

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 11th day of August 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 – School concern-Trents Mill Rd.
- 5) Assistant County Administrator
 - b) Year End Transactions
- 6) Planner/Zoning Administrator
 - c) Referral to Planning Commission re: REZ 08-03 Patriot Ridge-20.60 acre portion of tax parcel 56-A-24
 - d) Referral to Planning Commission re: CUP 09-05: National Communication Towers, LLC, Tax map 49-A-70A
 - e) Erosion and Sediment Control Program-letter from DCR

- 7) County Administrator
 - e) Consider work session to discuss road naming/addressing E-911 Ordinance
- 13) Additional Information-Congressman Perriello's citizens meeting at the Cumberland Restaurant on August 26th from 6-8pm

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 construction is under way on the Rt. 45 project, although it is behind schedule due to the weather.

Mr. McKissick mentioned that he had been made aware of a concern for children loading and unloading from school buses just south of the intersection of Rt. 622, Trents Mill Rd., and Rt. 626 Sugarfork Rd. There is currently a sign cautioning drivers of a bus stop ahead. Mr. McKissick informed the Board that this sign was erected in 1998. The sight distance from the bus stop heading north is 900 ft. and 2,000 ft. heading south. VDoT normally requires a sight distance of under 650 ft. before erecting a sign. Supervisor Kennell stated that the existing sign is faded, and suggested replacing it, to make it more visible. He also stated that there are brush and limbs that obstruct the viewing of the sign, which VDoT will address.

Supervisor Petty and Supervisor Kennell voiced concerns regarding speeding on Rt. 622, Trents Mill Rd., as well as Rt. 601, Clinton Rd. Mr. McKissick stated that VDoT does not monitor speeding vehicles, and suggested he contact the Sheriff's Department.

The Supervisors thanked VDoT for quickly addressing other concerns as they were brought to their attention.

3) Public Hearings -

- a) Establishment of Central Absentee Precinct

County Attorney, Howard Estes, reviewed the resolution, and informed the Board that approval of this resolution will enable the absentee ballots cast to be housed in one location, which will ensure the safety and security of the ballots cast. If the Board approves and adopts this resolution, the County is required to give notice to the State Board of Elections and the Circuit Court. This change will also be submitted to the Department of Justice for approval. If the Department of Justice does not act within sixty (60) days, the action is deemed approved.

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
ADOPTION OF COUNTY CODE AMENDMENT –
CREATING A CENTRAL ABSENTEE BALLOT PRECINCT**

August 11, 2009

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Circuit Court Courtroom of the Cumberland County Courthouse at Cumberland, Virginia commencing at 7:00 p.m., July 11, 2009, the following action was taken following a duly held public hearing during which staff provided a review of the proposed County Code amendment and members of the public offered comment:

Following a reading of the recitals and the resolutions for adoption of the proposed zoning ordinance amendment and on a motion by Supervisor Kennell, 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 M. Kennell	aye
Robert J. Oertel	aye
Van H. Petty	aye
Elbert R. Womack	aye
<u>Absent:</u>	None

WHEREAS, Virginia Code §24.2-712 permits local jurisdictions to establish and utilize a centralized precinct for all absentee ballots submitted in elections held in the County; and

WHEREAS, the Cumberland County Board of Supervisors initiated a review of its current processing of absentee ballots; and

WHEREAS, the Board of Supervisors directed staff to prepare a draft of a revision to the County Code to establish a central absentee ballot precinct; and

WHEREAS, the Board of Supervisors further directed staff to make the text of the proposals available for public review; and

WHEREAS, the Board of Supervisors duly advertised, providing notice of its public hearing, and duly received comment on the proposed ordinance on August 11, 2009; and

WHEREAS, after discussion, preparation, staff presentation and due deliberation, including public input and presentation at its August 11, 2009, meeting, the Board of Supervisors desires to finalize and affirm its findings and to take action on the proposed amendment to County Code § 30-72;

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

a. The Board of Supervisors, after due consideration of public comment received, determines that the proposed County Code amendment is consistent with, and substantially in accord with, the County's objectives with regard to taxation, fees, associated costs and are consistent with the public necessity and convenience.

b. Upon consideration of the proposed text, testimony, staff remarks, and public comment, and after consideration of the current provisions set forth in the County Code, Section 30-72 of the Code of the County of Cumberland, Virginia, are amended as follows:

Sec. 30-72. Precincts.

