

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 8th day of March, 2016, at the Cumberland County Circuit Court Room:

Present: Lloyd Banks, Jr., District 2, Chairman
 Kevin Ingle, District 3, Vice-Chairman
 David Meinhard, District 4
 Parker Wheeler, District 5
 Vivian Giles, County Administrator | Attorney
 Sara Carter, Planning Director
 Tracie Wright, Finance Director

Absent: William F. Osl, Jr., District 1

1. Call to Order

The Chairman called the meeting to order.

2. Welcome and Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Banks.

3. Roll Call

County Administrator, Vivian Giles, called the roll.

4. Approval of Agenda

On a motion by Supervisor Meinhard and carried unanimously, the Board approved the Agenda as amended:

Vote: Mr. Osl – absent Mr. Banks – aye
Mr. Ingle – aye Mr. Meinhard – aye
Mr. Wheeler – aye

5. Public Comments

Ms. Earlene Canaan stated that she attended the budget workshops in behalf of the Cartersville Volunteer Rescue Squad and was pleased with the welcoming atmosphere and the ease of discussions with the Board. She thanked the Board for the opportunity and their consideration.

Ms. Evelyn Kimbrough stated that she has had issues with an erroneous assessment and urged all citizens to review their assessments and ask questions.

Mr. Scott Newton discussed his issue with a zoning code violation and obtaining a conditional use permit for a rental RV Park. Ms. Carter informed the Board that Mr. Newton has been working with the Zoning office to come into compliance, and the Board has on their agenda tonight an item to set a public hearing for Mr. Newton at their April meeting. Mr. Newton requested the Board approve a Special Temporary Use Permit to allow him to use the two existing connections until such time as his CUP is approved. Both Ms. Sara Carter and Ms. Vivian Giles expressed concern with doing such as Mr. Newton has not yet received approval from either the Health Department or VDoT.

Ms. Pauline Trent expressed her concern with the condition of Stoney Point Road. Ms. Trent also stated that the County needs a grocery store. A VDoT representative that was present stated that because of the weather, they have not been able to perform any maintenance. Hopefully now that the weather is continuing to improve, maintenance to county roads will increase.

Mr. Roger Hatcher, Chairman of the Water and Sewer Advisory Committee, discussed the current budget deficit in the Utilities Fund and the proposed rate increase that is requested by

the Board. Mr. Hatcher stated that the Committee is planning to hold four additional meetings, including one joint meeting with the Board. He also stated that the Committee needed more time and information in order to make an informed decision. The Chairman stated that if the Committee does not make a decision, the Board will move forward without it.

Ms. Darlene Jackson Brown stated that Cumberland has not grown in the past 30 years, and all of the revenue is leaving the county. She reiterated that the County needs a grocery store.

Ms. Rose McClinton stated that while the citizens want a grocery store in Cumberland, they won't support the stores that are already in the County. She also stated that the County needs to help Mr. Newton and others in the northern end of the county with the temporary camp grounds. There are people working on the pipeline needing a place stay, and the county is not allowing this revenue to come in to Cumberland. If the County makes Mr. Newton wait another month, these people will have found another place to stay. Ms. McClinton also requested that the County pave Samuels drive.

Mr. Bernie Becker, representing the Emergency Services Committee, is requesting a \$3,000 appropriation for equipment, and discussed the committee's status on obtaining grant funds for a new ambulance.

6. State and Local Department/Agencies

a) Dr. Amy Griffin Superintendent of Cumberland County Schools

Dr. Amy Griffin, School Superintendent, gave the following report to the Board:

- Today, Congressman Hurt toured the High School

- The Administrator's took part in a "Shadow a Student" Challenge. It was a way for the Administrator's to see what a full day of school for a student is like.
- The High School Forensics Team is First in the James River District and just placed First in the 1AE Regional Tournament and will go on to compete in the State Division.
- CMS students have been sewing some pillowcases for cancer patients
- CCES participated in Read Across America last week in honor of Dr. Suess' birthday
- Recently, the Longwood Center for Visual Arts held a showcase of selected CCPS artwork.
- The CCES held Jump Rope for Heart. The total amount raised is still being calculated, but it will be donated in the name of Coach Keith White.
- Pre-K 3 and 4 screening is in March

b) VDOT

Mr. Scot Shippee, Resident Engineer, informed the Board that with the season changing, VDOT will be working on road maintenance and brush cutting. The Secondary Six-Year Plan process will begin soon. Mr. Shippee suggested the Board hold a joint workshop to set priorities. Supervisor Ingle thanked VDOT for their service during the snow. Mr. Shippee also informed those in attendance that any citizen can call 1-800-367-ROAD for complaints and service requests.

