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At a regular meeting of the Cumberland County Board of Supervisors held at 7 p.m. on the 13th day of April, 2010 at the Circuit Courtroom, Cumberland, County, Virginia:

Present: 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

Absent: William F. Osl, Jr., District 1

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 Supervisor Womack and carried, the Board approved an addendum to the agenda as follows:

- 5. Public Hearings
 - a) Joint public hearing with VDoT-letter from citizen
- 7. Assistant County Administrator/Finance
 - d) RFC audit proposal for FY 2010, 2011, 2012
- 8. Planning/Zoning Administrator
 - e) Festival Permit for Cartersville 4th of July event
- 13. Additional Information
 - f) Economic Development Conference – April 19th

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

2. Recognition of Volunteers-

a) Cumberland County Library

The Chairman read the Resolution of Appreciation. On a motion by Supervisor Oertel and carried, the Board adopted the Resolution of Appreciation for the Volunteers of the Cumberland County Library:

RESOLUTION OF APPRECIATION

Cumberland County Library

WHEREAS, the volunteers of the Cumberland County Public Library are an integral part of all of the patron services, that in most other libraries are handled by paid, degree-holding personnel; and

WHEREAS, the volunteers provide children's programming (Story Time, Summer Reading Program, Winter Reading Program), staff the circulation desk, and offer classes in hand crafts; and

WHEREAS, the volunteers devoted more than 2,056 hours during 2009, more than 390 hours from January through March 2010; and

WHEREAS, over a one-year period from 2009 to 2010, 25,601 citizens visited the Library; and there were 8,771 computer uses during this same period; and as of March 12, 2010, there were 2,056 active patrons; and

WHEREAS, it is estimated that about 5,000 different individuals use the library per year, and also many organizations use the meeting room, and students and teachers use the electronic resources; and

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WHEREAS, the volunteers perform all the typical volunteer duties such as shelving books, ensuring the shelves are in order, assisting with inventory and miscellaneous clerical duties, and also perform janitorial and emergency housekeeping duties, and

WHEREAS, it is because of the volunteers that the Library is able to offer more hours and more services than many other small, rural libraries,

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Supervisors recognizes with deep appreciation, the Cumberland County Public Library volunteers for the many hours that are donated for the upkeep and smooth operation of the Library; 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.

Adopted the 13th day of April, 2010.

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

b) Cumberland County Historical Society

The Chairman read the Resolution of Appreciation and presented it to the representatives. On a motion by Supervisor Oertel and carried, the Board adopted the Resolution of Appreciation for the Volunteers of the Cumberland County Historical Society:

RESOLUTION OF APPRECIATION

Cumberland County Historical Society

WHEREAS, the Cumberland County Historical Society (first called the Cumberland Historical Group) was formed in January of 1981 and the first meeting took place on January 6, 1981 at the Old Clerk's Office in Cumberland Court House; and

WHEREAS, Ida Sue Carter Seawell, a public school teacher for 30 years, publicized the first meeting at which ten other present or past residents of the County were in attendance, and in October of that year the organization elected its president, Ida Sue Seawell; and

WHEREAS, the main purpose of this group was to acquire historical data and stories of the past to preserve for the citizens and families of Cumberland County citizens; and

WHEREAS, the Cumberland County Historical Society currently consists of 35 members who meet bi-monthly at Payne Memorial Methodist Church in Cumberland Court House; and

WHEREAS, the first hardback edition of *Cumberland County, Virginia and Its People*, was published in November of 1983 and has had four supplements to the first volume; and the Society members have devoted many hours gathering information and working on a second edition which is planned to be published this year; and in addition, the Society also publishes annually the *Cumberland County Historical Bulletin*; and

WHEREAS, each year the Society gives a \$500 scholarship to a graduating senior from Cumberland who writes a paper on some phase of Cumberland County's history;

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Supervisors recognizes the members of the Cumberland County Historical Society for their deep dedication to preserving the history of Cumberland County for future

generations, for their assistance to people from all over the United States with questions regarding genealogy and Cumberland County history, for giving their time and energy to protect the many items of history currently in their care, and for their unwavering determination to eventually open a museum in which to display these items and many books, publications and documents; 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.

Adopted the 13th day of April, 2010.

VOTE: Mr. Osl – absent 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 spoke to the Board regarding the Revenue Recovery Program.