(a) The precincts for each election district and the polling places for each precinct shall be as set forth below:

(1) *Election District 1* shall have one precinct and such precinct shall be named the Election 1 Precinct, and the polling place therefore shall be at the Cartersville Rescue Squad Building.

(2) *Election District 2* shall have one precinct, and such precinct shall be named the Election District 2 Precinct, and the polling place therefore shall be at the Volunteer Fire Department Building.

(3) *Election District 3* shall have one precinct, and such precinct shall be named the Election District 3 Precinct, and the polling place therefore shall be at the Cumberland Rescue Squad Building near Cumberland Courthouse, Virginia.

(4) *Election District 4* shall have one precinct, and such precinct shall be named the Election District 4 Precinct, and the polling place therefore shall be at the Southern Cumberland Community Center.

(5) *Election District 5* shall have one precinct, and such precinct shall be named the Election District 5 Precinct, and the polling place therefore shall be at the Southern Cumberland Community Center.

(b) Pursuant to § 24.2-712 of the Code of Virginia, there is hereby established a central absentee voter precinct at the Office of the General Registrar, 1489 Anderson Highway, Cumberland, Virginia, for the purpose of receiving, counting and recording absentee ballots in all elections.

BE IT FURTHER RESOLVED by the Board of Supervisors that the amendment reflected above is hereby effective upon notice to the State Board of Elections and the County Electoral Board and further that a copy of this Resolution shall be presented to the Clerk of the Circuit Court of Cumberland County and advising of the effective date of this amendment.

- b) Increase in Court fees from \$4 to \$6

County Attorney, Howard Estes, reviewed the resolution. The Chairman opened the public hearing, and with no citizens signed up to speak, the Chairman then closed the public hearing.

**BOARD OF SUPERVISORS
OF THE
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION
ADOPTION OF
COUNTY CODE AMENDMENT – INCREASING THE LAW
LIBRARY FEE AND CHANGING CERTAIN USES OF SUCH FUNDS**

August 11, 2009

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Circuit Court Courtroom of the Cumberland County Courthouse at Cumberland, Virginia commencing at 7:00 p.m., July 11, 2009, the following action was taken following a duly held public hearing during which staff

provided a review of the proposed County Code amendment and members of the public offered comment:

Following a reading of the recitals and the resolutions for adoption of the proposed zoning ordinance amendment and on a motion by Supervisor Womack, 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 M. Kennell	aye
Robert J. Oertel	aye
Van H. Petty	aye
Elbert R. Womack	aye
<u>Absent:</u>	None

WHEREAS, Virginia Code §42.1-70 permits local jurisdictions to impose a fee for, among other uses, the costs of providing access to and supplying materials for a courthouse library; and

WHEREAS, the Cumberland County Board of Supervisors initiated a review of its current fee schedule; and

WHEREAS, the Board of Supervisors directed staff to prepare a draft of a revision to the County Code to reflect amendments, revisions and increases to the fee schedule and related changes in uses of such funds pursuant to amendments to the Code of Virginia adopted in 2009; and

WHEREAS, the Board of Supervisors further directed staff to make the text of the proposals available for public review; and

WHEREAS, the Board of Supervisors duly advertised, providing notice of its public hearing, and duly received comment on the proposed ordinance on August 11, 2009; and

WHEREAS, after discussion, preparation, staff presentation and due deliberation, including public input and presentation at its August 11, 2009, meeting, the Board of Supervisors desires to finalize and affirm its findings and to take action on the proposed amendment to County Code §§ 26-31 and 26-32;

