

At a regular meeting of the Cumberland County Board of Supervisors held at 7 p.m. on the 8th day of June, 2010 at the Circuit Courtroom, Cumberland, County, Virginia:

Present: William F. Osl, Jr., District 1
Timothy M. Kennell, Chairman, District 2
Van H. Petty, District 3
Elbert R. Womack, Vice-Chairman, District 4
Robert J. Oertel, District 5
Howard Estes, County Attorney
Judy Ownby, County Administrator
Jill Matthews, Asst. County Administrator
Michael Cooper, Director of Community Development
Andrew Sorrell, Planner/Zoning Administrator
Stephany Johnson, Deputy Clerk

The Chairman called the meeting to order and the County Administrator called the roll. The invocation was led by Supervisor Osl, and the pledge of allegiance was led by the Chairman.

1. Agenda - Addendum

On a motion by Supervisor Osl and carried, the Board approved an addendum to the agenda as follows:

6:00 p.m.

Closed Session

VA Code Section 2.2-3711 (A-1) personnel matters; and (A-6) discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected; and (A-7) consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.

7:00 p.m.

Regular meeting

4. VDoT
-Citizen concern re: Pine Grove Road
6. Departments/Agencies
DELETE- a) Republic Services report (this will be a quarterly report)
7. Assistant Administrator/Finance
e) Cancel request for appropriation of funds-Clerk's Office
8. Planner/Zoning Administrator
c) Mary Tyson STUP proposed conditions
d) Jerry Toney STUP proposed conditions
11. County Attorney's Report
b) Proposed Code Amendment
13. Additional Information

- c) Revised Building Inspections Monthly report

Vote: Mr. Osl - aye Mr. Kennell – aye
Mr. Petty – aye Mr. Womack – aye
Mr. Oertel – aye

2. Recognition of Volunteers-

- a) Events Planning Committee

The Chairman read the Resolution of Appreciation and presented it to the representatives. On a motion by Supervisor Womack and carried, the Board adopted the Resolution of Appreciation for the Volunteers of the Cumberland Events Planning Committee:

**CUMBERLAND COUNTY BOARD OF SUPERVISORS
RESOLUTION OF APPRECIATION
June 8, 2010**

Cumberland County Events Planning Committee

WHEREAS, the Cumberland County Board of Supervisors appointed the first Events Planning Committee in 2006 to plan and organize the Jamestown Celebration; and

WHEREAS, the appointed members of the committee were: Van Petty, Chairman; Nancy Faxon; Sherry Brown; Nell Gust; Michael Cooper; Kristen Queen; Elizabeth Jamerson; and Barbara Gamage; and

WHEREAS, the Committee met regularly and planned activities for each month of 2007 in honor of Jamestown, beginning with the 2006 Christmas Parade which had a historic theme, and monthly events as follows:

- Jamestown awareness programs and essay contests in schools
- “Blacks in America—the first 400 years” sponsored by the NAACP
- Tour of the Civil Rights Heritage Trail
- Patriot Day in April
- “Red, White and Blue” theme for the May Flower show
- Living History encampment and bus tour of historic places in Cumberland
- James River Batteau Festival and Anniversary Garden Contest in June
- 4th of July Celebration in Cartersville
- Trip to Jamestown in September with two busloads of citizens

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- Annual October walk for Cumberland County Public Schools Foundation, with participants wearing red, white and blue.
- Special church service in October at Grace Church, Ca Ira
- Tour of the State Forest in October, visiting historic places in the Forest
- Community Thanksgiving Service in November and Christmas Parade in December 2007, which ended the year of celebration with a Jamestown theme

WHEREAS, these events were so successful and citizens requested that the Committee continue planning and organizing similar events; and

WHEREAS, the Committee's first event after the Jamestown Celebration was to have a program featuring old schools in the County, which included a history and a bus tour around the County to visit some of the old schools still standing; and

WHEREAS, in 2009 the Committee concentrated on churches and visited many of the old churches in the Randolph and Madison districts, and had guides available to provide the church history and informational booklets for the participants, and the Committee has organized a church tour for the Cartersville and Columbia area for June 2010;

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Supervisors recognizes the Events Planning Committee for their excellent research, planning and organizational skills, and their desire to preserve the history of Cumberland County, all of which have benefitted many of our citizens by giving them an appreciation and greater understanding of our history while at the same time providing enjoyable programs, events, and tours with their fellow citizens; and

BE IT FURTHER RESOLVED that the Cumberland County Board of Supervisors directs that this resolution of appreciation be made a permanent part of the official minutes of the Cumberland County Board of Supervisors.

