

- b) Traffic and Vehicles Ordinance (to adopt recent amendments to State Law effective July 1, 2004)

The County Attorney explained that these changes are the changes that were adopted by the Board of Supervisors as an emergency ordinance on June 8, 2004.

The Chairman opened the public hearing. There were no speakers and the Chairman closed the public hearing.

On a motion by Mr. White and carried, the Board adopted the following ordinance:

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

ordinance, when such operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of the accident or incident;

2. The provisions of Article 7 (§ 46.2-852 et seq.) of Chapter 8 of Title 46.2 of the Code of Virginia 1950 (as amended), relating to reckless driving, when such reckless driving is the proximate cause of the accident or incident;

3. The provisions of Article 1 (§ 46.2-300 et seq.) of Chapter 3 of Title 46.2 of the Code of Virginia 1950 (as amended), relating to driving without a license or driving with a suspended or revoked license; and

4. The provisions of § 46.2-894 of the Code of Virginia 1950 (as amended), relating to improperly leaving the scene of an accident.

Effective Date: July 13, 2004

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

d) Twice-per-year Tax Collections

The Chairman explained the proposed twice-per-year tax collection ordinance.

The Chairman opened the public hearing. One speaker was concerned that citizens would incur late fees if they don't understand the due dates for taxes to be paid.

The Chairman closed the public hearing.

On a motion by Mr. White and carried, the Board adopted the following ordinance:

CODE TO PROVIDE FOR THE COLLECTION OF REAL ESTATE TAXES ON JUNE 15TH AND NOVEMBER 15TH OF EACH YEAR AND PERSONAL PROPERTY AND ALL OTHER TAXES ON NOVEMBER 15TH OF EACH YEAR.

**Board of Supervisors
of Cumberland County, Virginia**

WHEREAS, real estate and personal property taxes are presently due on December 5th of each year; and,

WHEREAS, the Board of Supervisors finds that the collection of real estate taxes on June 15th and November 15th of each year, and the collection of personal property taxes and all other taxes on November 15th of each year is in the best interest of the County.

NOW THEREFORE, BE IT ORDAINED, Sec. 58-365 and Sec. 58-366 of Article X, Chapter 58 of the Cumberland County Code, are hereby amended as follows:

ARTICLE X. TIME OF FILING RETURNS;

PENALTIES AND INTEREST

Sec. 58-365. Time taxes due.

(a) All taxes or levies on personal property subject to taxation and merchant's capital shall be paid to the treasurer of the county on or before November 15 of each calendar year, for such year. If the taxes or levies are not paid on or before November 15, the amount of such payment shall be past due as of that date.

(b) All taxes or assessments on real estate subject to taxation shall be paid to the treasurer of the county in two equal installments, each being equivalent to one-half of the total annual tax or assessment, with one-half due on or before June 15 and the other half due on or before November 15 of each calendar year. If the taxes are not paid on or before June 15 or November 15, as the case may be, the amount of such payment shall be past due as of each respective date.

Sec. 58-366. Postponement of due dates for holidays.

In any year in which May 1, the due date for filing returns, or June 15 and November 15, the due dates for payment of real estate taxes, or November 15, the due date for personal property and all other taxes, shall fall on a Saturday, Sunday or legal holiday on which the county offices are closed, the due date for such filing or payment, shall be the next succeeding business day on which the county offices are open.

Effective date: January 1, 2005

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

3. Department/Agencies

- a) Report on web Page for County

The County Administrator read a status report submitted by Mr. Hickman, IT Manager. He will bring an update to the August meeting.

- b) Renee Maxey

Piedmont Court Services requested not to make a proposal at this time.

4. 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. Womack and carried, the Board approved the following consent agenda items:

1. Approved the minutes for June 2004.
2. Approved bills for July 2004 totaling \$261,606.83 and ratified bills for June 2004 of warrants totaling \$335,671.14 with check numbers ranging from 42167 to 42447. Direct Deposit totaling \$53,938.50.
3. Appropriation - School

The County Administrator explained that the school has requested an additional appropriation of \$250,000 for the Tobacco Commission Grant.

