

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 9th day of August, 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 was led by Supervisor Osl, and the Pledge of Allegiance was led by the Chairman.

1) Approval of Agenda-

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

4. Departments/Agencies
 - a) VDoT monthly report
 - d) Cumberland Public Library – Jennifer Beach

6. Director of Planning
 - d) Refer CA 11-08 Outdoor Events (Bodacious) to the Planning Commission
 - e) Request for CUP fee waiver

- 7. County Administrator
 - b) 2011 Legislative program
 - d) Request from Registrar to purchase or lease a demonstration voting machine.

- 11. Additional Information
 - e) CVVRS-Resignation of Kelly Hale

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

2) Public Comments-

One citizen requested the Chairman request an investigation by the Virginia State Police on all activities involving Ag Renewable Resources of possible crimes against the County. One citizen requested the Board provide a review of the entire project for the public hearing regarding Rezoning application 11-03. Another citizen requested that a complete copy of each Board packet be provided free of charge to any qualified candidate running for office.

3) Public Hearings –

- a) REZ 11-03 Rezoning of Foster Road properties

Planning Director, Bret Schardein, informed the Board that the request proposes to rezone tax map's 57-A-16A, 57-A-18, 57-A-19, 57-A-20, 57-A-20A, 57-A-20B, 57-A-20C, 57-A-20D, 57-A-20E, 57-A-20F, 57-A-20G, 57-A-20H, 57A1-A-1, and 57A2-A-16 in order to make the zoning of the properties consistent with their current use. Further, the rezoning will seek to give the property owners more flexibility in how they can subdivide their land, and allow more by-right and conditional uses consistent with the area.

After some discussion by the Board, the Chairman opened the public hearing. One citizen requested clarification of the road frontage requirements with the R-2 zoning. The Board directed

the Planner to take this matter to the Planning Commission to discuss. With no additional citizens signed up to speak, the Chairman then closed the public hearing.

BOARD OF SUPERVISORS
OF THE
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION
APPROVING
REZONING #11-03

FOR TAX MAP PARCELS 57-A-16A, 57-A-18, 57-A-19, 57-A-20, 57-A-20A, 57-A-20B, 57-A-20C, 57-A-20D, 57-A-20E, 57-A-20F, 57-A-20G, 57-A-20H, 57A1-A-1, and 57A2-A-16

August 9, 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., August 9, 2011, the following action was taken following a duly held public hearing during which time the Planning Director provided a review of the rezoning 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, in accordance with the following Resolution, the proposal to rezone from A-2 Agricultural to R-2, Rural Residential, the properties 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
<u>Absent:</u>	None

WHEREAS, Cumberland County (the “Applicant”) proposed to rezone the properties described below from A-2, Agricultural to R-2, Rural Residential in accordance with Chapter 74 of the Cumberland County Code of Ordinances (the “Zoning Ordinance”) and consistent with the rezoning proposal’s supporting materials (the “Rezoning Application”) in order to align the zoning with the goals of the Comprehensive plan and the revised Subdivision and Zoning Ordinances; and

WHEREAS, the subject properties are located on the north side of Anderson Highway (Route 60), east, north and west of Foster Road (Route 726), north of the Cumberland Courthouse, and more particularly described as Tax Map Parcels 57-A-16A, 57-A-18, 57-A-19, 57-A-20, 57-A- 20A, 57-A-20B, 57-A-20C, 57-A-20D, 57-A-20E, 57-A-20F, 57-A-20G, 57-A-20H, 57A1-A-1, and 57A2-A-16 (the “Properties”), with respect to approximately 33.241 combined total acres; and

WHEREAS, the Board of Supervisors duly referred the Rezoning Application to the County Planning Commission for its recommendation on May 10, 2011; and

WHEREAS, the Planning Commission directed staff to make the Rezoning Application available for public review on June 20, 2011; and

WHEREAS, the Planning Commission duly advertised and held a public hearing on July 18, 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 Properties, the County's Comprehensive Plan, the suitability of the Properties 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 its public hearing, the Planning Commission recommended to the Board of Supervisors approval of the Rezoning Application; and

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on August 9, 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 August 9, 2011, in support or opposition to the proposed Rezoning Application and gave reasonable consideration to numerous factors, including but not limited to the following: the existing use and character of the Properties, the County's Comprehensive Plan, the suitability of the Properties 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 its public hearing, the Board of Supervisors desires to affirm its findings and take action with respect to the Rezoning 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 Properties 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 #11-03, and amends the Zoning Map to rezone the Properties from A-2, Agricultural to R-2, Rural Residential.

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. Supervisor

Kennell stated that the area of Rt. 60 in front of the new landfill entrance is still in need of repair.

b) Gary Heiser, State Forest Manager

Mr. Gary Heiser, State Forest Manager, informed the Board that the Cumberland State Forest harvested 92 acres of fine wood, and 451 acres of pine thin. The gross revenue was approximately \$450,000.00, and Cumberland's share is \$56,605.00.

c) Dr. Amy Griffin, Superintendent of Schools

Dr. Amy Griffin, Superintendent, informed the Board that the 2011-2012 school year has begun. Mrs. Griffin also provided the Board with a copy of a postcard that was sent to alumni in an effort to keep up with all graduates. The School hosted a new teacher institute for the 8 newest teachers.

d) Jennifer Beach, Cumberland Public Library

New Cumberland Librarian, Jennifer Beach, came to introduce herself to the Board.

