

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 14th day of April 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:

Between 1) and 2) :

Add Resolution in appreciation of Blanton & Pleasants

6) Planner/Zoning Administrator

e) Application for festival permit (Juneteenth)

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

2) **Resolution in Appreciation of Blanton and Pleasants-**

The Chairman read the Resolution aloud. On a motion by the Chairman and carried, the Board adopted the Resolution in Appreciation:

**RESOLUTION
IN APPRECIATION OF BLANTON & PLEASANTS
80th ANNIVERSARY CELEBRATION**

WHEREAS, Blanton & Pleasants, Inc., a family-owned and operated business since its opening, is celebrating its 80th anniversary this year; and

WHEREAS, June and James “Spanky” Pleasants continue the long family tradition of friendly service, help, and encouragement; and offer hardware, plumbing, groceries, antiques, farm supplies, hunting and fishing supplies, and much, much more; and

WHEREAS, many Cumberland citizens have enjoyed the convenience, the friendly service, and the unique experience that can be found only at this historic Cartersville institution; and

WHEREAS, the 80th anniversary will be celebrated by offering special prizes and activities at the store on May 1 and 2, 2009;

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Supervisors, through this resolution, acknowledges the 80th anniversary of Blanton & Pleasants, Inc., expresses gratitude for the contributions Blanton & Pleasants, Inc. has made to our community and encourages the citizens of Cumberland to support their local businesses, especially in these difficult economic times.

BE IT FURTHER RESOLVED, that a copy of this resolution be made a part of the permanent record of the official Board minutes for April 14th, 2009.

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

3) VDoT - Alan Leatherwood, Resident Engineer-

VDoT representative, Mark McKissick, informed the Board that the Rt. 45 project (Cartersville Rd.) had been awarded to Pearson Construction in the amount of \$2.66 million dollars. Mr. McKissick also provided the Board with a copy of the 6-year Secondary Road Plan for the County, and suggested that a Public Hearing be set for the next regular Board meeting to approve the plan. Although traditionally the Board and VDoT conduct a workshop to review and revise this plan, it was the consensus of the Board that this was not necessary.

Mr. McKissick also informed the Board that the level of service provided by VDoT will decrease due to the current economic times.

4) Public Hearings -

- a) CA 09-02 – Proposed Code Amendment as it pertains to Erosion and Sediment Control

Zoning Administrator, Andrew Sorrell, informed the Board that the proposed changes would bring the Code into compliance with the State Code, as well as the corrective action agreement with the Department of Conservation and Recreation. After much 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 THE
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION**

**ADOPTING AMENDMENTS TO THE
CODE OF CUMBERLAND COUNTY:
CODE AMENDMENT 09-02:
“AN ORDINANCE AMENDING CHAPTER 34 OF THE
CUMBERLAND COUNTY CODE AMENDING
ARTICLE II, EROSION AND SEDIMENT CONTROL.”**

April 14, 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., April 14, 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 Kennell, it was moved that the Board of Supervisors of Cumberland County grant, in accordance with the following Resolution, an ordinance amending the Code of Cumberland County by amending and reenacting the erosion and sediment control ordinance;

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 | Nay |
| Robert J. Oertel | Aye |

Absent:

none

WHEREAS, at a regular monthly meeting held on March 10, 2009, staff provided the Board of Supervisors with an overview of the proposed amendments to the Code of Cumberland County, which said amendments (collectively the “Code Amendment”) address CHAPTER 34 OF THE CUMBERLAND COUNTY CODE AMENDING ARTICLE II, EROSION AND SEDIMENT CONTROL (as shown in the attached ordinance); and

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on April 14, 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

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 erosion and sediment control ordinance by ensuring such ordinance is in conformance with state law;

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.

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 09-02, and with the specific text and provisions of such ordinance as attached to this Resolution.

d. This Resolution is effective immediately.

AN ORDINANCE AMENDING AND REENACTING CHAPTER 34, ARTICLE II, THE EROSION AND SEDIMENT CONTROL ORDINANCE OF CUMBERLAND COUNTY, VIRGINIA, IN ORDER TO REFLECT THE CURRENT REQUIREMENTS OF THE VIRGINIA EROSION AND SEDIMENT CONTROL LAWS AND REGULATIONS.

BE IT ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF CUMBERLAND COUNTY, VIRGINIA, as follows:

Article II. Erosion and Sediment Control

Sec. 34-31. Title, Purpose, and Authority.

Sec. 34-32. Definitions.

Sec. 34-33. Local Erosion and Sediment Control Program.

