

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 8th day of March, 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
Andrew Sorrell, Zoning Administrator
Stephany Johnson, Deputy Clerk

Absent: None

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

The invocation and the Pledge of Allegiance were led by the Chairman.

1) Approval of Agenda-

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

5. Departments/Agencies
 - a) Ms. Jorg Huckabee-Mayfield, VDoT Director of Transportation and Land Use will attend the meeting.
6. Assistant County Administrator/Finance
 - c) Property Transfer and Disposition
7. Director of Planning

- c) Request from Planning Commission for joint workshop with Board of Supervisors to discuss Subdivision and zoning ordinance amendments
 - d) Application for Festival Permit – Patriot Day
 - e) Application for Festival Permit – Bodacious
8. County Administrator
- a) Set public hearing to amend Building Fee Schedule (VA Uniform Building Code change effective 3/1/11
 - b) Procurement of Emergency Services
12. Additional Information
- a) Treasurer’s Report
 - d) Recycling Report
 - e) Email from Linda Eanes re: Restoration of Cooperative Extension Funding

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

2) Proclamation-Child Abuse Prevention Month-

County Administrator, Judy Ownby, read the Proclamation, and the Chairman presented it to Mrs. Patty Pedrick, and the other members of the Women’s Club of Cumberland.

On a motion by Supervisor Kennell and carried, the Board approved the Proclamation recognizing April as Child Abuse Prevention Month:

***PROCLAMATION
CHILD ABUSE PREVENTION MONTH***

The Woman's Club of Cumberland, organized and federated in 1955, has joined the General Federation of Women's Clubs of Virginia in adopting the State Project for 2010 – 2012 – Child Abuse Awareness and Prevention. In support of this initiative, our club has undertaken projects to promote child abuse awareness and prevention, utilizing resources available through our partnership with Prevent Child Abuse Virginia by:

- Supporting Piedmont Healthy Families Virginia to promote positive parenting, improve child health, improve school readiness and prevent child abuse and neglect.
- Partnering with Cumberland County Elementary School to hold a Child Abuse Awareness and Prevention seminar for parents in April.
- Establishing Pinwheel Gardens, the symbol of child abuse prevention, at the elementary and middle/high schools to spread awareness of potential child abuse.
- Distributing brochures, fact sheets and newsletter articles to educate and build awareness in an effort to prevent abuse and neglect of children.
- Observing April as Child Abuse Prevention Month.

Therefore, the twenty-six members of the Woman's Club of Cumberland support the following:

Whereas, preventing child abuse and neglect is a community problem that depends on involvement among people throughout the community; and

Whereas, child maltreatment occurs when people find themselves in stressful situations, without community resources, and do not know how to cope; and

Whereas, the majority of child abuse cases stem from situations and conditions that are preventable in an engaged and supportive community; and

Whereas, all citizens should become involved in supporting families in raising their children in a safe, nurturing environment; and

Whereas, effective child abuse prevention programs succeed because of partnerships created among families, social service agencies, schools,

faith communities, civic organizations, law enforcement agencies, and the business community;

Therefore, the Cumberland County Board of Supervisors proclaims **April as Child Abuse Prevention Month** and calls upon all citizens, community agencies and organizations, faith groups, medical facilities, and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and neglect and strengthening the communities in which we live,

Adopted the 8th day of March 2011.

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

3) Public Comments-

There were no citizens signed up to speak.

4) Public Hearings -

N/A

5) Departments and Agencies -

a) VDoT

Ms. Jorg Huckabee-Mayfield, Director of Transportation and Land Use informed the Board that in response to a request, VDoT will place a slow moving Farm Vehicle sign on Rt. 633, Vogel Road, and a warning sign notifying traffic of the Cartersville Fire Department on Rt. 45, Cartersville Road. The Muddy Creek Bridge is expected to be re-opened in April 2011. The slabs have been set, and the contractor is pouring the railings. Ms. Huckabee-Mayfield stated that Rt. 606, Blenheim Road, and Rt. 685, Miller Lane had been requested to be added to the Secondary Six Year

Plan, but suggested that the Rt. 610 project continue rather than adding additional projects to the plan.

The Chairman acknowledged the brush cutting on Rt. 600, Stoney Point Road, from Rt. 620 to Farmville, and requested that the same be done for Rt. 600 from Rt. 620 to Cumberland. Supervisor Womack stated that Rt. Rt. 717, Langhorne Road needs the brush cut back on the side of the road.