5) Assistant County Administrator/Finance

a) Consent Agenda-

- 1) Approval of minutes for July 2011
- 2) Approval of Bills- July 2011 and August 2011
Approved bills for August 9, 2011 total \$77,329.66. Ratified bills for July 2011 of warrants total \$231,517.85 with check numbers ranging from 61836-62002. Direct deposits total \$163,440.19.
- 3) Year end budget transactions
- 4) FY 2012-13 budget calendar and FY 2012-13 – 2016-17 CIP calendar

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

N/A

c) State across-the-board cuts in Aid to Localities

Assistant County Administrator, Jill Matthews, informed the Board that for the past few years, the county has cut a check to the state for each locality's share of the across-the-board cuts to aid to localities included in the state budget, which was previously the recommendation of VML and VACo. They are now recommending that counties instead, request that the state spread the reductions over many programs and essentially place the administrative burden back on the state.

On a motion by Supervisor Womack and carried, the Board elected to spread the reductions over many programs instead of issuing payment directly back to the state:

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

On a motion by Supervisor Osl and carried, the Board directed staff to revise the proposed resolution in the form of a letter to our representatives and the Governor:

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

d) Code Red renewal

Assistant County Administrator, Jill Matthews, informed the Board that the contract for Code Red is up for renewal. IT

Director, Aaron Hickman, is seeking competitive bids from other companies. The Board directed staff to gather more information regarding other options, and bring that information back to the Board.

- e) PPTRA percentage – resolution to set percentage of tax relief

On a motion by Supervisor Osl and carried, the Board set the Personal Property Tax Relief (PPTRA) Percentage rate at 46.03%:

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

6) Director of Planning-

- a) Referral to the Planning Commission

On a motion by Supervisor Osl and carried, the Board referred CA 11-07-Mary Tyson, requesting to amend Zoning Ordinance, Sec. 74-133, RV campsites, CUP 11-05, Bodacious Motorsports Event, REZ 11-04 – True Value, R-2 to B-1, and CA 11-08 Outdoor Events (Bodacious) to the Planning Commission for review:

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

- b) Request for CUP fee waiver

Planning Director, Bret Schardein, informed the Board that staff is in receipt of a request from Carol Allen on behalf of Green Creek Baptist Church for a waiver of the \$550.00 fee associated with the Conditional User Permit requested. The Church is requesting the Conditional Use Permit for a proposed attached fellowship hall to their existing church.

On a motion by Supervisor Womack and carried, the Board waived the \$550.00 CUP fee for Green Creek Baptist Church:

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

7) County Administrator's Report -

- a) Authorize issuance of RFP for general Architectural and Engineering Services

On a motion by Supervisor Osl and carried, the Board authorized staff to issue an RFP for general Architectural and Engineering Services:

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

- b) County 2012 Legislative Programs requested

This item was tabled until the September meeting.

- c) IDA vacancy – resignation of Cliff White

County Administrator, Judy Ownby, informed the Board that staff received a letter of resignation from Cliff White from the IDA, and that Mrs. Beverly Ayers did not wish to be reappointed to the Board. Mr. Fred Shumaker and Ms. Lena Chapman wish to be reappointed.

On a motion by the Chairman and carried, the Board reappointed Fred Shumaker and Lena Chapman to the Industrial Development Authority for a four year term expiring September 1, 2015:

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

Mr. Oertel – aye

- d) Request from Registrar to purchase or lease a demonstration voting machine

Ms. Ownby informed the Board that the Registrar submitted a request to purchase or lease a voting machine solely for demonstration purposes. After some discussion, the Board tabled a decision until more information could be obtained from the Registrar.

8) Community Development Report

- a) Project updates

Ms. Matthews informed the Board that staff has received 68 Phase II Water User Agreements, and 11 Phase I Water User Agreements.

- b) Ribbon cutting for Marion's Bi-Rite, Friday, August 12, 9 a.m.

Marion's Bi-Rite has moved to the old Merk's Building at the Farmville Town limits. The Farmville Chamber of Commerce is having a ribbon-cutting for the new location on Friday, August 12th, 2011 at 9 a.m. and invited the Board to attend.

9) County Attorney's Report -

- a) Redistricting Information/update

There were no updates to report.

10) Board Member Comments-

Supervisor Oertel suggested adding a note with the water bills asking for donations for Emergency Services. He also suggested that the Board begin to search for a County Administrator upon Ms. Ownby's retirement.

Supervisor Osl suggested that a Resolution of appreciation be drafted for Kelly Hale and Beverly Ayers.

Supervisor Kennell requested a copy of the option adopted by the Board for Legal Services.

Supervisor Womack discussed the condition of disrepair at Piedmont Regional Jail.

Supervisor Petty informed the Board of an error in local phone taxes on phone bills of some Cumberland residents. He also questioned whether legal notices of the Board could include simpler language so that citizens could understand proposed changes.

11) Additional Information

- a) Treasurer's Report
- b) Building Inspections Report
- c) DMV Report
- d) Recycling Report
- e) CVVRS-Resignation of Kelly Hale

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, September 13, 2011.

Chairman

County Administrator