Sec. 34-34. Submission and Approval of Plans; Contents of Plans.

Sec. 34-35. Permits; Fees; Security for Performance.

Sec. 34-36. Monitoring, Reports, and Inspections.

Sec. 34-37. Penalties, Injunctions, and Other Legal Actions.

Sec. 34-38. Appeals and Judicial Review.

Secs. 34-39--34-100. Reserved.

ARTICLE II.

EROSION AND SEDIMENT CONTROL

Sec. 34-31. Title, Purpose, and Authority.

This Article shall be known as the "Erosion and Sediment Control Ordinance of Cumberland County, Virginia." The purpose of this Article is to prevent degradation of properties, stream channels, waters and other natural resources of Cumberland County by establishing requirements for the control of soil erosion, sediment deposition and nonagricultural runoff and by establishing procedures whereby these requirements shall be administered and enforced.

This Article is authorized by the Code of Virginia, Title 10.1, Chapter 5, Article 4 (Sec. 10.1-560 et seq.), known as the Virginia Erosion and Sediment Control Law.

Sec. 34-32. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Agreement in lieu of a plan means a contract between the plan-approving authority and the owner that specifies conservation measures which must be implemented in the construction of a single-family residence; this contract may be executed by the plan-approving authority in lieu of a formal site plan.

Applicant means any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land disturbing activities to commence.

As-built plans means a final set of drawings and specifications illustrating exactly what has been constructed in the field to be produced upon completion by a licensed professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (Sec. 54.1-400, *et seq.*) of Chapter 4 of Title 54.1.

Board means the Virginia Soil and Water Conservation Board.

Clearing means any activity which removes the vegetative ground

cover including, but not limited to, root mat removal or top soil removal.

County means the County of Cumberland, Virginia.

Department means the Virginia Department of Conservation and Recreation.

Development means a tract of land developed or to be developed as a single unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units.

Director means the Director of the Virginia Department of Conservation and Recreation.

District or Soil and Water Conservation District means the Peter Francisco Soil and Water Conservation District.

Erosion and Sediment Control Plan or Plan means a document containing criteria, guidelines, material, and techniques for controlling erosion and sedimentation for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions and all information deemed necessary by the plan approving authority to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

Erosion impact area means an area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto adjacent or neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes.

Excavating means any digging, scooping or other methods of removing earth materials.

Filling means any depositing or stockpiling of earth materials.

Grading means any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled conditions.

Land disturbing activity means any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including but not limited to clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

- (1) Minor land disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;
- (2) Individual service connections;
- (3) Installation, maintenance or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk provided the land disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced;
- (4) Septic tank lines or drainage fields unless included in an overall plan for land disturbing activity relating to construction of the building to be served by the septic tank system;
- (5) Surface or deep mining;
- (6) Exploration or drilling for oil and gas, including the well site, roads, feeder lines and off-site disposal areas;
- (7) Tilling, planting or harvesting of agricultural, horticultural or forest crops, or livestock feedlot operations, including engineering operations and agricultural engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not requiring to comply with the Dam Safety Act, Article 2, (Sec. 10.1-604 et seq.) of Chapter 6 of the Code of Virginia,

ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (SEC. 10.1-1100 et seq.) of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in Subsection B of Sec. 10-1163;

- (8) Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;
- (9) Disturbed land areas less than 10,000 square feet in size;
- (10) Shoreline erosion control projects on tidal waters when all of the land disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this Article;
- (11) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles; and
- (12) Emergency work to protect life, limb or property, and emergency repairs; however, if the land- disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan-approving authority.

Land disturbing permit means a permit issued by Cumberland County for the clearing, filling, excavating, grading, transporting of land or for any combination thereof or for any purpose set forth herein.

Local erosion and sediment control program or Erosion Control Program means an outline of the various methods employed by Cumberland County, including those set forth in this Article, to regulate land-disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program and may include such items as local ordinances, policies and guidelines, technical materials, inspection, enforcement, and evaluation. The Erosion Control Program of Cumberland County shall contain (a) a certified inspector who is an employee or agent of Cumberland County (i) holding a certificate of competence from the Board in the area of project inspection or (ii) enrolled in the Board's training program for project inspection and successfully completes such program within one year after enrollment; (b) a certified plan reviewer who is an employee or agent of Cumberland County (i) holding a certificate of competence from the Board in the area of plan review, (ii) enrolled in the Board's training program for plan review and successfully complete such program within one year after enrollment, or (iii) licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (Sec 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia; and (c) a certified program administrator who is an employee or agent of Cumberland County (i) holding a certificate of competence from the Board in the area of program administration or (ii) enrolled in the Board's training program for program administration and successfully complete such program within one year after enrollment.

