

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 9th day of August, 2016, at the Cumberland County Circuit Court Room:

Present: William F. Osl, Jr., District 1
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
Julie Pfeiffer, Finance Director

Absent: None

1. Call to Order

The Chairman called the meeting to order.

2. Welcome and Pledge of Allegiance

The Welcome and Pledge of Allegiance were 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 presented:

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

5. 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:

- CUCPS first day of school was on August 8, 2016
- The JROTC class will be able to attend the Museum for Military vehicles in Richmond in September
- The YMCA has agreed to do low-impact exercises for community members Tuesdays and Thursdays at the Elementary School
- The Cumberland Ruritans hosted a lunch for the entire CUCPS staff, and the Payne Memorial Church hosted a voluntary prayer breakfast for all CUCPS staff
- The Sheriff Department provided staff with critical incident training
- Sharon Baptist Church hosted a free back-to-school-supplies give away

- b) VDOT

MR. Scot Shippee informed the Board that VDOT's primary focus is mowing on secondary routes and they will begin mowing primary routes again soon. Cleaning out ditches and pipes, brush cutting, and patching pot-holes will continue as needed. A contract will be going out in the near

future for brush cutting on the entire Rt. 690 (Columbia Road) corridor. Supervisor Osl asked Mr. Shippee if millings were available for the Board to purchase to apply to Samuels Drive. Mr. Shippee informed the Board that the contractor owns the millings, and suggested contacting a contractor such as Colony Construction to inquire about purchasing millings directly from them.

- c) Ms. Robin Sapp, Cumberland Public Library –

Ms. Sapp was not present.

- d) Mr. Shannon Lewis, Cumberland State Forest

Mr. Shannon Lewis, Cumberland State Forest Manager provided an update of activities at the State Forest; and provided a payment in lieu of taxes in the amount of \$46,225.00.

- e) Mr. Charlie Whalen

Mr. Charlie Whalen, Bear Creek Lake Manager, informed the Board that the YCC, Youth Conservation Core is assisting the State Forest in managing the coffee trail and shoreline restoration. This summer is successful so far looks to be up 10-15% from last year.

6. Public Comments

Dr. Christine Ross thanked the Board for having two public comment sections on the agenda. The Community needs to work together to keep our students and our young adults in the County. The School Board approved a resolution to allow the county to restructure debt and potentially save \$500,000 annually. What are we doing as a county to expand our economic development options? What are we doing to attract business at the airport?

7. Public Hearings

- a) Conditional Use Permit CUP 16-04 Hoffman

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 Osl and carried unanimously, the Board approved Conditional Use Permit 16-04 Hoffman:

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

- b) Conditional Use Permit CUP 16-06 Ingle – Martin

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 Ingle and carried unanimously, the Board approved Conditional Use Permit 16-06 Ingle-Martin:

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

- c) Code Amendment CA 16-07 Structure Heights

Zoning Administrator, Sara Carter, informed the Board that under current Ordinance, accessory structures cannot be taller than the primary structure. The Planning Commission reviewed the height standards for structures in all districts, and recommends changes to the A-2 and A-20 categories for height regulations.

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 16-07 Structure Heights:

**BOARD OF SUPERVISORS
OF
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION RECOMMENDING
PROPOSED AMENDMENT TO THE
CODE OF CUMBERLAND COUNTY
CODE AMENDMENT 16-07:
“AN ORDINANCE AMENDING CHAPTER 74-138 AND 74-
167 TO ADDRESS BUILDING HEIGHTS OF STRUCTURES
IN THE A-2 AND A-20 DISTRICTS”**

August 9, 2016

At a meeting of the Board of Supervisors of Cumberland County, Virginia, held at the Circuit Courtroom of the Cumberland County Courthouse, Cumberland, Virginia 23040 commencing at 7:00 p.m., August 9, 2016, 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 Wheeler, it was moved that the Board of Supervisors of Cumberland County adopt, in accordance with the following Resolution, an ordinance amending Chapter 74-138 and 74-167 Zoning relating to heights of structures;

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>
Lloyd Banks, Jr., Chairman	aye
David Meinhard, Vice-Chairman	aye
William F. Osl	aye
Kevin Ingle	aye
Parker Wheeler	aye
<u>Absent:</u>	none