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

c. The Board of Supervisors, after due consideration of public comment received, determines that the proposed County Code amendment is consistent with, and substantially in accord with, the County's objectives with regard to taxation, fees, associated costs and are consistent with the public necessity and convenience.

d. Upon consideration of the proposed text, testimony, staff remarks, and public comment, and after consideration of the current provisions set forth in the County Code, Sections 26-31 and 26-32 of the Code of the County of Cumberland, Virginia, are amended as follows:

Sec. 26-31. Amount imposed.

There is imposed, as part of the costs incident to each civil action filed in the courts of record and the courts not of record in the county, an assessment, pursuant to Code of Virginia, § 42.1-70, of the sum of **\$4.00**.

Sec. 26-32. Collected by clerk of court.

The assessment imposed in section 26-31 shall be collected by the clerk of the court in which the action is filed and shall be remitted by such clerk to the treasurer of the county and shall be held by the treasurer subject to disbursements by the board of supervisors for the acquisition of law books, law periodicals and computer legal research services, ***computer terminals for offsite***

placement to maximize access to the law library by the public and equipment for the establishment, use and maintenance of a law library which shall be open for the use of the public at hours convenient to the public. In addition to the acquisition of law books, law periodicals and computer legal research services and equipment, the disbursements may include compensation to be paid to librarians and other necessary staff for the maintenance of such library and acquisition of suitable quarters for such library. The compensation of such librarians and the necessary staff and the cost of suitable quarters for such library shall be fixed by the board of supervisors and paid out of the fund created by the imposition of such assessment of cost. The board of supervisors is authorized to accept contributions to the fund from any bar association.

BE IT FURTHER RESOLVED by the Board of Supervisors that the amendment reflected above is hereby effective immediately.

4) Departments and Agencies -

a) Fred Pearson, Pearson Appraisals

Mr. Fred Pearson, Owner of Pearson's Appraisal Service Incorporated, provided the Board with copies of, and reviewed the 2008 and 2009 sale prices for real estate in Cumberland County. Property values for 2008 increased from the 2006 assessments, however, the 2009 assessment decreased from 2008. Assessment notices will be mailed to all property owners in November 2009.

Since the beginning of the Reassessment process in January 2009, 6,000 of 10,000 parcels have been completed to date.

b) Patricia Scales, Commonwealth Attorney-Request for consideration of appropriation

Commonwealth Attorney, Patricia Scales, requested the Board's consideration of a supplemental appropriation of funds due to an upcoming capitol murder trial. Ms. Scales is requesting \$7,674.00 to cover the salary of a part-time employee through the end of March 2010. Ms. Scales' office is currently staffed with one part-time Administrative Assistant, and this appropriation will ensure coverage for the office five days a week.

There is a possibility of additional expenses with this case, which will require funds in addition to the \$7,674.00 request. After much discussion, the Board agreed that this request is appropriate and a necessity.

On a motion by Supervisor Petty and carried, the Board approved the supplemental appropriation in the amount of \$7,674.00 to the Commonwealth's Attorney for part-time salaries:

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

5) Assistant County Administrator/Finance

- a) Consent Agenda-
 - 1) Approval of minutes for July 2009
 - 2) Approval of Bills- July 2009 and August 2009
Approved bills for August 2009 total \$336,252.57. Ratified bills for July 2009 of warrants total \$ 280,693.41 with check numbers ranging from 56719 to 56991. Direct deposits for July 2009 total \$ 159,370.81.

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) Proclamation of National Payroll Week

Assistant County Administrator, Jill Matthews, informed the Board that Proclamation of National Payroll week will take place September 7-11, 2009. Due to the fact that this proclamation mentions an unfunded mandate in the amount of 15 billion dollars, it was the consensus of the Board to take no action on this request.

c) Year End Transactions

Assistant County Administrator, Jill Matthews, stated that the Year End transactions include supplemental appropriations and budget transfers.

