its findings and make its recommendations to the Board of Supervisors with respect to the Rezoning Application; and

WHEREAS, the Planning Commission recommends approval of this Rezoning Application; and

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on March 10, 2009; and

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

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

- e. The foregoing recitals are hereby incorporated by this reference.
- f. 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.
- g. The Board of Supervisors further finds that the request made in the Rezoning Application in

substantial accordance with the County's Comprehensive Plan.

- h. 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;
- i. Upon consideration of the proposed Rezoning Application, testimony, staff remarks, and public comment, and after consideration of the foregoing, the Board of Supervisors approves the Rezoning Application #08-04 to rezone the Property from R-2, rural residential to B-1, business for general commercial use.

BE IT FURTHER RESOLVED that said recommendation shall be subject to the voluntarily proffered conditions set forth in the Applicant's proffer statement titled "Statement of Proffer for Tax Map Parcel 57A1-A-15 and 57A1-A-16" and provided prior to the meeting of the Board of Supervisors and presented at this meeting; and provided, further, that a copy of said proffer statement shall be recorded in the Office of the Clerk of the Circuit Court for Cumberland County and that such filing shall take place prior to sixty (60) days after rezoning is granted or such rezoning shall be deemed null and void and the Property will revert to its prior status.

This Resolution is effective immediately.

(Copies of the proffers submitted are located in the Official Board File.)

- c) CUP-09-01 – Request to grant conditional use permit to allow for replacement of a preexisting nonconforming structure on a lot that fails to meet minimum lot area requirements.

Zoning Administrator, Andrew Sorrell, reviewed the Conditional Use Permit for 1860 Anderson Hwy., Tax map # 65A3-A-10. The Planning Commission recommends that the Board approve the Conditional Use Permit with three (3) conditions.

The Chairman opened the public hearing. With no citizens signed up to speak, the Chairman then closed the public hearing.

**BOARD OF SUPERVISORS
OF THE
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION
APPROVING
CONDITIONAL USE PERMIT APPLICATION #09-01**

FOR TAX MAP PARCEL 65A3-A-10

March 10, 2009

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., March 10, 2009, 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 Womack, 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:

<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

WHEREAS, Michael D. Marion (the “Applicant”) filed a conditional use permit application and supporting materials (the “CUP Application, CUP #09-01”) 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 located on a lot that fails to meet the minimum lot area requirement on an existing parcel of record; and

WHEREAS, the subject property is located at 1860 Anderson Highway (Route 60) on the north side of the road approximately 375 feet east of the intersection of Route 60 and Route 628 (Forest View Road) and more particularly described as Tax Map Parcel 65A3-A-10 (the “Property”), containing

approximately 0.440 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 January 5, 2009; 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 February 17, 2009; 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 of the Zoning Ordinance;

WHEREAS, the Planning Commission, by resolution adopted at its February 17, 2009 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 March 10, 2009; 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, the Board of Supervisors finds it appropriate to grant Conditional Use Permit #09-01 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 that the CUP Application to Michael D. Marion to allow for the replacement of a preexisting nonconforming structure located on a lot that fails to meet the minimum lot area requirement on an existing parcel of record (as shown in the CUP Application) located at 1860 Anderson Highway, identified as Tax Map Parcel #65A3-A-10 (the "Property") subject the following terms and conditions:
 - 1) The proposed dwelling on parcel 65A3-A-10 as shown on the sketch attached to the CUP application, shall meet all applicable building setbacks as required by the Cumberland Zoning Ordinance;
 - 2) The proposed dwelling on parcel 65A3-A-10 as shown on the sketch attached to the CUP application, shall be the only main dwelling and main use of the property; and
 - 3) No more than one (1) properly licensed and registered vehicle or trailer shall be permitted for sale on the property at any given time. Inoperable vehicles or trailers as defined by the Zoning Ordinance shall not be permitted on the parcel unless screened or shielded from view as described in Article 24, Inoperable Vehicles, of the Cumberland Zoning Ordinance.

This Resolution is effective immediately.

5) Departments and Agencies -

- a) Dr. Jim Thornton – Superintendant of Schools

Dr. Thornton provided the Board with, and reviewed a summary of the current school budget. Dr. Thornton informed the Board of multiple significant budget adjustments.

Dr. Thornton also advised the Board that the Schools will receive approximately \$645,000 in funds from the American Recovery and Reinvestment Act of 2009. Because the guidelines for allocating these funds are vague, the Schools are very cautious of how they spend these funds.

b) Eric Spencer – update on landfill project

Mr. Spencer provided the Board with a project update report. Mr. Spencer then informed the Board that there has been no communication received from DEQ regarding the Part B Solid Waste Permit. The Chairman stated that the County had received a letter from DEQ indicating a third technical review and further delays in the issuance of the permit due to the regional reorganization of DEQ. Mr. Spencer is still hopeful that the county will receive the draft Part B by the end of March 2009.

