

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 13th day of September, 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
Greg Baka, Community Development
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 Osl and carried, the Board amended the agenda as follows:

5. Departments/Agencies
 - a) VDOT – monthly report
 - e) Dan Pempel – Randolph Fire Department – request for grant match in amount of \$14,500
6. Assistant County Administrator/Finance
 - g) Transfer of funds from Meals on Wheels to Piedmont Senior Resources
7. Planning Director's Report
 - e) Update on status of CP #11-01; Comp Plan Amendment: Village Development Area
8. County Administrator's Report
 - g) Request for drought designation
 - h) Designation of County Representative at VACo Annual meeting
11. Additional Information
 - g) Update on Northfield Ministries

h) Recycling of scrap metal

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

2) **Resolution of Commendation – Miss Taylor Wayne**

County Administrator, Judy Ownby, read the Resolution, and the Chairman presented it to Miss Taylor Wayne.

On a motion by Supervisor Kennell and carried, the Board approved the Resolution of Commendation for Miss Taylor Wayne:

RESOLUTION OF COMMENDATION
AND RECOGNITION OF HEROIC EFFORTS

Miss Taylor Wayne

WHEREAS on July 5, 2011, Miss Taylor Wayne exhibited brave and selfless conduct in response to a fatal accident; and

WHEREAS, Miss Wayne distinguished herself through this act of heroism in the midst of an emergency situation; and

WHEREAS, Taylor Wayne acted in a mature, clear-headed and responsive manner; and

WHEREAS, Miss Wayne has earned the deep respect and esteem of all those with whom she interacted during the response to this tragic accident;

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Supervisors, through this resolution, express their high regard and profound appreciation for the emergency services performed by Taylor Wayne; and

BE IT FURTHER RESOLVED that the Cumberland County Board of Supervisors directs that this resolution of commendation and recognition of the heroic efforts be made a permanent part of the official minutes.

Adopted the 13th day of September 2011.

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) **Public Hearings -**

N/A

5) **Departments and Agencies -**

a) VDoT Monthly report

There were no representatives from VDoT present. Supervisor Osl noted a change in the closure date of Route 605 (Boston Hill Road) for repairs. The road closure date has been postponed until September 26, 2011 due to the Bodacious Festival. Supervisor Kennell asked the county Administrator to contact VDot about the possibility of posting a speed limit sign on Route 621 (Brook Hill Road).

b) Dr. Amy Griffin, Superintendent of Schools

Dr. Amy Griffin, Superintendent of Schools informed the Board that Friday will be the end of the first six weeks of school. Dr. Griffin invited the Board and County employees to the community lunch and tour of the schools on October 26, 2011. Dr. Griffin also invited the Board to the Memorial Brick Dedication on October 7, 2011 at 6:00 p.m.

c) Gwynn Tyler, Buckingham Area Forester

Mr. Gwynn Tyler, Buckingham Area Forester, introduced Nathan Rutherford, the new Forester for Cumberland, to the Board. Mr. Tyler informed the Board that the area now has several logging companies that are using wood chippers. They are able to use wood debris for fuel chips, it helps reduce work site preparation for tree planting and reduces the risk of fire hazard. He also informed the board that this year the Forestry Department has responded to 8 fires in Cumberland County, which burned 10 acres of woodland, 1 acre of open land and that 5 homes were protected from the fires. The causes of these fires were debris burning, equipment use and lightning. Mr. Tyler noted that fall fire season starts on October 15th and lasts through November 30th. He also discussed the purple insect traps that have been placed throughout the County. He stated that these are from the Plant Health Inspection Service and they are monitoring the spread of the emerald ash borer insect that attacks ash trees. Mr. Tyler informed the Board that this year the number of acres where timber was harvested was down 9% from last year and that there are 78 logging jobs for about 4100 acres for the fiscal year of July 1, 2010 to June 30, 2011. He also noted that on a

stumpage value report for July 2009 to June 2010 that Cumberland was ranked number 18 out of 107 in the state and that Cumberland’s stumpage value was approximately \$4 million.

- d) Roy Garrett, Randolph Fire Department re: lighting

In Mr. Garrett’s absence, Mr. Dan Pemple addressed the Board on the lighting issue in the parking lot at the Randolph Volunteer Fire Department. He informed the Board that Dominion VA Power would charge \$3,000 to run dusk to dawn lights and the fire department would have to pay \$1,200 bill annually. Mr. Pemple asked Dominion if they could run lights off of the fire department building and they denied his request. Mr. Pemple requested direction from the Board in regards to this issue.

Supervisor Oertel informed the Board that Justin Reynolds suggested that having two lights in the most crucial areas of the parking lot could be accomplished for \$2,000 and would cost the fire department \$10 a month per light.