POST TO COMPANY #001

ENTRY #	DESCRIPTION	FUND	ACCOUNT #	(+)	(-)
				DEBITS	CREDITS
1	Accounts Payable	General	4-100-012410-3160	1015.21	
		General	4-100-012410-3160	121.41	
		General	4-100-012410-3600	107.25	
		General	4-100-012410-5250	100.00	
		General	4-100-012410-6012	38.30	
		General	4-100-012410-6012	38.30	
		General	4-100-013100-3200	1524.70	
		General	4-100-021600-6001	105.17	
		General	4-100-021600-6001	31.89	
		General	4-100-031200-6008	2926.18	
		General	4-100-031200-6009	189.23	
		General	4-100-031200-6009	189.23	
		General	4-100-031200-6009	130.57	
		General	4-100-031200-6011	116.84	
		General	4-100-031200-6014	4800.00	
		General	4-100-031200-8005	414.00	
		General	4-100-034100-5840	140.40	
		General	4-100-034100-6008	59.02	
		General	4-100-035100-6008	390.86	
		General	4-100-042400-3160	3905.00	
		General	4-100-042400-3160	7970.00	
		General	4-100-042400-3160	3480.00	
		General	4-100-042400-5410	1150.00	
		General	4-100-042400-5410	500.00	
		General	4-100-042400-5410	500.00	
		General	4-100-042700-3200	630.00	
		General	4-100-042700-3200	1440.00	

		General	4-100-043200-6007	30.34	
		General	4-100-043200-6007	11.99	
		General	4-100-043200-6007	2.98	
		General	4-100-043200-6008	404.74	
		General	4-100-043200-6009	824.80	
		General	4-100-081100-3600	150.00	
		General	4-100-31200-6011	147.40	
		General	4-100-42700-3200	630.00	
		General	0-100-200-0001		34215.81
	Accounts Payable	E911	4-160-031400-3310	210.02	
		E911	4-160-031400-5110	67.16	
		E911	0-160-200-0001		277.18
	Accounts Payable	Cap Proj	4-302-094114-6007	115.99	
		Cap Proj	4-302-094200-3100	586.50	
		Cap Proj	4-302-094200-3100	736.50	
		Cap Proj	4-302-094200-3100	769.25	
		Cap Proj	4-302-094200-3100	209.00	
		Cap Proj	4-302-094200-3100	-681.00	
		Cap Proj	4-302-094200-3100	25.04	
		Cap Proj	0-302-200-0001		1761.28
	Accounts Payable	Sewer	4-501-094900-3310	\$550.00	
		Sewer	4-501-094900-6007	\$225.86	
		Sewer	4-501-094900-6008	\$139.54	
		Sewer	4-501-094900-6009	\$216.42	
		Sewer	4-501-094900-9401	\$8,219.41	
		Sewer	0-501-200-0001		9351.23
	Accounts Payable	Water	4-505-095900-6009	\$216.42	
			0-505-200-0001		\$216.42

POST TO COMPANY #001

Type	DESCRIPTION	FUND	ACCOUNT #	(+) DEBITS	(-) CREDITS
BT	Assessor - Professional Svcs	General	4-100-12320-3100		60,000.00
BT	BOS - Unemployment Ins.	General	4-100-11010-2600		4,000.00
BT	BOS - Travel Conv. & Education	General	4-100-11010-5540		5,000.00
BT	County Admin - Hospital/Medical Ins.	General	4-100-12100-2300		9,200.00
BT	Commissioner Rev. - Hospital/Medical	General	4-100-12310-2300		9,600.00
BT	Data Processing - Salaries & Wages	General	4-100-12510-1100		20,200.00
BT	Commonwealth Atty - PT Salaries	General	4-100-22100-1300		10,000.00
BT	Commonwealth Atty - Hospital/Medical	General	4-100-22100-2300		9,000.00
BT	Clerk of Court - Professional Svcs	General	4-100-21600-3100		14,000.00

