

COUNTY of  
CUMBERLAND  
VIRGINIA

FOUNDED • 1749

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County Administrator  
Judy O. Hollifield

Assistant Administrator  
Sherry Swinson

County Attorney  
Darvin E. Satterwhite

*Board of Supervisors*

William F. Osl, Jr.

Clifton C. White

Van H. Petty

Elbert R. Womack

Jeremiah D. Heaton

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 March 2005, 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  
Sandy Sullivan, Deputy Clerk

Absent: Sherry Swinson, Assistant County Administrator

The Chairman called the meeting to order and the Deputy Clerk called the roll. The Chairman gave the invocation and the Boy Scouts led in the pledge of allegiance.

**1. Approval of Agenda**

On a motion by Mr. Osl and carried, the Board amended the agenda as follows:

5) County Administrator's Report

Draft resolution directing Planning Commission to consider a possible amendment to the Zoning Ordinance.

10) Additional Information

Public Hearing for Permit Amendment Approval – DEQ  
March 31, 7:00 p.m. – Cumberland Public Library

Vote: Mr. Osl – aye

Mr. White – aye

Mr. Petty – aye

Mr. Womack – aye

Mr. Heaton – aye

**2. VDOT – Mark McKissick**

Mr. McKissick stated that construction has begun on Rt. 687 and is expected to go through late fall. Surveying has begun on Rt. 626,

Meador Road and VDoT is currently working on obtaining right-of-ways for Rt. 601, Ashburn Road.

Mr. Womack stated that there is an adopt-a-highway sign in the ditch on Rt. 600, River Road and Mr. White stated that there is a 55 MPH sign down on Route 60, west of the Cumberland line.

### 3. Old Business

Rifle Ordinance (Discuss alternatives)

Mr. Osl stated that a public hearing was held last month on the rifle ordinance and that the Board of Supervisors has considered alternatives with none being viable to pursue therefore, the ordinance will be addressed as previously drafted.

The Board agreed to consider the proposed changes separately.

Mr. White made a motion to adopt the proposed ordinance allowing the use of rifles from the ground. The motion was defeated, therefore there is no change to the ordinance.

Vote: Mr. Osl – nay	Mr. White – aye
Mr. Petty – nay	Mr. Womack – aye
Mr. Heaton – nay	

Mr. Osl made a motion to amend the ordinance to state that hunting with a firearm on or within 100 yards of any primary or secondary road is prohibited; the motion was defeated therefore the ordinance is unchanged and states that “hunting.....on or within the ditch line of any primary or secondary highway in the County, is prohibited.”

Vote: Mr. Osl – nay	Mr. White – nay
Mr. Petty – nay	Mr. Womack – nay
Mr. Heaton – nay	

### 4. Department and Agencies

- a) Report from Emergency Services Communications Team (ESCT) – Discus Charter

Mr. Osl presented graphs showing existing radio structure and areas showing strength of coverage within the County. The proposal is for the County to have three towers (northern, southern and middle parts of the County). This would enhance the

communications in uncovered areas in the County and improve communications with adjacent jurisdictions. As it stands, the County has begun the process to apply for licenses and grants for funding of the project.

**5. 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 items in the consent agenda as presented:

1. Approved minutes for January 2005 and February 2005 with noted corrections and amendments.
2. Approved bills for March 2005 totaling \$63,678.21 and ratified bills for February 2005 of warrants totaling \$327,401.44 with check numbers ranging from 44049 to 44256. Direct Deposit totaling \$74,395.02.

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

b) Appointments

- 1) Planning Commission (District 1)

On a motion by Mr. Osl and carried, the Board appointed Patrick Smook to serve on the Planning Commission for District 1 with a term expiring October 2007.

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

- 2) Water & Sewer Advisory Committee – District 1

On a motion by Mr. Osl and carried, the Board appointed Scott Newton from District 1 to serve on the Water & Sewer Advisory Committee.

Vote: Mr. Osl – aye

Mr. White – aye

Mr. Petty – aye

Mr. Womack – aye

Mr. Heaton – aye

3) Southside VA Community College

On a motion by Mr. Womack and carried, the Board re-appointed Ann Brooks Ballard to serve on the Southside Virginia Community College Board for a four year term.

