

BOOK 12 PAGE 594

At a regular meeting of the Cumberland County Board of Supervisors held at 7 p.m. on the 9th day of November, 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
Andrew Sorrell, Planning Director
Stephany Johnson, Deputy Clerk

Absent: None

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

4. VDoT
 - Status Report
 - Alternatives being considered on Cartersville Road Bridge
 - Petition from residents to Board of Supervisors to add Carriage Bill Road to State secondary road system

- ADD 6. Departments/Agencies
- b) Patricia Scales, Commonwealth's Attorney-request for funding (capital murder case)
 - e) Payment to EHF Consultants

BOOK 12 PAGE 594

Counties, and has expanded recently to provide more skilled labor to assist the Counties with many projects that include construction, renovations, painting, welding, masonry and other various types of maintenance projects; and

WHEREAS, Mr. Charles Marshall, Piedmont Regional Jail's Community Workforce Coordinator, Sgt. David Moore, Sgt. Kevin Hicks, Officer Thomas Marshall and Officer Alonzo Walton supervise both skilled and non-skilled inmates who provide Cumberland County with many hours of labor each week, at no charge to the County, thus saving the County thousands of taxpayer dollars; and

WHEREAS, specific projects that have been completed in Cumberland County to date, include picking up litter on many County roads; painting the County Administration and Courthouse buildings; cleaning and maintenance of Courthouse area sidewalks and ballfields; moving furniture at the Community Center; and a plan to paint bathrooms at Cumberland Schools during the 2010 holiday break; and

WHEREAS, by further expanding the program, Superintendent Toney recognized an increased interest in the program by non-violent, eligible inmates who are counseled in interview techniques prior to being interviewed for the program, and thus learn from the process;

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Supervisors gratefully acknowledges the outstanding program administered by the Piedmont Regional Jail on behalf of the participating Counties; 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 9th day of November, 2010.

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

3. Public Comments-

Residents of the Carriage Hill Subdivision requested that the Board add Carriage Hill Road to the VDOT secondary road system. One citizen stated that citizens were not allowed to voice their opinions openly at the recent Planning Commission meeting held on November 8, 2010, and discussed concerns with a Board members conflict of interest in a proposed business locating in the proposed business park.

4. VDOT -

Mrs. Jorge Huckabee-Mayfield was not present, but provided the Board with a status report which Ms. Ownby reviewed with the Board. Ms. Ownby stated that VDOT is considering alternatives to closing the Route 684, Muddy Creek Bridge for six months. Some options include staged construction to leave lanes open during construction, a temporary bridge, and an accelerated schedule to reduce the duration of construction.

5. Public Hearings

a) REZ 10-02 Cumberland County Industrial Development Authority

Planning Director, Andrew Sorrell, reviewed the Rezoning request. The Industrial Development Authority is requesting to rezone two properties, Tax map # 49-3-2, and 49-3-3 from A-2, Agricultural and RA-1, Recreational Area Access to M-1, Industrial. Assistant County Administrator, Michael Cooper, provided the Board with a power point presentation regarding the rezoning for the proposed Industrial Business Park.

The Board then opened the public hearing. Nine citizens spoke against the rezoning, and three spoke in favor of the request. Most citizens that spoke against the rezoning were voicing concerns with a proposed business interested in locating

in the business park. The Chairman then closed the public hearing.

Supervisor Oertel stated his opposition to the rezoning due to the encroachment into the RA-1 zoning district, and questioned the need to rush the approval process of the applications. Supervisor Womack stated that the expedition of the applications is for the benefit of all businesses proposing to locate in the business park, not just the one proposed. Supervisor Womack also stated that he attended initial meetings scheduled by The Virginia Farm Bureau and the Virginia Cooperative Extension to find out more about a poultry digester, but found that it would not be a fit for his farm, and stopped attending the meetings.

