

At a regular meeting of the Cumberland County Board of Supervisors held at 7 p.m. on the 9th day of March, 2010 at the Circuit Courtroom, Cumberland, County, Virginia:

Present: William F. Osl, Jr., District 1
Timothy M. Kennell, Chairman, District 2
Van H. Petty, District 3
Elbert R. Womack, Vice-Chairman, District 4
Robert J. Oertel, District 5
Howard Estes, County Attorney
Judy Ownby, County Administrator
Jill Matthews, Asst. County Administrator
Michael Cooper, Director of Community Development
Stephany Johnson, Deputy Clerk

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. Agenda - Addendum

On a motion by Mr. Osl and carried, the Board approved an addendum to the agenda as follows:

6. Departments and Agencies
 - a) Sheena MacKenzie, Central Virginia Community Health Center – 40th anniversary of CVCHC
9. County Administrator’s Report
 - c) Revised resolution designating April as Confederate History Month
 - d) Approval of Patriot Day Festival Application

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

2. Recognition of Volunteers-

The Chairman read the Resolution of Appreciation and presented it to the representatives. On a motion by the Chairman and carried, the Board adopted the Resolution of Appreciation for the Volunteers of the Cumberland County Meals on Wheels:

RESOLUTION OF APPRECIATION

Volunteers of the Cumberland County Meals on Wheels

WHEREAS the Cumberland County Board of Supervisors recognizes that the Cumberland County Meals on Wheels volunteers provide a valuable service to the elderly and homebound citizens of Cumberland County by delivering meals several times per week; and

WHEREAS there are currently a total of 19 volunteers who assist with the delivery of meals on Mondays, Wednesdays and Fridays, serving an average of 20 to 25 clients each week, totaling 75 meals per week or 3,900 meals per year; and

WHEREAS, the average volunteer devotes approximately 12 hours per week for a total of 624 hours per year to the Meals on Wheels effort; and

WHEREAS, recent weather conditions made it impossible for some of the drivers to deliver meals, other citizens volunteered to make deliveries in 4-wheel drive vehicles and gave the clients "blizzard bags" in the event that future weather/road conditions prevented delivery; and

WHEREAS, during the snow storms the Meals on Wheels Coordinator made phone calls to the most needy clients to check on them and to determine whether there were any urgent needs; and

WHEREAS, volunteers willingly go the extra mile to insure their clients' well-being, noting any change in their condition and contacting family members when a decline in health is suspected; and

WHEREAS, the volunteers are devoted to the clients they serve, seeing their efforts as more than serving meals, but as a service to their fellow citizens and to the community;

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Supervisors applauds the Meals on Wheels volunteers for their dedication and many hours of service to the citizens of Cumberland County;

AND, BE IT FURTHER RESOLVED that the Cumberland County Board of Supervisors directs that this resolution of appreciation be made a permanent part of the official minutes of the Cumberland County Board of Supervisors.

Unanimously adopted the 9th day of March, 2010.

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

3. Public Comments-

There were many citizens signed up to speak. Some citizens voiced their opposition to a tax increase of any kind, while other citizens voiced their support for level funding of the school system. One citizen questioned the Board about a VDOT issue.

4. VDOT –

Residency Administrator, Kevin Wright, informed the Board that he would have a discussion with the resident who brought forth a VDOT issue during public comments. Rt. 612, Trices Lake Road should be open on or before April 2, 2010. Supervisor Womack informed Mr. Wright of a dangerous pothole on Rt. 638. Mr. Wright also reminded the Board that two public hearings need to be scheduled.

After some discussion, and a motion by Supervisor Osl, and carried, the Board set a public hearing for the Six year, secondary road plan, and Rural Road designation for April 13, 2010:

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

5. Public Hearings

N/A

6. Departments/Agencies

- a) Sheena MacKenzie, Central Virginia Health Center

Ms. Mackenzie informed the Board that 2010 marks the 40th Anniversary of the Central Virginia Community Health Center. The Health Center will celebrate with festivals and events throughout the year. Ms. MacKenzie also provided the Board with informational pamphlets regarding the types of services the Health Center provides.

