

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 12th day of July, 2011, at the Cumberland County Circuit Court Room:

Present: William F. Osl, Jr., District 1
Timothy Kennell, District 2
Van Petty, Chairman, District 3
Elbert Womack, District 4
Robert Oertel, District 5
Howard Estes, County Attorney
Judy Ownby, County Administrator
Jill Matthews, Assistant County Administrator
Bret Schardein, Planning Director
Stephany Johnson, Deputy Clerk

Absent: None

The Chairman called the meeting to order and the County Administrator called the roll.

The invocation and the Pledge of Allegiance were led by the Chairman.

1) Approval of Agenda-

On a motion by Supervisor Osl and carried, the Board amended the agenda to include:

4. Departments/Agencies
 - a) VDoT monthly report
 - d) Eric Houghland, Park Manager, High Bridge Trail State Park – report on park activities

5. Assistant County Administrator/Finance & Human Resources
 - a) Consent Agenda
 - 4) Appropriation - \$1,400 to Cumberland Recreation
 - g) Request for water taps for vacant lots owned by Margaret Atkinson and Joyce Ingle

7. County Administrator
 - a) Revised letter of support for VA's Retreat application to Tobacco Commission
 - d) Appointment – Reappoint Carolyn Helgeson to ASAP Board for a 3 year term expiring August 1, 2014.
- 8) Community Development Report
 - Update on Projects – Waterworks Construction Permit

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

2) Public Comments-

One citizen asked if there are any Board members, County employees, or other committee members that are financially involved in the Patriot Ridge Shopping Center.

3) Public Hearings –

- a) CA 11-05 – Reduction in the amount of retail floor space in a building allowed per parking space

Planning Director, Bret Schardein, informed the Board that the request proposes to change the number of square feet of retail floor area per parking space relating to retail stores that sell directly to the public. Currently, the parking ratio is 1 parking space per 100 square feet of retail floor area. The requested amendment would change the ratio to 1 parking space per 250 square feet of retail floor area, add the words “restaurant, food and “ to the existing language of “retail stores”, and amend wording under 74-9(c) from “adjoining premises in a residential district” to read “adjacent parcels”.

After some discussion by the Board, the Chairman opened the public hearing. One citizen stated that he hoped the Board

would move forward with this business. Another citizen stated that they wanted to see progress with this business. With no additional citizens signed up to speak, the Chairman then closed the public hearing.

BOARD OF SUPERVISORS
OF
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION APPROVING AMENDMENT TO THE
CODE OF CUMBERLAND COUNTY:
CODE AMENDMENT 11-05:
“AN ORDINANCE AMENDING CHAPTER 74 OF THE
CUMBERLAND COUNTY CODE AMENDING SECTION 74-9.
MINIMUM OFF-STREET PARKING.”

July 12, 2011

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Cumberland County Courthouse Courtroom A, Cumberland, Virginia 23040 commencing at 7:00 p.m., July 12, 2011, the following action was taken following a duly held public hearing during which time the Planning Director provided a review of the code amendment request and the text of the ordinance and members of the public offered comment:

On a motion made by Supervisor Oertel, it was moved that the Board of Supervisors of Cumberland County approve, in accordance with the following Resolution, an ordinance amending Section 74-9 of the zoning ordinance pertaining to required number of parking spaces required per square foot of retail floor area;

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

Present: Vote:

Van H. Petty, Chairman	Aye
William F. Osl, Jr.	Aye
Timothy Kennell	Aye
Elbert R. Womack	Aye
Robert J. Oertel	Aye

WHEREAS, at a meeting held on July 11, 2011, the Planning Commission discussed the proposed amendment to the Code of Cumberland County, which said amendment (the "Code Amendment") addresses "AN ORDINANCE AMENDING CHAPTER 74 OF THE CUMBERLAND COUNTY CODE AMENDING SECTION 74-9. MINIMUM OFF-STREET PARKING." (as shown in the attached ordinance); and

WHEREAS, the Planning Commission directed staff to prepare the Code Amendment for public review on May 23, 2011; and

WHEREAS, the Planning Commission duly advertised and held a public hearing on July 11, 2011; and

WHEREAS, the Planning Commission carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed Code Amendment; and

