

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 17th day of November, 2015, 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
Tracie Wright, Finance Director
Sara Carter, Planning Director

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

5. Public Comments

Mr. Richard Roberts stated that there is a litter problem county-wide, and more specifically on Ashburn Road, and that the County needs to do more about this problem. Surrounding Counties have roadside signs that state that littering is illegal and punishable by fines. The Chairman suggested that more roadside litter pick-up programs be explored. Mr. Roger Hatcher agreed with Mr. Roberts that litter is a serious problem in the County. Mrs. Barbara Hinton stated that there is too much money being spent and that the taxes are too high. Ms. Rose McClinton asked the Board that they pave Samuels Drive or close Hamilton Transfer Station. The Chairman requested that the County Administrator provide the Board with options for Samuels Drive at the next regular meeting of the Board to be held on December 8, 2015.

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:

- The High School has been deemed a Wise Blue Star School; meaning that a certain percentage of the students passed a financial literacy test.
- On December 2, 2015, all students will celebrate Betty Scales Day of Service by somehow contributing to the community.
- JROTC presented the Colors at the Veteran's Day Breakfast at the Cumberland Volunteer Fire Department
- The Varsity Volleyball Team was the runner-up in the Conference 42 and went on to Regionals

- The Cross-Country Team, for the first time in Cumberland history went on to State Competition and placed 9th, with two students who placed as top runners in the State.
- The Little Duke Leaders made cards for Veterans and also packed packages for Madeline's house residents.
- Thanksgiving lunches will be served 11/18/15 and 11/19/15 for families to come eat lunch with their students.
- The Academic Jacket ceremony will be held on Tuesday, November 24, 2015 at 8:30 p.m.
- There will be a reception held for Mr. George Reid who served on the School Board for 23 years. The reception will be held on December 14th at 5 p.m.

b) VDOT

There were no representatives present.

c) Cumberland Public Library – Ms. Jennifer Beach

Ms. Beach was not in attendance

d) Cartersville Volunteer fire Department – Mr. Tom Perry

Mr. Tom Perry, Assistant Chief for the Cartersville Volunteer Fire Department, informed the Board that they are in need of a new Building. The current building shares an inadequate septic system with Martin & Dabney Store, and they share a well with the building that was formerly the Cartersville Medical Building. The Fire Department has requested Capital Improvement Funds in the past for a new building, but that project was not funded. After exploring

other options, the Fire Department has now purchased with their own funds a lot located at the intersection of Cartersville Road and Jennings Road (State Route 607). To date, the Fire Department has spent over \$50,000 to begin construction on the new building, and the Department has secured donations in both labor and products.

The total estimated cost of the building has come down from almost \$600,000 to approximately \$350,000. The Fire Department is willing to spend their reserves to ensure the completion of this building. The Cartersville Fire Department is requesting from the Board \$150,000 to ensure the completion of the project. The Department is hoping to have the building completed by April 2016.

- e) Cumberland Water and Sewer Advisory Committee – Mr. Roger Hatcher

Mr. Roger Hatcher, Chairman of the Cumberland County Water and Sewer Advisory Committee, informed the Board that the County has eleven sewage pump station monitors. Only one out of the eleven is working. The one working monitor chatter box has very limited monitoring capabilities and is supported by a very expensive Verizon telephone line, the cumulative cost for all lines totaling approximately \$5,400 per year.

Utilities Worker, Mr. Bryan Saxtan, solicited bids from two companies for replacement monitors. The Water and Sewer Advisory Committee supports the selection of the bid from Omni Site's XR50 Cellular Sewage Lift Station Monitors. These replacements communicate via WiFi directly to a computer or I-phone. In addition to detecting pump failures and inflow/infiltration events, it will warn of potential overflow situations. It comes with a software package that reports all of the critical information to evaluate the status of each of the lift stations. The installed cost of the system

upgrade is approximately \$23,000 and the annual monitor cost is \$2,400.

Supervisor Osl requested that the Water and Sewer Advisory Committee provide the Board with a proposal within the next sixty (60) days to increase utility rates in order to cover the cost of the replacement monitors that have been requested, along with the ability to repay the loan from the general fund in the amount of \$ 299,194.19. The board would like to see a proposal based on a five (5) year repayment plan, and a ten (10) year repayment plan.