Mr. Spencer also informed the Board that Republic Services is planning to participate in the 2009 Patriot Day Festival in order to help promote recycling in the County.

c) Sheriff Darrell Hodges – comments regarding emergency operations during the snow storm.

Sheriff Hodges informed the Board that within a 24-hour period, dispatchers answered a total of 309 calls for assistance. The majority of the calls received were from citizens needing transportation to emergency shelters. Sheriff Hodges commended the emergency services for their dedication and hard work in this time of need.

Director of Emergency Services, Tim Kennell informed the Board that there were many emergency shelters in the county including, Cartersville Volunteer Rescue Squad, Cumberland Volunteer Rescue Squad, and the Randolph Volunteer Fire Department buildings. The Red Cross and the Department of Social Services assisted citizens at the shelters with food and water.

6) Assistant County Administrator/Finance Report –

a.) Consent Agenda-

- 1) Approval of Minutes – February 2009
- 2) Approval of Bills- February 2009 and March 2009
Approved bills for March 2009 total \$68,215.69. Ratified bills for February 2009 of warrants total \$ 380,816.09 with check numbers ranging from 55743 to 55927. Direct deposits for February 2009 total \$ 145,184.02.

- 3) Appropriations –
 - i) Clerk’s Office - \$10,552.00
 - ii) Clerk’s Office - \$5,678.00 (Funds from the Technology Trust Fund – no local funds required)

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

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

- b) Monthly Budget Report-

Ms. Matthews informed the Board that the expenditures are on target.

7) Planner/Zoning Administrator, Andrew Sorrell -

- a) Festival Permit 09-03 for Cumberland Patriot Day Festival

Zoning Administrator, Andrew Sorrell informed the Board that a festival permit application was received for the 2009 Patriot Day Festival to be held on April 18, 2009. Staff recommends that the Board approve the Festival permit.

On a motion by the Chairman and carried, the Board approved the Festival Permit application for the 2009 Patriot Day Festival:

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

- b) Festival Permit 09-01 for Bodacious Motorsports Events

Zoning Administrator, Andrew Sorrell informed the Board that a festival permit application was received for the several Bodacious Motorsports events scheduled for 2009. Staff recommends that the Board approve the Festival permit.

On a motion by Supervisor Womack and carried, the Board approved the Festival Permit application for Bodacious Motorsports:

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

Mr. Oertel – aye

- c) Update on Erosion and Sediment Control Ordinance

Zoning Administrator, Andrew Sorrell, informed the Board that staff is currently reviewing the Erosion and Sediment Control Ordinance, and will have proposed amendments for the Board's review at their April 2009 meeting.

- d) Update on design guidelines

Zoning Administrator, Andrew Sorrell, informed the Board that the final design guidelines had been submitted to the Planning Commission on March 5, 2009, and that the Planning Commission will make a recommendation to the Board on implementation of these guidelines.

- e) Update on floodplain ordinance

Zoning Administrator, Andrew Sorrell, informed the Board that a new floodplain ordinance will be submitted for their review at their May 2009 meeting.

- f) Annual report from the Planning Commission and the BZA

Zoning Administrator, Andrew Sorrell, reviewed the annual report with the Board. (A copy is included in the official Board file.)

8) County Administrator's Report –

- a) Appointment to SVCC Board

County Administrator, Judy Ownby, informed the Board that an appointment is needed to replace Ann Brooks Ballard. Ms. Ballard's term will expire June 30, 2009, and she is not eligible to serve another term. No appointment was made at this time; the Board will revisit this at their April 2009 meeting.

- b) Department of Health Local Agreement for FY 2009

On a motion by Supervisor Petty and carried, the Board approved the Department of Health Local Agreement for FY 2009 (A copy of the agreement is located in the Official Board File):

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

- c) Resolution granting approval for Cumberland Rescue Squad to provide ALS services

County Administrator, Judy Ownby, informed the Board that the governing body must grant approval in order for a rescue squad to provide advanced life support.

On a motion by the Chairman and carried, the Board approved the Resolution granting Cumberland Rescue Squad to provide Advanced Life Support services:

WHEREAS, Section 15.2-955 of the Code of Virginia, 1950, as amended, requires local governing approval of any emergency medical service organization operating within that locality; and

WHEREAS, Cumberland Rescue Squad has appeared before the Cumberland County Board of Supervisors to request approval to modify their agency license to provide Advanced Life Support services; and

WHEREAS, the Cumberland County Board of Supervisors has determined it to be in the best interest of the citizens of Cumberland County for the Cumberland Rescue Squad to provide these services;

NOW, THEREFORE, BE IT RESOLVED, the Cumberland County Board of Supervisors grants approval to Cumberland Rescue Squad to modify their agency license per approval of the Office of Emergency Medical Services of Virginia.

Adopted the 10th day of March, 2009.