Ms. Huckabee-Mayfield discussed the proposed Rt. 620 bridge project with the Board. The project involves the replacement of the bridge on Rt. 620 (Stoney Point Mill Lane) at the Cumberland and Amelia County line. There are only two Routes that cross the Appomattox River from Amelia to Cumberland in this area, Rt. 620 and Rt. 621. If Rt. 621 was closed during construction, the closest detour is by way of Rt. 621, which would be approximately 14.59 miles. VDoT has three proposed detour routes. The first two detour options include the closing of the existing bridge. The third detour option would be to build a new bridge to the east of the existing bridge allowing traffic to continue to use the existing bridge.

Supervisors Osl, Womack, Kennell, and Petty suggested using option three so as to not negatively affect the residents in the area. Ms. Huckabee-Mayfield informed the Board that there is a scoping meeting for the project to be held tomorrow at the Richmond District Office in Colonial Heights, and invited the Board members to attend.

Supervisor Osl stated that he hoped the concerns of the Board that were noted in the January 19th letter to the Secretary of Transportation were being considered. Ms. Huckabee-Mayfield stated that VDoT is taking steps to ensure that the proper notification of proposed projects is given earlier to the media, citizens, and local governments.

- b) Dr. Amy Griffin, Superintendent of Schools

In Dr. Griffin's absence, Assistant Superintendent, Chip Jones attended the meeting. Mr. Jones introduced Major Peter Amico with the Cumberland Junior ROTC. Also in attendance was 2nd Lt. Alex Bapties, and Lt. Col. Ashley Frayser. Major Amico informed the Board that JROTC has been a part of the School programs since 1995, and the rifle team is currently ranked 29th in the nation. Major Amico would like to recognize Mr. Dan Pemple, rifle team coach. Both 2nd Lt. Bapties, and Lt. Col. Frayser discussed a recent trip to Tennessee for the National JROTC Championships. The Board members congratulated the JROTC for their national recognition and hard work.

6) Assistant County Administrator/Finance

- a) Consent Agenda-
 - 1) Approval of minutes for February 2011
 - 2) Approval of Bills- February 2011 and March 2011
Approved bills for March 8, 2011 total \$163,976.00. Ratified bills for February 2011 of warrants total \$393,981.55 with check numbers ranging from 60825-61009. Direct deposits total \$154,662.78.
 - 3) Appropriation of \$1,500 from Republic Services to Patriot Day Festival

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) Property Transfer and Disposition

Assistant County Administrator, Jill Matthews, offered a policy by which surplus, obsolete and unusable property may be disposed.

On a motion by Supervisor Osl and carried, the Board adopted the Property Transfer and Disposition Policy:

PROPERTY TRANSFER AND DISPOSITION
Adopted by Board of Supervisors 03/08/2011

Departments having ownership and/or custody of tangible personal property deemed “surplus” or “obsolete and unusable” will ensure that asset records are updated and a fair transaction price is established for any item sold. Departments will also be responsible for ensuring that any equipment purchased with government or external funds are not sold or transferred without the proper authorization.

The County purchasing agent shall sell, transfer, trade or otherwise dispose of all materials, supplies, equipment or other personal property of the county which has become obsolete or unusable or designated surplus according to and consistent with this policy. For purposes of this chapter, personal property shall be deemed (i) "obsolete and unusable" when the continued use of such property by the county is no longer cost effective and (ii) “surplus” when such property is no longer of use to the county.

Pursuant to Va. Code §§15.2-951 and 15.2-1236, surplus, obsolete and unusable property is primarily disposed of by sale at public auction, including online public auctions, which is advertised in local newspapers, public flyers, posting in public facilities, direct notification of previous buyers or posting on the County website and shall be based wherever feasible on competitive bids. Specific items may be sold by sealed bidding which is advertised by the same methods as public auctions.

Property under this policy will first be offered for purchase to the County’s political subdivisions.

If the amount of the sale is estimated by the county purchasing agent to exceed \$5,000, sealed bids shall, unless the Board of Supervisors provides otherwise, be solicited by public notice published

at least once in a newspaper of countywide circulation at least five calendar days before the final date of submitting bids

All funds collected from the sale of surplus assets must be deposited with the Cumberland County Treasurer. Surplus sales from federal grants which are still active should be deposited to the active grant account.

Policies and procedures pertaining to disposition of surplus property apply to all County departments. Unauthorized removal or disposal of County property, regardless of value, constitutes a serious breach of County policy. The policy requires screening of potential shared use equipment prior to the purchase of new equipment.

Procedure:

1. A department wishing to list an item as surplus can do so by submitting a "Request to List Surplus Equipment" form. This form can be accessed through the office intranet website under the Accounting / Forms and General Info section.

