

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 9th day of November, 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 Director
Bret Schardein, Planning Director
Meghan Huddleston, 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 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 as follows:

6. Asst. Administrator / Finance

a) Consent Agenda

3) Appropriation of \$2,885 (Insurance Recovery)

9. Community Development Report

DELETE d) Road Name Change

e) Resolution for Visitor's Museum

f) Resolution for Tobacco Commission Grant

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

2) **Resolution of Appreciation –**

a) Beverly Ayers

Ms. Beverly Ayers was not able to be present to receive the resolution.

On a motion by Supervisor Oertel and carried the Board adopted the following resolution:

RESOLUTION

IN APPRECIATION OF BEVERLY M. AYERS

WHEREAS, Beverly M. Ayers has dedicated sixteen years of service to the Industrial Development Authority of the County of Cumberland, Virginia; and

WHEREAS, as a member and as Chairman of the IDA she provided leadership for various aspects of economic development for our rural county; and

WHEREAS, her loyal dedication and commitment to the County contributed to the completion or planning of various projects and activities, which are vital to the County's long-term economic development and business retention needs, including:

- Purchase, development and marketing of an 80-acre business park in the heart of the County;
- Support and promotion of the Cumberland Business Park's first tenant, Ag-Renewable Resources, an alternative energy company owned by Cumberland farmers, and businessmen and which also supports the County's poultry industry;

- Development and management of Cumberland County's Community Center which fosters training and educational opportunities for County citizens; and

WHEREAS, Mrs. Ayers has distinguished herself through her loyal commitment to improving the quality of life and economic opportunity for the citizens of Cumberland County; and

WHEREAS, she has tirelessly served the County and its citizens with distinction and integrity as a member of the Industrial Development Authority; and

WHEREAS, she has earned the deep respect and esteem of those she has worked with over the years;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Cumberland, Virginia, through this resolution, expresses their sincere appreciation for the services that Beverly M. Ayers has performed for the Industrial Development Authority and the County of Cumberland.

ADOPTED the 9th day of November 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 -

a) CUP #11-06 NCT, LLC to allow a telecommunication tower on Tax Parcel 73-A-58, located at intersection of Cumberland Road and Holman Mill Road.

Planning and Zoning Director Mr. Bret Schardein advised the Board that the telecommunication tower would be located on a third of an acre square area that would be leased from the property owner and 195 feet tall. The structure would be a monopole so there would be no lattice or guide wires on the pole. Mr. Schardein added that the Resolution should be effective immediately and the CUP should state effective April 1, 2012 – 2013. Mr. Schardein noted that there were no concerns about the tower with adjacent property owners.

One Citizen commented on a concern he had about buzzards roosting on the tower and the tower could fall onto his property.

Mr. Al Doss from National Communication Towers commented about the concern from the citizen in regards to buzzards roosting on the tower. He stated that the construction of the tower would be monopole and there would be no lattice so the buzzards would not have much space to roost. Mr. Doss also added that the tower would be in the 125 x 125 ft. lease are and that the fall zone would be a considerable amount of distance from the citizens property line so this would also help eliminate the concern the citizen had.

County Attorney Howard Estes, noted the change in the Resolution should read effective immediately and that the CUP should read effective April 1, 2012.

On a motion by Supervisor Womack and carried the Board approved the following resolution for CUP # 11-06:

BOARD OF SUPERVISORS
OF THE
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION

GRANTING
CONDITIONAL USE PERMIT APPLICATION #11-06

FOR TAX MAP PARCEL 73-A-58
REQUESTED BY
NATIONAL COMMUNICATION TOWERS, LLC
November 9, 2011

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Cumberland County Courthouse, commencing at 7:00 p.m., November 9, 2011, the following action was taken following a duly held public hearing during which time County staff provided a review of the conditional use permit 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, in accordance with the following Resolution, the request for the conditional use permit described in said Resolution;

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

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

Dated: _____

Attested: _____
Judy Ownby, Clerk to the Board of Supervisors

WHEREAS, National Communication Towers, LLC (the “Applicant”) filed a conditional use permit application and supporting materials (the “CUP Application, CUP #11-06”) seeking a conditional use permit for the property described below in accordance with Section 74-143 of Chapter 74 of the Cumberland County Code of Ordinances (the “Zoning Ordinance”); specifically, the Applicant has requested a conditional use permit to allow for the construction and operation of a 195 foot tall telecommunications tower and related facilities; and