The Chairman made a motion to refer this request back to the Planning Commission to redefine the RA-1 zone prior to action by the Board. County Attorney, Howard Estes, informed the Board that appropriate Board action would be to approve or deny the application. The Chairman then withdrew his motion. Supervisor Womack stated that after Board action on this application, he recommended the Board direct the Planning Commission to review the logistics of the RA-1 zone, and bring the information back to the Board.

On a motion by Supervisor Osl and carried by the following vote, the Board approved rezoning application REZ 10-02:

**BOARD OF SUPERVISORS
OF THE
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION
APPROVING AND ADOPTING
REZONING APPLICATION #10-02
FOR TAX MAP PARCELS 49-3-2 and 49-3-3
REQUESTED BY THE CUMBERLAND COUNTY
INDUSTRIAL DEVELOPMENT AUTHORITY**

BOOK 12 PAGE 594

November 9, 2010

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., November 9, 2010, 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 Osl, 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 RA-1, Recreational Area Access and A-2, Agricultural to M-1, Industrial 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>
Timothy Kennell, Chairman	Nay
William F. Osl, Jr.,	Aye
Van H. Petty	Aye
Elbert R. Womack	Aye
Robert J. Oertel	Nay
<u>Absent:</u>	None

BOOK 12 PAGE 594

WHEREAS, the Cumberland County Industrial Development Authority (the “Applicant”) filed a rezoning application and supporting materials (the “Rezoning Application”) seeking to rezone the property described below from RA-1, Recreational Area Access and A-2, Agricultural to M-1, Industrial 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 commercial business use of the Property; and

WHEREAS, the subject property is located on the west side of Rt. 728 (Poorhouse Road) just north of its intersection with Range Road, immediately adjacent to the County maintenance shop and animal pound. This location is approximately 3,800 feet north of the Poorhouse Road and Rt. 60 (Anderson Highway) intersection and more particularly described as Tax Map Parcels 49-3-2 with respect to 11.926 acres and 49-3-3 with respect to 56.001 acres (the “Property”), for a combined total acreage of 67.927 acres; and

WHEREAS, the Board of Supervisors duly referred the Rezoning Application to the County Planning Commission for its recommendation on October 12, 2010; and

WHEREAS, the Planning Commission directed staff to make the Rezoning Application available for public review on October 18, 2010; and

WHEREAS, the Planning Commission duly advertised and held a public hearing on November 8, 2010; and

WHEREAS, after such public hearing the Planning Commission adopted a resolution recommending to the Board of Supervisors that it approve and adopt the Rezoning Application; and

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on November 9, 2010; 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;

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 is 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 Zoning Ordinance;
- 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 #10-02 to rezone the Property from RA-1, Recreational Area Access and A-2, Agricultural to M-1, Industrial for limited and light industrial development.

This Resolution is effective immediately.

On a motion by Supervisor Osl and carried, the Board directed the Planning Commission to immediately review the requirements of the RA-1 zoning district, and bring this information before the Board within ninety (90) days.

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

6. Departments/Agencies

- a) Amy Griffin, Cumberland County Schools Superintendent – Request for appropriation of \$380,829 in federal funds

Dr. Griffin informed the Board that these are federal funds intended to recall previous employees, retain existing employees or for new hires. These funds will allow a one-time 2% bonus for those employees who took a 3% -5% decrease in pay previously. Dr. Griffin requested an appropriation of \$146,056 for a one-time 2% bonus for school employees. The balance of the federal funds will be utilized next year to save seven teaching positions.

On a motion by the Chairman and carried, the Board approved an appropriation of federal funds to the school in amount of \$146,056:

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

- b) Patricia Scales, Commonwealth Attorney’s Office – Request for funding (capital murder case)

Commonwealth Attorney, Patricia Scales, is requesting an appropriation of \$7,674 to be used as salary for a legal assistant who is working on the capital murder case.

On a motion by Supervisor Oertel and carried, the Board approved a supplemental appropriation in the amount of \$7,674 to the Commonwealth Attorney’s office:

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

Mr. Oertel – aye

The Board directed the County Administrator to inquire as to whether assistance can be received from the state to recover these funds.