Vote: Mr. Osl – aye

Mr. White – aye

Mr. Petty – aye

Mr. Womack – aye

Mr. Heaton – aye

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

a) Project Updates

The Assistant County Administrator was absent and the County Administrator read the following report:

A group from the Piedmont Regional Jail recently picked up the roadside trash along Route 45 North to Cartersville/James River boat landing. Thirteen bags of trash and a number of tires were collected. Weather permitting, the group will pick trash up along Route 690 at the Columbia/James River boat landing within the next several days.

The trash collection has been reported to VDoT and they are to dispatch crews out to dispose of the trash and tires.

We are working with the staff of Piedmont Regional Jail on an ongoing basis to identify problem roadways and coordinate in having pickups scheduled.

Ms. Swinson has contacted Alan Leatherwood, VDoT on behalf of the Board of Supervisors regarding the maximum speed limits in certain residence districts of the counties, cities, and towns, specifically Route 60.

Mr. Osl stated that Powhatan County has agreed to partner with Cumberland County on the Water Reservoir Project.

7. **County Attorney's Report**

- a) Discuss possible changes to county ordinance regarding trash dumping in county

The County Attorney stated that no County ordinance is necessary to address this issue. State Code Section 33.1-346 is applicable to all localities.

- b) Draft resolution directing Planning Commission to consider a possible amendment to the Zoning Ordinance

Upon the Board's request the County Attorney discussed a draft resolution directing the Planning Commission to consider a possible amendment to the Zoning Ordinance.

On a motion by Mr. Osl and carried, the Board agreed to refer the following draft resolution to the Planning Commission for review, possible amendments, public hearing and refer back to the Board of Supervisors.

WHEREAS, the Board finds the following proposed ordinance, hereinafter stated, is required by public necessity, convenience, general welfare or good zoning practice.

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby refers to the Planning Commission a proposed amendment to Section 74-12, Article I, Chapter 74 of the Zoning Ordinance, and requests the Planning Commission to conduct a public hearing thereon and to make a recommendation to the Board no later than May 10, 2005. The proposed amendment reads as follows:

**Sec. 74-12. Procedure for amending.**

The regulations, restrictions and boundaries established in this chapter may, from time to time, be amended, supplemented, changed, modified or repealed by the board of supervisors, as follows:

- A. The Planning Commission may, and at the direction of the Board of Supervisors shall, prepare proposed zoning ordinance amendments, including amendments to the map or maps showing the division of the territory into districts and the text setting forth the regulations applying in each

district. The commission shall hold at least one public hearing on a proposed ordinance or any amendment of an ordinance, after notice as required by Virginia Code §15.2-2204, and may make appropriate changes in the proposed ordinance or amendment as a result of the hearing. Upon the completion of its work, the commission shall present the proposed ordinance or amendment including the district maps to the Board of Supervisors together with its recommendations and appropriate explanatory materials.

- B. This zoning ordinance shall not be amended or reenacted unless the Board of Supervisors has referred the proposed amendment or reenactment to the Planning Commission for its recommendations. Failure of the commission to report 100 days after the first meeting of the commission after the proposed amendment or reenactment has been referred to the commission, or such shorter period as may be prescribed by the Board of Supervisors, shall be deemed approval, unless the proposed amendment or reenactment has been withdrawn by the applicant prior to the expiration of the time period. In the event of and upon such withdrawal, processing of the proposed amendment or reenactment shall cease without further action.
- C. Before approving and adopting any amendment to this zoning ordinance, the Board of Supervisors shall hold at least one public hearing thereon, pursuant to public notice as required by Virginia Code §15.2-2204, after which the Board of Supervisors may make appropriate changes or corrections in the ordinance or proposed amendment. In the case of a proposed amendment to the zoning map, the public notice shall state the general usage and density range of the proposed amendment and the general usage and density range, if any, set forth in the applicable part of the comprehensive plan. However, no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice required by Virginia Code §15.2-2204.
- C. Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the Board of Supervisors may by ordinance amend, supplement, or change the regulations, district boundaries, or classifications of property. Any such amendment may be initiated (i) by resolution of the Board of Supervisors, (ii) by motion of the

Planning Commission, or (iii) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefore, of the property which is the subject of the proposed zoning map amendment, addressed to the Board of Supervisors or the Planning Commission, who shall forward such petition to the Board of Supervisors.