WHEREAS, the subject property is located at the intersection of Cumberland Road (Route 45) and Holman Mill Road (Route 640) and is proposed to be accessed from a proposed 30 foot private access easement entering onto Holman Mill Road (Route 640). The affected property is currently zoned A-2, Agricultural. The proposed tower would be on an approximately 125 feet by 125 foot leased area on the portion of the property. The parcel is not located in a growth area as designated by the Comprehensive Plan. The affected property is located in Election District 4 and more particularly described as Tax Map Parcel 73-A-58 (the “Property”), with respect to approximately 10.000 acres, as shown on the Site Plan attached to the CUP Application; and

WHEREAS, the Board of Supervisors duly referred the CUP Application to the County Planning Commission for its recommendation on September 13, 2011; and

WHEREAS, the Planning Commission directed staff to make the CUP Application available for public review on September 19, 2011; and

WHEREAS, the Planning Commission duly advertised and held a public hearing on October 17, 2011; and

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

WHEREAS, after the Planning Commission duly considered the testimony and evidence presented at the public hearing 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 Section 74-702 of the Zoning Ordinance and the supplemental standards for communications antennas and towers more fully described in Section 74-731 through 747 of the Zoning Ordinance;

WHEREAS, the Planning Commission further finds that the request made in the Conditional Use Permit is in substantial accordance with the County's Comprehensive Plan and that it furthers the general purpose and objectives of the Zoning Ordinance and that such use would be beneficial and appropriate taking into consideration public health, safety, necessity, convenience, general welfare and good zoning practice; and

WHEREAS, after discussion, staff presentation and due deliberation with respect to such information and data, including documentation, information and materials presented at this public hearing, the Planning Commission desired to affirm its findings and make its recommendations to the Board of Supervisors with respect to the CUP Application.

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on November 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 November 9, 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 Section 74-702 of the Zoning Ordinance and the supplemental standards for communications antennas and towers more fully described in Section 74-731 through 747 of the Zoning Ordinance; and

WHEREAS, in its review of the CUP Application, the Board of Supervisors further finds that the proposed telecommunication tower and its related facilities provide a reasonable signal coverage that cannot be accommodated on an existing tower; and

WHEREAS, the Board expressly approves the use of a communication tower on the property subject to the conditions included in the CUP application; and

WHEREAS, in its review of the CUP 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 for various purposes as determined by population and economic studies; 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 set forth on the Zoning Ordinance, including Section 74-702 and the supplemental standards for communications antennas and towers more fully described in Section 74-731 through 747 of the Zoning Ordinance, the Board of Supervisors find it appropriate to grant Conditional Use Permit #11-06 in accordance with the CUP Application.
- c. The Board further finds that the request made in the CUP Application is in substantial accordance with the County's Comprehensive Plan.
- d. The Board has also determined that the request made in the CUP Application furthers the general purpose and objectives of the Zoning

Ordinance and such use would be beneficial and appropriate taking into consideration public health, safety, necessity, convenience, general welfare and good zoning practice; and

The Board of Supervisors hereby grant the CUP Application to the Applicant to allow the use of a 195 foot tall telecommunications tower and related facilities on the Property subject to the following terms and conditions:

1. This conditional use permit shall allow for construction work commenced on or before **one (1) year from the effective date of the conditional use permit**, and any such expansion activities commenced thereafter shall require a new conditional use permit.
2. All operations on the Property shall comply with all applicable health and environmental laws, rules and regulations, and with all County, State and Federal Laws which govern construction and operation of the tower.
3. As a condition for the permit, NCT shall provide on a reserved basis and at no cost or expense to the County or its political subdivisions (collectively, the "County") space on the tower to the County of not less than 10 feet in radial direction and at a height of at least 80 feet above ground level for the installation by the County, at the County's sole cost and expense, for communications equipment and antennas. NCT shall also make space available for ground equipment supporting such County tower use. NCT shall be able to install its own or third-party antennas and/or equipment located on the same height and/or platform, pass through the County space, and perform construction to increase the height of the tower and/or take any other action as may be necessary or incidental to NCT's ownership or operation of the tower. Such County use shall be consistent with Federal Communications Commission ("FCC") licenses for wireless telecommunications service and be operated in a lawful and proper manner, in accordance with good engineering practices and be compliant with all applicable laws, ordinances, rules and regulations, relating to such operation and use.

