

**BOOK 10 PAGE 686**

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 8<sup>th</sup> day of June 2004, at the Cumberland Courthouse:

Present: W.F. Osl, Jr., Chairman, District 1  
Clifton C. White, District 2  
Van Petty, District 3  
Elbert Womack, District 4  
Jeremiah Heaton, District 5  
Darvin E. Satterwhite, County Attorney  
Judy O. Hollifield, County Administrator  
Sherry Swinson, Assistant County Administrator

The Chairman called the meeting to order. The County Administrator called the roll. Pastor Al Davis, Antioch, Centenary and Payne United Methodist Churches gave the invocation and the 4-H led in the pledge of allegiance.

Special Film Presentation - Memorial

A special film presentation was done in honor of and in memory of Veterans and 9-11 victims.

**1. Approval of Agenda**

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

- 1) Add to VDoT
  - b) Consider work session with VDoT(with all Board members, or Alan Leatherwood will meet with two members each, at two separate meetings)
- 1) Add to County Administrator's Report
  - e) Consider resolution in support of establishing DMV Office in Cumberland County
- 2) After Public Hearing on Budget:  
  
Closed Session - 2.2-3711 (A-3) purchase of real estate for public purpose re: water reservoir project with Hodges Partnership
- 3) Add to County Attorney's report
  - b) Discuss commercial entrance at Randolph Fire Department (advertised twice, no bids)
  - c) Adopt emergency ordinance re: Traffic Ordinance/Cost Recovery Ordinance
- 4) Closed Session
  - b) VA Code Section 2.2-3711 (A-7) potential litigation regarding delinquent sewer account

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c) VA Code Section 2.2-3711 (A-7) pending litigation re: personal property taxes (County Attorney)

5) Adjourn

b) Consider date for work session with building official and school officials re: school buildings; fire marshall's report; structural engineer's report.

c) School Board meets morning of June 14<sup>th</sup>. Mr. White will be available after June 20<sup>th</sup>. Consider scheduling a work session for 9:00 a.m. on Monday, June 21<sup>st</sup>.

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

**2. VDoT**

a) Alan Leatherwood, VDoT, appeared before the Board to hear any concerns.

b) Consider work session with VDoT

A meeting with VDoT and the Board of Supervisors was scheduled for June 28, 2004 at 6:30 p.m. in the Old Clerk's Office.

**3. Public Hearings (will run concurrently)**

- a) Proposed Budget FY 2004-05
- b) Capital Improvements Plan 2004-05 - 2008-09
- c) Tax Rates FY 2004-05

The Chairman stated that the public hearings would be held concurrently on the FY 2004-05 budget, the CIP 2005-05 - 2008-09 and tax rates for FY 2004-05.

The County Administrator gave a power point presentation on the proposed budget, CIP and tax rates.

The Chairman opened the public hearing. There were several speakers with concerns about the current airplane tax.

The Chairman closed the public hearing and stated that the citizens' comments would be considered and the budget would be voted on June 28, 2004.

**4. Closed Session**

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(3) purchase or real estate for public purpose re: water reservoir project with Hodges Partnership.**

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

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

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

that the following Certification of a Closed Meeting be adopted in accordance with The Virginia Freedom of Information Act:

WHEREAS, the Board of Supervisors of Cumberland County has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Cumberland County hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of Cumberland County.

The Board of Supervisors scheduled a public information work shop for June 29, 2004 from 7:00 p.m. until 9:00 p.m. regarding the reservoir project.

**5. Departments/Agencies**

Dr. Levine, Piedmont Health District

Dr. Levine, Piedmont Health District Director, suggested that the Board of Supervisors consider establishing a County emergency station in the event of a large-scale emergency, including an accident or even a mass outbreak of influenza. It was suggested that the middle school be utilized due to its centralized location and familiarity. Dr. Levine requested that County submit a letter of support for the Health Department's efforts to enhance nutrition at the County's schools.

**6. County Administrator's Report**

a) Consent Agenda

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 May 2004.
2. Approved bills for June 2004 totaling \$62,722.03 and ratified bills for May 2004 of warrants totaling \$302,816.12 with check numbers ranging from 41878 to 42166. Direct Deposit totaling \$53,641.17.
3. Ratified County health insurance with Anthem Blue Cross and Blue Shield - Farm Bureau

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On a motion by Mr. Womack and carried, the Board ratified a new Anthem insurance plan through Cumberland Farm Bureau for County employees and to investigate information regarding the cost for employee and spouse presented by Mr. Heaton.

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

(Mr. Osl abstained due to the fact that he is President of Cumberland Virginia Farm Bureau)

4. Authorized Cartersville Ruritan to hold 4<sup>th</sup> of July celebration and display fireworks

b) Scheduled Public Hearing on Twice-Per-Year Tax Collection (July)

On a motion by Mr. Petty and carried, the Board agreed to hold a public hearing on July 13, 2004 to consider twice-per-year County tax collection.

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

c) Consider contract for auditing services with Robinson Farmer Cox Associates

On a motion by Mr. Petty and carried, the Board authorized issuance of an RFP for auditing services.