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on August 9, 2016; 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; and

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 foregoing, the Board of Supervisors considers it appropriate to amend the Code of Cumberland County in accordance with the specific text and provisions of the Code Amendment as attached hereto and incorporated herein by this reference.
- c. The Board of Supervisors further finds that the Code Amendment is in substantial accordance with the County's Comprehensive Plan and Zoning Ordinance.
- d. Upon consideration of the foregoing, the proposed Code Amendment text, testimony, staff remarks, and public

comment, the Cumberland County Board of Supervisors adopts, as set forth in the specific ordinance text as attached hereto, and requests county staff to do and perform such acts necessary and as consistent with this Resolution for recommendation of adoption of the ordinance.

- e. This Resolution is effective immediately.

A-2:

- **Sec. 74-138. - Height regulations.**

Buildings in an A-2 district may be erected up to 35 feet in height, except that:

- (1) The height limit for dwellings may be increased up to 45 feet and up to three stories provided there are two side yards for each permitted use, each of which is 15 feet or more, plus one foot or more of side yard for each additional foot of building height over 35 feet.
- (2) A public or semipublic building such as a church, library or community center may be erected to a height of 60 feet from grade, provided that required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.
- (3) Church spires, belfries, cupolas, chimneys, flues, flagpoles, television antennas, ~~and~~ radio aerials, and bona fide farm buildings or structures as defined by Va. Code § 36-97 as that section may from time to time be amended and/or recodified are exempt from height requirements.
- ~~(4) No accessory building which is within 20 feet of any property line shall be more than one story high. All accessory buildings shall be less than the main building in height.~~

A-20:

- **Sec. 74-167. - Height regulations.**

Buildings in an A-20 district may be erected up to 35 feet in height, except that:

- (1) The height limit for dwellings may be increased up to 45 feet and up to three stories provided there are two side yards for each permitted use, each of which is a minimum of 50 feet and contains a minimum of one foot of side yard for each additional foot of building height over 35 feet.

Example: Proposed building height of 40 feet equals 50 + five additional feet over 35 feet = 55-foot minimum required side yard setback for each side.

- (2) No accessory building which is within 50 feet of any property line shall be more than one story high. All accessory buildings shall be less than the main building in height.
- (3) A public or semipublic building such as a library or community center may be erected to a height of 60 feet from grade, provided that required front, side and rear yards shall each be increased one foot for each foot in height over 35 feet.
- (4) Cupolas, chimneys, flues, flagpoles, television antennas, ~~and~~ radio aerials, and bona fide farm buildings or structures as defined by Va. Code § 36-97 as that section may from time to time be amended and/or recodified are exempt from height requirements.

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

d) Code Amendment CA 16-03 Utilities

County Administrator, Vivian Giles, informed the Board that the proposed Code Amendment was provided to the Water and Sewer Advisory Committee for review and that both staff and the Committee had been working on this proposal for some time. The proposed rate increase is

projected to generate between \$5,000 and \$7,000 of revenue per month.

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 Osl and carried unanimously, the Board approved Code amendment 16-03 Utilities:

Sec. 66-51. Utility charges.

Customers shall pay charges for utility service comprised of and in accordance with the following schedules of rates and charges:

- (a) *Monthly service charges.* The monthly service charge shall be comprised of the following:
 - (1) *Customer account charge.* A monthly administrative charge of \$5.00 shall be levied on each customer account. However, customers who have only a water service account or a wastewater service account shall pay a monthly administrative charge of \$3.50. Customers shall pay an administrative fee of \$25.00 when they open or revise a utilities account. The charge shall be applied on the first utility bill after the revision.
 - (2) *Commodity charge.* Based on the table below for metering requirements, ERU determinations and other usage-based rate charges
 - (i) *Water:* \$25.00 per 2,000 gallons or part thereof and \$5.00 per 1,000 gallons or part thereof thereafter **except for residential and governmental and educational users.**
 - (ii) *Wastewater:* \$33.00 per equivalent residential unit (ERU) as such standard is determined by the Virginia Department of Health regulations.
 - (iii) Reserved.
 - (iv) Commodity charge and rate assignment:

Customer Class	WASTEWATER CHARGES		WATER CHARGES
	A rate of \$25.00 per ERU applies		Rate Charges as follows:
	Unit Equivalent	ERU's Per Unit	

(a)	Residential	1 family unit	1	\$25.00 for first 2,000 gallons, additional usage @ \$4.00 per 1,000 gallons
	Noncommercial, nonresidential facilities	Per structure	1	
(b)	Car wash, Laundromat, Restaurants, Industries or Industrial-zoned, Salons and Barber Shops	Meter required	Meter required	\$25.00 for first 2,000 gallons, additional usage @ \$5.00 per 1,000 gallons
(c)	Professional, Office, Retail space (not storage) and Business (except those otherwise listed)	Per 1,000 sq. feet	1	\$25.00 for first 2,000 gallons, additional usage @ \$5.00 per 1,000 gallons
(d)	Nursing/convalescent and homes for the aged	Per bed	0.45	\$25.00 for first 2,000 gallons, additional usage @ \$5.00 per 1,000 gallons
	Motels, hotels and bed & breakfast	Per room	0.45	
(e)	Governmental and educational	Flat rate as determined by the board of supervisors	Flat rate as determined by the board of supervisors	\$115.00 first 2,000 gallons, additional usage @ \$17.00 per 1,000 gallons

- (v) Customers requiring metered wastewater service shall be charged \$33.00 for the first 2,000 gallons, and an additional \$5.00 per 1,000 gallons thereafter.
- (vi) Any customer using in excess of 50,000 gallons of wastewater monthly will be required to be metered.
- (vii) Uses not enumerated in the table above shall be charged according to the most similar usage rate as determined by the public utilities director.

(3) *Nonuser service charge.* Regardless of water use, customers who are required to connect but choose not to use the county water system shall be charged a monthly nonuser service charge comprised of (i) a customer account charge pursuant to section 66-51(a)(i) and either (a) \$25.00 for residential service or (b) \$25.00 for commercial service.

(4) *Customer account setoff.* The county shall set off any refunds to which a customer is entitled against any debts that the consumer owes the county.

(b) *Ancillary charges.*

Type		Charge
(1)	Bulk water charge	\$800.00 up to 1,000 gallons; \$20.00 per 1,000 gallons or any part thereof thereafter
(2)	Bacteriological test for new construction, per test	28.00
(3)	Meter testing charges:	
(i)	5/8inch	35.00
(ii)	1-inch	35.00
(iii)	1½-inch	45.00
(iv)	2-inch	45.00
(v)	Meters that are larger than two inches will be charged the actual cost of the test	
(4)	Temporary voluntary meter disconnection fee	Customer cost charge plus capacity costs charge for each billing period of disconnection, plus service reconnection fee
(5)	Meter reinstallment fee	Customers shall pay a charge of \$60.00 for reinstalling meters that are two inches or smaller. Consumers shall pay the actual cost incurred by the county for labor, materials and equipment, plus 25 percent for reinstalling meters that are larger than two inches.

- (c) Multiple-family dwellings, schools, churches, businesses, industries and other types of units will be valued in multiples of an ERU.
- (d) A consumer who has paid a connection fee shall pay the monthly service charges and ancillary charges, irrespective of whether the consumer is actually receiving utility service.
- (e) Significant industrial users shall pay a surcharge for the cost of treating excessive strength waste or pollutants in accordance with such schedule as approved in advance by the public utilities director.

- (f) When a water meter is tested at the consumer's request and the test establishes that the meter is inaccurate according to applicable industry standards, the consumer shall not be assessed the meter testing charge.
- (g) In addition to other applicable enforcement penalties, any person who makes an erroneous request for system repairs or a service call to the county and it is determined that such request or call involved a matter that was not related to the improper functioning or operation of the county's facilities shall pay the following fees:
 - (1) For erroneous system repairs or service calls made Monday through Friday during normal county business hours (8:30 a.m. to 4:30 p.m.), \$50.00; or
 - (2) For erroneous system repairs or service calls made at any time other than those set forth in subsection (1) of this section, or during any holiday observed by the county, \$75.00.