c) Ms. Robin Sapp, Cumberland Public Library –

Ms. Sapp was not present.

d) Ms. Linda Eanes, Cumberland Extension Office

Ms. Eanes informed the Board that with Mr. David Smith's retirement, the Extension office plans to hire his replacement. Because of the cost savings in that position, this will allow for two internship positions, which will give a Cumberland County graduate with a college degree, employment opportunities with the Cumberland Extension Office.

- e) Ms. Earlene Canaan, Cartersville Volunteer Rescue Squad

On a motion by Supervisor Wheeler and carried, the Board appropriated \$80,000 for a new ambulance for Cartersville Volunteer Fire Department:

VOTE: Mr. Osl – absent Mr. Banks – aye
 Mr. Ingle – aye Mr. Meinhard – aye
 Mr. Wheeler – aye

- f) Ms. Amy Beatson, STEPS – Request for appropriation and letter of support

Ms. Beatson requests a letter of support for STEPS to apply for the Virginia Homeless solutions grant.

On a motion by Supervisor Ingle and carried unanimously, the Board authorized a letter of support for STEPS in their application for the Virginia Homeless Solutions Grant:

VOTE: Mr. Osl – absent Mr. Banks – aye
 Mr. Ingle – aye Mr. Meinhard – aye
 Mr. Wheeler – aye

Ms. Beatson also requested that the Board approve an appropriation for a county contribution in the amount of \$10,590. This contribution is a grant match requested of each of the six (6) participating counties for the Community Action Block Grant for the current fiscal year, and is requested for the following fiscal year as well.

On a motion by Supervisor Wheeler and carried, the Board appropriated \$10,590 as a grant match to STEPS for the Community Action Block Grant for the FY 15-16 budget year:

VOTE: Mr. Osl – absent Mr. Banks – aye
 Mr. Ingle – aye Mr. Meinhard – aye
 Mr. Wheeler – aye

7. **Public Hearings**

a) Code Amendment 16-04 Code Enforcement

Ms. Vivian Giles, County Administrator, informed the Board that she is recommending amending section 74-13 of the Cumberland County Code to incorporate the provisions of the State Code enabling enforcement of the zoning ordinance, which the County Code currently does not have. 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 Wheeler and carried unanimously, the Board approved Code Amendment 16-04 Code Enforcement:

- **Sec. 74-13. - Violation; penalty.**

(a) All departments, officials and public employees of this county which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this

chapter. They shall issue permits for uses, buildings or purposes only when they are in harmony with the provisions of this chapter; and any permit or license issued in violation of this section shall be null and void.

(b) Except as otherwise provided in this chapter, any person, whether as principal, agent or otherwise, violating, causing or permitting the violation of any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction may be fined not less than \$10.00 nor more than \$1,000.00. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than \$10 nor more than \$1,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not less than \$100 nor more than \$1,500.

However, any conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall be punishable by a fine of up to \$ 2,000. Failure to abate the violation within the specified time period shall be punishable by a fine of up to \$ 5,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of up to \$ 7,500. However, no such fine shall accrue against an owner or managing agent of a single-family residential dwelling unit during the pendency of any legal action commenced by such owner or managing agent of such dwelling unit against a tenant to eliminate an overcrowding condition in accordance with Chapter 13 or Chapter 13.2 of Title 55 of the Code of Virginia, as applicable. A conviction resulting from a violation of provisions regulating the number of unrelated persons in

single-family residential dwellings shall not be punishable by a jail term.

