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At an adjourned meeting of the Cumberland County Board of Supervisors held at 5:00 p.m. on the 10th day of February 2004, at the Cumberland Courthouse:

Present: W.F. Osl, Jr., Chairman, District 1
Clifton C. White, District 2
Van Petty, District 3
Jereimah Heaton, District 5
Darvin E. Satterwhite, County Attorney
Judy O. Hollifield, County Administrator
Sherry Swinson, Assistant County Administrator
Sandy Sullivan, Deputy Clerk

Elbert Womack, District 4, Absent

Also Present: Sarah Corey, Norfolk Southern
Bob Munson, Department of Conservation and Recreation

The Chairman called the meeting to order and turned the meeting over to Ms. Corey and Mr. Munson.

5:00 p.m.

Sarah Corey, Norfolk Southern; and Bob Munson, Department of Conservation and Recreation

Abandonment of rail; and Rails to Trails Program

Sarah Corey, Norfolk Southern; and Bob Munson, Department of Conservation and Recreation gave an update and overview of the Rails to Trails Program, along with answering questions from Board members and the public.

6:30 p.m.

Scott Frederick, Director, Virginia's Heartland

Scott Frederick, Director, Virginia's Heartland introduced himself to the Board members and gave an overview of his position as Director of the Virginia's Heartland along with a status on current projects.

The regular Board of Supervisors meeting was called to order by the Chairman at 7:00 p.m. The Deputy Clerk called the roll. Mr. Osl gave the invocation and the 4-H group led in the pledge of allegiance.

Mr. Osl stated that Mr. Womack is absent due to having surgery and is at home recuperating.

1. Approval of Agenda

On a motion by Mr. Petty and carried, the agenda was amended as noted.

- 1) Add under Departments/Agencies:
Between 4a) and 4b) - Mike Willis, School Superintendent-Request for appropriation of grant funds
- 2) Add to Consent Agenda

persons disposing of such matter or in the County transfer station facilities provided for such purpose and in no other manner not authorized by law.

(c) The owners of vacant developed or undeveloped property in Cumberland County, Virginia, including such property upon which buildings or other improvements are located, shall cut the grass, weeds and other foreign growth on such property or any part thereof, upon five days written notice from the County. Whenever the Board of Supervisors deems it necessary, after reasonable notice of at least five days to any property owner, the County may have such grass, weeds or other foreign growth cut by its agents or employees, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the locality as taxes are collected. The provisions of this subsection (c) shall have no force and effect within the corporate limits of the Town of Farmville, Virginia. The provisions of this subsection (c) shall be effective solely within the boundaries of platted subdivisions or any other areas within the County zoned for residential, business, commercial or industrial use. For purposes of this sub-section (c), any grass, weeds and other foreign growth exceeding twelve (12) inches in height shall provide a rebuttable presumption that such grass, weed and other foreign growth constitute a threat to the health, safety and general welfare of the citizens of the County sufficient to justify the issuance of a written notice of violation from the County.

(d) Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid county taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia 1950 (as amended). The Board of Supervisors may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

(e) Violations of this section shall be subject to a civil penalty, not to exceed \$50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period.

(f) Such violations as provided in subsection (e) above shall be a Class 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period; provided, however, no civil penalties may be imposed for any such violation that is treated as a criminal offense arising from the same set of operative facts.

Sec. 46-3. Disposal of trash, garbage, refuse, litter.

(a) It shall be unlawful for any person to dump or otherwise dispose of trash, garbage, refuse, litter, a companion animal for the purpose of disposal, or other unsightly matter, on public property, including a public highway, right-of-way, property adjacent to such highway or right-of-way, or on private property without the written consent of the owner thereof or his agent.

(b) When any person is arrested for a violation of this section, and the matter alleged to have been illegally dumped or disposed of has been ejected from a motor vehicle or transported to the disposal site in a motor vehicle, the arresting officer may comply with the provisions of §46.2-936 of the Code of Virginia 1950 (as amended) in making such arrest. When a violation of the provisions of this section has been observed by any person, and the matter illegally dumped or disposed of has been ejected or removed from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting or disposing of such matter. However, such presumption shall be rebuttable by competent evidence.