BT	Correction & Detention	General	4-100-33400-3800		10,000.00
BT	Building Inspections - Salaries & Wages	General	4-100-34100-1100		55,000.00
BT	Supplement of Local Health	General	4-100-51200-5610		21,900.00
BT	Piedmont Area Transit	General	4-100-81520-5650		12,500.00
BT	Miscellaneous Project Reserve	General	4-100-90000-1060		84,200.00
BT	Accounting - Travel Conv. & Education	General	4-100-12430-5540		2,575.00
BT	Planning/Zoning - Salaries & Wages	General	4-100-81110-1100		10,000.00
BT	Legal Services	General	4-100-12210-3155	30,000.00	
BT	Accounting & Auditing Svcs	General	4-100-12240-3120	1,700.00	
BT	License Bureau - Workers Comp	General	4-100-12340-2710	300.00	
BT	Grant Writing - Salaries & Wages	General	4-100-12440-1100	9,300.00	
BT	Electoral Board - Repair & Maint Contr	General	4-100-13100-3310	2,000.00	
BT	General District Court - Legal Svcs	General	4-100-21200-3150	7,200.00	
BT	Cumb. Dept. of Fire Program Grant	General	4-100-32221-5653	7,600.00	
BT	Probation Office - Furniture & Fixtures	General	4-100-33300-8002	55.00	
BT	State & Local Hospitalization	General	4-100-52600-5712	120.00	
BT	Sheriff - Motor Vehicles & Equipment	General	4-100-31200-8005	122,000.00	
BT	School Resource Officer - Hospital/Med	General	4-100-31250-2300	2,100.00	
BT	Randolph - Distribution of Donations	General	4-100-32303-5665	3,000.00	
BT	Randolph Dept. of Fire Program Grant	General	4-100-32303-5653	7,600.00	
BT	Emergency Services - Vehicle & Equip.	General	4-100-32500-6008	2,900.00	
BT	Refuse Collection - Professional Svcs	General	4-100-42400-3100	20,800.00	
BT	General Properties - Electrical Svcs	General	4-100-43200-5110	29,100.00	
BT	IDA - Other Operating Supplies	General	4-100-81210-6014	7,300.00	
BT	STEPS - Transportation	General	4-100-81514-5580	12,500.00	
BT	Payments to the Commonwealth	General	4-100-89000-1000	64,000.00	
BT	Cartersville Dept. of Fire Program Grant	General	4-100-32222-5653	7,600.00	
BS	Interest Revenue - Landfill	Landfill Escrow	3-734-001501-0001		310.03
BS	Balance Forward	Landfill Escrow	3-734-004105-0003		1,026.18
BS	Transfer to General Fund	Landfill Escrow	4-734-042340-9210	1,336.21	
BS	Interest - Green Front Loan	IDA	3-715-001501-0001		6,227.04
BS	Principal Payments - Green Front Loan	IDA	3-715-001501-0006		66,666.72
BS	Transfer to General Fund	IDA	4-715-093100-9211	72,893.76	
BS	Balance Forward	Eco Dev	3-120-004105-0003		19,754.00
BS	Professional Services	Eco Dev	4-120-081500-3100	19,754.00	
BS	Drug Forfeiture Revenue	Sheriff Forfeit	3-150-003301-0012		14,000.00