7. Assistant County Administrator/Finance & Human Resources

- a) Consent Agenda-
 - 1) Approval of minutes for February 2010
 - 2) Approval of bills – February 2010 and March 2010
Approved bills for March 9, 2010 total \$120,133.09.
Ratified bills for February 2010 of warrants totaling \$ 252,766.34. Direct deposits totaling \$ 153,401.82. Check numbers ranging from 58373 to 58553.

On a motion by Supervisor Oertel and carried, the Board approved the consent agenda in its entirety:

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

- b) Appropriation to Clerk’s Office - \$1,456.60 & \$5,962.00 (no local funds required)

On a motion by Supervisor Womack and carried, the Board appropriated \$1,456.60 and \$5,962.00 to the Clerk’s Office:

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

Mr. Oertel – aye

c) Monthly budget report

Assistant County Administrator, Jill Matthews, supplied the Board with the monthly budget report. The Board members had no questions.

d) Set final work session on budget

By unanimous consent, the Board set a work session on the budget for Monday, March 15th, 2010 at 9:00 a.m. in the County Conference Room.

e) Review budget calendar (PH scheduled tentatively for April 6, 2010)

Assistant County Administrator, Jill Matthews, requested the Board finalize the date for public hearing (tentatively scheduled for April 6, 2010).

By unanimous consent, the Board set the public hearing for the budget for April 6, 2010.

8. Planner/Zoning Administrator

a) Monthly report of Planning Commission activities

Assistant County Administrator, Michael Cooper, provided the Board with the monthly report of Planning Commission actions. The Board members had no questions.

b) CLAC appointment

Appointments will be made at the next regular meeting of the Board in April 2010.

c) Appointment to Planning Commission

Appointments will be made at the next regular meeting of the Board in April 2010.

9. County Administrator

- a) Consider appointment of Mr. Osl to Heartland Authority

County Administrator, Judy Ownby, informed the Board that the Chairman suggested Mr. Osl continue to serve on the Heartland Authority Board.

On a motion by Supervisor Oertel and carried, the Board appointed Supervisor Osl to serve on the Heartland Authority Board:

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

- b) Appointment of Bryan Saxtan as Deputy Emergency Services Coordinator

County Administrator, Judy Ownby, informed the Board that this appointment would replace Lee Leeds.

On a motion by Supervisor Womack and carried, the Board appointed Bryan Saxtan as Deputy Emergency Services Coordinator:

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

- c) Adopt a resolution designating April 2010 as Confederate History month

On a motion by Supervisor Osl, and carried, the Board approved the resolution designating April 2010 as Confederate History Month:

RESOLUTION

WHEREAS, the Civil War (1861 – 1865) marked the history of the United States more indelibly than any conflict that preceded it; and

WHEREAS, the Appomattox Campaign took place from March – April, 1865, and on April 7th, 1865, Union troops crossed the river at High Bridge and encountered Confederate forces entrenched on high ground near Cumberland Church in Cumberland County, Virginia; and

WHEREAS, forces moved from Cumberland County to Appomattox County, Virginia, and early on April 9th, General Robert E. Lee, being surrounded on three sides in Appomattox, surrendered to Lt. General Ulysses S. Grant; and

WHEREAS, this piece of American history is recounted in the textbooks of our children, and also through re-enactments at the various sites of battles and along the route of Lee's Retreat; and

WHEREAS, the Route of Lee's Retreat is marked by signage and can be followed through Cumberland County to the site of Lee's surrender in Appomattox, Virginia; and

WHEREAS, many Cumberland County citizens and their families were among those who died or were affected by the Civil War,

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Supervisors declares the month of April as Confederate History Month in Cumberland County, Virginia.