Adopted the 8th day of June, 2010.

VOTE: Mr. Osl – aye Mr. Kennell – aye
 Mr. Petty – aye Mr. Womack – aye
 Mr. Oertel – aye

The Chairman addressed the citizens present regarding an inappropriate email that was circulated through some county offices. The Chairman commended the County Administrator for her quick

professional response to the situation, and assured the citizens that the appropriate actions would be taken.

3. Public Comments-

One citizen voiced his opposition with the location of the proposed Industrial Development on Poorhouse Road. Another citizen voiced his concern with the funds anticipated to be spent to purchase the land for the proposed development.

4. VDoT -

Acting Residency Administrator, Kevin Wright, informed the Board that VDoT crews will continue with maintenance of right-of-ways, including mowing throughout the county. Issues with potholes on Bonbrook Creek Road and Pinegrove Road will be addressed once the mowing is complete. Mr. Wright also stated that the Rt. 654 bridge replacement project (Frenchs Store Road) has begun. Supervisor Kennell informed Mr. Wright of a dangerous section of road on Rt. 60 east, just in front of the landfill access road.

Mr. Wright discussed the citizen concern with logging trucks damaging Pinegrove Road, and stated that VDoT cannot restrict logger's use of public roads. Once the loggers are finished, VDoT can come in and repair the damage.

Supervisor Osl also mentioned that the condition of the access road to Hamilton Landfill (Samuels Drive) is deteriorating.

5. Public Hearings

a) Amendment to Code re: CA 10-06-Land Use Fees

County Attorney, Howard Estes, reviewed the proposed code amendment. Mr. Estes stated that the proposed amendment will allow for an increase in application fees from \$10.00 to \$40.00 per State Code. After some discussion, the Chairman opened the public hearing. One citizen voiced his opposition to the code amendment as it proposes a 400% increase in fees. The Land Use program was supposed to provide an economic relief for farmers.

With no additional citizens signed up to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Womack and carried, the Board tabled this item until the next regular meeting of the Board to be held on July 13, 2010.

VOTE: Mr. Osl – aye Mr. Kennell – aye
Mr. Petty – aye Mr. Womack – aye
Mr. Oertel – aye

b) CA 10-05 Building Permit Fees

County Attorney, Howard Estes, reviewed the proposed code amendment. After some discussion, the Chairman opened the public hearing. With No citizens signed up to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Oertel and carried, the Board adopted CA 10-05:

**BOARD OF SUPERVISORS OF THE
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION**

**ADOPTING AMENDMENTS TO THE CODE OF CUMBERLAND
COUNTY:
CODE AMENDMENT 10-05**

**AN ORDINANCE AMENDING CHAPTER 14 OF THE
CUMBERLAND COUNTY CODE, SPECIFICALLY AMENDING SECTION
14-61. BUILDING PERMITS LIMITED; FEES**

June 8, 2010

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Circuit Courtroom at Cumberland Courthouse, Virginia commencing at 7:00 p.m., June 8, 2010, the following action was taken following a duly held public hearing during which time County staff provided a review of the code amendment proposal and members of the public offered comment:

On a motion made by Supervisor Oertel, it was moved that the Board of Supervisors of Cumberland County approve and adopt, in accordance with the following Resolution, an ordinance amending the Code of Cumberland County, Virginia by revising fees related to building permits;

Following presentation of the Resolution, the Board of Supervisors adopted and approved the Resolution according to the votes stated below:

<u>Present:</u>	<u>Vote:</u>
Timothy M. Kennell, Chairman	aye
Robert J. Oertel	aye
William F. Osl, Jr.	aye

Van H. Petty aye

Elbert R. Womack aye

Absent: none

WHEREAS, at a regular monthly meeting held on May 11, 2010, the Board of Supervisors of Cumberland County Virginia duly voted to set for public hearing proposed amendments to the Code of Cumberland County, Virginia which said amendments (collectively, the "Code Amendment") revise the fees and charges related to building permits as set forth in Cumberland County Code Section 14-61 and as shown on the attached revised section of the ordinance which by this reference is made a part hereof; and

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on June 8, 2010; and

WHEREAS, the Board of Supervisors carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed Code Amendment; and

WHEREAS, in its review of the Code Amendment, the Board of Supervisors gave reasonable consideration to furthering the goals of the County, its citizenry and general welfare;

WHEREAS, after discussion, staff presentation and due deliberation with respect to such information, including information and materials presented at this public hearing, and the comments in support or opposition to the proposed Code Amendment, the Board of Supervisors desires to affirm its findings and to take action with respect to the Code Amendment;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, as follows:

- a. The foregoing recitals are hereby incorporated by this reference.
- b. Upon consideration of the proposed Code Amendment, testimony, staff remarks, and public comment, the Board of Supervisors adopts and approves the Code Amendment numbered 10-05 to amend the County Code of Cumberland, Virginia as set forth in the specific text as attached to this Resolution.
- c. The Code Amendment adopted by this Resolution is effective July 1, 2010.