Natural channel design concepts means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

Owner means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

Peak flow rate means the maximum instantaneous flow from a given storm condition at a particular location.

Permittee means a Responsible Land Disturber and is the person to whom the permit authorizing land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

Person means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the Commonwealth, any interstate body, or any other legal entity.

Plan-approving authority, Program administrator or Program authority means Cumberland County and includes any person or official body designated by resolution of the Cumberland County Board of Supervisors to serve as its agent to administer this Article.

Responsible Land Disturber means an individual from the project or development team, who will be in charge of and responsible for carrying out a land-disturbing activity covered by an approved plan or agreement in lieu of a plan, who (i) holds a Responsible Land Disturber certificate of competence, (ii) holds a current certificate of competence from the Board in the areas of Combined Administration, Program Administration, Inspection, or Plan Review, (iii) holds a current Contractor certificate of competence for erosion and sediment control, or (iv) is licensed in Virginia as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (Sec. 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.

Runoff volume means the volume of water that runs off the land development project from a prescribed storm event.

Single-family residence means a noncommercial dwelling that is occupied exclusively by one family.

State erosion and sediment control program or state program means the program administered by the Virginia Soil and Water Conservation Board pursuant to the Code of Virginia including regulations designed to minimize erosion and sedimentation.

State waters means all waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdiction.

Stormwater Maintenance Agreement means a signed and notarized agreement between the owner and the county naming a responsible party for the long-term maintenance of all man-made stormwater structures associated with a particular site development.

Transporting means any moving of earth materials from one place to another, other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover, either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

Water Quality Volume means the volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project.

Cross References: Definitions generally, § 1-2.

State Law References: Similar provisions, Code of Virginia, § 10.1-560.

Sec. 34-33. Local Erosion and Sediment Control Program.

(a) Pursuant to section 10.1-562 of the Code of Virginia, Cumberland County hereby adopts the regulations, references, guidelines, standards and specifications promulgated by the Board for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources. Said regulations, references, guidelines, standards and specifications for erosion and sediment control are included in but not limited to the "Virginia Erosion and Sediment Control Regulations" (Section 4 VAC 50-30, as amended) and include the Virginia Erosion and Sediment Control Handbook, as amended.

(b) A public hearing shall be held if Cumberland County proposes or revises this Article or adopts regulations that are more stringent than the state program.

(c) In accordance with §10.1-561 of the Code of Virginia, stream restoration and relocation projects that incorporate natural channel design concepts are not man-made channels and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels.

(d) In accordance with §10.1-561 of the Code of Virginia, any land-disturbing activity that provides for stormwater management intended to address any flow rate capacity and velocity requirements for natural or manmade channels shall satisfy the flow rate capacity and velocity requirements for natural or manmade channels if the practices are designed to (i) detain the water quality volume and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5, 2, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or manmade channels.

(e) For stormwater management facilities, the record owner of the property at the time of permit issuance shall provide a signed and notarized Stormwater Maintenance Agreement with the County, together with a map or plat in recordable form showing the stormwater management facilities to be maintained, all of which shall be recorded in the Clerk's Office of the Circuit Court of Cumberland County. The maintenance agreement may be transferred to another responsible person or entity, such as a property owners' association, provided that such association has been properly established and transfer of maintenance responsibility is completed prior to conveyance of any out-parcel in the project. As-built plans showing the final stormwater management facilities, man-made ditches and channels, and storm sewer systems shall be provided to the Program Administrator upon completion of the project. No surety will be released until all items are provided to the Program Administrator. Failure to respond to an initial

request for the required documentation will result in enforcement action in accordance with this Article.

(f) Pursuant to Sec. 10.1-561.1 of the Code of Virginia, an erosion control plan shall not be approved until it is reviewed under the Erosion Control Program.

(g) The program and regulations provided for in this Article shall be made available for public inspection at the office of the Program Administrator.

(h) These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

Sec. 34-34. Submission and Approval of Plans; Contents of Plans.