On a motion by Supervisor Osl and carried unanimously, the Board approved the purchase of the sewage lift station monitors:

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

- f) Peter Francisco Soil & Water Conservation District (PFSWCD)
– Ms. Kelly Snoddy

Ms. Kelly Snoddy asked for the Board’s consideration in amending the Zoning Ordinance to limit and control development within the dam break inundation zone (DBIZ) below the 17 watershed flood control structures, which provide flood protection for Cumberland and Buckingham Counties. Peter Francisco would like to work with the County to develop a plan to control downstream development in the DBIZ. Supervisor Osl directed Zoning Administrator, Sara Carter, to take this issue before the Planning Commission and work with Peter Francisco on the proposed Zoning Ordinance Amendment that would be brought before the Board for approval.

- g) Cumberland Clothes Closet – Ms. Barbara Daniels

Ms. Barbara Daniels, Director of the Cumberland Clothes Closet, informed the Board that the Clothes Closet has been able to provide \$11,130 in donations during 2015, and reviewed the activities over the year.

7. Public Hearings

- a) Conditional Use Permit 15-12 - Sutton

Zoning Administrator, Sara Carter, informed the Board that Ms. Kelly Sutton is requesting a Conditional Use Permit to correct lot deficiencies. She is the owner of a 0.86 acre lot in Cartersville that is Zoned R-3 which requires five (5) acre lots. The Planning Commission recommends approval unanimously.

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 CUP 15-12:

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

- b) Conditional Use Permit 15-10 - Minerva Fleming

Zoning Administrator, Sara Carter, informed the Board that Mr. & Mrs. Oleander and Minerva Fleming are requesting a Conditional Use Permit to correct lot deficiencies. The Flemings own two (2) adjacent lots; one being a 2-acre lot on which there is located one of the old Rosenwald Schools. The

second lot is 0.3 acres. The Flemings would like to construct a house on the two lots and vacate the dividing property line in order to create one 2.33 acre lot. The Planning Commission unanimously recommends approval.

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 CUP 15-10:

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

c) Rezoning 15-01 – Kevin Dunn

Zoning Administrator, Sara Carter, informed the Board that Mr. Dunn received a CUP for an automotive garage at 1671 Cumberland Road in 2014. He would like to expand the retail uses on the site, and is now applying for a B-1 zoning on the front of his property. The Planning Commission recommends approval unanimously.

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 REZ 15-01:

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 October 2015 and November 2015. Approved bills for November 17, 2015 total \$54,296.53. Ratified bills for October 14, 2015 through November 16, 2015 of warrants total \$570,562.37 with check numbers ranging from 71476 to 71781. Direct Deposits total \$230,445.27.
- 2) Approval of Minutes (October 13, 2015)

On a motion by Supervisor Meinhard 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) Appointments to the Cumberland Museum Board

County Administrator, Vivian Giles, informed the Board that reappointments to the Board were not made and the terms of all Board members have now expired.

On a motion by Supervisor Osl and carried unanimously, the Board appointed the following as Directors of the Cumberland County Museum Board:

District 1: Sue Rowden, Freddie Gamage
District 2: Cliff White, Pat Allard
District 3: Joanne Petty, Barbara Gamage
District 4: David Meinhard, Jim Tilden
District 5: Elizabeth Jamerson, Susan Oertel
At Large: Betty Sears, Laureatta Jones-Yates, Jeffrey Scales

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

- c) Amend Lease agreement with David Daniels at the Old Social Services Building located at 1550 Anderson Hwy.

County Administrator, Vivian Giles, informed the Board that in 2014, David Daniels entered into a lease agreement with the County for the property located at 1550 Anderson Highway. In that contract, the rent provision contains an escalation clause which provides for periodic increases in the rent amount. Mr. Daniels is asking for relief from the rent increases. He indicates that, while business is steady, his gross receipts are not sufficient to allow the absorption of an increase in rent, and fears he will not be able to keep his business open with that increase.

