

At a recessed meeting of the Cumberland County Board of Supervisors held at 10:00 a.m. on the 6th day of February 2006 at the Cumberland County Old Clerk's office, Cumberland, Virginia:

Present: William F. Osl, Jr., Chairman, District 1  
Clifton C. White, District 2  
Van H. Petty, Vice-Chairman, District 3  
Elbert R. Womack, District 4  
Jeremiah D. Heaton, District 5  
Darvin Satterwhite, County Attorney  
Judy Ownby, County Administrator

The Chairman called the meeting to order and the County Administrator called the roll.

The purpose of the meeting was to meet in closed session for contract negotiation with Allied Waste representatives.

**CLOSED MEETING**

On a motion by Mr. Osl and carried, the Board entered into closed meeting under VA Code Section 2.2-3711 (A-7) consultation with staff and legal counsel regarding contract negotiation with Allied Waste representatives.

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 by the Board of Supervisors.

### Emergency Ordinance

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

WHEREAS, the Board finds the following emergency ordinance to be in the best interests of the health, safety and general welfare of the citizens of Cumberland County.

NOW THEREFORE, BE IT ORDAINED, pursuant to §15.2-906 of the Code of Virginia 1950 (as amended) that the Cumberland County Code be amended to add new Article IV entitled "Removal, Repair, etc., of Buildings and Other Structures," to Chapter 14 "Buildings and Building Regulations," of the Cumberland County Code, to state as follows:

#### Article III. Removal, Repair, etc., of Buildings and Other Structures

Sec. 14-70. The owners of property in Cumberland County, shall at such time or times as the Board of Supervisors may prescribe, remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of Cumberland County.

Sec. 14-71. The County through its own agents or employees may remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the County, if the owner and lien holder of such property after reasonable notice and a reasonable time to do so, has failed to remove, repair or secure the building, wall or other structure. For purposes of this Article, repair may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings. For purposes of this Article, reasonable notice includes a written notice (i) mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner and (ii) published once a week for two successive weeks in a newspaper having general circulation in the County. No action shall be taken by the County to remove, repair or secure any building, wall or other structure for at least 30 days following the later of the return of the receipt or newspaper publication.

Sec. 14-72. In the event the County, through its own agents or employees, removes, repairs or secures any building, wall or any other structure after complying with the notice provisions of this Article, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected.

Sec. 14-73. Every charge authorized by this Article or by Virginia Code §15.2-900 with which the owner of any such property has been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Virginia Code §58.1-3940 et seq. and §58.1-3965 et seq. The County 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;

Sec. 14-74. Any persons who fails to comply with the directives of the County made pursuant to this Article and, thereby violates this Article, shall pay to the County a civil penalty, not to exceed a total of \$1,000.

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

The ordinance will be advertised for a public hearing in March.

#### Water Metering at School

The Board discussed the school’s request that they be charged based on meter readings at the school, rather than the flat rate established when the sewer system was installed. The Board agreed to this request and meter readings will be used for billing effective with the November-December 2005 charges.

#### Dewberry Contract Addition

This request will be considered upon further review of the additional charges.

#### Museum Board

On a motion by Mr. Heaton and carried, the Board authorized that the person holding the position of Chairman of the Historical Society serve on the Museum Board.



The Chairman adjourned the meeting until February 13, 2006 at 1:00 p.m. in the Old Clerk's Office for a closed meeting regarding negotiation of contract with Allied Waste.

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Chairman

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County Administrator