(a) Except as provided herein, no owner or other person may engage in any land-disturbing activity until he or she has submitted to the Program Administrator for Cumberland County an erosion and sediment control plan for the land-disturbing activity and such plan has been approved by the plan-approving authority. Where land-disturbing activities involve lands under the jurisdiction of more than one local control program, an erosion and sediment control plan, at the option of the applicant, may be submitted to the Board for review and approval rather than to each jurisdiction concerned. Where the land-disturbing activity results from the construction of a single-family residence, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the plan-approving authority. Where the land-disturbing activity results from the construction of, or to provide access to, a new or existing structure (including a residence), and the disturbed area is less than 10,000 square feet, the permit will be issued without the requirement of official plans and reviews unless the project is determined to constitute a major threat to, or likely to have a major impact on, off-site areas. The required permit must be obtained prior to commencement of any land-disturbing activity. No building permits shall be issued in a single family subdivision, multi-family development, or for any commercial or industrial use property until the owner has received a written inspection report from the Program Administrator confirming that all controls shown on the approved plan

(including required stormwater facilities) are properly installed and all denuded areas are properly stabilized. In addition, all new road construction is to be at final grade and covered with stone with proper ditch lining.

(b) In further compliance with the Virginia Erosion and Sediment Control Regulations, the Virginia Erosion and Sediment Control Handbook as amended is to be used by an applicant when making a submittal under the provisions of this Article and in the preparation of an erosion and sediment control plan. The plan-approving authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations and guidelines. When the standards vary between the publications, the State regulations shall take precedence.

(c) The plan-approving authority shall review conservation plans submitted to it and for which a fee is paid to determine if the plan meets the requirements of the Board's regulations and if the person responsible for carrying out the plan certifies that he will properly perform the conservation measures included in the plan and will conform to the provisions of this Article. The plan shall be acted upon within 45 days from receipt thereof by either approving said plan in writing or by disapproving said plan in writing and giving specific reasons for its disapproval. When the plan is determined to be inadequate, the plan-approving authority shall specify such modifications, terms and conditions that will permit approval of the plan. If no action is taken within 45 days, the plan shall be deemed approved and the person is authorized to proceed with the proposed activity.

(d) As a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the owner, permitted or other person responsible for carrying out the plan shall provide the name of an individual holding a certificate of competence, to the program authority who will be in charge of and responsible for carrying out the land-disturbing activity. Failure to provide the name of an individual holding a certificate of competence prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this Article. However, the plan-approving

authority may waive the certificate of competence requirement for an agreement in lieu of a plan for construction of a single family residence. If a violation occurs during the land-disturbing activity, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of an individual holding a certificate of competence, as provided by § 10.1-561 of the Virginia Erosion and Sediment Control Law. Failure to provide the name of an individual holding a certificate of competence prior to engaging in land-disturbing activities shall be a violation of this Article.

- (e) An approved plan may be changed by the plan-approving authority when:
 - (1) The inspection reveals that the plan is inadequate to satisfy applicable regulations; or
 - (2) The owner, permitted or other person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and the proposed amendments to the plan, consistent with the requirements of this Article, are agreed to by the plan-approving authority and the person responsible for carrying out the plans.

- (f) Variances: The plan-approving authority may waive or modify any of the standards that are deemed to be too restrictive for site conditions, by granting a variance. A variance may be granted under these conditions:
 - (1) At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the plan-approving authority shall be documented in the plan.
 - (2) During construction, the person responsible for implementing the approved plan may request a

variance in writing from the plan-approving authority. The plan-approving authority shall respond in writing either approving or disapproving such a request. If the plan-approving authority does not approve a variance within 10 days of receipt of the request, the request shall be considered to be disapproved.

- (g) In order to prevent further erosion, Cumberland County may require approval of a plan for any land identified in the local program as an erosion impact area.
- (h) When land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.
- (i) In accordance with the procedure set forth by §10.1-563 (E) of the Code of Virginia, any person engaging, in more than one jurisdiction, in the creation and operation of wetland mitigation or stream restoration banks, which have been approved and are operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of wetland mitigation or stream restoration banks, pursuant to a mitigation banking instrument signed by the Department of Environmental Quality, the Marine Resources Commission, or the U.S. Army Corps of Engineers, may, at the option of that person, file general erosion and sediment control specifications for wetland mitigation or stream restoration banks annually with the Board for review and approval consistent with guidelines established by the Board.
- (j) State agency projects are exempt from the provisions of this Article except as provided for in the Code of Virginia, Sec. 10.1-564.

Sec. 34-35. Permits; Fees; Security for Performance.

(a) Agencies authorized under any other law to issue grading, building, or other permits for activities involving land-disturbing activities may not issue any such permit unless the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.

(b) No person may engage in any land-disturbing activity until he has acquired a land-disturbing permit, unless the proposed land-disturbing activity is specifically exempt from the provisions of this Article, and has paid the fees and posted the required bond.