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

d) Proposals for VACo's 2005 Legislative Program

The Board of Supervisors agreed to gather any suggestions or proposals they may have for the Virginia Association of Counties 2005 Legislative Program and return them to the County Administrator by July 1, 2004.

e) Adopted resolution in support of establishing DMV Office in Cumberland County

On a motion by Mr. Petty and carried, the Board adopted the following resolution:

RESOLUTION IN SUPPORT OF ESTABLISHING  
DMV OFFICE IN CUMBERLAND COUNTY

WHEREAS, the County of Cumberland has an elected Constitutional Officer, Anita H. French, Commissioner of the Revenue who is committed to serving the needs of the citizens of the County of Cumberland to the fullest extent possible; and

WHEREAS, the County of Cumberland does not have a Virginia Department of Motor Vehicle office located within its County; and

WHEREAS the distance to the nearest DMV office is up to an hour's drive for many citizens; and

WHEREAS, the said Anita H. French has proposed a new partnership with the Virginia Department of Motor Vehicles through the establishment of a Licensing Agency within her office to better serve the citizens of the County of Cumberland; and

WHEREAS, the Board of Supervisors for the County of Cumberland is supportive of the Commissioner of the Revenue in this endeavor;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors for the County of Cumberland supports the proposal set forth by the Commissioner of the Revenue to establish a DMV Licensing Agency within her office to better serve the needs of the citizens of the County of Cumberland and authorizes the Commissioner of the Revenue to enter into a contract with DMV on behalf of the County to establish a Licensing Agent in said office.

Adopted this 8<sup>th</sup> day of June, 2004.

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

**7. Assistant County Administrator's Report**

a) Project Updates

The Civil Rights Heritage held its grand opening on May 14, 2004. The event was covered by twenty newspapers, ten television stations, six radio stations and ten websites.

Ms. Swinson stated that she and Stephanie Heintzleman spoke at the National Conference of the Rosenwald Schools Initiative of the National Trust for Historic Preservation held in Nashville. They worked with corporate partners to develop CD's to be used in meeting the SOL's in the schools for the fall.

The Route 60 Corridor Study Committee meeting to present different corridor options to interested citizens has been set for June 15, 2004. A flyer was mailed to approximately 150 residents and businesses along the Rt. 60 corridor, as well as Foster Road, Fitzgerald Road, and Stoney Point. In addition, a press release was sent to the Farmville Herald, the Cumberland Bulletin, WFLO, and WVHL.

**8. County Attorney's Report**

- County Sewer Policy

The County Attorney explained the proposed additions to the sewer policy to recover past due accounts.

On a motion by Mr. Womack and carried, the Board adopted a new sewer collection policy to recover past due payments.

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CUMBERLAND COUNTY  
SEWER COLLECTION POLICY

- Any tenant/property owner more than 60 days delinquent on any sewer bill shall be notified that collection efforts will be commenced unless the delinquency is promptly eliminated.
- The failure to pay such delinquency within 30 days of the date of the aforementioned delinquency notice shall result in one or more of the following collections efforts:
  - Any delinquency of \$500.00 or greater shall result in a sewer lien being filed against the subject real estate; and/or,
  - A warrant in debt may be filed against the delinquent tenant and/or property owner in the Cumberland County General District Court. Any judgments obtained may be collected through appropriate collection measures including but not limited to, garnishments, docketing of the judgments, interrogatories, etc.

Adopted by the Cumberland County Board of Supervisors on the 8<sup>th</sup> day of June 2004.

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

- Commercial entrance at Randolph Fire Department

The County Attorney explained that this has been advertised twice with no bids received.

The County Administrator stated that it was the opinion of the Building Official that bidding out the Social Services entrance along with the Fire Department entrance might draw more interest.

The Board agreed to issue a request for construction of the entrances at both the Randolph Volunteer Fire Department and the Social Services office.

- Adopt emergency ordinance re: Traffic Ordinance/Cost Recovery Ordinance

The County Attorney explained that the proposed emergency ordinance would cover recent amendments to the State's traffic laws that will take effect on July 1, 2004.

On a motion by Mr. Heaton and carried, the Board adopted the following emergency traffic ordinance:

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AN ORDINANCE AMENDING SEC. 62-1, ARTICLE I, CHAPTER 62, "TRAFFIC AND VEHICLES," OF THE CUMBERLAND COUNTY CODE TO ADOPT RECENT AMENDMENTS TO STATE LAW THAT BECAME EFFECTIVE JULY 1, 2004.

Board of Supervisors  
of Cumberland County, Virginia

WHEREAS, due to recent amendments to the Code of Virginia that became effective on July 1, 2004, it is necessary to amend Sec. 62-1, Article I, Chapter 62, "Traffic and Vehicles," of the Cumberland County Code to incorporate such State law provisions.

WHEREAS, the Board previously adopted an emergency ordinance regarding this same matter on June 8, 2004, with an effective date of July 1, 2004, and now wishes to make the said emergency ordinance a permanent part of the Cumberland County Code.

