

At a regular meeting of the Cumberland County Board of Supervisors held at 7 p.m. on the 14<sup>th</sup> day of September, 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, Asst. County Administrator

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

- 5. Revised Resolution for Disposition of Brown's Voting Precinct
- ADD 8. Planner/Zoning Administrator
  - d) Referral of CUP application # 10-02 to the Planning Commission

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

## 2. Recognition of Volunteers-

- a) Bear Creek Academy

The Chairman read the Resolution of Appreciation and presented it to the representatives.

On a motion by Supervisor Osl and carried, the Board adopted the Resolution of Appreciation for Bear Creek Academy:

## **RESOLUTION OF APPRECIATION**

### **Bear Creek Academy**

WHEREAS, Bear Creek Academy is a private therapeutic school in Cumberland County, offering small classes and individualized therapeutic support to students in grades 6-12; and

WHEREAS, the Academy is locally owned and operated with a mission to meet educational needs and provide students with the opportunity to obtain vocational job skills, and its motto is: Respect for Self, Respect for Others, Respect for Community; and

WHEREAS, the Academy has partnered with the Department of Rehabilitative Services and local agencies and businesses to provide paid internships for students, and now has its first student working at Bear Creek Lake State Park, assisting the rangers and staff; and

WHEREAS, Bear Creek Academy currently serves six counties including Cumberland, Buckingham, Prince Edward, Powhatan, Henrico and Goochland; and

WHEREAS, Bear Creek Academy Conservation Corps is based on the model of FDR's Civilian Conservation Corps and the cumulative volunteer hours since September 2008-present are 1,065.75 hours, with 15-20 student and staff volunteers to date involved in the conservation efforts; and

WHEREAS, students are challenged outside the classroom to learn the value of physical work and volunteering to improve

their community and environment, and each conservation or service learning project is completed with pride, serving as a visible reminder of the student's own self-worth and the power of teamwork; and

WHEREAS, conservation and community project locations include: Bear Creek Lake State Park; High Bridge State Park; Ellis Acres Memorial Park (Dillwyn); Cumberland County and Cumberland Community Center (landscaping and recycling program); Cumberland Social Services; and Cumberland Clothes Closet;

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Supervisors recognizes and applauds the staff and students of Bear Creek Academy for the many hours contributed and valuable assistance and support provided to Cumberland County and many community groups; 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 14<sup>th</sup> day of September, 2010.

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

**3. Public Comments-**

There were no citizens signed up to speak.

**4. VDOT –**

Kevin Wright, Acting Residency Administrator, introduced the new local government liaison, Ms. Jorge Huckabee-Mayfield, who is the Transportation and Land Use Director. Mr. Wright will continue as the Maintenance Director for Cumberland. Mowing has been completed on all dirt roads and Primary roads. Mowing on the secondary roads

continues. Supervisor Womack informed Mr. Wright of a dangerous intersection located at Rt. 638, Guinea Road, Rt. 678 Cottontown Road and Rt. 679, Angola Road due to uncut brush obstructing drivers line of vision.

## 5. Public Hearings

- a) Disposition of Real Property (Tax map Parcel(s) 90-A-50 and 90-A-51A) 201 John Randolph Road, Farmville, Virginia 23901

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

On a motion by Supervisor Womack and carried, the Board adopted the resolution authorizing the sale of Brown's Voting Precinct:

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

## 6. Departments/Agencies

- a) Amy Griffin, School Superintendent-Request for appropriation of federal funds in the amount of \$180,000

Ms. Griffin stated that the School has been awarded grant funds in the amount of \$180,000.

On a motion by Supervisor Petty and carried, the Board approved an appropriation of grant funds in the amount of \$180,000:

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

b) Miles Hoge and Rick Hilker-EHF Final Report

Rick Hilker and Miles Hoge, Managing partners of EHF, supplied the Board and staff with the Phase 2 Final Financial Report, and a power point presentation. Mr. Hilker reviewed the report to the Board's satisfaction. (copy in official Board file)

c) Tim Torrez, Republic Services-Quarterly Report

Mr. Torrez informed the Board that the Wetlands Mitigation has been approved by the Army Corps of Engineers and DEQ. Mr. Torrez is currently working with Mr. Sorrell, County Planner to obtain approval of the site plan. Groundwater monitoring wells were installed in 2009, and are being monitored quarterly.

**7. Assistant Administrator/Finance & Human Resources**

a) Consent Agenda

On a motion by Supervisor Womack and carried, the Board approved the following items on the consent agenda:

- 1) Approval of minutes for August 2010
- 2) Approval of bills –August 2010 and September 2010  
Approved bills for September 14, 2010 totaling \$87,765.08.  
Ratified bills for August 2010 of warrants totaling \$  
283,202.50. Direct deposits totaling \$ 151,278.82. Check  
numbers ranging from 59336 to 59751.
- 3) CIP and Budget Calendars for FY 2011-12
- 4) Supplemental Appropriation in the amount of \$32,275.00-  
Maintenance Position

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

b) Monthly budget report

Assistant County Administrator, Jill Matthews, reviewed the report to the Board's satisfaction. The Board members had no questions.

- c) FY 10-11 projected/actual expenditures report

Assistant County Administrator, Jill Matthews, reviewed the report to the Board's satisfaction. The Board members had no questions.

**8. Planner/Zoning Administrator -**

In Mr. Sorrell's absence, Assistant County Administrator/Community Development, Michael Cooper, reviewed the following items on the agenda.

- a) CLAC appointments -

No appointment was made.

- b) Planning Commission appointment-

Mr. Cooper informed the Board that Mr. Randy Bryant currently serves on the Planning Commission and has indicated a desire to be re-appointed.