(c) An administrative fee as established and amended by the Board of Supervisors of Cumberland County shall be paid to Cumberland County at the time of submission of the erosion and sediment control plan.

(d) No land-disturbing permit shall be issued until the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.

(e) All applicants for permits shall provide to Cumberland County a performance bond, cash escrow, or an irrevocable letter of credit acceptable to the Program Administrator, to ensure that measures could be taken by Cumberland County at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of him by the approved plan as a result of his land-disturbing activity.

The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs and inflation which shall not exceed twenty-five percent of the cost of the conservation action. Should it be necessary for Cumberland County to take such conservation action, Cumberland County may collect from the applicant any costs in excess of the amount of the surety held.

Within sixty (60) days of adequate stabilization, as determined by the Program Administrator in any project or section of a project, such bond, cash escrow or letter of credit, or the unexpended or unobligated portion thereof, shall be either refunded to the applicant or terminated, based upon the percentage of stabilization accomplished in the project or project section.

Sec. 34-36. Monitoring, Reports, and Inspections.

(a) Cumberland County may require the person responsible for carrying out the plan to monitor the land-disturbing activity. The person responsible for carrying out the plan will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation.

(b) The Program Administrator shall periodically inspect the land-disturbing activity to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permitted, or person responsible for carrying out the plan shall be given notice of the inspection. Notwithstanding this, the right-of-entry to conduct such inspections shall be expressly reserved in the permit.

If the Program Administrator determines that there is a failure to comply with the plan, notice shall be served upon the permitted or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities.

The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permitted or person responsible for carrying out the plan shall be deemed to be in violation of this Article and shall be subject to the penalties provided by this Article.

(c) Upon determination of a violation of this Article, the Program Administrator may, in conjunction with or subsequent to a notice to comply as specified in this Article, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken.

If land-disturbing activities have commenced without an approved plan, the Program Administrator may, in conjunction with or subsequent to a notice to comply as specified in this Article, issue an order requiring that all of the land-disturbing activities be stopped until an approved plan or any required permits are obtained.

Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, or where the land-disturbing activities have commenced without an approved plan or any required permits, such an order may be issued without regard to whether the permitted has been issued a notice to comply as specified in this Article. Otherwise, such an order may be issued only after the permitted has failed to comply with such a notice to comply.

The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the Circuit Court of Cumberland County.

If the alleged violator has not obtained an approved plan or any required permits within seven days from the date of service of the order, the Program Administrator may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of Cumberland County.

The owner may appeal the issuance of an order to the Circuit Court of Cumberland County within 30 days of the date thereof.

Any person violating or failing, neglecting or refusing to obey an order issued by Program Administrator may be compelled in a

proceeding instituted in the Circuit Court of Cumberland County to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted.

Nothing in this Section shall prevent the Program Administrator from taking any other action authorized by this Article.

Sec. 34-37. Penalties, Injunctions, and Other Legal Actions.

(a) Violators of this Article shall be guilty of a Class I misdemeanor.

(b) Any person who violates any provision of this Article shall, upon a finding of the General District Court of Cumberland County be assessed a civil penalty. The civil penalty for any one violation shall be not less than \$100 nor more than \$1,000, except that the civil penalty for commencement of land-disturbing activities without an approved plan shall be \$1,000. Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of \$10,000, except that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of \$10,000.

(c) The Program Administrator, or the owner of property which has sustained damage or which is in imminent danger of being damaged, may apply to the Circuit Court of Cumberland County to enjoin a violation or a threatened violation of this Article, without the necessity of showing that an adequate remedy at law does not exist.

However, an owner of property shall not apply for injunctive relief unless (i) he has notified in writing the person who has violated the local program, and the program authority, that a violation of the local program has caused, or creates a probability of causing, damage to his property, and (ii) neither the person who has violated the local program nor the program authority has taken corrective action within

fifteen days to eliminate the conditions which have caused, or create the probability of causing, damage to his property.

(d) In addition to any criminal penalties provided under this Article, any person who violates any provision of this Article may be liable to Cumberland County in a civil action for damages.

(e) Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed \$2,000 for each violation. A civil action for such violation or failure may be brought by Cumberland County.

Any civil penalties assessed by a court shall be paid into the treasury of Cumberland County, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.

(f) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this Article, Cumberland County may provide for the payment of civil charges for violations in specific sums, not to exceed the limit specified in Subsection (e) of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under Subsection (e).

(g) The Commonwealth's Attorney shall, upon request of Cumberland County or the permit issuing authority, take legal action to enforce the provisions of this Article.

(h) Compliance with the provisions of this Article shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

Sec. 34-38. Appeals and Judicial Review.