4. All representations of National Communication Tower, LLC's conditional use permit application #11-06 for a 195 foot Telecommunication Tower and associated equipment, including all attached documentation, filed on August 15, 2011, are included herein as conditions.
 5. The conditional use permit shall not become effective until a removal bond in the amount of \$25,000 pursuant to Section 74-745 of the Zoning Ordinance has been approved by the County Attorney executed, and filed with the County Administrator.
 6. The radius width shall be limited to three (3) feet for any antennae or dish placed on the tower.
 7. The conditional use permit shall allow for construction commenced between April 1, 2012 and April 1, 2013. Any activities commenced thereafter shall require a new conditional use permit.
- e. This Resolution shall be effective immediately.

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

5) Departments and Agencies -

- a) VDoT - Rural Transportation Planning Program (identify 3 top Priority projects held over from October meeting)

Mr. Kevin Wright from VDOT advised the Board that he will attend the meetings every three months. If the Board needs him in the meantime please contact him. Mr. Wright advised the Board that VDOT has done a lot of work on the primary roads, and on Route 631 Davenport Road. Mr. Wright explained the reason for doing the thin tar and gravel on the roads. He added that they will be starting on Jenkins Church Road soon and that VDOT had work lined up for the winter.

Supervisor Petty commented that he was glad that work was being done on Jenkins Church Road and that he had spoken with a citizen who had some concerns about the condition of the road.

Supervisor Kennell commented about the thin tar and gravel on roads and he was glad that Mr. Wright explained that because he has had citizens bring that up to him. He also commented that he was glad to see Mr. Wright back.

The Board discussed their top 3 priorities of road projects to submit to the CRC.

On a motion from Supervisor Osl and carried the Board approved to submit their top three from the six year plan adopted in June 2011 to the CRC and if the projects must be selected from the list presented by the CRC they are as follows: #6 VA 610 (Duncan Store Road) from Buckingham County line to VA 690 (Columbia Road), #20 VA 631 (Davenport Road) from VA 45 (Cumberland Road) to VA 639 (Putney Road), and #27 VA 650 (Bell Road) from Buckingham County line to VA 622 (Trent's Mill Road).

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

b) Dr. Amy Griffin, Superintendent of Schools

Dr. Amy Griffin advised the Board that Cumberland County Schools was in the top nine school division in Virginia to be awarded the 2011 VSBA Green Schools Challenge. They would find out next week where they placed. Ms. Griffin also advised the Board that Cumberland High School Senior Jasmine Lee was going to sing the Star Spangled Banner at the VSBA annual conference next week. Dr. Amy Griffin advised the Board that the Cumberland

Theater Team placed 2nd in the James River District festival and they will be going to regionals in Amelia on Saturday. She added that Cumberland High School student Sam Woodfin received the James River District Actor of the Year award. Ms. Griffin advised the Board that this week was farm to school week and they have been working with Sunny Side Farms getting fruits and vegetables to the school. She also stated that the school raised \$2,712 in the walk for education and that the Ruritan Club donated dictionaries to the school. Ms. Griffin advised the Board that the Community Lunch will be on November 30th and that the school is offering free computer classes for the community.

6) Assistant County Administrator/Finance

a) Consent Agenda

1) Approval of minutes

2) Approval of Bills October 2011 and November 2011

Approved bills for November 9, 2011 total \$106,487.28. Ratified bills for September 2011 of warrants total \$315,341.31 with check numbers ranging from 62449-62639. Direct deposits total \$166,345.20.

3) Appropriation of \$2,885 Insurance Recovery

Ms. Jill Matthews advised the Board that the supplemental appropriation of \$2,885 is for the general property budget and that the \$2,885 is for insurance recovery for damage to one of the County buildings due to a private citizen running into the building.

On a motion by Supervisor Osl and carried the Board approved the consent agenda.

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) Old Jail/Museum Project

Assistant County Administrator Jill Matthews advised the Board that an RFP had been issued for Hazmat issues for the Old Jail/Museum that include the removal of bat guano, lead-based paint and asbestos.

Supervisor Petty questioned if the bat guano had been removed at a previous time.

Assistant County Administrator Jill Matthews stated that it had been removed but due to lack of funding that no further work was done to prevent them from coming back in the building therefore they have re-infested the building again.

Supervisor Oertel questioned if the removal of the lead based paint would be on the inside and outside of the building.

Assistant County Administrator Jill Matthews stated that all paint that tested positive for lead would be removed.