4. VDOT –

Acting Residency Administrator, Kevin Wright, informed the Board that VDoT is undergoing reorganization. As of Monday, April 26, 2010, calls to the Cumberland headquarters will no longer be answered at the headquarters; rather, they will be forwarded to the Dillwyn office for assistance. Other changes are expected as well. The Rt. 612 Bridge, Trices Lake Bridge was re-opened to traffic on March 30, 2010. The paving has not yet been completed, but is expected in the next few weeks.

5. Public Hearings

- a) Joint Public Hearing with VDoT on 6-year plan

Acting Residency Administrator, Kevin Wright, reviewed the Six-year Secondary Road Plan. The Chairman opened the public hearing. One citizen voiced concerns about receiving gravel for three tenths (.3) of a mile on Hobson Road. Another citizen stated that gravel roads were a waste of money as the gravel is washed off the roads and into ditches and streams.

With no other citizens signed up to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Petty and carried, the Board approved the secondary six year plan for FY 2011-FY 2016 (copy in the official Board File):

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

- b) Public Hearing on designation of Rural Rustic Roads

County Attorney, Howard Estes, reviewed the proposed requirements for designation of rural rustic roads within the county. The Chairman opened the public hearing. One citizen spoke about the benefits of designating Jenkins Church Road as a Rural Rustic Road. With no other citizens signed up to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Womack and carried, the Board approved the Resolution designating 3.153 miles of Jenkins Church Road as a Rural Rustic Road:

RESOLUTION

Cumberland County Board of Supervisors

Rural Rustic Road Designations

April 13, 2010

WHEREAS, Section 33.1-70.1 of the Code of Virginia, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1500 vpd; and

WHEREAS, the Board of Supervisors of Cumberland County, Virginia ("Board") desires to consider whether the routes listed below should be designated Rural Rustic Roads; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on these roads; and

WHEREAS, these roads are in the Board's six-year plan for improvements to the secondary system of state highways; and

WHEREAS, the public and particularly include those citizens who own land abutting these roads have been made aware that these roads may be paved with minimal improvements; through identifying the projects as rural rustic road projects in the six year plan presented for public hearing and through separate notification; and

WHEREAS, the Board believes that these roads should be so designated due to their qualifying characteristics;

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates the roads listed and attached hereto, Rural Rustic Roads, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

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BE IT FURTHER RESOLVED, the Board requests that these roads be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the roads in their current state.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Residence Administrator for the Virginia Department of Transportation.

Adopted this 13th day of April, 2010 by a vote of 5 ayes and 0 nays.

<u>Route #</u>	<u>Name</u>	<u>From</u>	<u>To</u>	<u>Length</u>
St.Rt. 624	Jenkins Church Road	.070 mi NW of Rt. 45	3.223 mi NW of Rt. 45	3.153 mi

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

c) Disposition of Community Center

Assistant County Administrator of Community Development, Michael Cooper, stated that as the Board had previously agreed to sell the Community Center property to the Industrial Development Authority (IDA), this formal action of disposition must take place. There is funding lined up through USDA for this transaction. Mr. Cooper requested the Board approve the purchase agreement in addition to the Resolution authorizing the disposition of the Community Center. A copy of the Lease agreement between the Board and the IDA which will be approved as an attachment to the Resolution was also provided to the Board for review.

County Attorney, Howard Estes, informed the Board that the sale of the property is authorized by Virginia Code § 15.2-1800, and the Public Hearing is authorized under Virginia Code §

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15.2-1803. Mr. Estes explained that while the Board will be selling the property to the IDA, the Board will be leasing back certain portions of the property.

The Chairman opened the public hearing. One citizen questioned the benefits of selling the Community Center Property. With no other citizens signed up to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Petty and carried, the Board adopted the Resolution approving the disposition of the Community Center property and Lease agreement between the County and the IDA:

**BOARD OF SUPERVISORS
OF THE
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION
APPROVING AND AUTHORIZING
DISPOSITION AND SALE OF CERTAIN REAL ESTATE
TO THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE
COUNTY OF CUMBERLAND, VIRGINIA AND
APPROVING
DOCUMENTS RELATED TO THE LEASE OF CERTAIN REAL
PROPERTY THEREFROM**

April 13, 2010

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Cumberland County Courthouse, Cumberland, Virginia 23040 commencing at 7:00 p.m., April 13, 2010, the following action was taken following a duly held public hearing during which time county staff provided a review of the proposed disposition and sale of property and leasing arrangements and members of the public offered comment:

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On a motion made by Supervisor Petty, it was moved that the Board of Supervisors of Cumberland County approve and authorize, in accordance with the following Resolution, the disposition and sale of property at 1874 Anderson Highway, Cumberland, Virginia 23040 and leasing from the Industrial Development Authority of the County of Cumberland, Virginia of certain portions of said property;

Following a presentation of the Recitals and Resolutions, the Board of Supervisors adopted and approved the Recitals and Resolutions according to the votes stated below:

<u>Present:</u>	<u>Vote:</u>
Timothy M. Kennell, Chairman	aye
Robert J. Oertel	aye
Van H. Petty	aye
Elbert R. Womack	aye
<u>Absent:</u>	William F. Osl, Jr.