- e) Dan Pempel, Randolph Fire Department request for grant match in amount of \$14,500

The Randolph Fire Department intends to apply for a grant for a new tanker. The grant would pay 95% of the cost and the fire department is requesting the County provide the other 5%. The cost of the tanker is \$290,000 which would make the county’s match \$14,500:

A motion was made by Supervisor Oertel which failed, to approve for the County to make 5% payment match and allow the Randolph Fire Department to apply for the grant:

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

On a motion by Supervisor Womack and carried, the Board agreed to support the Randolph Volunteer Fire Department’s application for funding, stating that the Board of Supervisors will make every effort to find funding for the 5% County match:

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

6) **Assistant County Administrator/Finance**

- a) Consent Agenda
1) Approval of minutes
2) Approval of bills - August 2011 and September 2011

Approved bills for September 13, 2011 total \$95,572.58. Ratified bills for August 2011 of warrants total \$243,542.50 with check numbers ranging from 62003-62246. Direct deposits total \$158,517.61.

3) Supplemental appropriation of \$ 742.00 to Extension

On a motion by Supervisor Osl and 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) Additional Code Red information

This item was tabled until the joint meeting with School Board on September 15, 2011

d) Registrar’s Request for demonstration voting machine

Supervisor Womack was concerned about the need of the of a demonstration voting machine. He wanted to know if other counties had practice machines. Mr. Kennell stated that he believes there is a need for some type of training.

On a motion by Supervisor Kennell and carried, the Board approved an appropriation in the amount of \$300 for a one year lease of a demonstration voting machine for the Registrar’s office and directed the County Administrator to check with other Counties as to whether they have a demonstration machine on hand:

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

e) Award bid for roof replacement – Cumberland County School

Assistant County Administrator, Jill Matthews reviewed the bids received. Supervisor Oertel commended Mr. Stuart Harris on his efforts with the pre-bid meeting.

On a motion by Supervisor Oertel and carried, the Board awarded the contract for the roof replacement at the Cumberland

Vo-Tech building to AAR of North Carolina for \$237,399.00 for materials and labor, and \$9.00per sq. ft. metal decking replacement:

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

- f) Request for Participation in “Best part of the Civil War.....The End”

Ms. Magi Epps is requesting the County’s participation in “The best part of the Civil War...The End”. The report provided to the Board stated that there was no set dollar amount for a contribution, but they would appreciate any help from the County.

Supervisor Osl suggested that the funds for this come out of Community Development’s budget.

Supervisor Kennell noted that if the funds are in the Community Development budget then the administration should handle the request and that this is very important to our community development.

- g) Transfer of funds from Meals on Wheels to Piedmont Senior Resources

On a motion by Supervisor Kennell and carried, the Board approved a transfer of the remaining balance of the \$7,000 budget for Meals on Wheels to Piedmont Senior Resources:

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

7) **Director of Planning-**

- a) Referral of CUP #11-06 National Communication Towers, LLC to Planning Commission

On a motion by Supervisor Osl and carried, the Board referred CUP #11-06 National Communication Towers, LLC to Planning Commission for review:

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

b) Approval of Festival Permit – Bodacious

On a motion by Supervisor Osl and carried, the Board approved the Festival Permit for Bodacious:

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

c) Comprehensive Plan Update: CRC bid for technical services.

On a motion by Supervisor Oertel and carried, the Board approved an agreement with the CRC for the update of the County’s comprehensive plan for an amount not to exceed \$28,000 (A copy of the plan is in the official Board File):

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

d) Planning Commission term expirations

On a motion by Supervisor Petty and carried, the board re-appointed Patricia Pedrick of District 2, Dr. Bill Burger of District 3 and Roland Gilliam of District 5, to the Planning Commission for a three year term expiring August 2014:

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

e) Update on status of CP #11-01; Comprehensive Plan Amendment: Village Development Area

Bret Schardein informed the Board that a public hearing was held on August 15th by the Planning Commission and no action was taken. He also stated that Jack Ingle asked that his property be removed from the proposed VDA as he did not have any plans to develop his property in the future. Mr. Schardein noted that staff worked with a consultant to reduce the soze of the development area and the name of the plan was changed from Urban Development area to Village Development Area.

On a motion by Supervisor Osl and carried, the Board set a Public Hearing for CP 11-01 for October 11, 2011:

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

8) County Administrator's Report –

a) County 2012 Legislative Programs requested

On a motion by Supervisor Womack and carried, the Board approved the 2012 Legislative Priorities as amended:

2012 CUMBERLAND COUNTY
LEGISLATIVE PRIORITIES
ADOPTED SEPTEMBER 13, 2011

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

1. 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. Provide adequate funding for all State mandates, including positions in offices of Magistrate, Sheriff, Clerk of Court, Treasurer, Commissioner of Revenue and Commonwealth’s Attorney.
- 8. Offer parity between rural localities and suburban localities by amending Virginia Code to classify volunteer emergency service agencies, operating vehicles under direction of local government in a public safety function, as qualified to use motor vehicle fuels exempt from sales tax.

