

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 14<sup>th</sup> day of July 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  
Andrew Sorrell, Zoning Administrator  
Stephany Johnson, Deputy Clerk

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

The invocation and the Pledge of Allegiance were led by the Chairman.

**1) Approval of Agenda-**

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

- 2) VDoT – Additional Information-Traffic Engineering Report for the intersection of Rt. 616 and Rt. 684
- 5) Assistant County Administrator
  - c) Monthly Budget Report
- 8) Assistant County Administrator’s Report
  - a) Update on Projects-Additional Information on the Museum Project
- 9) County Attorney’s Report
  - c) Wireless Authority requesting support in drafting an application for grant funds
- 12) Additional Information-Building Inspections Department monthly report and year-end report

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, stated that the Revenue Sharing Program deadline is August 14, 2009. The traffic impact analysis for the Patriot Ridge Shopping Center has been approved. The Chairman thanked Mr. Leatherwood for conducting the impact study for the intersection of Rt. 684, 616, and 45. Supervisor Womack informed

Mr. Leatherwood of a dangerous stretch of Putney Rd. due to overgrown brush.

**3) Public Hearings –**

- a) Consider amendment to revise, re-adopt and increase fees associated with building permits and inspections

County Attorney Howard Estes, informed the Board members that the fees related to the Building permit process had not been updated in 5 years. The Building Department staff had conducted research regarding the fees of surrounding counties for comparison.

The Chairman opened the public hearing, and with no citizens signed up to speak, the Chairman closed the public hearing. Due to the current economic situation, the Board does not want to add strain to local contractors.

On a motion by the Chairman and carried, the Board tabled this item indefinitely:

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

- b) Cabell Metts rezoning request REZ 09-02

Zoning Administrator, Andrew Sorrell, reviewed 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 & ADOPTING  
 REZONING APPLICATION #09-02  
 FOR TAX MAP PARCEL 29-A-100  
 REQUESTED BY THE BUILDING & LAND COMPANY,  
 LLC

July 14, 2009

At a meeting of the Board of Supervisors of  
 Cumberland County, Virginia, in the Cumberland County Circuit

Courtroom, Cumberland, Virginia commencing at 7:00 p.m., July 14, 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 approve and adopt, in accordance with the following Resolution, the request to rezone from A-2, Agricultural to A-20, Rural Large Lot District 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

Dated: July 14, 2009

**WHEREAS**, The Building & Land Company, LLC (the “Applicant”) filed a rezoning application and supporting materials (the “Rezoning Application”) seeking to rezone the property described below from A-2, Agricultural to A-20, Rural Large Lot District 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 low density rural residential use of the Property; and

**WHEREAS**, the subject property is located on the west side of Rt. 697 (Jenkins Ridge Road) approximately 0.40 of a mile northwest of its intersection with Rt. 45 (Cartersville Road) and more particularly described as Tax Map Parcel 29-A-100 (the “Property”), with respect to 110.868 acres less and except approximately 8.812 acres recently added to Tax Map 29, Section A, Parcel 99B by instrument number 20090224, and approximately 5.008 acres recently added to Tax Map 29, Section A, Parcel 99 by instrument number 20090526, for a total residual acreage of 97.048 acres, as shown on the Preliminary 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 April 14, 2009; and

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

**WHEREAS**, the Planning Commission duly advertised and held a public hearing on June 15, 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 the 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**, after such public hearing the Planning Commission adopted a resolution on June 22, 2009 recommending to the Board of Supervisors that it approve and adopt the proposed Rezoning Application; and

**WHEREAS**, the Board of Supervisors duly advertised and held a public hearing on July 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 Rezoning Application including the information and recommendation from the Planning Commission; and

**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 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.

c. The Board of Supervisors further finds that the request made in the Rezoning Application in substantial accordance with the County's Comprehensive Plan.

d. The Board of Supervisors has also determined that the request made in the Rezoning Application furthers the general purpose and objectives of the Subdivision and Zoning Ordinances;

e. 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 #09-02 to rezone the Property from A-2, Agricultural to A-20, Rural Large Lot District for low density rural residential development.

**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 29-A-100" 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.

4) **Departments and Agencies -**

- a) Bruce Zirkle, Announcement of ALS designation for Cumberland Volunteer Rescue Squad

Mr. Zirkle informed the Board that the Cumberland Volunteer Rescue Squad received its Advanced Life Support certificate. Cumberland Rescue has also received the ODEMSA 2009 regional award for outstanding EMS agency. This qualifies Cumberland Rescue to be eligible for the Governors award for outstanding EMS agency of the year for the entire state. The winner of the Governor's award will be announced in November. Mr. Zirkle invited the Board members to an awards ceremony on July 31, 2009.

5) **Assistant County Administrator/Finance**

- a) Consent Agenda-  
1) Approval of minutes for June 2009

- 2) Approval of Bills- June 2009 and July 2009  
Approved bills for July 2009 total \$164,194.87. Ratified bills for June 2009 of warrants total \$ 377,767.64 with check numbers ranging from 56532-56718. Direct deposits for June 2009 total \$ 149,271.54.
- 3) Request for appropriations
  - i) \$980 District Court
  - ii) Clerk's Office - \$310 and \$4874.65 (no local fees 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) Request for Appropriation – Commonwealth's Attorney

Assistant County Administrator for Finance, Jill Matthews, informed the Board that the Commonwealth Attorney is requesting a supplemental appropriation to cover expenditures due to a capitol murder case that is forthcoming. There is no amount set for this appropriation request, as it is difficult to foresee what costs may occur. The Board directed Mrs. Matthews to gather more specific information regarding this request.

