

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 9th day of June 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

Absent: Andrew Sorrell, Zoning Administrator

The Chairman called the meeting to order and the County Administrator called the roll.

The invocation was led by Supervisor Petty and the Pledge of Allegiance was led by the Chairman.

1) Approval of Agenda-

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

- 2) VDoT – Change in federal formula (additional information)
- 4) Departments/Agencies –
 - d) Aaron Hickman- Chairman to announce the NACo award (additional information)
- 5) Assistant County Administrator
 - a) Consent Agenda
 - 6) Appropriations - \$317.17 and \$990.01 to the Clerk’s Office (State Technology Trust Fund)
- 6) Planner
 - a) Monthly report of Planning Commission Activities

- b) Update on E&S Inspection
 - c) Request for referral of 3 zoning requests submitted by Gwen Seiler of Northfield Foundation to the Planning Commission.
- 7) County Administrator's Report
- a) Building fee schedule effective July 1, 2004 (to replace the schedule in the Board packet)
- 9) County Attorney's Report
- a) Accept community center property from school, and; authorize chairman to sign deed.
 - b) Authorize sale of community center property to the IDA (set minimum price at \$1.5 million), and authorize County Administrator to execute all documents.
- 10) Board member comments-
- Mr. Oertel re: supporting businesses choosing to locate in the County

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

2) VDoT - Alan Leatherwood, Resident Engineer-

Assistant Resident Engineer, Mark McKissick, informed the Board that although the County's Six-year Secondary Road Plan was approved at the last Board meeting, VDoT is now reducing funding even further. Mr. McKissick also informed the Board that the Cartersville Road project is still ongoing. Supervisor Oertel informed Mr. McKissick of a dangerous intersection where a stop-sign is no longer visible due to overgrown brush. Mr. McKissick stated that VDoT is able to cut back brush when it becomes a safety issue.

3) Public Hearings -

N/A

4) Departments and Agencies -

- a) Terry Paquette – Habitat for Humanity International

Mr. Paquette is the Part-time Executive Director of the Powhatan affiliate office. He informed the Board of the qualifications for receiving a Habitat house. Since Cumberland does not have a local affiliate, both the Powhatan and Farmville affiliates are currently serving the citizens of Cumberland County.

b) Jim Thornton – Superintendent of Schools

Since Dr. Thornton was not in attendance, Assistant County Administrator/Finance, Jill Matthews, spoke on his behalf. Mrs. Matthews informed the Board that Dr. Thornton is requesting a supplemental appropriation in the amount of \$249,451. This amount is for debt service on the elementary school, and is state construction funds. Dr. Thornton is also requesting an appropriation in the amount of \$382,114.05 in local receipts for FY 2009-2009.

On a motion by Supervisor Perry and carried, the Board approved an appropriation in the amount of \$249,451 for debt service, and an appropriation in the amount of \$382,114.05 in local receipts (no local funds required):

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

c) Sandra Everson-Jones – ARF-CVA

Ms. Sandra Everson-Jones spoke to the Board regarding a proposed regional transport center for the purpose of rescuing and relocating homeless dogs, puppies, cats and kittens. This center will serve multiple counties in the Central Virginia area. Ms. Everson-Jones and Dr. Powell Anderson asked the Board for a letter of support for their proposed project. After much discussion, it was the consensus of the Board to direct the County Administrator to draft a letter in support of the concept of the ARF-CVA regional transport facility.

d) Aaron Hickman, IT Director

IT Director, Aaron Hickman, informed the Board that the CodeRED Emergency Alert System had its first test run on May 26, 2009. An all-call was sent to the residents of the County notifying them of the availability of this free service. Since then, there have been over 200 residents that have registered online for this service. Citizens who are interested in the service, but do not have access to the internet, can contact the County Administrator's Office for assistance with the registration progress.

Mr. Hickman also informed the Board that Blue Ridge Public Television (BRPTV) no longer has subscribers that use their tower located on Anderson Hwy. BRPTV admitted that the tower had not been properly maintained, and is ready to abandon the site as it has now become a liability. Mr. Hickman stated that the County would be better off to build a new tower than to purchase the existing one. The Board agreed, and noted that they were not interested in purchasing the property for a large sum of money. The Board would consider acquiring the tower if it were donated, or if the purchasing price was reasonable. The Board directed Mr. Hickman gather other detailed options, and make a recommendation to the Board.

The Chairman also informed the Board that Cumberland County has received the first National Award in its history. On June 5, 2009, the County received notification that it is being awarded the 2009 National Association of Counties (NACo) Achievement Award for the program entitled "Collaborative Convergence and Maintenance of Disparate Databases" for the Geographic Information System, or GIS. The Chairman thanked Mr. Hickman for all of his hard work and determination which made this program a success.

e) Donald Hart – VACo President

The President of the Virginia Association of Counties (VACo), Mr. Donald Hart spoke to the Board about his role within the organization. Mr. Hart also recommended that the Board of Supervisors elect someone to serve on one of the many VACo commissions and boards to ensure Cumberland's voice is heard.