(a) Any applicant under the provision of this Article who is aggrieved by any action of Cumberland County or its agent in disapproving plans submitted pursuant to this Article shall have the right to apply for and receive a review of such action by the Cumberland County Board of Supervisors provided an appeal is filed within 30 days from the date of the action. Any applicant who seeks an appeal hearing before the Cumberland County Board of Supervisors shall be heard at the next regularly scheduled Cumberland County Board of Supervisors public hearing provided that the Cumberland County Board of Supervisors and other involved parties have at least 30 days prior notice. In reviewing the agent's actions, the Cumberland County Board of Supervisors shall consider evidence and opinions presented by the aggrieved applicant and agent. After considering the evidence and opinions, the Cumberland County Board of Supervisors may affirm, reverse or modify the action. The Cumberland County Board of Supervisors' decision shall be final, subject only to review by the Circuit Court of Cumberland County.

(b) Final decisions of Cumberland County under this Article shall be subject to review by the Cumberland County Circuit Court, provided an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land-disturbing activities.

Sec. 34-39. Severability.

If any provision of this Article is held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the remaining provisions therein.

Secs. 34-40--34-100. Reserved

- b) CUP-09-02 – Conditional Use Permit for Tax Map # 110AM-1-8, 9 & 10:

Zoning Administrator, Andrew Sorrell, reviewed the proposed conditional use permit, and informed the Board that the Planning Commission recommended approval of the CUP with conditions. 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
RECOMMENDATION
FOR CONDITIONAL USE PERMIT APPLICATION #09-02
FOR TAX MAP PARCELS 110AM-1-8, 9, & 10
April 14, 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., April 14, 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 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:

| ----- | |
|-------------------------------|--------------|
| <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, Kevin Dunn (the “Applicant”) filed a conditional use permit application and supporting materials (the “CUP Application, CUP #09-02”) 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 use of three (3) non-conforming parcels that fail to meet the minimum lot area requirements and other dimensional requirements on three (3) existing parcels of record; and

WHEREAS, the subject property is located on the east side of Route 45 (Cumberland Road) approximately 0.29 of a mile south of the intersection of Route 45 and Route 1009 (Edgewood Drive) and 315 feet north the incorporated boundary of the Town of Farmville and more particularly described as Tax Map Parcels 110AM-1-8, 9 and 10 (the “Property”), containing approximately 12,000 square feet each, 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 February 10, 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 March 16, 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 March 16, 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 April 14, 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:

- e. The foregoing recitals are hereby incorporated by this reference.
- f. 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 #09-02 in accordance with the CUP Application.

- g. The Board of Supervisors further finds that the request made in the CUP Application is in substantial accordance with the County's Comprehensive Plan.
- h. 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.
- i. The Board of Supervisors hereby grants the CUP Application to Kevin Dunn to allow the use of three (3) non-conforming parcels that fail to meet the minimum lot area requirements and other dimensional requirements on three (3) existing parcels of record (as shown in the CUP Application), identified as Tax Map Parcels #110AM-1-8, 9 and 10 (the "Property") subject the following terms and conditions:
 - 1. A lot line adjustment plat shall be recorded in the land records office of the Cumberland County Circuit Court Clerk prior to the issuance of any building permit for either parcel. Said lot line adjustment plat shall vacate the interior parcel lines of parcel 110AM-1-9 and distribute equally the acreage of parcel 9 to the adjacent parcels 110AM-1-8 and 10. This shall then bring the acreage of parcels 8 and 10 from 12,000 square feet to 18,000 square feet;
 - 2. Any proposed dwellings on the reconfigured parcels 110AM-1-8 or 10 shall meet all applicable building setbacks as required by the zoning ordinance except the sides and rear yard setbacks for which the applicant will be in non-conformance by five (5) feet on each side yard and ten (10) feet on each rear yard setback;

3. One joint entrance with deeded access easement shall be provided for ingress and egress to Route 45 for the reconfigured parcels 110AM-1-8 and 10; and
4. Submission of a final site plan acceptable to the zoning administrator shall be submitted prior to the issuance of any building permit for either parcel showing the location of the joint entrance onto Route 45 that each reconfigured parcel will share. This may be shown on the lot line adjustment plat to meet this condition.

j. This Resolution is effective immediately.

5) Departments and Agencies -

- a) Dr. Jim Thornton – Superintendent of Schools

No representatives present.