7) **Director of Planning-**

a) Update on Planning Commission activities

Planning and Zoning Director Bret Schardein advised the Board that a Planning Commission Work Shop will be held next week to work on updating the event/festival ordinance. Mr. Schardein also updated the Board on the new Dollar General Store. He stated that they are waiting on VDOT approval on an entrance and that work should be starting soon.

b) Refer CUP #11-08: Green Creek Baptist Church Expansion

Planning and Zoning Director Mr. Bret Schardein, advised the Board that that the expansion is for a fellowship hall to be added on to the church.

On a motion by Supervisor Osl and carried the Board referred CUP #11-08: Green Creek Church expansion to the Planning Commission for review.

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

- c) Consider Request for Waiver of CUP application fee – Greater Works Christian Church.

Planning and Zoning Director Mr. Bret Schardein, advised the Board that that the Greater Works Christian Church requested the Board waive the \$300 CUP application fee. The Church is submitting a CUP for the building of permanent bathrooms on to the church.

On a motion by Supervisor Kennell and carried the Board approved to waive the CUP application fee of \$300 for Greater Works Christian Church.

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

- d) Reappointment of Irene Wyatt to Planning Commission

Planning and Zoning Director Mr. Bret Schardein, advised the Board that Irene Wyatt's term with the Planning Commission will end on January 1, 2012 and she requested to be reappointed for a three year term expiring in 2015.

On a motion by Supervisor Osl and carried the Board approved the reappointment of Irene Wyatt to the Planning Commission for a three year term expiring January 2015.

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

8) County Administrator's Report -

a) IDA Vacancy

County Administrator Judy Ownby advised the Board that there was still a vacancy on the IDA. There were no recommendations from the Board.

b) Recommendation for contracts with General A/E firms

County Administrator Judy Ownby advised the Board that she and Assistant County Administrator Jill Matthews, reviewed the proposals for General Architectural Engineering services and four firms are recommended for the Board's consideration based on prior experience and satisfaction with the firms.

On a motion by Supervisor Oertel and carried, the Board approved the County Administrator's recommendation and awarded a contract for general engineering services for a one-year term with option to renew for two additional years as follows:

- 1) Dewberry & Davis, Inc.
- 2) Draper Aden & Associates
- 3) Austin Brockenbrough
- 4) Timmons Group

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

c) Discuss CRC Charter Amendment

The County Administrator informed the Board that the CRC asked that the proposed charter amendments be addressed once again by the Board. The Board agreed that the main area of concern was the fact that the proposed charter amendments would no longer require future amendments to be submitted to the localities for approval. The Board directed the County Administrator to submit the concern to all CRC counties so they would be aware of the reason Cumberland County did not approve the proposed amendments.

9) **Community Development Report-**

a) Update on projects

Community Development Director Greg Baka advised the Board that there will be a public information meeting at the Cartersville Volunteer Rescue Squad Building on Thursday, November 17th at 6:30 pm to advise the public on information about the Cobbs Creek Reservoir. Mr. Baka went over some the notes from the meeting he and some of the staff had with Henrico County about the Reservoir with the Board. (A copy of the notes are in Official Board File)

Supervisor Petty had a concern about the proposed buffer and the access citizens would have to the water.

Community Development Director Greg Baka commented that there was a proposed public access area but there would be no private access for the private land owners.

Supervisor Osl noted that there should be a private access for the land owners and that the proposed size of the buffer would be an issue for future economic development.

b) Wireless Authority

Community Development Director Greg Baka advised the Board that the Wireless Authority will be meeting in December. A representative from the USDA Rural Telecommunications Division has been invited to attend and speak at the meeting. He also added that the County had been contacted by Buggs Island Telephone Company about opportunities with wireless broadband.

c) Business License

Community Development Director Greg Baka stated that at the last Board meeting the Board requested input from staff regarding the business license threshold and whether it should be changed. After speaking with staff and gathering information from other rural counties, Mr. Baka gave the Board two options for consideration. One is the current threshold of \$3,000, which would require a business license and the other is to raise the threshold to \$10,000. Staff recommends leaving the threshold at \$3,000 since it is in line with surrounding and other rural counties of similar size.

Supervisor Kennell and Supervisor Womack questioned whether it would promote business in Cumberland by increasing the threshold. Supervisor Oertel raised the question as to how many and what type of business licenses are issued

County Attorney Howard Estes commented that having the business license is a good way to see what businesses are in Cumberland. If there are zoning issues or complaints about a business, Zoning can check to see if the business has a license, and it is good for Community Development to help keep track of what businesses are in the County.