NOW THEREFORE, BE IT ORDAINED, that Sec. 62-1, Article I, Chapter 62, "Traffic and Vehicles," of the Cumberland County Code is hereby amended to read as follows:

**ARTICLE I. IN GENERAL**

**Sec. 62-1. Adoption of state law**

- (a) Pursuant to the authority of §46.2-1313 of the Code of Virginia 1950 (as amended), all of the provisions and requirements of the laws of the Commonwealth of Virginia contained in the Code of Virginia, Title 46.2 and Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 as in force and effect on July 1, 2004, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and requirements which, by their very nature, can have no application to or within the County, are hereby adopted and incorporated in this chapter by reference and made applicable within the County of Cumberland, Virginia. References to highways of the State contained in the provisions and requirements adopted in this section shall be deemed to refer to the streets, highways and other public ways within the County of Cumberland. Such provisions and requirements are hereby adopted, *mutates mutandis*, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person within the County of Cumberland to violate or fail, neglect or refuse to comply with any provision of Code of Virginia, Title 46.2 or of Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia 1950 (as amended).
- (b) All definitions of words and phrases contained in the State law adopted in this section shall apply to such words and phrases when used in this chapter unless clearly indicated to the contrary.
- (c) The penalties imposed for the violation of any provision or requirement adopted by this section are as provided by general law for similar offenses under Title 46.2 or under Article 2 (§18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia 1950 (as amended).

AND, BE IT ORDAINED, that this ordinance shall be effective July 1, 2004 as a continuation of the emergency ordinance adopted on June 8, 2004.

Effective date: July 1, 2004

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

On a motion by Mr. White and carried, the Board agreed to hold a public hearing on July 13, 2004 to consider adoption of an ordinance for cost recovery.

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

**9. Board Members**

Mr. Osl

Mr. Osl stated that he attended a meeting on May 20<sup>th</sup> for the Virginia Heartland Strategy Session. The PPDC is also conducting a study, and perhaps these two organizations may have the opportunity in the future to work together. Mr. Osl also stated that he attended a meeting called by the Department of Conservation and Resources to establish a plan for the bacteria and TMDL's that are in the Willis River Watershed. Mr. Osl attended a Planning Commission meeting on June 7, 2004, during which it was stated that a potential business may be locating to Cumberland County. He stressed that when a potential business is considering locating in the County, that this information be shared with the appropriate County personnel.

Mr. White

Mr. White stated that Mrs. Kinsey will be retiring from the Library on September 1, 2004. In order to continue receiving the full amount of state funding, this position will need to be filled by a certified Librarian. The Public Library Board will most likely be requesting an additional \$20,000 from the County to help fill this position. Mr. White would like to see a quarterly informational letter for the public started in the future.

Mr. Petty

Mr. Petty stated that the next meeting for District 3 citizens will be held on Wednesday, June 16, 2004 from 4:00 p.m. to 6:00 p.m. in the Old Clerk's Office. The Clothes Closet reopened today. Their hours are Tuesday's and Thursday's from 10:00 a.m. until 2:00 p.m.

Mr. Womack

Mr. Womack stated that he, Ms. Swinson and Mr. Osl attended a meeting with the Town Manager and Town Mayor of Farmville to discuss the airport and the possibility of establishing an airport authority. The meeting went very well and there is interest in having further discussion.

Mr. Heaton

Mr. Heaton stated that he would like for the County to look at giving citizens the option of paying personal property taxes when paying real estate taxes twice-per-year. Mr. Heaton suggested to the Board of Supervisors that he would like to have the County Administrator check into having the transfer stations open 24 hours a day, seven days a week. He said the Department of Forestry had recently donated a brush truck to the Randolph Volunteer Fire Department, and a lot of other equipment has been donated. Cumberland County Public Schools will be offering a mobile library service to citizens of the County



with four stops located in various parts of the County. Mr. Heaton would like to propose that the County have it's own County, Government web-site. The current community web-site was developed by Virginia Tech. Mr. Heaton stated that the Farmville Military Unit has been alerted for potential deployment overseas. The web-site would also be a community and support network for the soldiers.

**10. Public Comments**

Citizens had various concerns including airport taxes and twice a year real estate taxes. There was also a concern since the Old Elementary School was sold as to whether the County has a fall out shelter.

**11. 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) pending litigation re: personal property taxes, A (7) pending litigation re: personal property taxes, A(3), Tower, and A(1), personnel.**

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

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

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

that the following Certification of a Closed Meeting be adopted in accordance with The Virginia Freedom of Information Act:

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No action was taken under closed session.

The Board of Supervisors scheduled a public information work shop for June 29, 2004 from 7:00 p.m. until 9:00 p.m. regarding the reservoir project.

**12. Additional Information**

Building Inspector's May 2004 report.

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**13. Adjourn**

The Chairman ordered the meeting recessed until Thursday, June 17th, 2004, at 7:00 p.m., for a joint work session with the School Board at the Duke Café.

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Chairman

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County Administrator