- b) Jennifer Roberts – Patriot Day Chairman

Patriot Day Committee Chair, Jennifer Roberts, informed the Board that the 6th Annual Patriot Day Festival will be held on Saturday, April 18th, 2009 from 10 a.m. until 4 p.m., and reviewed the opening ceremony program. The headlining musician will be Southland Band, from Appomattox, VA. Mrs. Roberts also mentioned that the Festival website is up and running at www.cumberland-patriotday.org.

6) Assistant County Administrator/Finance Report -

- a) Consent Agenda-
- 1) Approval of Minutes – March 2009
 - 2) Approval of Bills- March 2009 and April 2009

Approved bills for March 2009 total \$251,019.47. Ratified bills for February 2009 of warrants total \$ 265,852.09 with check numbers ranging from 55836 to 56087. Direct deposits for March 2009 total \$ 146,212.00.

- 3) Appropriation to the Clerk's Office of \$3,754 (no local funds required)

On a motion by Supervisor Womack 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

Assistant County Administrator, Jill Matthews, informed the Board that the budget is on target and that there is a significant amount of rollover anticipated for FY 2009-2010.

- c) Adoption of 2009 tax levies

| | |
|--|---------|
| Real Estate & Manufactured Homes | \$.59 |
| Personal Property | \$ 4.40 |
| Personal Property – Emergency Services | \$ 2.20 |
| Personal Property – Disabled Veterans | \$.01 |
| Airplanes | \$.50 |
| Machinery & Tools | \$ 3.75 |
| Heavy Construction Machinery | \$ 3.75 |
| Public Service Corporations | \$.59 |

On a motion by Supervisor Womack and carried, the Board adopted the 2009 tax levies as presented:

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

- d) Adoption of County budget for FY 2009-2010

Assistant County Administrator, Jill Matthews, reviewed the proposed budget, and informed the Board of expenditures requested that were not included in the original proposed budget. After much discussion, it was the consensus of the Board that further discussion on the budget was needed before it is approved. A budget workshop will be held on Tuesday, April 21st, 2009 at 10 a.m. in the Old Clerk's Office. The Board will meet on Thursday, April 30th, 2009 for adoption of the FY 2009-2010 budget.

- e) Adoption of 5-Year CIP FY 2009-10 – 2013-14

No action was taken on the CIP. Further discussion will take place at the workshop scheduled for April 21st, 2009.

7) Planner/Zoning Administrator, Andrew Sorrell -

- a) Request for referral of rezoning application to Planning Commission (from A-2 to new A-20 district):

Zoning Administrator, Andrew Sorrell, reviewed the Rezoning application, and requested a motion to refer this application to the Planning Commission for review.

On a motion by the Chairman and carried, the Board referred rezoning application REZ 09-02 to the Planning Commission for review:

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

- b) Memo on alternative septic systems:

Zoning Administrator, Andrew Sorrell, informed the Board that the General Assembly proposed House Bill 1788 and Senate Bill 1276, which would take away the localities ability to require ongoing maintenance contracts for alternate on-site septic systems.

The Orange County Board of Supervisors has adopted a Resolution in opposition of the proposed legislation, and asks that each county review and discuss this resolution. Supervisor Oertel questioned the county's current regulations on alternative septic systems. Mr. Sorrell informed the Board that the Department of Health permits these systems, therefore, Cumberland permits them. The only inspections that occur for alternative systems are those that are conducted as the system is installed. On-going maintenance is the responsibility of the property owner.

Mr. Sorrell informed the Board that Goochland County has an ordinance in place that requires an on-going maintenance contract, and at the time, was in conformance with the proposed legislation from the General Assembly. Mr. Sorrell will review Goochland's Ordinance, and conduct research on a possible revision to Cumberland's ordinance.

c) Update on recent Planning Commission activities:

Zoning Administrator, Andrew Sorrell, informed the Board that the Planning Commission will hold a public hearing on Monday, April 20th 2009 for proposed proffer revisions for Nutri-Blend, Inc., as well as the updates to the County's Flood Plain Ordinance to bring them into compliance with State laws.

A draft subdivision ordinance is being created for the Planning Commission to review.

d) Discuss smart growth summit or rural preservation workshop:

Mr. Sorrell reviewed possible topics for a rural preservation workshop stressing the importance of agriculture.

e) Festival Permit application 09-04 for the Juneteenth Festival –

Mr. Sorrell informed the Board that the proposed Juneteenth Festival will be held on Saturday, June 20, 2009 from 11 a.m. until 5 p.m. at the High School football field. Mr. Sorrell

reviewed the application and recommends that the Board approve the permit application.