5) Assistant County Administrator/Finance

a) Consent Agenda-

- 1) Approval of Bills- May 2009 and June 2009
Approved bills for June 2009 total \$72,199.86. Ratified bills for May 2009 of warrants total \$ 294,138.51 with check numbers ranging from 56348-56531. Direct deposits for May 2009 total \$ 151,171.11.
- 2) Authorize issuance of RFP for roofing at the Community Center
- 3) Award bid on FY 2009-2010 Line of Credit in the amount of \$1.5 million to Central Virginia Bank, and the Revenue Anticipation Note up to \$1.5 million if needed to Suntrust Bank.
- 4) Appropriations - \$317.17 and \$990.01 to the Clerk's Office (State Technology Trust Fund, no local funds required)

On a motion by Supervisor Kennell 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) Approval of the Minutes

On a motion by Supervisor Petty and carried, the Board approved the minutes for May 2009 by the following vote:

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

c) Appropriation of FY 2009-2010 funds, effective July 1, 2009

The Chairman suggested postponing the approval of the appropriation until such time as a contingency plan has been prepared. It was the consensus of the Board to hold a meeting on June 29, 2009 at 9 a.m. in the County Conference Room for the

purpose of reviewing the proposed contingency plan, and approving the appropriation of FY 2009-2010 funds.

- d) Request for Appropriation to District Court in the amount of \$700.00

No action was taken on this item. The Board will consider this request at their meeting on June 29, 2009.

- e) Monthly Budget Report

Assistant County Administrator/Finance, Jill Matthews, reviewed the Monthly budget report.

- 6) **Planner/Zoning Administrator, Andrew Sorrell** - Since Mr. Sorrell was not in attendance, Mr. Cooper spoke on his behalf.

- a) Monthly report of Planning Commission activity/actions

Mr. Cooper informed the Board that the Planning Commission activity report was in the Board packet for their review, and he would answer any questions they had.

- b) Update on State Erosion and Sediment Control Inspection

Mr. Cooper informed the Board that staff had received a letter from the Department of Conservation and Recreation (DCR) stating that Cumberland was found to be in compliance with the Corrective Action Agreement, and that DCR would recommend to the Virginia Soil and Water Conservation Board that the County's Erosion and Sediment Control Program be found consistent with state laws and regulations. The recommendation will be at the Virginia Soil and Water Conservation Board's next meeting, and Mr. Sorrell will be in attendance.

- c) Request for referral of 3 zoning requests to the Planning Commission

Mr. Cooper informed the Board that staff had received three zoning requests from Ms. Gwen Seiler of the Northfield Foundation. The first application request is to rezone the

remaining portion of the property that is not currently zoned residential, from agricultural to residential. The second request is to add a new use permitted by a conditional use permit in the (R-2) Residential district that would allow a group home. The third request is for the conditional use permit to allow the group home use.

On a motion by the Chairman and carried, the Board referred the requests to the Planning Commission for consideration:

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

7) County Administrator's Report -

- a) Consider scheduling a public hearing on amended building fee schedule

County Administrator, Judy Ownby, informed the Board that the Building Official, Lee Leeds, proposed new rates for the building fee schedule. These rates have not changed since 2004. The Board was provided rates from surrounding counties for comparison.

On a motion by Supervisor Oertel and carried, the Board will hold a public hearing at the next regular meeting of the Board scheduled for July 14, 2009:

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

- b) Appoint Gary Thompson as Emergency Services Coordinator

County Administrator, Judy Ownby, informed the Board that the Mr. Thompson is well qualified to fill this position, as he has held this position in the past.

On a motion by Supervisor Kennell and carried, the Board appointed Gary Thompson as Emergency Services Coordinator:

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

8) Assistant County Administrator/Community Development

a) Update on projects

1) Museum Project

Assistant County Administrator, Michael Cooper, informed the Board that an invitation for bids has been advertised for Phase I of the Museum Project. The invitation will close at 2 p.m. on June 26, 2009. Staff will bring a recommended bid to the Board at their next Board meeting for approval to award the bid.

2) Proposed waterline extension

Mr. Cooper informed the Board members that the Engineer is expected to have plans for VDoT, Health department and county staff to review in the near future. Construction is likely to occur in late summer or early fall 2009. Mr. Cooper will continue to provide the Board members with updates as the project moves forward.

b) IDA Vacancy

No action was taken on this item.