Sec. 14-61. Limited; fees.

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(a) No building permit shall be issued for the construction of any structure on any lot stamped as being solely for nonresidential and noncommercial purposes. For the purposes of this section, "solely for nonresidential and noncommercial purposes" shall mean only those land uses and structures that do not require the utilization of a septic system.

(b) Permit fees shall be as follows:

**Building Fee Schedule
Effective July 1, 2010**

One and two family dwellings all R use groups	\$150.00 minimum or 0.20 square feet
Industrialized buildings manufactured or modular homes each floor including basement and garage	
Electrical, Plumbing, Mechanical Permits	\$40.00 minimum, or 0.01 square feet
Porches and Decks	\$50.00 minimum, or 0.06 square feet
Remodels and Additions	\$50.00 minimum, or 0.15 square feet
Detached Accessory Structure	\$30.00 minimum,(In excess of 150 square feet) or 0.06 square feet
Pools: Above ground	\$50.00
In ground	\$75.00
Fire, Rescue, County Owned	Exempt
Commercial Permits	\$100.00 minimum, or 0.12 up to 10,000 sq ft. 0.08 over 10,000 sq ft
Commercial: Electrical, Plumbing, Mechanical, Sprinkler And Other Permits	\$50.00 minimum, or 0.01 square feet, or \$4.00 per \$1,000.00 of contract value (whichever is greater)
Towers	\$7.00 per \$1,000.00 of contract value

Code Investigate Fees:

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Charged to applicants discovered by the Building Official Department to be working without a required permit	\$25.00 or 25% of applicable permit fee, whichever is greater
Commercial:	\$50.00 or 25% of applicable permit fee, whichever is greater
Demolition Fee (includes all structures regardless of use)	\$25.00
Administrative Fees: Extensions, take-over, transfers, reinstatements, modifications	\$25.00
Amendments or Add Mechanic Lien Agent	\$10.00
Address Fee	\$12.00
Re-Inspection Fee (If over two inspections for the same violation)	\$35.00 (payable in advance)

(c) If a permit is revoked or a refund is requested in writing prior to six months of issue, a processing fee of \$50.00 will be retained, plus any additional cost incurred.

(d) Add 2.00 percent to the schedule amounts subsection (b) above for division of building regulatory services.

VOTE: Mr. Osl – aye Mr. Kennell – aye
 Mr. Petty – aye Mr. Womack – aye
 Mr. Oertel – aye

c) CA 10-04-Utilities Ordinance

County Attorney, Howard Estes, reviewed the proposed Code Amendment. After some discussion, the Chairman opened the public hearing. Two citizens signed up to speak. Both voiced their disagreement with the monthly administrative charges. One citizen questioned the need for the administrative charge. With no additional citizens signed up to speak, the Chairman then closed the public hearing.

A motion was made by Supervisor Petty which failed, to approve CA 10-04 amending the Utilities Ordinance with the removal of the \$3.50/\$5.00 monthly administrative fee:

VOTE: Mr. Osl – nay Mr. Kennell – aye
Mr. Petty – aye Mr. Womack – nay
Mr. Oertel – nay

On a motion by Supervisor Osl, and carried, the Board adopted CA 10-04 amending the Utilities Ordinance as recommended by the Water and Sewer Advisory Committee, and presented:

**BOARD OF SUPERVISORS OF THE
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION**

**ADOPTING AMENDMENTS TO THE CODE OF
CUMBERLAND COUNTY:
CODE AMENDMENT 10-04**

**AN ORDINANCE AMENDING AND RECODIFYING
CHAPTER 66 OF THE CUMBERLAND COUNTY CODE**

June 8, 2010

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Circuit Courtroom at Cumberland Courthouse, Virginia commencing at 7:00 p.m., June 8, 2010, the following action was taken following a duly held public hearing during which time County staff provided a review of the code amendment proposal and members of the public offered comment:

On a motion made by Supervisor Osl, it was moved that the Board of Supervisors of Cumberland County approve and adopt, in accordance with the following Resolution, an ordinance amending and recodifying Chapter 66 of the Code of Cumberland County, Virginia regarding administration of the County utilities system;

Following presentation of the Resolution, the Board of Supervisors adopted and approved the Resolution according to the votes stated below:

<u>Present:</u>	<u>Vote:</u>
Timothy M. Kennell, Chairman	aye
Robert J. Oertel	aye
William F. Osl, Jr.	aye
Van H. Petty	nay

Elbert R. Womack aye

Absent: none

WHEREAS, at a regular monthly meeting held on May 11, 2010, the Board of Supervisors of Cumberland County Virginia duly voted to set for public hearing proposed amendments to the Code of Cumberland County, Virginia which said amendments (collectively, the "Code Amendment") amend and recodify Chapter 66 Utilities in its entirety and as shown on the attached revised sections of the ordinance which by this reference is made a part hereof; and

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on June 8, 2010; and

WHEREAS, the Board of Supervisors carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed Code Amendment; and

WHEREAS, in its review of the Code Amendment, the Board of Supervisors gave reasonable consideration to furthering the goals of the County, its citizenry and general welfare;

WHEREAS, after discussion, staff presentation and due deliberation with respect to such information, including information and materials presented at this public hearing, and the comments in support or opposition to the proposed Code Amendment, the Board of Supervisors desires to affirm its findings and to take action with respect to the Code Amendment;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, as follows:

- a. The foregoing recitals are hereby incorporated by this reference.
- b. Upon consideration of the proposed Code Amendment, testimony, staff remarks, and public comment, the Board of Supervisors adopts and approves the Code Amendment numbered 10-04 to amend the County Code of Cumberland, Virginia as set forth in the specific text as attached to this Resolution.
- c. The Code Amendment adopted by this Resolution is effective July 1, 2010.

6. **Departments/Agencies**

- a) Renee Maxey, Piedmont Court Services

Ms. Maxey informed the Board that Piedmont Court Services provides local probation supervision to non-violent offenders in our area. Ms. Maxey provided the Board with a copy of, and reviewed the program's annual report.

7. **Assistant County Administrator/Finance & Human Resources**

- a) Consent Agenda-
- 1) Approval of minutes for May 2010
 - 2) Approval of bills – May 2010 and June 2010
Approved bills for June 8, 2010 total \$47,068.42. Ratified bills for May 2010 of warrants totaling \$ 248,696.05. Direct deposits totaling \$ 151,493.85. Check numbers ranging from 58967 to 59091.
 - 3) Appropriation of County budget effective July 2, 2010
 - 4) Appropriation of FY 2009-2010 funds to Social Services in the amount of \$2,673.21 (no additional local funds)
 - 5) Appropriation of FY 09-10 funds to school (local receipts) \$397,683.95

On a motion by Supervisor Osl and carried, the Board approved the consent agenda in its entirety:

VOTE: Mr. Osl – aye Mr. Kennell – aye
Mr. Petty – aye Mr. Womack – aye
Mr. Oertel - aye

- b) Monthly budget report

Assistant County Administrator, Jill Matthews, supplied the Board with the monthly budget report. The Board members had no questions.

- c) Update on transfer station activity/consider transfer station schedule

Assistant County Administrator, Jill Matthews, reviewed three options for changes to the Transfer Station hours of operation.

On a motion by the Chairman and carried, the Board revised the hours of operation for the Refuse Transfer Stations as follows; effective July 1, 2010:

Madison Transfer Station – Monday – Friday - 8-5
(Cumberland Courthouse location) Saturday & Sunday – 8-3

Hamilton Transfer Station – Monday, Wednesday and Friday – 8-5

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(Cartersville location)

Saturday – 8-3

Sunday, Tuesday & Thursday – Closed

Randolph Transfer Station -

Monday, Wednesday and Friday – 8-5

(Cumberland Road location)

Saturday – 8-3

Sunday, Tuesday & Thursday – Closed

VOTE: Mr. Osl – nay Mr. Kennell – aye
Mr. Petty – aye Mr. Womack – aye
Mr. Oertel – aye

- d) Cancel request for appropriation of funds-Clerk’s Office

Assistant County Administrator, Jill Matthews, informed the Board that the Circuit Court Clerk, Carol Ownby, is requesting to rescind a request for appropriation in the amount of \$139.00 that was approved at the May 2010 Board meeting. It was the consensus of the Board to cancel the appropriation.

8. Planner/Zoning Administrator

- a) CLAC appointment

No appointments were made at this time.