Supervisor Osl suggested that the new Board members might have ideas on this issue. This will be held over until next year when the new term begins.

d) VDOT resolution for Visitors Museum

VDOT has requested that the County submit a resolution to show the Board is in favor of restarting the work on the Visitors Museum.

On a motion by Supervisor Oertel and carried the Board approved the Visitor Museum Resolution as follows

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF CUMBERLAND, VIRGINIA**

WHEREAS, the Board of Supervisors of the County of Cumberland believes it is critical to enhancements along Route 60 and opportunities to stimulate tourism and economic growth; and

WHEREAS, the County of Cumberland is diligently working to move forward on the Museum and Visitors Center and;

WHEREAS, the Board of Supervisors understands this to be a critical step in maximizing Cumberland's ability to develop its economic potential by attracting visitors, tourists and guests; and

WHEREAS, the Board of Supervisors of the County of Cumberland has committed significant investment dollars for specific improvements of Route 60 and the Visitors Center

RESOLVED, that the Board of Supervisors of the County of Cumberland, Virginia, supports the old jail to be adaptively reused as a visitors and tourism center to promote the history of tourism in Cumberland County

ADOPTED the 9th day of November 2011.

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

e) Tobacco Commission Grant Resolution

The IDA requested a resolution in support of a Tobacco Commission Agri-business grant in the amount of \$176,300

Supervisor Kennell commented that no local funds would be included in this project.

On a motion by Supervisor Osl and carried the Board adopted a resolution of support for the application for grant funds of \$176,300 from the Tobacco Commission.

**RESOLUTION IN SUPPORT OF
A TOBACCO COMMISSION AGRIBUSINESS GRANT**

WHEREAS, the VATICRC (Virginia Tobacco Indemnification and Community Revitalization Commission) is purposed with the mission of assisting farmers with promoting agricultural activities other than the growth and cultivation of tobacco; and,

WHEREAS, the VATICRC has been highly supportive of existing and new Agribusinesses in their 31-county region across Virginia that directly and indirectly provide positive impacts to local farmers; and,

WHEREAS, the County of Cumberland has been approached by a business owner with a specific interest in developing the last remaining available parcel in the Riverside Industrial Park on Plank Road (Rt. 600) in the Farmville area; and,

WHEREAS, the development of this parcel for Agri-Business use would provide an economic development benefit to Cumberland County of investment dollars, local jobs, taxable real estate, and service to local farmers; and,

WHEREAS, the grant dollars from the Tobacco Commission Agribusiness program would be administered by the IDA and would provide significant improvements necessary to develop this property for this business use.

NOW, THEREFORE, BE IT RESOLVED THAT the Cumberland County Board of Supervisors does hereby provide this resolution of support for the request of \$176,300 in grant dollars for the preparation of site development plans and site improvement costs on this lot in the Riverside Industrial Park.

ADOPTED the 9TH day of November 2011.

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

10) County Attorney's Report -

a) Animal Warden's request for ordinance amendment

County Attorney Howard Estes advised the Board that the Cumberland Animal Warden stated that he has been receiving numerous complaints and calls from citizens regarding chickens that belong to neighbors causing damage on their property. The Animal Warden has requested an amendment to the County ordinance to add fowl to the list of animals to keep fenced and making it a class four misdemeanor if fowl run outside their confined area.

After much discussion it was agreed upon that the ordinance amendment would be set for a public hearing.

On a motion by Supervisor Womack and carried, the Board approved to set the amendment to the County ordinance for public hearing at the December Board meeting.

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

11) Board Member Comments-

Supervisor Womack commented that on January 1st the Piedmont Regional Jail will lose their US Marshall offenders. They will be housed in Washington D.C. This will be a loss of about \$1 million a year for the Jail.

Supervisor Osl noted that Piedmont Regional Jail does a good job with helping the County.

Supervisor Petty noted that item # 5 on the legislative agenda list regarding CSA needed to be deleted. Board members were in agreement.

Supervisor Osl noted that he was looking forward to working with the new Board Members.

12) Additional Information

- a) Treasurer's Report
- b) Building Inspections Report
- c) DMV Report
- d) Recycling Report
- e) Letter from Auditor of Public Accounts re: collections
- f) Info from Robinson, Farmer, Cox Associates re: County Audit

13) Adjourn

With no additional business to come before the Board, the Chairman adjourned the meeting until Tuesday, December 13th at 6:00 p.m. in the Circuit Court Room.

Chairman

County Administrator