4. Approved Crossroads Community Services Board Annual Performance Contract

(Copy of contract in Official Board File)

5. Approved Piedmont Regional Jail's Budget - FY 2004-05

(Copy of budget in Official Board File)

6. Approved Piedmont Juvenile Detention Commission's Budget - FY 2004-05

(Copy of budget in Official Board File)

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

- b) Consider resolution for RC&D Week

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

Resolution for RC&D Week

Whereas, Resource Conservation & Development Councils have contributed countless hours of community service to help people care for and protect their natural resources in a way that will improve the area's economy, environment, and living standards since 1964; and

Whereas, the Old Dominion RC&D Council, has provided a way for people to work together to plan and carry out activities that have made our county a better place to live;

Now, therefore, the Cumberland County Board of Supervisors, hereby proclaims the week of July 11, 2004, to be "RC&D Week" in Cumberland County to recognize the fact that during this week, across the nation, Resource Conservation and Development Councils are performing community service projects to improve their communities.

And further, the Board congratulates the Resource Conservation and Development Councils for their continued success in brightening the future of our communities by bringing together diverse groups of local volunteers to strengthen the spirit of community service in our county, not only this week but throughout the year.

Adopted this 13th day of July, 2004 by the Board of Supervisors in the County of Cumberland.

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

- c) Consider proposal for reassessment - Pearson Appraisal Services

The County Administrator explained that one proposal was received in response to the RFP for reassessment services. Mr. Pearson, Pearson Appraisal Services submitted minor changes to the proposal including the cost per parcel being dropped from \$17.00 per parcel to \$15.40 per parcel providing that no performance bond be required.

On a motion by Mr. Petty and carried, the Board accepted the proposal from Pearson Appraisal Services at a cost of \$15.40 per parcel. (Copy in Official Board File)

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

- d) Small Purchases Policy

The County Administrator explained the proposed Small Purchases Policy.

On a motion by Mr. White and carried, the Board adopted the following small purchases policy:

Cumberland County
Small Purchases Policy

Small Purchases

Purchases where the estimated total cost of the materials, equipment, supplies, shipping, insurance, construction, or service are not expected to exceed Thirty Thousand Dollars (\$30,000) may be awarded in accordance with the following procedures:

Small purchase procedures shall include but are not limited to the following provisions:

- A. Purchases from nongovernmental sources where the estimated total cost of the goods or services are \$15,000 or greater but less than \$30,000 may be made after soliciting a minimum of two (2) written quotations.
- B. Purchases from nongovernmental sources where the estimated total cost of the goods or services is \$2,000 or greater but less than \$15,000 may be made after soliciting a minimum of two (2) verbal or documented telephonic quotations.
- C. Purchases where the estimated total cost of the goods or services is less than \$2,000 may be made upon receipt of one fair and reasonable price.
- D. Nothing in this section shall preclude the County Administrator from requiring more stringent procedures for purchases made under the small purchase method.

- A. An initial phase of work shall proceed immediately and on an expedited schedule to be completed with a period of not more than 120 days. That initial phase of work will include only those most urgent activities intended to rectify known plan deficiencies including:
1. A statement of goals.
 2. A series of statements on objectives.
 3. The introductory chapter of the plan that describes the county and provides the demographics on the surrounding counties.
 4. A map that identifies areas where County staff, Planning Commission members and Board of Supervisors believe that residential, commercial, and industrial growth should occur.
 5. A chapter that discusses residential growth.
 6. A chapter that examines commercial and industrial endeavors.
 7. Pubic Hearings of the Planning Commission and Board of Supervisors for the interim (stopgap) amendment of the Comprehensive Plan. It is understood that this interim measure is to be undertaken on an expedited schedule and will not include the more in-depth studies, analysis, evaluations, surveys, etc., that would normally accompany a more complete development of a new comprehensive plan.
- B. The Commission shall work with the County planning personnel, the Planning Commission and the Board of Supervisors to complete this initial phase.
- C. A second phase of the project will proceed immediately and concurrently with the initial phase of the project but shall be implemented on a schedule of not less than twelve (12) months. The schedule may be extended by mutual agreement of the parties an additional six months as may be required to ensure that the process has been completed with ample opportunity for stakeholder reviews, citizen input, public meetings, and public hearings. The second phase of the project will include the following. No further extension of the project schedule shall occur unless expressly agreed to in writing by both the County and the Commission. An extension of the project beyond the maximum period of eighteen (18) months may, but not necessarily, require additional compensation. The second phase of the project will include the following specific services provided by the Commission:
1. The Commission will conduct a thorough review of the existing Cumberland County Comprehensive Plan (adopted October 5, 1992). Elements of the existing plan suitable for carryover into the new plan will be identified and preserved. This review will also include the identification of plan gaps or deficiencies. This review will include a review report which will contain findings and recommendations for the new plan development. This review will serve as the basis for developing a substantially new comprehensive plan outline and plan of action.
 2. The Commission will design a citizen survey questionnaire to elicit input from County residents, property owners, taxpayers, business owners, service providers. County agencies, and other public and quasi-public organizations with interests within the County. The Commission will work with the Planning Commission to design a survey delivery methodology appropriate to the County's circumstances (survey universe, sample size, methods of distribution, etc.). As part of this activity, the Commission will prepare a targeted "key stakeholder" survey questionnaire for more focused fee-back. This "key stakeholder" survey will include at