Substantially the same petition shall not be reconsidered within one year without the approval of the Board of Supervisors. Any such resolution or motion by the Board of Supervisors or Planning Commission proposing the rezoning shall state that public necessity, convenience, general welfare, or good zoning practice requires the rezoning.

- E. All motions, resolutions or petitions for amendment to the zoning ordinance, and/or map shall be acted upon and a decision made within such reasonable time as may be necessary which shall not exceed twelve months unless the applicant requests or consents to action beyond such period or unless the applicant withdraws his motion, resolution or petition for amendment to the zoning ordinance or map, or both. In the event of and upon such withdrawal, processing of the motion, resolution or petition shall cease without further action.

**[State Law Reference: Code of Virginia, §15.2-2285 & §15.2-2286.]**

Vote: Mr. Osl – aye

Mr. White – aye

Mr. Petty – aye

Mr. Womack – aye

Mr. Heaton – aye

- c) Contract – Caldwell Tanks

The County Attorney stated that he has reviewed the contract with Caldwell Tanks and requested that the Board of Supervisors adopt a resolution authorizing the County Administrator to sign the contract with Caldwell Tanks upon review of the County Attorney.

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

WHEREAS, the Board of Supervisors approved a contract with Caldwell Tanks in the amount of \$427,200.00 for the construction of a 250,000 gallon water tank.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors authorizes the County Administrator to execute the contract and sign all documents related to the Caldwell Tanks contract, pending review by the County Attorney.

Vote: Mr. Osl – aye

Mr. White – aye

Mr. Petty – aye

Mr. Womack – aye

Mr. Heaton – aye

**8. Board Members**

Mr. Osl stated that the County has contacted Professors and Deans in the various planning organizations, Virginia Tech, VCU and UVA and has begun to receive input from candidates with master degrees in Planning who are interested in this position. Information has been given to the Planning Commission on future land use maps which is the next update to the Comprehensive Plan.

Mr. White stated that the County has received the preliminary drawing for the Bear Creek State Forest Property from Draper Aden. There is \$90,000.00 in this year's CIP budget for rough excavation grade work. He would like to have in this year's budget, tax relief for Emergency Services Volunteers and requested that the County Attorney draft an ordinance on tax relief for Emergency Services Volunteers. Mr. White also requested that the Emergency Services Teams show the cost of revenue needed for 24 hour emergency coverage for the County.

Mr. Petty stated that the Meals-on-Wheels program has opened a checking account, applied for the 501 C-3 status and is in the process of planning future fund raisers including having a fish fry on Patriot's Day. They hope to start delivering meals in September of 2005. Mr. Petty asked that the County Attorney review the road frontage zoning issue on subdivisions with new construction.

The County Attorney will check on discrepancies in the County code and report back to the Board.

Mr. Womack stated that he would like to have information collected from the Sheriff's Department on the amount of warrants written for littering. Mr. Womack announced that the Cumberland Ruritan Club will be holding a pancake supper on March 12, 2005 from 4:00 p.m. until 8:00 p.m. at the Cumberland Elementary School.

Mr. Heaton mentioned an illegal dumping of trash and debris that had occurred in the County and asked that the matter be looked into.

The County Administrator has spoken to the Sheriff's Department on this issue and the Chief Deputy is investigating.



## **9. Public Comments**

A citizen brought up a personnel issue that was moved to closed session. Another citizen made comments pertaining to the Comprehensive Plan and the design of the water reservoir for the County. He asked the Board to consider the possibility of doing away with decals in the future.

## **10. Closed Meeting**

On a motion by Mr. White and carried, the Board entered into closed meeting under VA Code Section 2.2-3711 A(1) personnel.

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:

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 the item discussed.

**11. Additional Information**

Public Hearing for Permit Amendment Approval - DEQ March 31, 2005,  
7:00 p.m. – Cumberland Public Library.

Note: April meeting will be held on Monday, April 11, 2005.

On a motion by Mr. Womack and carried, the Board authorized the  
County Administrator to issue an RFP for Planning Services relating to the  
zoning and subdivision ordinance.

Vote: Mr. Osl – aye

Mr. White – aye

Mr. Petty – aye

Mr. Womack – aye

Mr. Heaton – aye

**12. Adjourn**

The Chairman ordered the meeting recessed until Wednesday, March 16,  
2005 at 8:30 a.m. for a budget work session in the Old Clerk's Office.

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Chairman

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County Administrator