Vote: Mr. Osl – aye 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 July 2016 and August 2016. Approved bills for August 9, 2016 total \$302829.40. Ratified bills for July 13, 2016 thru August 8, 2016 of warrants total \$488,059.09 with check numbers ranging from 73225-73518. Direct Deposits total \$150,262.27.
 - 2) Approval of Minutes (July 12, 2016 and July 18, 2016)

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

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

- b) Appointment of a Board member to the Virginia’s Heartland Regional Industrial Facility Authority-

b) FYE16 Year End Transactions

On a motion by Supervisor Osl and carried unanimously, the Board approved the FYE2016 Year End Transactions as presented:

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

c) Appropriation of \$8,474.90 to the Sheriff's Department

On a motion by Supervisor Wheeler and carried unanimously, the Board approved a supplemental appropriation for the Sheriff's Department in the amount of \$8,474.90:

VOTE: Mr. Osl – aye 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) Speed study request for Cobbs Creek Plan area

Zoning Administrator, Sara Carter, informed the Board that during meetings for the Cobbs Creek Plan Amendment, several citizens expressed concern regarding the increased traffic and speed along Columbia, Duncan

Store and Amphill Roads. VDoT will conduct a speed study of these roads at the county's request. The Planning Commission respectfully requests the Board to direct staff to make this request to VDoT as soon as possible so that the speed study may be complete prior to the mobilization of the next phase of construction at the reservoir.

On a motion by Supervisor Osl and carried unanimously, the Board requested a Speed Study Plan for the Cobbs Creek Plan area:

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

11. Old Business

N/A

12. New Business

County Administrator, Vivian Giles, requests that the Board set a debt restructuring workshop. It was the consensus of the Board to set the debt restructuring workshop for Thursday, August 25, 2016 at 7:00 p.m. Ms. Giles also informed the Board that there will be a Town Hall meeting regarding Emergency Services on August 16, 2016 at 7:00 p.m. in the Circuit Court Room of the Cumberland Courthouse.

13. Public Comments (Part 2)

Mr. Lou Seigel asked for clarification on the PPTRA. The Chairman informed Mr. Seigel about the Personal Property Tax Relief Act. Mr. Seigel also questioned a request for funds at a

previous LEPC meeting for emergency services vehicles. He stated that the building construction on poorhouse road is moving pretty slowly, as is the Cartersville Volunteer Fire Department building. Mr. Seigel also informed the Board that he serves on the Marine Corps League Honor Guard and they are available for all branches of Service

Ms. Suzanne Moore was signed up to speak, but declined.

Mr. Tom Perry informed the Board that the LEPC did not request finds for emergency services vehicles, they only discussed assets around the state. Mr. Perry also informed those in attendance that there were serious issues with the builder for the Cartersville Fire House, and his contract has been terminated. A new builder has been hired and work will begin soon.

14. Board Member Comments

Supervisor Ingle clarified that he made a motion to approve CUP 16-06 Ingle-Martin, as he is not a descendent of Mr. Ingle.

15. Adjourn into Closed Meeting-

On a motion by Supervisor Osl 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

Pursuant to Virginia Code § 2.2-3711.A.1.: Personnel;

Subject: Compensation and assignment of duties in Finance, Grants Administration and Planning and Zoning

Pursuant to Virginia Code § 2.2-3711.A.6: Investment of Public Funds

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

Subject: Emergency Services

Pursuant to Virginia Code § 2.2-3711.A.6: Investment of
Public Funds

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

Subject: Cumberland County Debt Structure

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

16. Reconvene in Open Meeting-

The Board returned to regular meeting on a motion
by Supervisor Osl.

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

Mr. Osl - aye
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-June 13, 2016
- e) Approved IDA meeting minutes-May 24, 2016
- f) The Executive Mansion's request for a Holiday Tree Ornament

18. Adjourn -

On a motion by the Chairman and carried, unanimously, the Board adjourned the meeting until a workshop scheduled for August 25, 2016 at 7:00 p.m. in the Circuit Court Room in the Cumberland Courthouse, Cumberland, Virginia.

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

Lloyd Banks, Jr., Chairman

Vivian Giles, County Administrator/County Attorney