VOTE: Mr. Osl – absent Mr. Banks – aye
 Mr. Ingle – aye Mr. Meinhard – aye
 Mr. Wheeler – aye

8. County Attorney/County Administrator Report

- a) Consent Agenda
 - 1) Approval of Bills for February 2016 and March 2016. Approved bills for March 8, 2016 total \$119,244.93. Ratified bills for February 10, 2016 to March 8, 2016 of warrants total \$228,370.45 with check numbers ranging from 72295 to 72489. Direct Deposits total \$143,967.15.
 - 2) Approval of Minutes (February 9, 2016, February 17, 2016, February 18, 2016, and February 23, 2016)

On a motion by Supervisor Meinhard and carried unanimously, the Board approved the consent agenda:

Vote: Mr. Osl – absent Mr. Banks – aye
 Mr. Ingle – aye Mr. Meinhard – aye
 Mr. Wheeler – aye

- b) Resolution for Robert J. Oertel

**Resolution in Remembrance
of the Life and Service
of Robert J. Oertel, Sr.**

WHEREAS, Robert J. “Bobby” Oertel, Sr., was born in Cumberland County on the 6th day of January, 1936 at Lackland Well Farm, a Century Farm, where he passed away on the 11th day of November, 2015; and

WHEREAS, Mr. Oertel was a member of the Cumberland County Board of Supervisors from November of 2006 to January of 2012; and

WHEREAS, during his tenure, the Board of Supervisors successfully negotiated a contract with Henrico County for the Cobb’s Creek Reservoir, constructed a new middle and high school complex, and established the Cumberland Business Park; and

WHEREAS, in addition to his service as a member of the Board of Supervisors, Mr. Oertel served his community as an active member of the Cumberland Ruritan Club, the Cumberland Historical Society, and the Cumberland Presbyterian Church.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Supervisors honors the life and records the death of Robert J. Oertel, Sr. and extends to the family its deepest sympathy.

BE IT FURTHER RESOLVED that the Cumberland County Board of Supervisors directs that a copy of this resolution be made a part of the permanent record of the official minutes of the Cumberland County Board of Supervisors and that a copy be given to the family.

Adopted the 8th day of March, 2016.

On a motion by Supervisor Meinhard and carried unanimously, the Board approved the resolution for Mr. Robert J. Oertel:

Vote: Mr. Osl – absent Mr. Banks – aye
Mr. Ingle – aye Mr. Meinhard – aye
Mr. Wheeler – aye

c) Code Amendment 16-03 Amending Utility Rates

No action was taken on this item.

d) Reappointments to Piedmont Senior Resources Board –
Carter Harrison and Karen Blackwell

On a motion by Supervisor Wheeler and carried, the Board reappointed Carter Harrison and Karen Blackwell to the Piedmont Senior Resources Board:

VOTE: Mr. Osl – absent Mr. Banks – aye
Mr. Ingle – aye Mr. Meinhard – aye
Mr. Wheeler – aye

e) SVCC Adult Education Funding request

County Administrator, Vivian Giles, informed the Board, that in the past, the School System has received some state funding for the Adult Education classes in the County. The School System would then transfer that money to the County and ask that the county pay the difference. This year, the School System did not receive any State funding. The total amount of funding requested is \$4,137.00. Finance Director, Tracie Wright, informed the Board that the County had

already budgeted for half of this amount, so the additional funds needed to pay this item in full total \$2,037. This bill has not yet been paid.

On a motion by Supervisor Wheeler and carried unanimously, the Board approved a supplemental appropriation in the amount of \$2,037 to pay Southside VA Community College for the Adult Education Funding for FYE16:

VOTE: Mr. Osl – absent Mr. Banks – aye
 Mr. Ingle – aye Mr. Meinhard – aye
 Mr. Wheeler – aye

9. Finance Director's Report

a) Monthly budget Report

There was no discussion regarding the monthly budget report.

b) FY16 Revenue Appropriations

On a motion by Supervisor Wheeler and carried unanimously, the Board approved the FY16 Revenue Appropriations as presented:

VOTE: Mr. Osl – absent Mr. Banks – aye
 Mr. Ingle – aye Mr. Meinhard – aye
 Mr. Wheeler – aye

10. Planning Director's Report

a) Planning Project update

There was no discussion on the Planning Project updates.

b) Set public hearing for Conditional Use Permit 16-01 Lipscomb

On a motion by Supervisor Wheeler and carried unanimously, the Board set a public hearing for Conditional Use Permit 16-01 Lipscomb for April 12, 2016:

Vote: Mr. Osl – absent Mr. Banks – aye
Mr. Ingle – aye Mr. Meinhard – aye
Mr. Wheeler – aye

c) Set public hearing for Conditional Use Permit 16-02 Newton

On a motion by Supervisor Wheeler and carried unanimously, the Board set a public hearing for Conditional Use Permit 16-02 Newton for April 12, 2016:

Vote: Mr. Osl – absent Mr. Banks – aye
Mr. Ingle – aye Mr. Meinhard – aye
Mr. Wheeler – aye

d) Set public hearing for Code Amendment 16-05 Event Facility

On a motion by Supervisor Wheeler and carried unanimously, the Board set a public hearing for Code Amendment 16-05 Event Facility for April 12, 2016:

Vote: Mr. Osl – absent Mr. Banks – aye

Mr. Ingle – aye Mr. Meinhard – aye
Mr. Wheeler – aye

- e) Set public hearing for Conditional Use Permit 16-03 Higgins Events at Northfield Plantation

On a motion by Supervisor Wheeler and carried unanimously, the Board set a public hearing for Conditional Use Permit 16-03 Higgins Events at Northfield Plantation on April 12, 2016:

Vote: Mr. Osl – absent Mr. Banks – aye
 Mr. Ingle – aye Mr. Meinhard – aye
 Mr. Wheeler – aye

- f) Capital Improvements Plan Memo from the Planning Commission

Zoning Administrator, Sara Carter, informed the Board that the Planning Commission took a very detailed look at the Plan, and offered a very different plan than what staff had recommended. A memorandum outlining and explaining the Planning Commission recommendations is included in the packet.

- g) Board update on Duncan violations

Zoning Administrator, Sara Carter, provided the Board with photos of the property in question, which showed that significant progress had been made on the subject property since the month prior. Mr. Duncan has applied for a rezoning on his property as well.

11. Old Business

N/A

12. New Business

N/A

13. Public Comments (Part 2)

Lou Seigel stated that roughly eight months ago, the county hired staff at the Cumberland Volunteer Rescue Squad, and he asked for an update. Supervisor Ingle stated that the county only spent \$40,000 last year instead of the \$60,000 that was expected and that included the paid squad members. The cost of having the paid squad members was covered by the Revenue Recovery Program that the Rescue Squad implements where they bill insurance for the travel to hospitals and emergency centers.

14. Board Member Comments

It was the consensus of the Board to switch the first public comments section on the agenda with the State and Local Departments and Agencies.

15. Adjourn into Closed Session-

On a motion by Supervisor Wheeler and carried, the Board entered into closed meeting pursuant to the Virginia Code Sections below:

Pursuant to Virginia Code § 2.2-3711.A.7: Consultation with
Legal Counsel

Subject: Community Host Agreement; and

Subject: Sewer line easements

Vote: Mr. Osl – absent Mr. Banks – aye

Mr. Ingle – aye Mr. Meinhard – aye
Mr. Wheeler – aye

16. Reconvene in Open Session-

The Board returned to regular session on a motion by Supervisor Wheeler.

A motion was made by Mr. Wheeler and adopted by the following vote:

Mr. Osl - absent
Mr. Banks – aye
Mr. Ingle – aye
Mr. Meinhard - aye
Mr. Wheeler - 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.

17. Additional Information

- a) Treasurer's Report
- b) DMV Report
- c) Monthly Building Inspections Report
- d) Approved Planning Commission meeting minutes-01/19/16 and 02/02/16
- e) Approved IDA meeting minutes-01/12/16

18. Adjourn -

On a motion by Supervisor Wheeler and carried, unanimously, the Board adjourned the meeting until the budget public hearing to be held on April 5, 2016 at 7:00 p.m. in the Circuit Courtroom of the Cumberland Courthouse, Cumberland, Virginia.

Vote:	Mr. Osl – absent	Mr. Banks – aye
	Mr. Ingle – aye	Mr. Meinhard – aye
	Mr. Wheeler – aye	

Lloyd Banks, Jr., Chairman

Vivian Giles, County Administrator/County Attorney