2. Forms requesting to have items listed will be entered once per month. At the time of data entry, a list date will be assigned to each item that will appear as a field on the Surplus Property Listing.

3. In an effort to encourage internal re-circulation of surplus property within the County agencies, for the first 5 days after the initial assigned listing date, surplus items will be available **only** for internal transfer among County departments and agencies. After the initial 5 day internal transfer period has lapsed, items will be available for sale to County political subdivisions for a 5 day period. At the conclusion of this period, the property will be available for public sale, including for bidding and purchasing by County employees.

4. Items estimated to hold a value of \$300 or less will be posted for sale with acceptance of the highest bid price received during the initial 5 days of public listing. After the initial 5 day listing has expired, the first bid price may be accepted. A minimum selling price will be set for any items with a value estimated to exceed \$300.

5. All funds collected from the sale of surplus assets must be deposited with the Cumberland Treasurer's Office. Departments and agencies providing the asset for disposition may submit a request for access to funds generated through the sale of their surplus items subject to appropriation by the Board of Supervisors.

6. When an individual item is not sold within a 90-day period, the department may dispose of it via donation, materials recycling or waste disposal. Any data storage media in the item must be overwritten or destroyed. Any item with a value exceeding \$300 that is not sold within a 90-day period will be held in surplus pending a public auction.

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

7) Director of Planning-

a) Recommendation from Planning Commission on RA-1 Zone

Previously, the Board directed the Planning Commission to review the Recreational Area Access zoning district (RA-1) to determine if it continues to meet the needs of landowners within the district. The Planning Commission prepared five options for how the district should be changed, if at all, and presented these options to the landowners at a community meeting on Monday, January 31, 2011. The options presented were a) Keep it the same, b) Change it, c) Remove it, d) Replace with Scenic overlay district, e) No preference. Out of the 96 landowners, the Planning Commission heard from 35 (or 36%). After reviewing the landowner feedback, and some discussion, the Planning Commission determined that it was in the best interest of the county and the landowners with RA-1 zoning, for the district to remain unchanged.

On a motion by Supervisor Osl and carried by the following vote, The Board accepted the Planning Commission's recommendation to leave the RA-1 zone unchanged:

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

- b) CUP 11-02 for National Communication Towers-referral to the Planning Commission

Planner, Andrew Sorrell, informed the Board that staff had received a Conditional Use Permit from National Communication Towers, LLC for a telecommunications tower on tax map #65A3-A-4A, which is the Community Center property, owned by the Industrial Development Authority. 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 11-02 for NCT to the Planning Commission for review:

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

- c) Request from PC for a joint workshop with the Board to discuss Subdivision and zoning ordinance amendments

The Planning Commission requests a joint meeting with the Board concerning the proposed amendments to the subdivision ordinance and corresponding amendments to the zoning ordinance on Monday, April 11, 2011 at 5:00 p.m. in meeting room C-8 at the Cumberland Community Center.

It was the consensus of the Board to meet with the Planning Commission as requested.

d) Application for Festival Permit – Patriot Day

On a motion by Supervisor Osl and carried, the Board approved the Festival Permit Application for the 8th annual Patriot Day Festival to be held on Saturday, April 16, 2011 from 10 a.m. to 4 p.m. on the Courthouse Lawn:

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

e) Application for Festival Permit – Bodacious

Planner, Andrew Sorrell, informed the Board that staff had received a Festival Permit application for several Bodacious events hosted by Four-Wheel Drive Conversion Club on property owned by M. L. Duncan, Jr. in Cartersville. Due to complaints received by county staff regarding traffic, excessive and underage alcohol consumption and other activities, staff met with event organizers in February 2011. Staff suggests that future events would be better managed through the issuance of a conditional use permit stipulating certain operational conditions for the events. Representatives for the event have agreed to work with the county to ensure the event continues to be one that is safe and beneficial for Cumberland and the Cartersville community. However, before a conditional use permit can be requested, the County must revise the zoning ordinance to accommodate the unique events hosted in the County.

In an effort to work with the organizers of the event and to accommodate their spring events, staff suggested that the first two events (to be held in April and May 2011) be permitted by a festival permit, and the event scheduled for September 2011 would potentially be permitted by a conditional use permit.

On a motion by Supervisor Osl and carried, the Board approved the Festival Permit Application for the Bodacious events planned for April 2011 and May 2011:

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

f) Community Planning Workshop

The Planning Commission will hold community workshops on Wednesday, April 13, 2011 and Wednesday, April 20, 2011 from 9 a.m. until noon at the Luther P. Jackson Adult Education Center. The purpose of the workshops will be to discuss growth and preservation in rural communities. Speakers include Professor Jesse Richardson from Virginia Tech, and Mike Chandler from Plan, Virginia.

