

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 8th day of February, 2011, at the Cumberland County Circuit Court Room:

Present: William F. Osl, Jr., District 1
Timothy Kennell, District 2
Van Petty, Chairman, District 3
Elbert Womack, District 4
Robert Oertel, Vice Chairman, District 5
Howard Estes, County Attorney
Judy Ownby, County Administrator
Jill Matthews, Assistant County Administrator
Mike Cooper, Assistant County Administrator
Stephany Johnson, Deputy Clerk

Absent: Andrew Sorrell, Zoning Administrator

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

The invocation was lead by Supervisor Osl, and the Pledge of Allegiance was led by the Chairman.

1) Approval of Agenda-

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

3. Public Hearings
 - a) CA 11-02-Revised Resolution
4. Departments/Agencies
 - a) VDoT monthly report and list of local projects included in Governor's Transportation proposal
5. Assistant County Administrator/Finance
 - a) Consent Agenda

- 3) Two appropriations to the Clerk's office (State funds)
- c) Registrar's request for appropriation-additional information
- 6. Director of Planning
 - c) CUP11-01 – refer to Planning Commission
- 11. Additional Information
 - a) Treasurer's Report
 - h) Governor McDonnell's Ronald Reagan Day Proclamation

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

2) Public Comments-

There were no citizens signed up to speak.

3) Public Hearings –

- a) CA 11-02; Ordinance permitting use of golf carts on School and County property:

County Attorney, Howard Estes, reviewed the proposed Resolution with amendments to exclude agricultural and farm use of golf carts and utility vehicles. The Chairman then opened the public hearing. With no citizens signed up to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Osl and carried, the Board adopted Code Amendment 11-02:

BOARD OF SUPERVISORS OF THE
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION

ADOPTING AMENDMENTS TO THE CODE OF CUMBERLAND
COUNTY:
CODE AMENDMENT 11-02

AN ORDINANCE AMENDING Chapter 62 of the Cumberland
County Code, specifically adding Article III to provide for the
authorization to use golf carts and utility vehicles on public
highways in the county

February 8, 2011

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., February 8, 2011,
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 the Code of Cumberland County, Virginia to prescribe
certain authority for the use of golf carts and utility vehicles on
public highways in the county;

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>
Van H. Petty, Chairman	aye
Timothy M. Kennell	aye
Robert J. Oertel	aye
William F. Osl, Jr.	aye

Elbert R. Womack aye

Absent: none

WHEREAS, the Board of Supervisors of Cumberland County Virginia seeks to provide authorization for the use of golf carts and utility vehicles on School Road and other public highways as the case may be in the future; and

WHEREAS, the Board proposes an amendment to the Code of Cumberland County, Virginia which said amendment provides for a new Article III in Chapter 62 of the Code which prescribes certain authority for the use of golf carts and utility vehicles on public highways in the county, including authority to use such vehicles on School Road in the village of Cumberland Courthouse, as shown on the attached new Article of the County Code which by this reference is made a part hereof (the "Code Amendment"); and

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on February 8, 2011; 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 11-02 to amend the County Code of Cumberland, Virginia as set forth in the specific ordinance text as attached to this Resolution.
- c. This Resolution and the Code Amendment adopted thereby are effective immediately and any foregoing acts consistent herewith are hereby ratified and approved.

County Code of Cumberland County, Virginia – February 8, 2011

Add the following provisions:

Secs. 62-39 – 62-50. Reserved.

Article III. GOLF CARTS AND UTILITY VEHICLES

Division 1 – General Provisions

Sec. 62-51 Definitions.

For the purposes of this article, the following words and terms shall mean:

Golf cart means a self-propelled vehicle that is designed to transport persons playing golf and their equipment on a golf course and so used for such purpose or for **other purposes, but excludes agricultural or farm-use purposes.**

Street means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel, including roads and alleys, but not private

streets, private roads and private driveways and further it has the meaning as set forth in the County Code.