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

9) Assistant County Administrator/Community Development

- a) Update on projects
 - 1) Museum Project

Assistant County Administrator, Michael Cooper, informed the Board that staff has received notification from VDoT regarding the final guidelines. Engineers are currently working on the documents needed to submit to VDoT for final approval. At that time, the plans will be submitted to staff for final approval for Phase I of the museum project. Phase I is the only phase of the project that will be completed through next fiscal year. Other phases of the project will not be considered until FY 2011.

Eighty percent (80%) of this project is grant eligible, and the county can use in-kind contributions in addition to local funds to constitute the local match required. Construction is scheduled to begin in June 2009.

2) Proposed waterline extension

Assistant County Administrator, Michael Cooper, informed the Board that Engineers are finalizing designs for the waterline extension, and those plans should be submitted to staff for approval in the spring of 2009. Staff has not received any communications from the USDA regarding the application for financing of the construction.

3) Virginia's Retreat

Assistant County Administrator, Michael Cooper, informed the Board that staff is in receipt of the annual report.

b) Resolution for USDA (funding for Sheriff's Department vehicles)

Assistant County Administrator, Michael Cooper, reviewed the Resolution. On a motion by Supervisor Kennell and carried, the Board adopted the Resolution for the USDA:

RESOLUTION OF GOVERNING BODY OF

Cumberland County, Virginia

The Board of Supervisors, consisting of 5 (five) members, in a duly called meeting held on the 10th day of March, 2009 at which a quorum was presented **RESOLVED** as follows:

BE IT HEREBY RESOLVED that, in order to facilitate obtaining financial assistance from the United States of America, acting by and through the Rural Housing Service, an agency of the United States Department of Agriculture, (the Government) in the development of police vehicles purchases to serve the community, the governing body does hereby adopt and abide by the covenants contained in the agreements, documents, and forms required by the Government to be executed.

BE IT FURTHER RESOLVED that the County Administrator of the County of Cumberland be authorized to execute on behalf of the Cumberland County Board of Supervisors the above-referenced agreements and to execute such other documents including, but not limited to, debt instruments and security instruments as may be required in obtaining the said financial assistance.

This Resolution, along with a copy of the above referenced documents, is hereby entered into the permanent minutes of the meeting of this Board.

Adopted the 10th day of March, 2009.

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

c) Announcement of small business seminars

Assistant County Administrator, Michael Cooper, informed the Board that the Cumberland Department of Community Development, and Industrial Development Authority, are working with Buckingham County, the Small Business Development Center at Longwood University, and Southside Community College, to host a series of small business seminars. Topics covered are focused on challenges facing small companies in today's tough economy. Seminars will be held on March 24th, April 14th, and May 12th, 2009.

d) IDA vacancy – request to submit names for consideration

Assistant County Administrator, Michael Cooper, informed the Board that IDA member Tommy Baldwin has submitted his resignation. Mr. Cooper suggested that information for interested parties be submitted to staff for collection and dissemination to the Board for review.

e) Update on stimulus funds/request for funding

Assistant County Administrator, Michael Cooper, informed the Board that the appropriate application for funding consideration had been completed and submitted to Congressman Periello's office. Requests for consideration include the completion of the renovations at the Adult Education Advancement Center, and the Waterline Extension project. Projects for the Courthouse revitalization efforts were submitted on the state's stimulus website.

10) County Attorney's Report -

N/A

11) Board Member Comments-

The Chairman stated that county staff should be commended for their efforts to save county funds. The Chairman also stated his appreciation for Congressman Perriello's office spending time in the district. The Chairman mentioned possibly reinstating the D.A.R.E. Program in the school system.

Supervisor Kennell praised Jerry Giles, Emergency Services Coordinator, for his hard work during the most recent snow storm. The next District II Town Hall meeting is scheduled for Wednesday, March 18, 2009 at 7p.m. in the Elementary School Cafeteria.

Supervisor Petty praised county employees for making the effort to consider new ways to save county funds.

Supervisor Womack thanked county employees for meeting on their own time in order to brainstorm for new cost saving ideas. Supervisor Womack also stated his pleasure with the updating of the Floodplain Ordinance.

Supervisor Oertel had no comments.

12) Public Comments

There were no citizens' signed up to speak.

13) Additional Information-

- a) Water and Sewer Advisory Committee Minutes
- b) Update from Maintenance Department

It was the pleasure of the Board to take a brief recess before entering into closed session.

14) Closed Session-

On a motion by Mr. Osl and carried, the Board entered into closed meeting under VA Code Section 2.2-3711 A(6) investment of public funds re: landfill.

The Board returned to regular session on a motion by Mr. Osl.

A motion was made by Mr. Petty and adopted by the following vote:

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

No action was taken regarding the items discussed.

15) Adjourn-

With no additional business to come before the Board, the Chairman adjourned the meeting until March 16th, 2009 at 9:00 a.m. for a budget workshop in the County Conference Room.

Chairman

County Administrator