WHEREAS, in its review of the Code Amendment, the Planning Commission gave reasonable consideration to furthering the goals of the County's Comprehensive Plan and Zoning Ordinance by addressing ordinance provisions regarding the above defined uses and in what zoning districts such facilities shall be a permitted use or a conditional use; and

WHEREAS, after conducting a public hearing and considering the comments of County staff, landowners, residents, and the general public, the Planning Commission found that the Code Amendment furthers the goals of the Comprehensive Plan and Zoning Ordinance by providing greater flexibility in parking lot area coverage for businesses and economic development in Cumberland County; and

WHEREAS, after discussion, staff presentation and due deliberation with respect to such information, the Planning Commission recommended that the Board of Supervisors approve the Code Amendment; and

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on July 12, 2011; and

WHEREAS, the Board of Supervisors carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed Code Amendment and the recommendation from the Planning Commission; and

WHEREAS, in its review of the Code Amendment, the Board of Supervisors gave reasonable consideration to furthering the goals of the County's Comprehensive Plan and Zoning Ordinance by providing a lower ratio of parking spaces to feet of retail floor space;

WHEREAS, after discussion, staff presentation and due deliberation with respect to such information, including information and materials presented at this public hearing, and the comments in support or opposition to the proposed Code Amendment, the Board of Supervisors desires to affirm its findings and to take action with respect to the Code Amendment;

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

- a. The foregoing recitals are hereby incorporated by this reference.

b. The Board of Supervisors finds that the Code Amendment is in substantial accordance with the County's Comprehensive Plan.

c. Upon consideration of the proposed Code Amendment, testimony, staff remarks, and public comment, the Board of Supervisors adopts and approves the Code Amendment numbered 11-05 to amend the County Code of Cumberland, Virginia and permit increase in the number of square feet of retail floor area per parking space in Cumberland County with the specific text and provisions of such ordinance as attached to and incorporated in this Resolution.

d. This Resolution is effective immediately.

County Code of Cumberland County, Virginia - July 12, 2011

Amend and Re-enact the following provisions by Ordinance adopted 7/12/2011:

**Chapter 74 - Zoning
Article I - In General**

.Sec. 74-9. Minimum off-street parking.

(a) There shall be provided at the time of erection of any public or commercial building or at the time any public or commercial building is enlarged, minimum off-street parking space with adequate provision for entrance and exit by standard sized automobiles, as follows:

(1) In all residential districts, there shall be provided either in a private garage or on the lot, space for parking of one automobile for each dwelling unit in a new building or each dwelling unit added in the case of the enlargement of an existing building.

(2) Tourist homes and motels shall provide on the lot parking space for one automobile for each accommodation.

(3) For church, high school, college and university auditoriums, and for theaters, general auditoriums, stadiums and other similar places of assembly, at least one parking space for every five fixed seats provided in the building.

(4) For hospitals, at least one parking space for each two beds' capacity, including infants' cribs and children's beds.

(5) For medical and dental clinics, at least ten parking spaces. Three additional parking spaces shall be furnished for each doctor or dentist having offices in such clinic in excess of three doctors or dentists.

(6) For tourist courts, apartments and apartment motels, at least one parking space for each individual sleeping or living unit. For hotels and apartment motels at least one parking space for each two sleeping rooms, up to and including the first 20 sleeping rooms, and one parking space for each three sleeping rooms over 20.

(7) For mortuaries and liquor stores, at least 30 parking spaces.

(8) For restaurant, food and retail stores selling direct to the public, one parking space for each ~~100~~ 250 square feet of retail floor space in the building.

(b) Any other commercial building not listed in subsection (a) of this section erected, converted or structurally altered after the effective date of the ordinance from which this section derives shall provide one parking space for each 100 square feet of business floor space in the building.

(c) Parking space as required in subsections (a) and (b) of this section shall be on the same lot with the main building; except that in the case of buildings other than dwellings, space may be located as far away as 600 feet. Every parcel of land used as a public parking area after the effective date of the ordinance from which this section derives shall be surfaced with asphalt or concrete. It shall have appropriate guards where needed as determined by the administrator. Any lights used to illuminate such parking areas shall be so arranged as to reflect the light away from adjacent parcels ~~adjoining premises in a residential district~~.

b) REZ 11-01 – New Dollar General

Mr. Bret Schardein, County Planner, reviewed the proposed rezoning application. The Chairman opened the public hearing. One citizen stated that the Board is still trying to block businesses from coming into the County. With no additional citizens wishing to speak,

the Chairman then closed the public hearing. Once the voluntary proffers were completed and submitted to the Board,