Utility vehicle means a motor vehicle that is designed for off-road use, powered by an engine or an electric motor which restricts the speed of the utility vehicle to less than twenty-five (25) miles per hour, used for general maintenance, security, or **other purposes, but excludes agricultural or farm-use purposes.**

"Utility vehicle" does not include all-terrain vehicles as defined in Virginia Code Section 46.2-915.1, riding lawn mowers, or any other vehicle whose definition is included in Virginia Code Section 46.2-100.

Any other words and phrases used in this article shall have the meanings as provided in the Code of Virginia, title 46.2.

Sec. 62-52. Golf cart and utility vehicles operation on streets and highways.

It shall be unlawful for any person to operate a golf cart or utility vehicle on or over any street in the county except as provided in this article.

Sec. 62-53. Limitations on golf cart and utility vehicle operations.

(a) Golf cart and utility vehicle operations on designated streets shall be in accordance with the restrictions or limitations imposed by Virginia Code Section 46.2-916.3 and the following limitations:

(1) No person shall operate any golf cart or utility vehicle on any public street unless he has in his possession a valid driver's license;

(2) Every golf cart or utility vehicle, whenever operated on a public street, shall display a slow-moving vehicle emblem in conformity with Virginia Code Section 46.2-1081;

(3) Golf carts and utility vehicles shall be operated upon the public streets only between sunrise and sunset, unless equipped with such lights as are required in Virginia Code Section 46.2-1010 *et seq.*;

(4) Golf carts and utility vehicles operated upon the public streets shall obey all laws, regulations and safety standards applicable to vehicular traffic;

(5) Any additional conditions and limitations imposed on specific streets listed in section 62-61 of this article.

(b) The limitations of subsection (a) shall not apply to golf carts and utility vehicles being operated as follows:

(1) To the extent necessary for local government employees, operating only upon highways located within the locality, to fulfill a governmental purpose, provided the golf cart or utility vehicle is being operated on highways with speed limits of thirty-five (35) miles per hour or less;

Sec. 62-54. Penalty for violation.

A violation of any provision of this article shall constitute a class 1 misdemeanor.

Secs. 62-55 – 62-60. Reserved.

Division 2 – Specifically-Approved Streets

Sec. 62-61. Designated streets.

Notwithstanding any other provision of the County Code to the contrary, the following streets are designated for use by golf carts and utility vehicles in accordance with the provisions of this article and state law, subject to the limitations expressly stated herein:

(1) School Road from its intersection with Anderson Hwy (Rte. 60), south, to its terminus.

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

4) Departments and Agencies –

a) VDoT

The Board reviewed the emailed status report as there were no representatives present. Supervisors Osl and Oertel voiced their dissatisfaction with the handling of the Muddy Creek Bridge project. The Chairman stated that the asphalt on Rt. 626, Bonbrook Creek Road, was beginning to crumble. Supervisor Kennell mentioned that the asphalt on Rt. 60, Anderson Hwy., in front of the Republic Landfill property, was a safety issue as the pavement had dropped.

b) Rhonda L. Toms, McGuire VA Medical Hospital, Rural Health Initiative

Ms. Toms, a Registered Nurse, provided the Board with, and reviewed a presentation on the McGuire VA Medical Hospital, rural Health Initiative. Ms. Toms is the area representative for Cumberland and wanted to inform the Board of the new initiative that benefits area Veterans. The mission for the initiative is to provide Veterans with health services, eligibility determinations, and to assist with enrollment and registration for benefits that are afforded to them.