On a motion by Supervisor Osl and carried, the Board re-appointed Mr. Randy Bryant to the Planning Commission for a 3 year term expiring October 1, 2013:

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

- c) Update on Subdivision Ordinance

Assistant County Administrator, Michael Cooper, informed the Board that the Planning Commission and staff are drafting

changes to the Subdivision Ordinance. This information has been made available to the public for review and comment.

- d) Refer CUP 10-02 to the Planning Commission

On a motion by Supervisor Osl and carried by the following vote, the Board referred CUP 10-02 to the Planning Commission for review:

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

**9. County Administrator’s Report**

- a) Appointment of two members to the Recycling Taskforce

No appointments were made at this time.

- b) Designate voting delegate for VACo 2010 annual meeting

On a motion by Supervisor Osl, and carried, the Board appointed Supervisor Petty as the voting delegate at the Annual VACo Business meeting:

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

- c) Review Legislative Priorities

On a motion by Supervisor Osl and carried, the Board adopted the 2011 Legislative Priorities as follows:

2011 CUMBERLAND COUNTY  
LEGISLATIVE PRIORITIES  
ADOPTED SEPTEMBER 14, 2010

The Cumberland County Board of Supervisors has developed the following legislative positions for consideration by VACo and our representatives to the General Assembly.

1. UDA's – Amend Urban Development Areas (UDA's) such that localities with a population of 50,000 or less have the option of creating Urban Development Areas.

2. Taxes-Request a JLARC study to understand and analyze the value and lost revenue of property owned by a political subdivision that is tax exempt in another political subdivision.

3. Transportation – require VDOT to implement a Plan with the local governing body to establish maintenance priorities.

4. Situs for Taxation – amend Section 58.1-3511A requiring that situs for assessment and taxation of personal property, merchants capital and machinery and tools (would not include motor vehicles, travel trailers, boats and airplanes which are already assessed based on where they are “normally garaged, docked or parked”) be in the county, district, town or city in which the property is “normally used, located or held out for sale” instead of where the property “may be physically located on tax day.”

5. Comprehensive Services Act – the General Assembly should provide that court-ordered children be classified as “mandated” for the purposes of receiving state reimbursements.

6. School Construction and debt service – the State should provide recurring money for school facility debt service on a per pupil basis and in addition to SOQ funding, to establish a permanent revenue source and formula for distributing school construction and debt service funding to localities.

7. Increase the current level of school construction funding from the Literary Loan program to \$15 million per

project and provide to localities on a sliding scale based on the composite index.

8. Funding for State mandated positions – provide adequate funding for Magistrates, Sheriff and other constitutional officer staffing. Cumberland County has a small population, but large land area and the five deputies funded by the Compensation Board are not adequate to perform 24-hour law enforcement, court security and other legally required duties.

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

- d) Letter from Secretary of Agriculture & Forestry regarding Cumberland’s request for disaster designation

The Secretary of Agriculture & Forestry has received the County’s request for a disaster designation and is compiling information for the USDA.

## **10. Assistant County Administrator/Community Development**

- a) RC&D Director’s Report

Mr. Cooper provided the Board with, and reviewed the Director’s Report. The Board members had no questions.

- b) E&S Contract with Burgess & Niple

Mr. Cooper informed the Board that the current erosion & sediment control plan reviewer will be on leave for 8-12 weeks. Since we do not have a certified E&S plan reviewer on staff, we will need to make other arrangements for this period of time. Burgess & Niple, an engineering company currently under contract with the County, has submitted a proposal to complete reviews of E&S plans for a period of no more than 12 weeks.

It was the consensus of the Board to table a decision until the next regular meeting of the Board to be held on Tuesday, October 12, 2010.

c) Public Policy Virginia

Public Policy Virginia, a non-profit corporation based in Charlottesville, is looking to work with two communities to develop a plan for a small scale bio-energy project. The proposed project is funded through a grant from the Tobacco Commission. Participation will require no cost for the County. While the project will not include the actual construction of a bio-energy facility, it will result in a business plan and feasibility study that the partnering locality can use to move forward with the project should it elect to do so.

By unanimous consent, the Board directed Mr. Cooper to relay the Board's interest in participating in the project.

d) Reservoir Update

Assistant County Administrator, Michael Cooper, informed the Board that staff has received the revised permit from DEQ transferring the permit to Henrico County. The only outstanding permit to be revised is the permit from the U.S. Army Corps of Engineers. Henrico County staff will be holding a meeting with property owners affected by the reservoir project on Monday, September 12, 2010. Staff continues to work with Henrico County staff with the transfer of information related to the project to enable the project to keep moving forward.

e) IDA update

The Industrial Development Authority (IDA) has been working on acquisition of land for a proposed business park development. The IDA has seen some interest from prospective businesses in the park development.

## **11. County Attorney's Report**

The County Attorney recommended that the Board review the proposed Subdivision Ordinance changes and meet with staff to work through the Ordinance.

## **12. Board member comments -**

Mr. Oertel discussed a complaint received from a subscriber of the County Sewer System. Ms. Matthews informed the Board that she is currently working with the subscriber to mediate their complaint.

Mr. Womack stated that he and Mr. Oertel plan to visit the Randolph Volunteer Fire Department in order to review the current status of the facility.

Mr. Petty stated that the County is on the right track with economic development, and the Veterinary Clinic proposed is an example of that.

Mr. Kennell voiced his support for the proposed Veterinary Clinic. Bear Creek Lake State Park will be holding a dedication ceremony for an archery range on Saturday, September 18, 2010.

The Chairman adjourned the meeting until the next regular meeting of the Board scheduled for October 12, 2010 at 6:00 p.m. in the Circuit Courtroom of the Cumberland Courthouse, Cumberland, Virginia.

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Chairman

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County Administrator