WHEREAS, at a regular monthly meeting held on April 13, 2010, staff provided the Board of Supervisors with an overview of the proposed disposition and sale of the real property, including all improvements and appurtenances thereto, located at 1874 Anderson Highway, Cumberland, Virginia 23040, known as the Cumberland County Community Center (the "Property"); and

WHEREAS, the proposed sale of the Property is for a sum of \$2,000,000; and

WHEREAS, the Industrial Development Authority of the County of Cumberland, Virginia (the "IDA") is the proposed purchaser of said Property; and

WHEREAS, pursuant to Virginia Code Section 15.2-1800 the Board of Supervisors has authority to sell such Property and duly advertised and held a public hearing on April 13, 2010 to effect such sale; and

WHEREAS, the Board of Supervisors expects to retain certain leasehold interests as set forth in the form of Lease Agreement attached hereto; and

WHEREAS, after conducting a public hearing and considering the comments of County staff and the general public and after discussion and due deliberation with respect to such information, the Board of Supervisors desires to affirm its findings and to approve and authorize the disposition and sale of the Property and to approve the leasing of certain portions of the Property;

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 hereby approves the disposition and sale of the Property to the IDA.
- c. Upon consideration of the foregoing, the Board of Supervisors deems it appropriate and hereby approves the leasing of certain portions of the Property from the IDA pursuant to the Lease Agreement. The obligation of the County under the Lease Agreement does not constitute a debt of the County within the meaning of any constitutional or statutory limitation nor a liability of or a charge upon funds or property of the County beyond any moneys appropriated to make such payments as current expenses of the County; the pledge of the moral obligation of the County is not pursuant to the County's long-term borrowing powers.

d. The Chairman of the Board is authorized to execute a purchase agreement, deed of trust, and the Lease Agreement in substantially the form presented at this meeting, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the Chairman of the Board in consultation with the county attorney and whose approval shall be evidenced conclusively by the execution and delivery thereof.

e. All other actions of County officials in conformity with the purposes and intent of this Resolution and in furtherance of the sale of the Property and the lease transaction are ratified, approved and confirmed. The County officials are authorized and directed to execute and deliver all certificates and other instruments considered necessary or desirable in connection with the disposition and sale of the Property and the lease transaction pursuant to this Resolution.

f. This Resolution is effective immediately.

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

On a motion by Supervisor Petty and carried, the Board approved the Purchase Agreement for the Community Center property located at 1874 Anderson Hwy., between the County and the IDA:

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

6. Departments/Agencies

N/A

7. Assistant County Administrator/Finance & Human Resources

- a) Consent Agenda-
 - 1) Approval of minutes for March 2010
 - 2) Approval of bills – March 2010 and April 2010
Approved bills for April 13, 2010 total \$96,392.63. Ratified bills for March 2010 of warrants totaling \$ 186,947.47. Direct deposits totaling \$ 154,882.97. Check numbers ranging from 58554 to 58793.
 - 3) Appropriation of Fire Grant - \$46,801
 - 4) Supplemental appropriation of \$20 to animal pound
 - 5) Supplemental appropriation of \$2,772.50 to Clerk’s Office (no local funds)

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

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

- b) Monthly budget report

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

- c) RFC audit proposal for FY 2010, 2011, 2012

Assistant County Administrator, Jill Matthews, requested approval of the Robinson, Farmer, Cox Associates audit proposal to cover fiscal years 2009-2010, 2010-2011, and 2011-2012.

On a motion by Supervisor Petty and carried, the Board approved the proposal for auditing services from Robinson, Farmer, Cox Associates:

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

8. Planner/Zoning Administrator

- a) CLAC appointment

No appointments were made at this time.

- b) Appointment to Planning Commission

No appointments were made at this time.

- c) Authorize UDA planning grant

Assistant County Administrator for Community Development, Michael Cooper, reminded the Board that the County was recently mandated by the State to institute an Urban Development Area within the County. The County did apply for and receive a Planning Grant Award from the State to assist in this effort for an amount not to exceed \$50,000. VDoT will manage the grant and has selected The Renaissance Planning Group with which the County will work.