9) County Attorney's Report -

a) Accept community center property from school, and; authorize Chairman to sign deed

County Attorney, Howard Estes, informed the Board members that the first step in transferring of property to the

Industrial Development Authority (IDA) is the acquisition of the property by the County from the School Board. After a public hearing in the summer of 2008, the School Board decided to surplus this property to the County. A proposed deed has been prepared for the transfer of title for that property from the School Board to the County. Mr. Estes provided the Board members with a proposed motion to accept the transfer of the deed to the County.

Supervisor Petty made the following motion, and it carried:

“I move that the Board accept transfer of title to the properties at 1874 Anderson Hwy., on Tax Map Parcels 65A3-A-4 and 65A3-A-4A from the Cumberland County School Board by the deed presented at this meeting and to authorize County Administrator, Judy Ownby, and Board Chairman, Bill Osl, either of whom may act, to execute, deliver and to make such amendments and changes to the documents as deemed necessary or convenient by the County Attorney and to further execute and deliver such certificates as deemed necessary or convenient to the transaction as contemplated in this motion.”

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

- b) Authorize sale of community center property to the IDA (set a minimum price at \$1.5 million), and authorize the County Administrator to execute all documents.

County Attorney, Howard Estes, reminded the Board that staff has been making application with the USDA for funding of the purchase of the property by the IDA. Since that application, there are two options. One option would be a single lease revenue transaction with the IDA pledging lease revenue from the facilities on site. The second option would be a lease revenue bond combined with a commercial real estate transaction through its guaranteed loan program. USDA is contemplating on which option it will pursue. Mr. Estes suggested that a motion be made such that in the sale of the property, the Board accept \$2 million

dollars payment to the IDA with such amount being subject to an appraisal. If the appraisal is less than 2 million dollars, Mr. Estes suggests that the Board still authorize Ms. Ownby and the Chairman to execute the sale transaction with the amount being not less than \$1.5 million. Ms. Estes provided the Board with text of a motion that he suggests the Board consider.

Supervisor Kennell made the following motion, and it carried:

“I move that the Board authorize County Administrator, Judy Ownby, and Board Chairman, Bill Osl, either of whom may act, to execute, and deliver such documents, option contracts, deeds, contracts, approvals, and certificates to initiate and complete the sale of properties at 1874 Anderson Hwy., on Tax Map Parcels 65A3-A-4 and 65A3-A-4A to the Industrial Development Authority of the County of Cumberland, Virginia at a sale price of \$2,000,000, or such other lesser amount, but not less than \$1,500,00, as established by a duly performed appraisal by a licensed, certified appraisal firm, and subject to such terms and conditions as deemed necessary or convenient by the County Attorney and to further execute and deliver such certificates or resolutions as deemed necessary, convenient and consistent with the transaction as contemplated in this motion.”

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

10) Board Member Comments-

Supervisor Petty discussed the need for a housing authority in Cumberland. State funds are appropriated every year to those localities that have a housing authority operating in their locality. If the locality does not have the proper authority, those funds are reallocated to other localities. Mr. Petty suggested submitting a proposal to the Board regarding a new housing authority. It was the consensus of the Board to proceed with creating a concept and proposal, and presenting it at the next regular meeting of the Board.

Supervisor Oertel spoke to the Board regarding the National Trails Day at which an additional fourteen miles of trails was opened to the public at High Bridge State Park. Mr. Oertel discussed a proposed concrete plant business moving to the County.

Supervisor Kennell informed the Board members that he was part of a panel that judged the Senior Projects at the High School, and was very impressed.

Supervisor Womack also praised the High School Seniors that presented their Senior Projects. Mr. Womack advised the Board that he, too, was in attendance of the opening of the additional trails at High Bridge State Park. Mr. Womack also suggested that the proposed concrete plant project move forward.

The Chairman stated that as the Home Construction Industry is slowing, Cumberland is down about forty percent from last year for new homes in the County. On May 29, 2009, the County hosted a statewide Energy Conference at the Community Center. The main topic of discussion was energy improvements and cost savings for agricultural activities. With close to fifty participants from various agencies and groups, the conference was a great success. With regards to the proposed concrete facility, no application has been submitted, therefore, the Board has nothing to take action on.

11) Public Comments

Mr. Roland Gilliam, on behalf of the Juneteenth Committee, thanked the Board for the support from the Board for the first annual Juneteenth Festival that was held last year. On June 20th, 2009, the second annual Juneteenth Festival will take place at the School football field. Mr. Gilliam invited the Board members to enjoy the festival.

12) Additional Information-

N/A

13) Adjourn-

With no additional business to come before the Board, the Chairman adjourned the meeting. The Board will convene for a site visit on Thursday, June 25, 2009 beginning at 7:00 a.m. at the Old Clerk's Office Conference Room. The purpose of the site visit will be to view an existing business park in Greensboro, North Carolina.

Chairman

County Administrator