7. Assistant Administrator/Finance & Human Resources –

a) Consent Agenda

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

- 1) Approval of minutes for October 2010
- 2) Approval of bills –October 2010 and November 2010
Approved bills for November 9, 2010 totaling \$78,550.74.
Ratified bills for October 2010 of warrants totaling \$
262,908.28. Direct deposits totaling \$ 151,819.58. Check
numbers ranging from 59926 to 60169.
- 3) Appropriation of Litter Grant Funds - \$5,910 total (\$1,000
to Recycling Committee and \$4,910 to Fund 100 Recycling
Budget)
- 4) Approval to fill position in Planning Office (due to
resignation of Chris Ingram)

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. The Board members had no questions.

c) Cost Comparison for Painting County buildings (low bid vs. PRJ Inmate Labor).

Mrs. Matthews informed the Board that the County saved \$6,849.50 by using inmate labor from Piedmont Regional Jail than hiring a contractor to paint the exterior of the County buildings.

- d) Informational Report on savings at the Sheriff's Department

Mrs. Matthews informed the Board that insulation was blown into the ceiling of the Sheriff's office in October 2009. In the past year, the county has saved \$3,544.82 on the electricity used at the Sheriff's office due to the added insulation.

- e) Payment to EHF Consultants

Mrs. Matthews informed the Board that according to the contract with EHF Consultants, the County would not pay the company until actual savings had been realized or additional revenue had been received. Mrs. Matthews stated that she would review the invoice received from EHF Consultants with the Treasurer.

8. Planning Director -

- a) CLAC appointments

No appointments at this time.

- b) CUP 09-04 Renewal - Central Virginia Concrete

On a motion by Supervisor Womack and carried by the following vote, the Board approved the renewal of CUP 09-04 for one year:

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

- c) Special Temporary Use Permit 09-01 Renewal- Greater Works Ministries

On a motion by Supervisor Osl and carried, the Board approved the renewal of STUP 09-01 for one year:

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

d) Update on Planning Commission Actions

Zoning Administrator, Andrew Sorrell, provided the Board with and reviewed a report of recent Planning Commission actions.

9. County Administrator’s Report

a) License Tax Agreement with Farmville

On a motion by Supervisor Womack and carried, the Board approved the Motor Vehicle License Tax Agreement with the Town of Farmville:

**MOTOR VEHICLE LICENSE TAX AGREEMENT
BETWEEN
COUNTY OF CUMBERLAND, VIRGINIA
AND
TOWN OF FARMVILLE, VIRGINIA**

THIS AGREEMENT is made this 9th day of November, 2010, by and between the **COUNTY OF CUMBERLAND, VIRGINIA**, hereinafter referred to as “the County”, party of the first part, and the **TOWN OF FARMVILLE, VIRGINIA**, hereinafter referred to as the “Town”, party of the second part.

WHEREAS, the Town Council desires to relieve the citizens of the Town from the burden of placing the decals on their vehicles to prove payment of the subject Tax; and

BOOK 12 PAGE 594

WHEREAS, the Town desires to continue collecting revenues from this revenue source; and

WHEREAS, the subject tax can be printed on the personal property tax tickets, and

WHEREAS, the Town does not currently have a personal property tax and thus does not mail personal property tax tickets to its residents; and

WHEREAS, the Town Council has eliminated the Town Motor Vehicle License Tax and such elimination has caused the County's Motor Vehicle License Tax Ordinance to be enforceable within the Town; and

WHEREAS, the Board of Supervisors desires to assist the Town and its residents in this matter.

WHEREAS, the Board of Supervisors agrees to reimburse the Town a portion of the taxes collected from Town taxpayers; and

WHEREAS, in consideration of the work performed by employees working in the County Courthouse in support of Town operations and the assistance they provide Town residents, the Town Council desires to pay an administrative fee in the amount of 10% of the taxes collected; and

WHEREAS, the Town and County wish to enter into an agreement to relieve Town citizens of the burden of placing decals on their vehicles and at the same time allow the Town to collect revenues from this tax;

NOW THEREFORE, THIS AGREEMENT WITNESSETH: that for and in consideration of the promises and the mutual covenants and undertakings of the parties to this agreement, the parties mutually agree with each other as follows:

BOOK 12 PAGE 594

Sec 1. Upon execution of this agreement by the Town and the County, the County will assess and pursuant to County Code, collect the County Motor Vehicle License Tax on all Town residents.