Supervisor Osl asked whether they would be visiting individual Veterans' residences, or attending a public event. Ms. Toms stated that they would be doing both. Supervisor Osl suggested that Ms. Toms attend the Patriot Day Festival on April 16th, 2011.

c) Dr. Amy Griffin, Superintendent of Schools

Dr. Griffin informed the Board that the School has started the "Lend a hand" program to provide mentors for the students. Dr. Griffin also commended the many organizations and churches that assist the school by volunteering their time, goods, mentoring students, and assisting School staff.

d) Mary Hickman, Acting President of the Commonwealth Regional Council-Annual report for FY 2009-2010

Ms. Hickman, Acting President of the CRC, provided the Board with, and reviewed the annual report for FY 2009-2010.

e) Corrie Hurt, Recycling Task Force presentation

Corrie Hurt informed the Board that the Recycling Task Force continues to meet, and brainstorm for new recycling ideas in the County. The Task Force has created a “Too good to throw away” program which will create a means for citizens to take items that they no longer need, but those items are too good to throw away. The Task Force is recommending the Board approve the construction of a 12’x20’ building to be located at the Madison Transfer Station to house the “Too good to throw away” items.

On a motion by Supervisor Kennell and carried, the Board authorized the erection of a 12’x20’ structure at the Madison Transfer Station to house items that are too good to throw away:

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

Ms. Hurt also informed the Board that the Task Force is planning a recycling day in October 2011 to allow residents access to a single location where they can recycle electronics, tires, clothing, and provide for documents shredding.

It was by unanimous consent, that the Board directed the Recycling Taskforce to continue planning for a general recycling day in October 2011.

5) **Assistant County Administrator/Finance**

- a) Consent Agenda-
- 1) Approval of minutes for January 2011
 - 2) Approval of Bills- January 2011 and February 2011

Approved bills for February 8, 2011 total \$65,477.70. Ratified bills for January 2011 of warrants total \$293,322.29 with check numbers ranging from 60577-60824. Direct deposits total \$156,179.83.

3) Appropriation of funds to the Clerk's Office for \$1,054.58 (no local funds) and \$4,348.00 from rollover balance for record book restoration.

On a motion by Supervisor Osl and carried, the Board approved the consent agenda as amended:

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, reviewed the budget report. The Board members had no questions.

c) Registrar's request for appropriation

Assistant County Administrator, Jill Matthews, informed the Board that staff had received a request from the Registrar for additional funds in the amount of \$6,111 for part-time wages for the balance of the fiscal year.

It was the consensus of the Board to defer action and ask the Registrar to attend the budget workshop to be held on February 16, 2011 at 9:00 a.m. in the County Conference Room.

6) **Planner/Zoning Administrator-** In Mr. Sorrell's absence, Assistant County Administrator, Michael Cooper, reviewed Mr. Sorrell's agenda items for the Board.

a) Monthly report of Planning Commission activity/actions

The Board was provided with the report in the Board packet. The Board members had no questions.

b) Status of RA-1 directive

On January 31, 2011, the Planning Commission conducted a community meeting for the landowners within the RA-1 zoning district. They provided a presentation with background on the district and provided a hand-out with a summary of possible options for the RA-1 district. Citizens were given a survey to complete about the information they received.

c) CUP-referral to the Planning Commission

Staff received a conditional use permit from National Communication Towers, LLC to locate a new telecommunications tower on Tax map # 54-A-19 owned by Mack Robinson, Jr. which is located on the east side of Rt. 60, Anderson Hwy., about ½ mile from the Buckingham County line. Staff requests that the Board refer this application to the Planning Commission for review.

On a motion by Supervisor Womack and carried, the Board referred Conditional Use Application 11-01 for NCT to the Planning Commission for review:

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

d) Urban Development Areas

In April 2010, the County entered into contract with VDoT to work with a consultant to develop UDA guidelines for adoption by the Board. The consultant is paid through a grant issued by VDoT for qualifying localities. The decision to utilize the VDoT grant was based on Cumberland meeting the UDA mandate at that time, as determined by the previous census data. The contract requires the locality to adopt the UDA provisions upon completion of the work regardless of any changes to the statute. Not implementing the provisions after utilizing the grant would require full reimbursement of funding by the locality to VDoT.