Mr. Cooper requested the Board authorize the County Administrator to execute the agreement

On a motion by the Chairman and carried, the Board authorized the County Administrator to execute the Urban Development Area Grant Program Agreement:

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

- d) Refer CUP 10-01 for NCT, Inc. to the Planning Commission

Mr. Cooper informed the Board that NCT, Inc. has submitted a CUP application for a self-supporting (lattice) telecommunications tower proposed to be located on TM 51-A-22, across Rt. 60, Anderson Hwy. from Marion's Trucking Company. Staff requests that the Board refer this application to the Planning Commission for review.

On a motion by Supervisor Womack and carried, the Board referred CUP 10-01 for NCT, Inc. to the Planning Commission for review:

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

- e) Festival Permit for the Cartersville 4th of July event

Mr. Cooper informed the Board that this application is for the event only. A separate fireworks permit must be submitted and approved.

On a motion by Supervisor Petty and carried, the Board approved the Festival Permit for the 4th of July event held annually in Cartersville:

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

9. County Administrator

- a) Approve annual agreement with the Health Department

On a motion by Supervisor Womack and carried, the Board approved the annual agreement with the Health Department:

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

10. Assistant County Administrator/ Community Development

a) Update on projects

1) Waterline Extension

Mr. Cooper informed the Board that draft plans have been submitted to the State Health Department for approval. Construction is expected to begin in late spring/early summer 2010.

2) Enhancement grant funding through VDoT

Staff submitted a letter to VDoT requesting that the funds the county had been awarded be suspended in light of the current budget restraints. Because of the work completed on this project to date, VDoT has agreed to extend the funding until December 31, 2012.

b) IDA vacancy (W.C. Sprouse)

Mr. Cooper stated that staff has received a letter of resignation from Mr. W.C. Sprouse, whom will not be able to complete his term on the IDA. Supervisor Womack stated on behalf of the Board, that they accept his letter of resignation with regret, as they appreciate his job well done.

c) Authorization to proceed with water supply plan

Mr. Cooper informed the Board that because of the drought of 2002, all localities are required to submit a water supply plan to DEQ for review and approval. Cumberland's plan is due to DEQ by November 2010. DEQ has provided approximately \$7,500 in

grant funding to assist with this effort; however it is expected that the total cost will exceed the grant fund amount. Additional funding sources are being identified. Mr. Cooper requested authorization to proceed with soliciting bids for this project.

On a motion by the Chairman and carried, the Board authorized Mr. Cooper to proceed with soliciting bids for the water supply plan project:

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

d) Ratify proposed business park sale agreement

Mr. Cooper informed the Board that staff had received a proposed Land Sale Agreement offered by RMK Timberland to the IDA for the purchase of property located at the end of Range Road. This project has received a grant award from the Virginia Tobacco Commission in the amount of \$200,000 to assist in the acquisition and preliminary design of the land. The proposed Land Sale Agreement is required by the current property owner in order to initiate the appraisal process. On behalf of the IDA, staff requests that the Board ratify the agreement in order to proceed with the appraisal process.

On a motion by Supervisor Oertel and carried, the Board ratified the Land Sale Agreement between RMK Timberland and the IDA:

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

11. County Attorney

a) Sale of Community Center Property

Mr. Howard Estes, County Attorney, informed the Board that the closing on the Community Center property will take place on Friday, April 23, 2010.

b) Dominion Virginia Power rate increase

Mr. Estes informed the Board that Dominion Virginia Power is proposing another rate increase. The Board will be kept abreast when more information becomes available.

12. Board Members

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

Supervisor Petty stated that he and staff met with representatives of Senator Warner's office in order to get feedback from localities regarding issues of concern.

Supervisor Womack reminded the citizens of the public hearing on the budget scheduled for April 19, 2010 at 7:00 p.m. in the Circuit Courtroom. Mr. Womack informed the Board that he and Supervisor Oertel held a multi-district question and answer session at the Randolph Volunteer Fire Department.

The Chairman urged the residents to attend the public hearing on the proposed budget, and thanked County staff for the work on the budget.

13. Additional Information

N/A

15. Adjourn

With no additional business to come before the Board, the Chairman adjourned the meeting until Monday, April 19th, 2010 at 7 p.m. in the Circuit Courtroom for public hearings on the proposed Real Property Tax, Proposed FY 2010-11 budget and personal property and other rates and charges, and the Proposed CIP for FY 2010-11 through 2014-15.

Chairman

County Administrator