On a motion by Supervisor Kennell and carried, the Board approved REZ 11-01:

BOARD OF SUPERVISORS
OF THE
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION
GRANTING
REZONING APPLICATION #11-01
FOR PORTION OF TAX MAP PARCELS 57A2-A-4, 5, 6, 8 AND 9
July 12, 2011

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Cumberland County Courthouse Courtroom A, Cumberland, Virginia 23040 commencing at 7:00 p.m., July 12, 2011, the following action was taken following a duly held public hearing during which time the Planning Director provided a review of the rezoning request, the applicant provided a review of the proposal and members of the public offered comment:

On a motion made by Supervisor Tim Kennell, it was moved that the Board of Supervisors of Cumberland County grant, in accordance with the following Resolution, the request to rezone from A-2 Agricultural to B-1, Business, 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>
Van H. Petty, Chairman	Aye

William F. Osl, Jr.	Aye
Timothy Kennell	Aye
Elbert R. Womack	Aye
Robert J. Oertel	Aye

WHEREAS, Par 5 Development (the “Applicant”) filed a rezoning application and supporting materials (the “Rezoning Application”) seeking to rezone the property described below from R-2, Rural Residential to B-1, Business 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 north side of Route 60 (Anderson Highway) approximately ¼ of a mile east of the Cumberland County Courthouse and more particularly described as Tax Map Parcels 57A2-A-4, 5, 6, 8 and a portion of 9 (the “Property”), with respect to approximately 2.600 acres; and

WHEREAS, the Board of Supervisors duly referred the Rezoning Application to the County Planning Commission for its recommendation on April 12, 2011; and

WHEREAS, the Planning Commission directed staff to make the Rezoning Application available for public review on May 23, 2011; and

WHEREAS, the Planning Commission duly advertised and held a public hearing on June 20, 2011; and

WHEREAS, the Planning Commission duly advertised and held a second public hearing on July 11, 2011; and

WHEREAS, the Planning Commission carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed Rezoning Application; and

WHEREAS, in its review of the Rezoning Application, the Planning Commission gave reasonable consideration to numerous factors, including but not limited to the following: the existing use and character of the Property, the County's Comprehensive Plan, the suitability of the Property for various uses, the trends of growth or change, and the current and future requirements of the County as to land use; and

WHEREAS, after discussion, staff presentation and due deliberation with respect to such information, including information and materials presented at the public hearing and at this meeting, the Planning Commission desires to affirm its findings and make its recommendations to the Board of Supervisors with respect to the Rezoning Application; and

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on July 12, 2011; 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; and

WHEREAS, in its review of the Rezoning Application, the Board of Supervisors gave reasonable consideration to numerous factors, including but not limited to the following: the existing use and character of the Property, the County's Comprehensive Plan, the suitability of the Property for various uses, the trends of growth or change, and the current and future requirements of the County as to land use; and

WHEREAS, after discussion, staff presentation and due deliberation with respect to such information, including information and materials presented at the public hearing and at this meeting, the Board of Supervisors desires to affirm its findings with respect to the Rezoning Application; and

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 and would be beneficial and appropriate taking into consideration public necessity, convenience, general welfare and good zoning practice;
- e. Upon consideration of the foregoing, the Board of Supervisors approves and adopts Rezoning Application #11-01, and amends the Zoning Map to rezone the Property from R-2, Rural Residential to B-1, Business for commercial business development.
- f. Further, the rezoning shall be subject to the voluntarily proffered conditions set forth in the Applicant's proffer statement titled "Statement of Proffer for Tax Map Parcels 57A2-A-4, 5, 6, 8 AND 9" and provided to the Board of Supervisors and presented at this meeting; and provided, further, that a copy of said proffer statement shall be recorded in the Office of the Clerk of the Circuit Court for Cumberland County; that the covenants and restrictions in such proffers shall be placed on the deed or deeds of the Property; that the right-of-way easements shall be duly recorded on the deed or deeds of the Property; and that such filings shall take place prior to ninety (90) days after rezoning is granted or such rezoning shall be deemed null and void and the Property will revert to its prior status.

- g. This Resolution is effective immediately.