It is the recommendation of staff that Cumberland complete the UDA adoption process in accordance with the Cumberland Scope dated June 17, 2010. By unanimous consent, the Board authorized staff to continue with the UDA project.

7) County Administrator's Report -

- a) Clarification of Recycling by-laws -

County Administrator, Judy Ownby, informed the Board that a correction was needed to the Recycling Task Force by-laws, noting the need to change a quorum from three (3) to five (5) members.

On a motion by the Chairman and carried, the Board revised the Recycling Taskforce By-laws to show that a quorum of members constitutes five (5) members, not three (3):

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

8) Assistant County Administrator/Community Development

- a) Project updates

Mike Cooper, Assistant County Administrator for Community Development, informed the Board that the final draft plans for the waterline extension are currently under review by the appropriate state agencies. Staff noted that the County has received grant funds in the amount of \$35,000 from Southeast RCAP to assist low income households with the cost to connect to the water line.

9) County Attorney's Report -

- a) Redistricting Information/update

County Attorney, Howard Estes, requested a motion to approve the following appointments to the Redistricting Committee:

Chairman of the County Democratic Party -	John Sanderson
Chairman of the County Republican Party -	Melissa Zook
Chairman of the County NAACP -	Harry Marshall

Citizens from Each Electoral District:	(appt'd by Board)
District 1 -	Carter Harrison
District 2 -	Deanna Lacy
District 3 -	James Johnson
District 4 -	Carol Miller
District 5 -	Harry Donahue

Board of Supervisors:	
District 1 -	William F. Osl, Jr.
District 2 -	Timothy M. Kennell
District 3 -	Van H. Petty
District 4 -	Elbert R. Womack
District 5 -	Robert J. Oertel

Staff Supporting Committee:	
Staff -	Stephany S. Johnson
County Admin. -	Judy Ownby
County Atty. -	Howard P. Estes, Jr.
County Registrar -	Marlene F. Watson
County Planner -	Andrew V. Sorrell

On a motion by Supervisor Womack and carried, the Board ratified the appointments to the Redistricting Committee:

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

County Attorney, Howard Estes, informed the Board that the support staff for the Redistricting Committee met earlier in the day, and proposed a first Redistricting Committee meeting to

be held on Tuesday, February 22, 2011 at 4:30 p.m. in meeting room C-8 at the Cumberland Community Center. The Commonwealth Regional Council will provide free of charge, support and the software, needed to identify where the percentages of the population differ. The Committee will bring three options for changes to the election districts for consideration at a public hearing.

b) Staggered terms for Board members

County Attorney, Howard Estes, informed the Board that there are two methods to stagger terms of the Board; by referendum or by ordinance. If you stagger terms by ordinance, the ordinance must be in place thirty (30) days before the qualification of candidates, and the Electoral Board will choose which Board members' appointments will be for two (2) years.

After some discussion, Supervisor Oertel made a motion to direct the County Attorney to draft an ordinance for staggered terms for the Board members for review at their next meeting, which carried by the following vote:

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

10) Board Member Comments-

Supervisor Womack questioned the County Attorney, Howard Estes, how the new census numbers will affect Cumberland. Mr. Estes stated that it may or may not affect Cumberland, depending on the benchmarks set by the Compensation Board.

Supervisor Petty stated that the Extension restructuring has been put on hold temporarily.

Supervisor Kennell stated that he had attended Legislative Day at the state capitol.

11) Additional Information

- a) Treasurer's Report
- b) Building Inspections Report
- c) DMV Report
- d) Recycling Reports (Monthly and Annual)
- e) Charlotte County's Resolution in support of Extension
- f) Virginia's Retreat report
- g) Reappointment of Fozzie Moxey to Electoral Board
- h) Governor McDonnell's Ronald Reagan Day Proclamation

14) Adjourn

With no additional business to come before the Board, the Chairman adjourned the meeting until Wednesday, February 16, 2011 at 9:00 a.m. in the County Conference Room for a budget workshop.

Chairman

County Administrator