Adopted the 9th day of March 2010.

d) Approval of Patriot Day Festival Application

On a motion by the Chairman and carried, the Board approved the application for the 7th annual Patriot Day Festival to be held on Saturday, April 24, 2010 from 10 a.m. to 4:00 p.m. on the Courthouse Lawn:

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

10. Assistant County Administrator/ Community Development

a) Update on projects

None at this time

b) Water and Sewer Ordinance update (consider setting a work session to discuss)

Assistant County Administrator, Michael Cooper, stated that the WSAC has requested a joint meeting with the Board regarding the ordinance.

By unanimous consent, the Board agreed to meet with the WSAC. Mr. Cooper will coordinate with both boards for an agreeable date.

c) WSAC Appointments

An appointment for District 5 will be made at the next meeting.

d) ODRC&D Activity update

Mr. Cooper provided the Board with an update of activities of Old Dominion Resource Conservation and Development. The Board members had no questions.

11. County Attorney

- a) Jetbroadband franchise agreement – request for extension

County Attorney, Howard Estes, informed the Board that this resolution would extend the franchise agreement until September 6, 2018.

**BOARD OF SUPERVISORS
OF
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION
APPROVING AND AUTHORIZING EXECUTION OF
JETBROADBAND FRANCHISE EXTENSION**

March 9, 2010

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. on March 9, 2010, the following action was taken following a presentation of the attached resolution regarding franchise contract extension for cable television service by JetBroadband within the County jurisdiction.

On a motion made by Supervisor Petty, it was moved that the Board of Supervisors of Cumberland County approve and adopt, in accordance with the following Resolution, an extension of the JetBroadband cable television franchise agreement;

Following presentation of the Resolution, the Board of Supervisors adopted and approved the Resolution and franchise contract extension according to the votes stated below:

<u>Present:</u>	<u>Vote:</u>
Timothy Kennell, Chairman	aye
Robert J. Oertel	aye
William F. Osl, Jr.	aye
Van H. Petty	aye
Elbert R. Womack	aye
<u>Absent:</u>	<u>None</u>

WHEREAS, JetBroadband VA, LLC (“Franchisee”) owns, operates and maintains a cable television system (“System”) serving the County of Cumberland, Virginia pursuant to a franchise agreement which expired on September 6, 2008 (the “Franchise”) issued by the County of Cumberland, Virginia (the “Franchise Authority”), and Franchisee is the duly authorized holder of the Franchise; and

WHEREAS, Franchisee has requested the consent of the Franchise Authority for the renewal of the Franchise in accordance with the requirements of the Franchise and applicable law; and

WHEREAS, Franchisee has represented that it will comply with the terms and conditions of the Franchise; and

WHEREAS, the Franchise Authority believes that it is in the best interest of the community to approve the renewal of the Franchise granted to Franchisee.

NOW, THEREFORE, BE IT RESOLVED BY THE FRANCHISE AUTHORITY AS FOLLOWS:

SECTION 1. The Franchise Authority hereby approves and consents to the renewal for a term of ten years of the Franchise, all in accordance with the terms of the Franchise and applicable law and Franchisee shall comply with the terms and conditions of the Franchise.

SECTION 2. The Franchise Authority confirms that the renewal term of the Franchise shall be for a term of ten (10) years shall be deemed to have commenced on September 7, 2008 and will end on September 6, 2018.

SECTION 3. This Resolution shall have the force of a continuing agreement with Franchisee, and Franchising Authority shall not revoke, amend or otherwise alter this Resolution without the consent of Franchisee.

12. Board Members

All Board members thanked the citizens for their input regarding the budget.

Supervisor Osl stated that the County Code has a provision for hardships in regards to payment of taxes, and suggested that this code section be revisited and possibly revised.

13. Additional Information

N/A

15. Adjourn

With no additional business to come before the Board, the Chairman adjourned the meeting until Monday, March 15, 2010 at 9:00 a.m. in the County Conference Room for the final budget work session.

Chairman

County Administrator