BE IT FURTHER RESOLVED that said recommendation shall be subject to the voluntarily proffered conditions set forth in the Applicant's proffer statement titled "Statement of Proffer for Tax Map Parcels 57A2-A-4, 5, 6, 8 AND 9" and provided to the Planning Commission and presented at this meeting; and provided, further, that a copy of said proffer statement shall be recorded in the Office of the Clerk of the Circuit Court for Cumberland County; that the covenants and restrictions in such proffers shall be placed on the deed or deeds of the Property; that the right-of-way easements shall be duly recorded on the deed or deeds of the Property; and that such filings shall take place prior to ninety (90) days after rezoning is granted or such rezoning shall be deemed null and void and the Property will revert to its prior status.

- c) REZ 11-02 – Patriot Ridge Shopping Center

Mr. Bret Schardein, County Planner, reviewed the proposed rezoning application. 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 Osl and carried, the Board approved REZ 11-02:

BOARD OF SUPERVISORS
OF THE
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION
GRANTING
REZONING APPLICATION #11-02
FOR PORTION OF TAX MAP PARCEL 57-A-24A
July 12, 2011

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Cumberland County Courthouse Courtroom A, Cumberland, Virginia 23040 commencing at 7:00 p.m., July 12, 2011, the following action was taken following a duly held public hearing during which time the Planning Director provided a review of the rezoning request, the applicant 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 grant, in accordance with the following Resolution, the request to rezone from A-2 Agricultural to B-1, Business, 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>
Van H. Petty, Chairman	Aye
William F. Osl, Jr.	Aye
Timothy Kennell	Aye
Elbert R. Womack	Aye
Robert J. Oertel	Aye

WHEREAS, Patriot’s Enterprises, L.L.C. (the “Applicant”) filed a rezoning application and supporting materials (the “Rezoning Application”) seeking to rezone the property described below from A-2, Agricultural to B-1, Business 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 north side of Anderson Hwy (Route 60) adjacent to the intersection of Criss Road (Rt. 669) and Anderson Hwy, and more particularly described as Tax Map Parcel 57-A-24A (the "Property"), with respect to approximately 2.839 acres; and

WHEREAS, the Board of Supervisors duly referred the Rezoning Application to the County Planning Commission for its recommendation on April 12, 2011; and

WHEREAS, the Planning Commission directed staff to make the Rezoning Application available for public review on May 23, 2011; and

WHEREAS, the Planning Commission duly advertised and held a public hearing on June 20, 2011; and

WHEREAS, the Planning Commission carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed Rezoning Application; and

WHEREAS, in its review of the Rezoning Application, the Planning Commission gave reasonable consideration to numerous factors, including but not limited to the following: the existing use and character of the Property, the County's Comprehensive Plan, the suitability of the Property for various uses, the trends of growth or change, and the current and future requirements of the County as to land use; and

WHEREAS, after discussion, staff presentation and due deliberation with respect to such information, including information and materials presented at the public hearing and at its meeting, the Planning Commission affirmed its findings and recommended approving the rezoning to the Board of Supervisors; and

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on July 12, 2011; and

WHEREAS, the Board of Supervisors carefully considered the Planning Commission's recommendation and the testimony and

evidence presented at the public hearing on July 12, 2011, in support or opposition to the proposed REZ Application and gave reasonable consideration to numerous factors, including but not limited to the following: the existing use and character of the Property, the County's Comprehensive Plan, the suitability of the Property for the proposed use, the trends of growth or change, and the current and future requirements of the County as to land for various purposes as determined by population and economic studies, the zoning standards more fully described in the Zoning Ordinance; and

WHEREAS, after discussion, staff presentation and due deliberation with respect to such documentation, information and data, including information and materials presented at this public hearing, the Board of Supervisors desires to affirm its findings and take action with respect to the REZ Application;

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 and would be beneficial and appropriate taking into consideration public necessity, convenience, general welfare and good zoning practice;

e. Upon consideration of the foregoing, the Board of Supervisors approves and adopts Rezoning Application #11-02, and

amends the Zoning Map to rezone the Property from A-2, Agricultural to B-1, Business for commercial business development.