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

b) Requests to erect GFWC road sign in County Property

Ms. Patty Predrick requested that a General Federation of Women’s Clubs (GFWC) sign be erected on County property. Supervisor Kennell suggested a sign be put with the Ruritan sign at the intersection of route 60 and 622. The Board stated that they did not wish to erect signs on County property other than those which are historical signs

c) IDA vacancies

On a motion by Supervisor Oertel and carried, the board appointed Mr. Lester Nyce to of the IDA:

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

d) Resolution approving amendments to the CRC bylaws

Supervisor Osl questioned some of the amendments to the Charter Agreement. Ms. Mary Hickman suggested that all changes be given to the County Administrator Ms. Judy Ownby, and she would give them to Ms. Hickman.

On a motion by Supervisor Osl and carried, the Board directed the County Administrator to submit recommended changes to the CRC’s proposed by-laws:

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

- e) Commissioner’s recommendation to amend County Ordinance of threshold amount for business license

County Administrator Ms. Judy Ownby, informed the Board of the Commissioner of Revenue’s request to increase the threshold amount of gross receipts requiring a business license from \$3,000 to \$10,000.

Supervisor Kennell noted his agreement with the Commissioner, that the threshold amount is too low for small business like a babysitter, or a child cutting grass.

Supervisor Osl questioned why these small business are required to purchase a business license.

County Attorney Howard Estes, stated issues of illegal business operation if a business license is not required.

Community Development Director Greg Baka, noted some other options to these concerns. Mr. Baka suggested, in some areas the small businesses are not required to pay a fee for the business license.

Supervisor Osl suggested that Mr. Greg Baka, bring a proposal to the Board for consideration.

- f) Appointment to RC&D

On a motion by Supervisor Osl and carried, the Board appointed Greg Baka as representative, and Supervisor Womack as the alternate to RC&D:

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

- g) Request for drought designation

On a motion by Supervisor Osl and carried, the Board approved the resolution requesting that Cumberland County be declared an agricultural disaster area:

RESOLUTION

WHEREAS, the lack of rainfall and increased daily temperatures during 2011 caused a decrease in production, quality, and yields on corn, and most double cropped soybeans, and

WHEREAS, Virginia Cooperative Extension Service agents and U.S. Agricultural representative have estimated crop losses in Cumberland

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors requests that the Governor of Virginia designate Cumberland County as an agricultural disaster area.

Adopted the 13th day of September 2011.

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

- h) Designation of County Representative at VACo annual meeting

On a motion by Supervisor Womack and carried, the Board appointed Supervisor Petty as VACo Voting Delegate for 2011:

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

9) Community Development Report

- a) Update on projects

Community Development Director Mr. Greg Baka informed the Board of some concerns he plans to address such as business retention, growth of existing small businesses, and ways to attract new businesses to Cumberland County. Mr. Baka also noted that he and Grants Administrator Jennifer Roberts, have been working on current and new grant opportunities. Mr. Greg Baka informed the Board that he was working on ideas on how to get businesses to Cumberland and how to get the people of Cumberland to use businesses here in the county. He suggested a meet and greet with local business owners and the community.

10) County Attorney’s Report -

County Attorney Mr. Howard Estes, informed the Board that he had received pre-clearance for the County Redistricting Plan and that new voter cards would be going out soon. Mr. Estes noted that with the possible re-zoning of Foster Road for the Waterline Extension Project, that some of the landowners requested the \$50 tap fee with the anticipation of building a residence. Mr. Estes proposed a Special ordinance for this request to be set for public hearing at the October Board meeting.

On a motion by Supervisor Womack and carried, the Board set a public hearing for the special ordinance for the Water Line Extension for October 11, 2011.

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

11) Board Member Comments-

Supervisor Osl requested that staff provide the Board with payment options when funding is requested. He also suggested that the County participate in the Chesapeake Bay TMDL program.

Mr. Osl stated that the Wireless Authority is at a standstill as a result of not having legal services. He said the Board should do what is needed to get the project off the ground or disband. Supervisor Kennell questioned the cost to the County and to citizens. Mr. Baka noted that he would like to help with the Wireless Authority Project. Additional information will be brought back to the Board.

Supervisor Kennell thanked the County for its planning efforts during Hurricane Irene

Supervisor Petty informed the Board that he recently spoke with Mr. Art Powers with the USDA Rural Development. Occasionally, Rural Development will conduct compliance reviews within the community to address potential concerns. Mr. Powers stated that he was concerned with the minority ratio with county employees and lack of minority participation in volunteer emergency services. Mr. Petty discussed action taken by the county in an effort to increase minority participation, which seemed to address Mr. Powers' concerns.

Supervisor Petty asked the Board about changing the date of the November Board of Supervisors meeting due to the conflict of with the elections. It was the consensus of the Board that the November 8th meeting will be moved to Wednesday, November 9, 2011.

12) Additional Information

- a) Treasurer's Report
- b) Building Inspections Report
- c) DMV Report
- d) Recycling Report
- e) Letter from Rockingham County BOS requesting support of Supervisor Cuevas' candidacy for position of VACo Secy/Treas.
- f) CRC newsletter
- g) Update on Northfield Ministries
- h) Recycling of scrap metal

13) **Adjourn**

With no additional business to come before the Board, the Chairman adjourned the meeting until Thursday, September 15th at 7:00 p.m. in the Media Center for a joint meeting with the School Board.

Chairman

County Administrator