- b) Appointment to Planning Commission

On a motion by the Chairman and carried, the Board appointed Patricia Pedrick to the Planning Commission to represent District 2 for an unexpired term ending in August 1, 2011:

VOTE: Mr. Osl – aye Mr. Kennell – aye
Mr. Petty – aye Mr. Womack – aye
Mr. Oertel – aye

- c) Consider Special Temporary Use Permit (STUP)10-01-Mary Tyson

Zoning Administrator, Andrew Sorrell, informed the Board that staff had received an application for a Special Temporary Use Permit (STUP) from Mrs. Mary Tyson. Mrs. Tyson proposes to temporarily allow no more than 12 recreational vehicles to locate on her property. Mrs. Tyson wishes to provide a temporary location for workers constructing the Bear Garden Power Plant in Buckingham County to reside while they complete the power plant.

On a motion by Supervisor Osl and carried, the Board approved STUP 10-01:

VOTE: Mr. Osl – aye Mr. Kennell – aye
Mr. Petty – aye Mr. Womack – aye
Mr. Oertel – aye

- d) Consider Special Temporary Use Permit (STUP) 10-02-Jerry Toney

Zoning Administrator, Andrew Sorrell, informed the Board that staff had received an application for a Special Temporary Use Permit (STUP) from Mr. Jerry Toney. Mr. Toney proposes to temporarily locate a class B manufactured home (1998 model year singlewide) on his property until he is able to construct a new home on his property.

On a motion by Supervisor Womack and carried, the Board approved STUP 10-02:

VOTE: Mr. Osl – aye Mr. Kennell – aye
Mr. Petty – aye Mr. Womack – aye
Mr. Oertel – aye

- e) Consider Recycling Policy

Zoning Administrator, Andrew Sorrell, reviewed the proposed Recycling Policy. The policy sets out certain standards for establishing a framework for recycling certain materials in the County. The goal of the recycling policy is to not only show that recycling is encouraged and supported by the County, but also to create methods for implementing collection and reporting of recyclable materials. The recycling policy has been prepared by the citizen recycling committee taskforce and has been reviewed and recommended by the County Planning Commission.

On a motion by Supervisor Osl and carried, the Board approved the County Recycling Policy:

VOTE: Mr. Osl – aye Mr. Kennell – aye
Mr. Petty – aye Mr. Womack – aye
Mr. Oertel – aye

9. County Administrator

- a) Social Services terms expiring 7/1/10

On a motion by Supervisor Petty and carried, the Board re-appointed Susan Oertel and Virginia Little to the Social Services Board for a four year term expiring July 2014:

VOTE: Mr. Osl – aye Mr. Kennell – aye
Mr. Petty – aye Mr. Womack – aye
Mr. Oertel – abstain

An appointment for District 2, to replace Robert Rigsby is still needed.

- b) Request from Cumberland Ruritans to place Commemorative marker

On a motion by Supervisor Osl and carried, the Board approved the location of a commemorative marker on the courthouse lawn by the Cumberland Ruritans. Staff will designate a specific location for the marker:

VOTE: Mr. Osl – aye Mr. Kennell – aye
Mr. Petty – aye Mr. Womack – aye
Mr. Oertel – aye

- c) Consider endorsing Harrison A. Moody for Secretary/Treasurer of VACo

On a motion by Supervisor Womack and carried, the Board agreed to endorse Mr. Harrison A. Moody for Treasurer/Secretary position with VACo:

VOTE: Mr. Osl – aye Mr. Kennell – aye
Mr. Petty – aye Mr. Womack – aye
Mr. Oertel – aye

10. Assistant County Administrator/ Community Development

- a) Update on projects

Mr. Cooper informed the Board that draft plans have been submitted to the State Health Department for approval. Construction is expected to begin in late spring/early summer 2010. Mr. Cooper also informed the Board that there has been a detour on Rt. 60 east as a production crew based in New York City has been filming at the Rt. 60 Motel.

11. County Attorney

- a) Information on ordinance regarding tax relief for elderly and disabled

County Attorney, Howard Estes, informed the Board that the State code has more flexibility than the county code in regards to tax relief. After much discussion, the Board directed Mr. Estes

to draft an amendment reflecting adjustments to the amounts with inflation.

b) Proposed Code Amendment

County Attorney, Howard Estes, informed the Board that the State Code allows for a \$25.00 fee to be charged for recordation of intestate and probating wills. The Board tabled this item to a later date.

12. Board Members

Supervisors Petty, Womack and Oertel had no comments.

Supervisor Osl spoke about the GED graduation ceremony he attended.

The Chairman stated that he attended the Cumberland High School Graduation ceremony as an invited speaker.

13. Additional Information

N/A

15. Adjourn

With no additional business to come before the Board, the Chairman adjourned the meeting until the next regular meeting of the Board scheduled for Tuesday, July 13, 2010 at 7 p.m. in the Circuit Courtroom.

Chairman

County Administrator