f. Further, the rezoning shall be subject to the voluntarily proffered conditions set forth in the Applicant's proffer statement titled "Statement of Proffer for Tax Map Parcel 57-A-24A" and provided to the Board of Supervisors and presented at this meeting; and provided, further, that a copy of said proffer statement shall be recorded in the Office of the Clerk of the Circuit Court for Cumberland County; that the covenants and restrictions in such proffers shall be placed on the deed or deeds of the Property; that the right-of-way easements shall be duly recorded on the deed or deeds of the Property; and that such filings shall take place prior to ninety (90) days after rezoning is granted or such rezoning shall be deemed null and void and the Property will revert to its prior status.

g. This Resolution is effective immediately.

d) CUP 11-04 – Patriot Ridge Shopping Center

Mr. Bret Schardein, Planning Director, reviewed the proposed conditional use permit. 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 Kennell and carried, the Board approved CUP 11-04:

**BOARD OF SUPERVISORS
OF THE
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION
GRANTING
CONDITIONAL USE PERMIT APPLICATION #11-04
FOR PORTION OF TAX MAP PARCEL 57-A-24A**

July 12, 2011

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Cumberland County Courthouse Courtroom A, Cumberland, Virginia 23040 commencing at 7:00 p.m., July 12, 2011, the following action was taken following a duly held public hearing during which time the Planning Director provided a review of the conditional use permit request, the applicant provided a review of the proposal and members of the public offered comment:

On a motion made by Supervisor Kennell, it was moved that the Board of Supervisors of Cumberland County grant the Conditional Use Permit in accordance with the following Recitals and Resolutions;

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

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

WHEREAS, Patriot’s Enterprises LLC (the “Applicant”) filed a conditional use permit application and supporting materials (the “Conditional Use Permit Application”) seeking construction of a retail shopping center in accordance with Chapter 74 of the Cumberland County Code of Ordinances (the “Zoning Ordinance”);

specifically, the Applicant has requested conditional use permit in order to allow for commercial business use of the Property; and

WHEREAS, the subject property is located on the north side of Anderson Hwy (Route 60) adjacent to the intersection of Criss Road (Rt. 669) and Anderson Hwy, and more particularly described as Tax Map Parcel 57-A-24A (the "Property"), with respect to approximately 30.00 acres; and

WHEREAS, the Board of Supervisors duly referred the Conditional Use Permit Application to the County Planning Commission for its recommendation on April 12, 2011; and

WHEREAS, the Planning Commission directed staff to make the Conditional Use Permit Application available for public review on May 23, 2011; and

WHEREAS, the Planning Commission duly advertised and held a public hearing on June 20, 2011; and

WHEREAS, the Planning Commission carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed Conditional Use Permit Application; and

WHEREAS, in its review of the Conditional Use Permit Application, the Planning Commission gave reasonable consideration to numerous factors, including but not limited to the following: the existing use and character of the Property, the County's Comprehensive Plan, the suitability of the Property for various uses, the trends of growth or change, and the current and future requirements of the County as to land use; and

WHEREAS, after discussion, staff presentation and due deliberation with respect to such information, including information and materials presented at the public hearing, the Planning Commission desired to affirm its findings and make its recommendation to approve the Conditional Use Permit to the Board of Supervisors; and

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on July 12, 2011; and

WHEREAS, the Board of Supervisors carefully considered the Planning Commission's recommendation and the testimony and evidence presented at the public hearing on July 12, 2011, in support or opposition to the proposed CUP Application and gave reasonable consideration to numerous factors, including but not limited to the following: the existing use and character of the Property, the County's Comprehensive Plan, the suitability of the Property for the proposed use, the trends of growth or change, and the current and future requirements of the County as to land for various purposes as determined by population and economic studies, the conditional use permit standards more fully described in the Zoning Ordinance; and

WHEREAS, after discussion, staff presentation and due deliberation with respect to such documentation, information and data, including information and materials presented at this public hearing, the Board of Supervisors desires to affirm its findings and take action with respect to the CUP Application;

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 grant the Conditional Use Permit.

c. The Board of Supervisors further finds that the request made in the Conditional Use Permit 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 Conditional Use Permit Application

further the general purpose and objectives of the Zoning Ordinance and would be beneficial and appropriate taking into consideration public necessity, convenience, general welfare and good zoning practice.

e. Upon consideration of the foregoing, the Board of Supervisors hereby grants the Conditional Use Permit and further authorizes and directs staff to implement and execute such additional documents necessary or appropriate for the Applicant to comply with the conditions as set forth and as attached in the Application and as set forth in the Applicant's prior-approved Conditional Use Permit for the Property.

f. This Resolution is effective immediately.