8) County Administrator's Report -

a) Set PH to amend Building Fee Schedule (VA Uniform Building Code Change effective

On a motion by the Chairman and carried, the Board set the revised Building Fee Schedule for public hearing on April 12, 2011:

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

b) Procurement of Emergency Services

County Administrator, Judy Ownby, informed the Board that complaints and concerns are continuously received by staff and some Board members regarding the lack of response when emergency rescue calls are made to dispatch. Ms. Ownby requested direction from the Board regarding procuring back-up for Emergency Services, setting a policy for dispatch regarding those calls that go unanswered, and communicating the concern over missed calls with Cumberland Rescue Squad.

On a motion by Supervisor Womack and carried, the Board directed the County Administrator to procure back-up Emergency Services, set a protocol for the dispatching of calls that go unanswered, and draft correspondence to the Cumberland Rescue Squad noting the Board's concern with the number of missed calls and inability to respond to calls:

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

9) Assistant County Administrator/Community Development

a) Project updates

Mike Cooper, Assistant County Administrator for Community Development, informed the Board that staff is developing a policy allowing the use of grant funds received for qualified residents to hook to the waterline extension. Staff will forward the draft policy to the Water & Sewer Advisory Committee, who will make a recommendation to the Board for approval.

The site plan for construction improvements to Poorhouse Road at the entrance to the proposed business park have been submitted to the appropriate state agencies for review. Staff expects to have the project out for bid this spring.

Mr. Cooper requested approval for staff to apply for Economic Development grant funds allocated to Cumberland from the Virginia Tobacco Commission. These funds are planned to allow completion of the wetlands mitigation study for the proposed business park.

It was the consensus of the Board to authorize Mr. Cooper to submit application for economic development funds from the Virginia Tobacco Commission.

10) County Attorney's Report -

a) Redistricting Information/update

County Attorney, Howard Estes, informed the Board that the Redistricting Committee has met, and has proposed three options for the Board's consideration. The next meeting of the Committee will be held on Monday, March 14, 2011 at 9:00 a.m. in the meeting room of the Commonwealth Regional Council Building. The Committee will hold a meeting on Wednesday, March 23, 2011 at 7:00 p.m. in the Circuit Courtroom to provide the three options to the public for comment. The Committee will then make a recommendation to the Board, and the Board will need to hold a public hearing. Mr. Estes suggested that the public hearing be held at the April 12, 2011 Board meeting in order to submit the changes to the Department of Justice (DOJ) in a timely manner.

On a motion by Supervisor Osl and carried, the Board set the redistricting plan for public hearing at the April 12, 2011 meeting of the Board:

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

11) Board Member Comments-

Supervisor Kennell suggested that the Board reconsider staggered terms for the Board of Supervisors and School Board members, whether it is adopted by ordinance or by referendum.

Supervisor Oertel suggested that the Board reconsider adopting staggered terms by ordinance.

The County Attorney advised the Board that for a referendum on staggered terms to be held, the required number of citizens' signatures must be obtained. The vote would be scheduled 3 years from now.

Mr. Oertel asked the County Attorney if an ordinance would have been effective this November, and the County Attorney answered yes. Mr. Petty pointed out that timely preclearance by the Department of Justice was of concern as discussed at previous meetings.

The County Attorney stated that any change in voting has to go through the Department of Justice and they have at least 60 days to respond. The concern from Department of Justice's perspective is that staggered terms is looked upon as a way to suppress minority voting. The County Attorney expressed concern with adopting a staggered terms ordinance at this date not allowing adequate time for review by the Department of Justice while the redistricting is also being reviewed.

Mr. Womack said he had no strong feelings either way about staggered terms.

Mr. Kennell said that he wanted to raise the matter again so that perhaps the next Board would consider it.

Supervisor Osl thanked the majority of the Board for voting for the business park.

12) Additional Information

- a) Treasurer's Report
- b) Building Inspections Report
- c) DMV Report
- d) Recycling Report
- e) Email from Linda Eanes regarding restoration of Coop Extension Funding

13) Adjourn

The Chairman announced that the Redistricting Committee will meet March 14, 2011 at 9:00 a.m. at the Commonwealth Regional Council Office. Also they will hold a public meeting on March 23, 2011 at 7:00 p.m. in the Cumberland County Circuit Courtroom. With no additional business to come before the Board, the Chairman adjourned the meeting

until Wednesday, March 16, 2011 at 9:00 a.m. in the County Conference Room for a budget workshop.

Chairman

County Administrator