BS	Expenditures-Commonwealth Atty	Sheriff Forfeit	4-150-022100-9407	1,330.00	
BS	Expenditures-Sheriff	Sheriff Forfeit	4-150-031200-9407	12,670.00	
BS	Courthouse Maintenance Fees	CH Maint	3-208-001601-0005		9,860.00
BS	Courthouse Maintenance Fund Exp	CH Maint	4-208-043400-6099	9,860.00	
BS	Balance Forward	DWRP	3-570-004105-0003		771.00
BS	Miscellaneous Expenditures	DWRP	4-570-053500-0005	771.00	
BS	Balance Forward	IPR	3-580-004105-0001		3,943.00
BS	Remit to DHCD	IPR	4-580-053500-0004	3,943.00	
BS	Proceeds From VML/VACo	Debt Svc	3-401-004104-0001		127,000.00
BS	Interest	Debt Svc	4-401-067600-9120	127,000.00	
BS	Proceeds From VML/VACo	Expenditures	3-305-004104-0005		5,237,878.00
BS	Trasfer to SCH Construction Fund	Expenditures	4-305-093100-0301	4,397,388.00	
BS	Transfer to Capital Projects Fund	Expenditures	4-305-093100-0302	552,920.00	
BS	Interest Expense - VML/VACo	Expenditures	4-305-095400-9120	287,570.00	
BS	Transfer from CP Fund-VML/VACo	School Constr	3-301-004105-0305		3,371,788.57
BS	School Construction Expenditures	School Constr	4-301-066100-9403	3,371,788.57	
BS	Law Library Fees	Law Library	3-209-001601-0004		234.00
BS	Books & Subscriptions	Law Library	4-209-021800-6012	234.00	
BS	State Lottery for School	School Fund	3-205-002402-0033		121,642.00
BS	State Aid - School Construction	School Fund	3-205-002402-0095		127,809.00
BS	Transfer to Debt Svc Fund	School Fund	4-205-093100-9230	249,451.00	

On a motion by Supervisor Womack and carried, the Board approved the Year End Transactions:

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

d) Proposed Transfer Station schedule

Assistant County Administrator, Jill Matthews, reviewed the proposed schedule for the three county transfer stations, noting that they would be closed on Wednesdays and Sundays.

Questions were raised regarding inconveniencing both residents and businesses with closing two days a week. The Chairman agreed that this may be a temporary inconvenience, but it is not permanent.

It was the consensus of the Board to allow staff to proceed with revising the operating hours of the transfer stations. Supervisor Petty and Supervisor Kennell noted their displeasure with closing the transfer stations on Sundays.

6) **Planner/Zoning Administrator-** In Mr. Sorrell's absence, Mr. Cooper addressed the Board on his behalf.

a) Monthly report of Planning Commission activity/actions

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

b) Referral of REZ 09-04, a rezoning request from Carol Allen to rezone former garage property from A-2 to B-1 to reinitiate the garage use

Mr. Cooper informed the Board that the request for referral is for the owner to reinitiate a pre-existing vehicle repair shop that was closed several years ago.

On a motion by the Chairman and carried, the Board referred rezoning application REZ 09-04 to the Planning Commission for review and consideration:

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

c) Referral of REZ 08-03, Patriot Ridge-20.60 acre portion of tax parcel 56-A-24

Mr. Cooper informed the Board that they had previously referred this rezoning application to the Planning Commission on November 17, 2008. After this referral, it was determined that the application could not be deemed officially complete until receiving official comments from VDoT, which comments were received by staff on July 16, 2009. Staff requests the Board to refer the now complete application to the Planning Commission.

On a motion by the Chairman and carried, the Board referred the request to rezone a portion (20.06 acres) of parcel 56-A-24 to the Planning Commission for review:

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

- d) Referral of CUP 09-05: National Communication Towers, LLC, Tax map # 49-A-70A

Mr. Cooper informed the Board that staff received a conditional use permit application for a telecommunications tower. Staff requests that this application be referred to the Planning Commission for review and consideration.

On a motion by Supervisor Womack and carried, the Board referred CUP 09-05 for National Communication Towers, Tax map #49-A-20A to the Planning Commission for review:

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

- e) Erosion and Sediment Control Program-letter from DCR

Mr. Cooper informed the Board that staff received a congratulatory letter from the Department of Conservation and Recreation (DCR) for the substantial accomplishment of implementing effective erosion and sediment control efforts which are fully consistent with the requirements of state code.