4) Departments and Agencies -

a) VDoT - Monthly report

There were no representatives present. The Board reviewed the emailed report and had no questions.

b) Dr. Amy Griffin, Superintendent of Schools

Dr. Amy Griffin, Superintendent, informed the Board that the 2011-2012 school year has begun. The schools will open for students on Monday, August 8, 2011. The School Board is going green by eliminating paper Board packets; they now use Board docs for which there is a link on the School District's webpage.

c) Tim Torrez, Republic Services, Inc -

Tom Laughlin, Representative for Republic Services, informed the Board that representatives are working with County staff on the operations plan of the property protection program. Republic will also be working with VDoT to correct the issues with the construction at the entrance to the landfill on Rt. 60 where there has been a separation of pavement. They propose to

repaint the lines on Rt. 60 to eliminate the turn lane. Republic will donate two trailers for the annual Tire Disposal Day on October 8, 2011.

- d) Eric Houghland, Park Manager, High Bridge Trail State Park –

Mr. Houghland informed the Board that High Bridge Trail State Park is the thirty-fifth State park in Virginia, and covers about 31 miles through Nottoway Prince Edward and Cumberland Counties. In March 2011, Keith Barber Construction Company began working on repairs to High Bridge. An opening of High Bridge is expected in the spring of 2012.

5) Assistant County Administrator/Finance

- a) Consent Agenda-

- 1) Approval of minutes for June 2011
- 2) Approval of Bills- June 2011 and July 2011
Approved bills for July 12, 2011 total \$285,702.70. Ratified bills for June 2011 of warrants total \$299,974.53. Ratified bills for July 2011 of warrants total \$56,943.72 with check numbers ranging from 61540-61835. Direct deposits total \$155,946.86.
- 3) Appropriation of \$10,121.10 to Cumberland and Cartersville Rescue Squads
- 4) Appropriation of \$1,400 to Cumberland Recreation

On a motion by Supervisor Osl 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) Monthly Budget Report

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

c) Adopt Fund Balance Policy per Auditors recommendation

Mrs. Matthews reminded the Board that at the last regular meeting, the Board elected not to adopt the Fund Balance Policy that would ensure compliance with GASB 54. Mrs. Matthews stated that this could negatively affect the County in the bond market, and cause a negative opinion against the County on the audit. Supervisor Osl directed staff to contact NACo representatives and GASB Advisory Council to inquire as to the over burdensome regulations and any possible delineation of requirements for rural or smaller counties.

On a motion by Supervisor Osl and carried, the Board adopted a Fund Balance Policy per the Auditor's recommendations:

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

d) Renovation of Old Jail

Assistant County Administrator, Jill Matthews, informed the Board that staff had compiled a cost estimate for the exterior restoration of the Old Jail/Museum. The total cost for Phase I totals \$153,249.00. Of that total, the estimated grant funds applicable is \$133,250.00, County in-kind match of \$13,313.00 and county cash match of \$19,998.00.

On a motion by Supervisor Oertel and carried, the Board directed staff to move forward with Phase 1 Renovations to the Old Jail with a cash match not to exceed \$20,000.00:

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

- e) Resolution accepting financial assistance from USDA for three sheriff's vehicles

Jill Matthews, Assistant County Administrator, informed the Board that the Resolution allows the County to access the \$25,000 in remaining grant funds that was awarded to Cumberland.

On a motion by Supervisor Kennell and carried, the Board approved the Resolution accepting financial assistance from USDA in the amount of \$25,000.00:

RESOLUTION OF GOVERNING BODY OF
Cumberland County

The governing body of the County of Cumberland, Virginia, consisting of five members, in a duly called meeting held on the 12th day of July, 2011 at which a quorum was present RESOLVED as follows:

BE IT HEREBY RESOLVED that, in order to facilitate obtaining financial assistance from the United States of America, United States Department of Agriculture, Rural Development, (the Government) in the development of a purchase of police vehicles to serve the community, the governing body does hereby adopt and abide by the covenants contained in the agreements, documents, and forms required by the Government to be executed.

BE IT FURTHER RESOLVED that the County Administrator of the County of Cumberland, Virginia be authorized to execute on behalf of Cumberland County, Virginia the above-referenced agreements and to execute such other documents including, but not limited to, debt instruments and security instruments as may be required in obtaining the said financial assistance.