On a motion by the Chairman and carried, the Board approved the Festival Permit application 09-04 for the Juneteenth Festival:

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

8) County Administrator's Report -

a) Appointments -

1) SVCC Board -

County Administrator, Judy Ownby, informed the Board that an appointment was needed for the Southside Virginia Community College Board (SVCC) to replace Ann Brooks Ballard. Ms. Ballard's term has expired, and she is ineligible for reappointment.

On a motion by the Chairman and carried, the Board appointed Patricia Bickel to the SVCC Board:

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

2) CLAC-

Ms. Ownby informed the Board that an appointment was needed for the Citizen's Landfill Advisory Committee to replace Dave Hale.

On a motion by the Chairman and carried, the Board appointed Catherine Fleischman to the Citizen's Landfill Advisory Committee (CLAC) for a term expiring January 1, 2010:

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

b) Resolutions regarding: Rural Development financing of water line extension-

- 1) Resolution authorizing execution of documents
- 2) Loan Resolution

County Attorney, Howard Estes, informed the Board that these documents are not ready for execution at this time.

c) Resolution in support of Jack Miller for position of VACo Secretary/Treasurer:

County Administrator, Judy Ownby, reviewed the Resolution.

**RESOLUTION TO ENDORSE JOHN D. (JACK) MILLER, JR.
FOR THE POSITION OF SECRETARY/TREASURER
OF THE VIRGINIA ASSOCIATION OF COUNTIES**

WHEREAS, John D. Miller, Jr., has announced his candidacy for the position of Secretary-Treasurer of the Virginia Association of Counties Board of Directors; and

WHEREAS, he has served on the Middlesex County Board of Supervisors for twelve (12) years, since 1996 and has been an active member of the Virginia Association of Counties for this same period; and

WHEREAS, Mr. Miller has served as the Region 2 Director for five (5) years, with Region 2 being the first Region to have meetings inviting legislators and members to talk and interact directly with each other and VACo staff; and

WHEREAS, Mr. Miller has also served in many other roles with the Virginia Association of Counties, including Chairman of the Environment and Agriculture Committee and serving on the Resolution Committee,

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Supervisors formally endorses the candidacy of John D. (Jack) Miller, Jr., for the position of Secretary-Treasurer of the Virginia Association of Counties.

Adopted the 14th day of April 2009 by the Cumberland County Board of Supervisors by a vote of 5 aye and 0 nay.

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

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 engineers are awaiting final approval from VDoT, and the design plans are moving forward to allow for the commencement of construction this summer.

2) Proposed waterline extension

Mr. Cooper informed the Board that County staff is working with the engineers to finalize design of the plans. Minor modifications of the survey plans have been completed. Construction on this project is anticipated to commence this summer.

b) Industrial Development Authority (IDA) vacancy –

Mr. Cooper informed the Board that Loretha Thomas has expressed interest in serving on the IDA. Mr. Cooper recommended Ms. Thomas for consideration by the Board members. This appointment will fill the vacancy left by the resignation of Mr. Thomas Baldwin.

On a motion by Supervisor Petty and carried, the Board appointed Ms. Loretha Thomas to the Industrial Development Authority for an unexpired term ending September 30, 2011:

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

10) County Attorney's Report -

County Attorney, Howard Estes, informed the Board that the Resolution regarding funding through Rural Development for the waterline extension required a public hearing. By unanimous consent, a public hearing will be held on Thursday, April 30th, 2009 at 6 p.m. in the Circuit Courtroom, Cumberland Courthouse.

11) Board Member Comments-

The Chairman stated that he had attended a small business seminar sponsored the Cumberland Department of Community Development, SVCC, Farmville Chamber of Commerce, and the County of Buckingham. The program and speaker were very beneficial, and great ideas were shared. The Chairman also informed the Board that he met with Congressman Tom Periello regarding the poultry digester project and renewable energy.

Supervisor Kennell informed the Board that he will be in attendance at Patriot Day this year as he is participating in the dunk tank.

Supervisor Petty had no comments.

Supervisor Womack reminded everyone that Patriot's Day is Saturday, April 18th, 2009 from 10 a.m. until 4 p.m., and encourages all to attend.

Supervisor Oertel informed the Board that the Sesquicentennial brochures have been printed, and they will be distributed at Patriot Day.

12) Public Comments

One citizen from The Woods subdivision spoke regarding concerns with the landfill, and entrance site to the landfill.

13) Additional Information-

14) Adjourn-

With no additional business to come before the Board, the Chairman adjourned the meeting until April 21st, 2009 at 10:00 a.m. in the Old Clerk's office for continued budget discussions.

Chairman

County Administrator