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

- a) Consider resolution opposing Storm Water Management Regulations

County Administrator, Judy Ownby, stated that Frederick County is requesting the Board's consideration and adoption of a Resolution opposing the proposed Storm Water Management Regulations 4VAC50-60, Parts I, II, III, and XIII. Frederick County views these measures as an unfunded mandate forced on already fiscally stressed localities.

After much discussion, and unanimous consent, the Board directed the County Attorney to draft a letter supporting Frederick County's opposition to these regulations.

- b) Adopt PPTRA tax rate

Ms. Ownby stated that the proposed tax rate for 2009 is 49.73% compared to 45.25% for 2008.

On a motion by Supervisor Petty and carried, the Board approved the 2009 PPTRA tax rate of 49.73%:

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

- c) Consider work session to discuss road naming/addressing E-911 Ordinance

Ms. Ownby suggested that the Board consider scheduling a work session with county staff to discuss the proposed E-911 Addressing/Road Naming Ordinance. The Board scheduled the work shop for Tuesday, August 18, 2009 at 11:00 a.m. in the Old Clerk's Office.

8) Assistant County Administrator/Community Development

a) Update on projects

1) Museum Project

Assistant County Administrator, Michael Cooper, informed the Board that staff and engineers are working diligently to amend the scope of the project to alleviate the problems that arose previously.

2) Proposed waterline extension

Mr. Cooper stated that staff is currently reviewing draft plans for the waterline extension. Following staff review of the plans, they will be submitted to the various state agencies for review and approval.

Mr. Cooper also informed the Board that some revisions or updates to the County Code may be necessary in the near future.

3) NCT Communications Tower

Mr. Cooper stated that the County currently has emergency communications equipment located in the Courthouse area that may need to be relocated. National Communication Towers, LLC (NCT), proposed to construct a tower for the County's benefit. NCT has identified the piece of County property for this tower as Tax map #49-A-70A, the old Madison landfill property. Staff has been working with NCT on the agreement, and requests the Board authorize the County Administrator to execute all documents necessary to complete the lease agreement between the County and NCT.

On a motion by Supervisor Oertel and carried, the Board authorized the County Administrator to execute all

documents related to the lease agreement between the County and NCT:

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

b) IDA Vacancy

Mr. Cooper informed the Board that Mr. Cliff White has expressed interest in serving on the IDA.

Supervisor Womack made a motion to appoint Cliff White to the IDA, and it carried by the following vote:

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

c) “Fish Virginia First” Initiative-

Mr. Cooper informed the Board that the initiative will promote south and southwest Virginia as a premier fishing destination. Several Counties have already committed to this initiative, and it has gained the support of the Virginia Tourism Corporation, The Department of Game and Inland Fisheries, and the Department of Conservation and Recreation. Localities have the opportunity to partner in this effort by committing \$500 and providing a letter of support or Resolution.

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

**BOARD OF SUPERVISORS OF THE
COUNTY OF CUMBERLAND
RESOLUTION**

**IN SUPPORT OF THE REGIONAL EFFORT TO PROMOTE
AREAS OF SOUTHWEST AND SOUTHERN VIRGINIA AS A
PREMIER VIRGINIA FISHING DESTINATION**

August 11, 2009

WHEREAS, the southwest and southern regions are abundant with fisheries and tourism infrastructure that can accommodate and sustain visitation, and the economic impact of fishing and outdoor recreation in Virginia demonstrates that the angler market is one of significance to tourism; and

WHEREAS, freshwater fishing in Virginia provides \$500,663,394 in retail sales, 9,213 jobs, \$228,392,324 in salaries, wages, and income, and \$105,641,717 in federal and state taxes; and

WHEREAS, Tourism is a significant aspect of Virginia's economy as an \$18.7 billion dollar industry, supporting 210,000 jobs, and providing \$1.2 billion in state and local tax revenue for Virginia's communities; and