On a motion by Supervisor Meinhard and carried unanimously, the Board approved the amended lease agreement with David Daniels for the property located at 1550 Anderson Highway to maintain the monthly rent amount at \$500 per month for the remainder of the lease:

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

- d) Refund for overpayment of taxes

County Administrator, Vivian Giles, informed the Board that the Commissioner of the Revenue’s Office has processed a correction to a Real Estate tax assessment for Tax Years 2012 through 2015. It was recently discovered that this property had qualified for tax relief but the reduction was not

correctly entered onto the taxpayers' record. This abatement results in a refund to the property owner in the amount of \$4,000.92 for overpayment of taxes. Approval by the Board is required before issuing a refund of taxes over \$2,500.00.

On a motion by Supervisor Wheeler and carried, the Board authorized the Treasurer's office to issue a check in the amount of \$4,000.92 for the overpayment of taxes, and to process the interest payment:

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

e) Resolution honoring George and Novella Mayo

Supervisor Banks stated that he received a request to honor Mr. & Mrs. Mayo on their 60th wedding anniversary.

On a motion by Supervisor Osl and carried unanimously, the Board adopted a Resolution honoring George and Novella Mayo:

**CUMBERLAND COUNTY
BOARD OF SUPERVISORS
RESOLUTION
HONORING
GEORGE AND NOVELLA MAYO**

November 17, 2015

WHEREAS, on November 25, 2015, Cartersville residents George and Novella Mayo will celebrate sixty years of marriage; and

WHEREAS, George Mayo is a native of Cartersville, Virginia; and

WHEREAS, George Mayo left Cartersville to serve in the United States Army from 1957 to 1959; and

WHEREAS, Mr. and Mrs. Mayo settled in Montclair, New Jersey for many years where they owned and operated a paint contacting business; and

WHEREAS, in 2010, Mr. Mayo returned to Cartersville, Virginia to reside with his wife, a native of Henrico County.

NOW, THEREFORE, BE IT RESOLVED that the members of the Cumberland County Board of Supervisors, through this Resolution, do hereby honor and congratulate George and Novella Mayo on their sixty years of marriage and thank Mr. George Mayo for his service to our country.

DATED this 17th day of November, 2015.

Vote: Mr. Osl – aye 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) Appropriation of \$20,000 for the purchase of real property for Piedmont Regional Jail

At a previous meeting of the Board, County Administrator, Vivian Giles, discussed the purchase of a parcel of land adjacent to the Piedmont Regional Jail for possible expansion of the facility. The Board adopted a Resolution to authorize and confirm the purchase. A motion is needed to appropriate the funds which were received from the Piedmont Juvenile Detention Facility.

On a motion by Supervisor Meinhard and carried unanimously, the Board appropriated \$20,000 for the purchase of real property for Piedmont Regional Jail:

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 current Planning projects.

- b) Set Public Hearings

- 1) Code Amendment 15-11 – Farming in R-2
- 2) Rezoning 15-06 – Robert Wise
- 3) Conditional Use Permit 15-11 – Cartersville Volunteer Fire Department

On a motion by Supervisor Osl and carried unanimously, the Board set Code Amendment 15-11,

Rezoning 15-06, and Conditional Use permit 15-11 for public hearing on December 8, 2015:

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

c) VDoT Surety Bond Resolution

On a motion by Supervisor Wheeler and carried unanimously, the Board adopted the VDoT Surety Bond Resolution:



**LAND USE PERMIT
RESOLUTION
August 26, 2014**



“RESOLUTION”

WHEREAS, it becomes necessary from time to time for the County of Cumberland to obtain land use permits from the Virginia Department of Transportation to install,

construct, maintain and operate certain public works and public utilities projects along, across over and upon highway systems of the Commonwealth of Virginia; and,

WHEREAS, expense, damage or injury may be sustained by the Commonwealth of Virginia growing out of granting to the County of Cumberland by the Virginia Department of Transportation of said permits for the work aforesaid;

NOW, THEREFORE, BE IT RESOLVED by the County Board of Supervisors this 17th day of November, 2015:

Section 1: That in accordance with the provisions of Section 24VAC30-151-720 of the Land Use Permit Regulations of the Virginia Department of Transportation, the County of Cumberland does hereby grant assurances to the Virginia Department of Transportation (VDOT) that it shall in all respects comply with all of the conditions of the permit or permits that have been, or will be, granted to the County of Cumberland and that said jurisdiction does hereby certify that it will carry liability insurance for personal injury and property damage that may arise from the work performed under permit and/or from the operation of the permitted activity as follows: up to one-million dollars (\$1,000,000) each occurrence to protect the Commonwealth Transportation Board members and the Virginia Department of Transportation's agents or employees; seventy-five thousand dollars (\$75,000) each occurrence to protect the Commonwealth Transportation Board, the Virginia Department of transportation or the Commonwealth of Virginia in the event of suit.

Section 2: That the County Administrator, City or Town Mayor, or their designee, be, and hereby is authorized to execute on behalf of the County of Cumberland all land use permits and related documents of the Virginia Department of Transportation.

Section 3: That this resolution shall be a continuing resolution and shall not be revoked unless and until sixty (60) days written notice of any proposed revocation be submitted to the Virginia Department of Transportation.

Section 4: That the County of Cumberland shall, if requested by the Virginia Department of Transportation, provide a letter that commits to using the surety provided by its contractor or to have the contractor execute a dual obligation rider that adds the Virginia Department of Transportation as an additional obligee to the surety bond provided to the locality, with either of these options guaranteeing the work performed within state maintained right-of-way under the terms of the land use permit for that purpose.

BE IT STILL FURTHER RESOLVED that the County Administrator, City or Town Mayor, or their designee, be, and hereby is authorized and directed to procure insurance required by Section 1 herein.

The foregoing Resolution was adopted by the County Board of Supervisors at its regular meeting held on 17, November, 2015, in Cumberland, Virginia.

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

11. Old Business

N/A

12. New Business

N/A

13. Public Comments (Part 2)

Mrs. Rose McClinton voiced concerns with the water and sewer rate increase and any delinquencies and collections. She also stated that it is hard to hear the citizens that address the Board as they have their backs turned towards the audience. The Board discussed the possibility of moving the citizens' microphone.

14. Board Member Comments

Supervisor Banks thanked the citizens who attend the Board meetings.

Supervisor Ingle stated that the Board tries to provide the citizens with as much information as possible as it pertains to the business of the Board.

Supervisor Osl wished everyone a Happy Thanksgiving.

15. Additional Information

- a) Treasurer's Report
- b) DMV Report
- c) Monthly Building Inspections Report
- d) Approved Planning Commission meeting minutes
- e) Approved IDA meeting minutes
- f) JLARC Financial Statement

16. Adjourn into Closed Session-

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: Assignment of duties and performance review

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

17. Reconvene in Open Session-

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

A motion was made by Supervisor Osl 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 2.2-3711 of the code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law; and

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.

No action was taken regarding the items discussed.

18. Purchase of new Truck for the Utility Department -

Supervisor Ingle informed the Board that the Utility Department is in need of a new truck as the transmission has gone out in the main truck in that department. The Board discussed many options including transferring a truck from another department, in order to avoid expending additional funds, but to no avail. Supervisor Ingle reminded the Board that the County is currently realizing a cost savings of approximately \$4,000 per month since purchasing the pump truck. This will allow the pump truck to be paid off within one year. The savings can then be applied to the purchase of the new Utility truck which can be paid off within one year.

On a motion by Supervisor Meinhard and carried unanimously, the Board approved the purchase of a new truck and necessary accessories for the Utility Department for an amount not to exceed \$40,000.00:

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

19. Cartersville Fire Department Loan up to \$150,000 -

Following a brief discussion, on a motion by Supervisor Osl and carried unanimously, the Board will provide Cartersville Volunteer Fire Department with a Letter of Guarantee to Citizens & Farmers Bank for a loan of up to \$150,000.00:

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

20. Adjourn -

On a motion by Supervisor Banks and carried, unanimously, the Board adjourned the meeting until the next regular meeting of the Board scheduled for December 8th, 2015 at 6:00 p.m. in the Circuit Courtroom of the Cumberland Courthouse.

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