This Resolution, along with a copy of the above-referenced documents, is hereby entered into the permanent minutes of the meetings of this Board.

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

- f) Authorization to issue RFP for Vo-Tech Roof and appropriation of an amount not to exceed \$275,000

On a motion by Supervisor Petty and carried, the Board approved issuance of an RFP for the Vo-Tech Roof:

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

- g) Request for water taps for vacant lots for Margaret Atkinson and Joyce Ingle

Assistant County Administrator, Jill Matthews, informed the Board that staff had received a request from Mrs. Margaret Atkinson for location of water taps. Although the lots are currently vacant, future construction is anticipated. The County Attorney stated that this would not be in compliance with the county code; therefore the Board did not approve the request. The Board suggested that the ordinance be revised to allow for the installation of a tap on vacant land when residential construction is planned within a certain timeframe.

6) Director of Planning-

- a) Update on Rezoning application REZ 11-03 Foster Road

Planning Director, Bret Schardein, informed the Board that staff has been in contact with 14 of the 17 landowners, and it is the consensus of the landowners to move forward with the rezoning from A-2 to R-2. The Planning Commission will hold a public hearing on July 18, 2011, and the Board will hold their public hearing on August 9, 2011.

- b) Application for Festival Permit – Cartersville Volunteer Fire Department “Hillbilly Raft Race”

Planning Director, Bret Schardein informed the Board that staff is in receipt of a Festival permit application for Cartersville Volunteer Fire Department to hold a Hillbilly raft race on July 30th, 2011.

On a motion by Supervisor Osl and carried, the Board approved the Festival Permit application for the Hillbilly Raft Race to be held on August 30, 2011:

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

- c) Refer CP 11-01 Comprehensive Plan amendment pertaining to the UDA grant to the Planning Commission

On a motion by the Chairman and carried, the Board referred CP 11-01 Comprehensive Plan amendment to the Planning Commission for review:

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

7) County Administrator’s Report –

- a) Letter of Support for VA’s Retreat application to the Tobacco Commission

Ms. Judy Ownby, County Administrator, informed the Board that Virginia's Retreat is applying for Tobacco Commission funds for the establishment of a new Trail Authority to explore key anchors on the Civil Rights in Education Heritage Trail, new sites for the Civil War Trails and the creation of a new Music, Artisan and Gardens Trail among other things. The Board directed staff to revise the letter to indicate that the Board fully supports the project, but would not contribute any funding.

- b) Crossroads Community Services Board – approval of FY 2012 Performance Contract

On a motion by Supervisor Osl and carried, the Board approved the Fiscal Year 2012 Performance contract with the Crossroads Community Services Board:

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

- c) Schedule public hearing on Water Supply Plan for August 2011

It was the consensus of the Board to hold a workshop prior to the public hearing on the Water Supply Plan.

On a motion by Supervisor Petty and carried, the Board set a public hearing for the Water Supply Plan for September 13, 2011:

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

- d) Appointment – Reappoint Carolyn Helgeson to ASAP Board

On a motion by Supervisor Osl and carried, the Board reappointed Carolyn Helgeson to the ASAP Board for a three year term expiring August 1, 2014:

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

8) Community Development Report

a) Project updates

Ms. Matthews informed Board that staff has received approval from the Virginia Department of Health for the Waterline Extension Plans. User agreements have been received for 50 of the 93 Phase II customers, and three additional Phase I customers.

9) County Attorney's Report -

a) Redistricting Information/update

County Attorney, Howard Estes, informed the Board that the Department of Justice sent a fax on July 7 advising that the submission was in need of additional information for review. The State Board of Elections has reviewed the plan and deemed it to be complete. The fax was received on day 59 of 60 of the review process. The majority of the questions that were asked were duplicates of the information that was sent with the original submission.

10) Board Member Comments-

Supervisor Osl stated that in response to a citizen's request earlier, he is not financially involved in the Patriot Ridge Shopping Center.

11) Additional Information

- a) Treasurer's Report
- b) Building Inspections Report
- c) DMV Report
- d) Recycling Report

13) Adjourn

With no additional business to come before the Board, the Chairman adjourned the meeting until the next regular meeting of the Board to be held on Tuesday, August 9, 2011.

Chairman

County Administrator