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The County Administrator explained each item in the consent agenda and the following actions were taken:

On a motion by Mr. Petty and carried, the Board approved the following consent agenda items:

1. Approved the minutes for January 2004.
2. Approved bills for February 2004 totaling \$45,777.82 and ratified bills for January 2004 of warrants totaling \$208,335.04 with check numbers ranging from 40158 to 40329. Direct Deposit totaling \$36,275.29
3. Voted to advertise and schedule public hearing on school budget for March 9th 2004.

Vote: Mr. Osl - aye	Mr. White - aye
Mr. Petty - aye	Mr. Womack - absent
Mr. Heaton - aye	

b) Appointments

Alternate - Piedmont Planning District Commission

The County Administrator stated that Ms. Swinson and Mr. Osl are the appointed representatives for the Piedmont Planning District Commission. An alternate is needed in the event either of the two would not be able to attend.

On a motion by Mr. Heaton and carried, the Board appointed Mr. Petty as alternate to the Piedmont Planning Commission.

Vote: Mr. Osl - aye	Mr. White - aye
Mr. Petty - aye	Mr. Womack - absent
Mr. Heaton - aye	

- c) Consider proposal from Robinson, Farmer Cox Associates to conduct comprehensive financial Forecast and cash proffer computation system

It was the consensus of the Board to have County staff issue a RFP for a County Comprehensive Five Year Financial Forecast. The cash proffer computation system model from Goochland County will be used as a model for Cumberland County.

- d) Consider awarding contract to MSAG for mapping project - wireless E-911 Phase II

The County Administrator stated that the County is on a tight schedule for awarding the contract to be in compliance by the deadline. The total cost is \$163,670. The Wireless Board has granted the County a total of \$144,243 for the project with the remainder of the balance coming out of the 911 fund.

Mr. Osl asked that the IT Manager explore a potential E-911 grant funding opportunity from the Public Safety Foundation of America.

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that he had received orders for 545 days in active duty. As part of the budget process, Mr. White would like for the County to go to twice a year tax collection.

Mr. Petty

Mr. Petty stated that the Clothes Closet is still looking for a place to operate. Community meeting will be held on February 18, 2004, from 4:00 p.m. to 6:00 p.m. in the Old Clerk's Office. Mr. Petty is currently exploring the possibility of having a DMV office in Cumberland. Mr. Petty would like to explore the option of moving the voting district from the Courthouse complex to the Cumberland Rescue Squad Building. Parking is very difficult in the Courthouse area.

Mr. Womack

Absent

Mr. Heaton

Mr. Heaton stated that he was recently appointed as the Director of Emergency Services and he will be conducting mock emergency drills in the summer and hopes to continue the drills on an annual basis. He asked staff to develop a comprehensive non-smoking policy for the County office complex and bring back to the Board. He also would like to explore avenues for long-term tax reduction strategy for County citizens.

9. Public Comments

A citizen asked about the status of the conditional use permit for Moe Duncan. Conditions have not been met as of the deadline. A citizen asked the Board to consider adopting a resolution to send to the General Assembly and to the Governor asking the State not to further increase taxes for the Commonwealth of Virginia. Another citizen asked the Board to carefully consider the length of terms set forth for Planning Commissioners. It would be a burden to the Planner to go through constant change in Commission members.

10. Closed Meeting

The County Attorney explained the items to be discussed in closed session.

On a motion by Mr. White and carried, the Board entered into closed meeting under VA Code Section 2.2-3711 A(7) consultation with legal counsel regarding contracts concerning water reservoir, A(1) personnel matter

The Board returned to regular session on a motion by Mr. Osl.

A motion was made by Mr. White and adopted by the following vote:

Vote: Mr.Osl - aye	Mr. White - aye
Mr. Petty - aye	Mr. Womack - absent
Mr. Heaton - aye	