WHEREAS, other states such as Georgia, Alabama, Florida, and Alaska have all worked at their respective state level to market their fisheries, but also to develop and coordinate attractions and amenities so as to increase the amount of visitation at their public fisheries; and

WHEREAS, there is a concerted planning effort to promote the southwest and southern regions of Virginia as a premier fishing destination, with representatives of various Destination Marketing Organizations, Convention and Visitor Bureaus, localities, organizations, and state agencies such as the Department of Inland Game and Fisheries, the Department of Conservation and Recreation, and the Virginia Tourism Corporation involved in the planning effort; and

WHEREAS, there are opportunities to fund the initial development of a promotional effort through funding requests to the Virginia Tobacco Indemnification and Revitalization Commission, the Virginia Tourism Corporation, the

Department of Conservation and Recreation, and other funding sources, as well as sustain the effort through partner contributions from localities, businesses and organization; now

THEREFORE BE IT RESOLVED, that Cumberland County is supportive of the effort to plan, request and secure funds, and develop a regional marketing effort to promote the southwest and southern regions as a premier fishing destination in Virginia; and

THEREFORE BE IT RESOLVED, that Cumberland County anticipates participating in the planning and development effort, and partnering by not only being active in the effort, but also by partnering financially by providing \$500 initially to support the effort; and

BE IT FURTHER RESOLVED, that Cumberland County fully supports the concerted planning effort to promote the southwest and southern regions of Virginia as a premier fishing destination by representatives of various Destination Marketing Organizations, Convention and Visitor Bureaus, localities, organizations, and state agencies such as the Department of Inland Game and Fisheries, the Department of Conservation and Recreation, and the Virginia Tourism Corporation, and intend to be an active partner in the overall planning and implementation of the promotional effort.

Adopted this 11th, day of August, 2009.

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

9) County Attorney's Report -

a) Revenue Recovery Process

County Attorney, Howard Estes, informed the Board that the Emergency Services Committee has been looking into the

possibility of implementing a revenue recovery process by which the Rescue Squads can receive reimbursements for transportation costs from insurance companies.

Mr. Estes informed the Board that there are two areas of the Revenue Recovery process, one of which is aimed at recovering costs from insurance companies. The other allows the ESC to recover costs from an individual, in the form of court fees, in the instance a person is charged with certain violations of state statutes. If the Board is interested in proceeding with this concept, Mr. Estes suggested that this become a county-wide policy, and not allow only a single Rescue Squad to participate.

After much discussion, it was the consensus of the Board to direct County Attorney Estes to move forward and investigate possible procedures and policies regarding revenue recovery, and inform the Circuit Court Clerk and the General District Court Clerk of the Boards intentions.

10) Board Member Comments-

The Chairman stated that he was in attendance at the Cumberland County Public School System annual kick-off meeting.

Supervisor Kennell had no comments.

Supervisor Petty informed the Board that a request was received for a letter of support for the Buggs Island Telephone Cooperative in their application for federal stimulus funds. It was the consensus of the Board to draft a letter of support for the Buggs Island Telephone Cooperative as long as it would be in the interest of the citizens of Cumberland County.

Supervisor Womack stated that Piedmont Regional Jail is currently housing 6 terrorists that are U.S. Marshall prisoners.

Supervisor Oertel had no comments.

11) Public Comments

One citizen spoke regarding safety concerns on Rt. 601, Clinton Rd. during the morning when children are waiting for school buses. He asked if the Board could post a “No thru trucks” sign. The Chairman stated that the Board cannot restrict access on roads.

12) Additional Information-

N/A

13) Adjourn-

With no additional business to come before the Board, the Chairman adjourned the meeting until Tuesday, August 18th, 2009 at 11:00 a.m. in the Old Clerk’s Office Conference Room for a work session to discuss road naming/addressing E-911 Ordinance.

Chairman

County Administrator