least all members of the Board of Supervisors, all members of the Planning Commission, key County administrative and planning staff, and others stakeholders mutually agreed upon as being “key stakeholders” by the Planning Commission.

3. The Commission will receive and analyze all returned questionnaire survey forms and present the findings in report form.
4. On the basis of findings, the Commission will work with the Planning Commission to revisit the goals and objectives and, if required, revise, add to or delete language to appropriately reflect the will of the community.
5. The Commission will conduct a search of available data sources (U.S. Bureau of the Census, Weldon Cooper Center, Virginia Employment Commission etc.), and collect appropriate updated data that may be of value in the new updated comprehensive plan. The Commission will analyze this data using customary tools as may be appropriate (graphs, charts, maps, etc.) so that the data can be presented clearly in the new updated comprehensive plan.
6. The Commission will research existing sources on special issues as may be appropriate (housing, transportation, environmental factors, etc.) And extract appropriate summary findings for the new updated comprehensive plan. Because of budget constraints, it is understood that this research is not to be exhaustive, but will be basic research and will address the fundamental physical development issues.
7. The Commission will briefly review the County’s existing zoning and subdivision ordinance so that they may be reflected in the plan. This brief review is not for the purpose of revising the zoning or subdivision ordinance.
8. The Commission will plan and coordinate up to three public information meetings (north, central and south parts of the County). These meetings will include custom media presentations of the comprehensive planning process and initial findings. These meetings will be planned to enhance public awareness of the community planning issues and to elicit further public input from the general public. The Commission will record all information meetings and prepare written minutes of these meetings. Where appropriate, the Commission will incorporate input in the final draft of the new comprehensive plan.
9. The Commission will work with County planning personnel to plan and coordinate two formal public hearings for the adoption of the final comprehensive plan. One hearing will be for the Planning Commission and one hearing will be for the Board of Supervisors. If feasible, a joint Planning Commission/Board of Supervisors public hearing may be substituted.
10. The Commission will revisit the general land use map developed in the first phase of this project and, if appropriate, amend the general land use map to more accurately reflect input or findings from analysis developed during the comprehensive planning process. This map will include information from all sources except a road-by-road, visual land use inventory.
11. The Commission will if appropriate, prepare other thematic maps that will help to describe and locate assets, resources or other

physical characteristics of the County. This category may include the location of community facilities, strategic facilities, transportation facilities, concentrations of development public utilities, public lands, environmental features, historic sites, etc.

12. The Commission will prepare the final comprehensive plan draft report and will deliver the report in the form of one (1) original hard copy, ten (10) black and white photocopies of the original, and a digital copy of the plan. Spiral binding of all hard copies is assumed, unless the County expressly requests alternative binding. Additional costs may result from alternative binding or additional copies of documents.
13. The Commission will assign a single point of contact from its staff as the Project Manager. The project Manager will be the Commission's representative in all matters relating to the comprehensive plan. The County will be asked to name a similar single point of contact to represent the County for the duration of the project.
14. The Commission will provide staff, materials, equipment and transportation for the development of this project except as listed in the exceptions.

C. Exceptions:

1. The Commission is not responsible for the cost of public advertisements associated with the development of the project without reimbursement.
2. The Commission is not responsible for postage for mass mailings of information flyers, brochures, public notifications, etc., without reimbursement. This exception does not apply to routine correspondence between the Commission and the County regarding the project.
3. The Commission will not be responsible for performing any road-by-road, visual surveys of the County territories unless additional compensation is provided.
4. Aside from the one (1) original, ten (10) copies and digital record, the Commission is not responsible for mass printing of the new comprehensive plan without reimbursement.
5. This proposal presumes spiral binding of the final plan document. The Commission is not responsible for other methods of binding without reimbursement.