- c) Monthly Budget Report

Assistant County Administrator for Finance, Jill Matthews, informed the Board that County Departments and agencies conserved current year funds that created approximately a \$250,000 roll-over from the general fund.

**6) Planner/Zoning Administrator**

- a) Monthly report of Planning Commission activity/actions

Mr. Sorrell reviewed the Planning Commission activity report which was in the Board packet.

- b) PDR Committee Re-Appointments

Mr. Sorrell informed the Board that all of the members of the PDR Committee terms expired June 30, 2009, and all wish to be re-appointed.

On a motion by Supervisor Womack and carried, the Board re-appointed Terry Seal, John Godsey, John Marshall Smith, Ken

Respass, and Katherine Fleischman to the PDR Committee for a two year term expiring July 1, 2011:

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

- c) Refer application to Planning Commission for two-part zoning request (CUP and Code Amendment) for concrete mixing plant.

Mr. Sorrell informed the Board that Central Virginia Concrete has submitted a two part zoning request that consists of a Code amendment, and a conditional use permit. The Conditional Use permit would allow for a concrete mixing plant to locate in an M-1 zoning district.

Chairman Osl asked whether this use would comply with the Courthouse Historic Guidelines. He also asked if a by-right use in an M-2 zone should be added as a conditional use in an M-1 zone since M-2 is for heavy industrial use and M-1 is light industrial. These questions will be answered by the Planning Commission.

On a motion by Supervisor Oertel and carried, the Board referred the requests to the Planning Commission for review:

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

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

- a) Update on housing program for Cumberland County

County Administrator, Judy Ownby, informed the Board that a meeting has been scheduled with the Department of Housing and Community Development (DHCD) on August 21, 2009 to discuss options for the County's housing program.

- b) Crossroads Community Services Board – approval of FY 2010 performance contract

Ms. Ownby stated that this is the annual performance contract, and requested a motion to approve the contract.

On a motion by the Chairman and carried, the Board approved the FY 2010 performance contract for Crossroads Community Services Board:

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 was advertised for Phase I of the Museum Project. Staff rejected all bids received as the amounts exceeded the project budget, and the approved engineer's estimate. Staff is working with the engineer and architect to revisit the project scope, and to bring the project within budget. Mr. Cooper requested approval by the Board to re-advertise the request for bids for this project.

By unanimous consent, the Board authorized staff to re-advertise the Cumberland County Old Jail Restoration – Phase I Project.

2) Proposed waterline extension

Mr. Cooper stated that staff is anticipating draft plans to review by the end of this week. Following staff review of the plans, they will be submitted to the various state agencies for review and approval.

b) IDA Vacancy

No action was taken on this item.

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

a) Consider Public Hearing for August to adopt an ordinance for a Central Absentee precinct to be located in the Registrar's Office.

County Attorney, Howard Estes, informed the Board that a request was received from the Cumberland Electoral Board to create and locate a central absentee precinct at the Registrar's office. Mr. Estes suggested the Board consider this item for public hearing at the next regular meeting of the Board. By unanimous consent, the Board agreed to set this item for public hearing at the August 11, 2009 meeting.

b) Consider a public hearing for August to adopt an ordinance increasing court fines/fees

Mr. Estes informed the Board that the General Assembly has made revisions to the Court Library fee, and the Courthouse Maintenance fee, allowing the maximum amount to be raised from \$4.00 to \$6.00. It was the recommendation of the Clerk of Court that these fees be raised to the permitted maximum of \$6.00 total. Mr. Estes stated that if the Board wished to move forward, this would require a public hearing.

By unanimous consent, the Board set this item for public hearing for the August 11, 2009 meeting.

- c) Wireless Authority requesting support in drafting an application for grant funds

County Attorney, Howard Estes, informed the Board that the Wireless Authority is planning to draft an application for the National Telecommunications and Information Administration/Rural Utilities Service grant. Supervisor Petty informed the Board that the application was just made available today, and is due by August 14, 2009. The grant does require a twenty percent match from the County that can be realized through in-kind contributions. The Wireless Authority can also request that the twenty percent match be waived. After much discussion, it was the consensus of the Board to authorize the Wireless Authority to move forward with the grant application, so long as the County match can be realized by an in-kind contribution or the match can be waived.

Supervisor Petty made the following motion and it carried:

“To endorse and support the Cumberland County Wireless Authority for its grants applications for the Authority’s last mile and community center internet wireless project, comprising wireless internet and telecommunications equipment and towers to coordinate with the County’s needs for E-911, public safety and related critical infrastructure and to further authorize the County Administrator to execute such documents in support of this resolution.”

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

#### **10) Board Member Comments-**

Supervisor Osl reviewed an article in the VACo County Connections newsletter regarding Cumberland receiving the NACo award. The Chairman also reminded the Board of the joint meeting with the School Board on July 20, 2009 at 6:00 p.m. in the Middle School Media Room. Mr. Osl stated that he is thankful for the cooperation of the School Board and all departments’ efforts in helping close the budgetary gap.

Supervisor Kennell stated that the next District II Town Hall meeting is scheduled for July 22, 2009 at the Cumberland Elementary School Cafeteria.

Supervisor Petty spoke to the Board regarding possible grant funds from the USDA for the Wireless Broadband Project.

Supervisor Womack spoke regarding the positive feedback he has received regarding his recent article.

Supervisor Oertel had no comments.

**11) Public Comments**

There were no citizens signed up to speak.

**12) Additional Information-**

N/A

**13) Adjourn-**

With no additional business to come before the Board, the Chairman adjourned the meeting until Monday, July 20, 2009 at 6 p.m. in the Middle School Media Center for a joint meeting with the School Board.

---

Chairman

---

County Administrator