Sec 2. The county will remit to the Town 90% of the actual amount of the tax collected from town residents. This amount represents the amount the County would normally collect after deducting the 10% administrative fee.

Sec 3. The County shall remit payment to the Town on a quarterly basis.

Sec 4. This agreement will remain in full force and effect and shall automatically renew annually unless notice of the intent to terminate is received not later than July 1 of each year. Said written notice to the County shall be sent to the County Administrator's office at Post Office Box 110, Cumberland, VA and to Town at Town Manager's office at 116 N. Main Street, Farmville, VA.

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

b) Consider County/Social Services employee bonus

County Administrator, Judy Ownby, informed the Board that the State is giving a one-time bonus to State employees of 3% in December, and the School is proposing to give the School employees a 2% bonus, which will come from federal funds. Ms. Ownby requested the Board's consideration of granting a one-time 2% bonus to County and Social Services employees.

A motion was made by the Chairman to approve the appropriation in the approximate amount of \$64,000 for a one-time 2% bonus to County and Social Services employees, and it was defeated by the following vote:

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

c) Recycling Taskforce Appointments

No appointments were made at this time.

10. Assistant County Administrator/Community Development

a) Dewberry Contract

Assistant County Administrator, Michael Cooper, informed the Board that Dewberry is interested in renewing their contract with the county regarding the waterline extension project.

On a motion by Supervisor Petty and carried, the Board approved the Contract with Dewberry for a term of one year:

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

b) Architectural/Engineering contract renewals

On a motion by Supervisor Womack and carried, the Board approved an extension on contracts with Dewberry, Austin Brockenbrough & Associates, and Burgess & Niple for a one year term:

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

c) Listing County property on State’s database

Mr. Cooper requested permission from the Board to list the County’s old Social Services property on the Virginia Economic Development Partnership’s webpage in hopes of attracting

interested businesses. The Board approved this by unanimous consent.

Mr. Cooper informed the Board that two Public Hearings will need to be scheduled related to the proposed business park. By unanimous consent, the Board scheduled a meeting for 7:00 p.m. in the Circuit Courtroom of the Cumberland Courthouse, Cumberland Virginia on Tuesday, November 30, 2010.

11. County Attorney's Report

N/A

12. Board member comments -

Supervisor Womack stated that he and Supervisor Oertel had attended the last meeting of the Randolph Volunteer Fire Department. Mr. Womack also suggested that the personal property tax bills note that there is a 10% penalty for late payment of taxes. It was the consensus of the Board to ask the Commissioner of Revenue to add the line item noting the 10% penalty for late payment of personal property taxes.

The Chairman and Supervisor Petty stated that they had attended the annual VACo Conference.

Supervisor Oertel questioned Mr. Cooper regarding a sign erected near the Plank Road Business Park. Mr. Oertel also questioned whether a base bid will be required for the auction of the Brown's Voting Precinct property.

Supervisor Osl stated that he voted against the bonus for County and Social Services employees because it would utilize county funds. If state or federal funds were allocated for the bonus or surplus funds were found, he would approve it. Mr. Osl also discussed concerns with the status of the Cumberland Rescue Squad. Mr. Osl thanked all of the veterans for their service to the Nation.

It was noted that Mr. William "Bill" Smith, former reporter for the Cumberland Bulletin, had passed earlier that day. It was the consensus of the Board to direct the County Administrator to draft a Resolution of appreciation and in memory of Mr. Smith, to be adopted at the next regular meeting of the Board.

The Chairman adjourned the meeting until November 30, 2010 at 6:00 p.m. in the Circuit Courtroom of the Cumberland Courthouse, Cumberland, Virginia.

Chairman

County Administrator