V. **PROJECT SCHEDULE:** Unless expressly approved in writing by both the County and the Commission, the entire project shall be completed with eighteen (18) months of the execution of this agreement. The first phase of the project is scheduled to be completed within four (4) months of the execution of the agreement.

VI. **ACCESS TO DOCUMENTS:** The County will provide to the Commission access to all appropriate official County records, documents, reports, maps, and other materials as may be relevant to the effective development of the new comprehensive plan.

VII. **COMPENSATION:** In consideration of the technical services to be

She also announced that another public meeting on the proposed reservoir project would be held on Wednesday, July 28 from 7-9 p.m. at the Cartersville Firehouse. One public meeting was held at the courthouse on June 29 with approximately 40 people attending. She noted that both meetings had been advertised in The Farmville Herald and the Cumberland Bulletin, as well as flyers posted in area businesses, post offices and direct mailings.

After the RC&D resolution had been unanimously passed by the Board, Ms. Swinson, a member of the Old Dominion Council representing Cumberland, thanked the Board and noted the following programs developed or implemented by the RC&D, which benefit Cumberland: Dry hydrant program, environmental field schools, and the Civil Rights in Education Heritage Trail.

6. County Attorney's Report

FLSA Regulations

The County Attorney stated that he has reviewed the new FLSA regulations and agrees with staff's report that comp time cannot be substituted for paying time and a half for any hours worked over forty (40) per week.

The County Attorney informed the Board that the Justice Department had contacted him regarding the change in the polling place with general questions and that he expects a decision to be made in the near future.

7. Board Members

Mr. Osl

Mr. Osl asked the County Administrator for a summary of the June 28, 2004 meeting with VDoT.

Ms. Hollifield stated that VDoT talked about how the six year plan is prepared. VDoT spoke on the Rural Rustic Road Program, including the qualifications for the program. There was discussion on the need for better communication regarding road concerns. The decision was made that road concerns would be given to the County Administrator and she will forward them to Alan Leatherwood, who will contact the appropriate personnel. Mr. Leatherwood will contact the County Administrator with the status.

Mr. White

Mr. White stated that he is a member of the Crossroads Community Services Board and that they are having a van tour on August 9th to tour facilities. Mr. White thanked the Board of Supervisors for their support for the Cumberland Public Library. Mr. White asked the Board's permission to research the cost of having a quarterly newsletter for the County.

All Board Members agreed.

Mr. Petty

Mr. Petty stated that he is working with the Cumberland Technical Leadership Team and there has been an interest noted for high speed internet service for Cumberland County. The service can be made available; however, the cost is a big issue. There may be a possibility of grants being used to help with this expense and have test sites for the County. Mr. Petty stated that he will be attending a meeting on July 26, 2004 at Payne Memorial Church to talk about establishing a Meals on Wheels program for Cumberland County.

Mr. Womack

Mr. Womack stated that Southside Community Hospital participates with the Meals on Wheels program and has contacted Payne Memorial Church about supplying some of the meals for Cumberland County and that volunteers are needed for this program. He also stated that the Randolph Fire Department has been given two more Fire Trucks from Tennessee and one unit from Amelia.

Mr. Heaton

Mr. Heaton stated that according to the media there is a high probability of terrorist activity as we approach election time. There is a high risk target in the County and he is working with the Deputy Coordinator on this concern. Mr. Heaton would like to ask Cumberland citizens to continue their support to the Randolph Volunteer Fire Department.

8. Public Comments

Citizens had various concerns including high speed internet availability for the County, the new Extension Agent and the possibility of putting trailers by the Elementary School to accommodate the additional space that is needed. There was one citizen with concerns of health and safety violations within the school system.

9. 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(1) personnel, and , A (7) potential litigation re: sewer charges.

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. 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:

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.

No action was taken on items discussed in closed session.

10. Additional Information

N/A

11. Adjourn

The Chairman ordered the meeting recessed until Monday, July 19th, 2004, at 5:00 p.m., in the Circuit Courtroom of the Courthouse.

Chairman

County Administrator