

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 9th day of May 2006, at the Cumberland Courthouse:

Present: W.F. Osl, Jr., Chairman, District 1
Clifton C. White, District 2
Van Petty, District 3
Elbert Womack, District 4
Vacant Position, District 5
Judy Ownby, County Administrator
Sherry Swinson, Assistant County Administrator
Jill Matthews, Finance Director
Sandy Sullivan, Deputy Clerk

Not Present: John F. Rick, Acting County Attorney

The Chairman called the meeting to order and the Deputy Clerk called the roll.

The invocation was led by Rev. Dargan Lucas, Retired and the pledge of allegiance was led by the Chairman.

1. Approval of Agenda

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

5. County Administrator's Report
 - b) Appointments
 - 2) BZA appointment to replace Jimmy Adams
 - c) Supplemental Appropriations:
 - 1) School Board
 - 2) Social Services
 - d) County Dress Code
 - e) Request to change due date for personal property filing deadlines

- 4. Department/Agencies
 - c) Emergency Services Committee report
(also Bill Bailey, Randolph Fire Dept.)
 - d) delete (procedure for naming roads)

- 7. County Attorney Report
Written comments regarding the two agenda items.

- 10. Additional Information
 - a) First quarter report from Dept. of Health
 - b) Meeting at Cumberland Elementary School on Tuesday, May 16, at 6:00 p.m. re: growing problem of gangs in Central VA. Pat Scales will conduct the session.
 - c) Steering Committees schedule of meetings

Addition to the addendum

Consideration of appointment for the vacant 5th District seat on the Board of Supervisors.

Vote: Mr. Osl - aye	Mr. White - aye
Mr. Petty - aye	Mr. Womack - aye

Mr. Osl stated that May is Military Appreciation month and that he would like to recognize all military personnel that are serving our Country.

Mr. Osl stated that the Board of Supervisors has interviewed candidates for the vacant District 5 Board of Supervisor position.

On a motion by Mr. Osl and carried, the Board appointed Christine Curry Ross to the position of 5th District Representative for the Board of Supervisors.

Vote: Mr. Osl - aye	Mr. White - aye
Mr. Petty - aye	Mr. Womack - aye

Carol Ownby, Clerk of Circuit Court was present to administer the Oath of Office to Mrs. Ross.

2. VDOT - Mark McKissick

a) Status of Mr. Flowers drainage problem

Mr. McKissick stated that at the last Board meeting, an inquiry was made about a drainage issue on Route 600 off of River Road. Mr. McKissick stated that existing pipe has been in place since 1990 when the road was rebuilt and the direction of the drainage had not changed. However, wet lands exist in the location of the out fall of the drainage with an existing flood plain below the drainage easement.

Mr. McKissick also stated that Route 601, Ashburn Road went to bid last month, however no bids were received, and that Rt. 626 and 628 are still under construction but ahead of completion schedule.

Mr. Osl requested that VDOT respond to Mr. Flowers concerning the drainage issue.

Mr. Womack stated that the hump in the road on Route 600 from the railroad track removal needs to be repaired. Mr. Womack feels that it is a danger to motorist.

b) Discuss Morris Drive Rural Addition

Mr. McKissick stated that there are some issues on Morris Drive concerning utility lines and that repairs are needed. However, the telephone company will not bear the cost of moving the lines.

3. Public Hearings

a) Consider amendment to Section 74-12(B), Chapter 74 to clarify procedures and requirements regarding amendments to Zoning Ordinance

The Chairman opened the public hearing and with there being no speakers, the public hearing was closed.

On a motion by Mr. Womack and carried the Board adopted the following ordinance:

WHEREAS, the Section 74-12(B), Article I of chapter 74 of the Cumberland County Code needs clarification to state that amendments to the text of the Zoning Ordinance that are initiated by the Planning Commission shall not require any re-referral from the Board of Supervisors to the Planning Commission.

WHEREAS, the Board of Supervisors finds the following recommended ordinance change to be in the interest of the health and welfare of the citizens of Cumberland County and is required by public necessity, convenience, general welfare or good zoning practice.

NOW, THEREFORE, BE IT RESOLVED, that Section 74-12(B), Article I, Chapter 74 of the Zoning Ordinance should be amended to read as follows:

Sec. 74-12. Procedure for amending.

The regulations, restrictions and boundaries established in this chapter may, from time to time, be amended, supplemented, changed, modified or repealed by the Board of Supervisors as follows:

- A. The planning commission may, and at the direction of the Board of Supervisors shall, prepare proposed zoning ordinance amendments, including amendments to the map or maps showing the division of the territory into districts and the text setting forth the regulations applying in each district. The commission shall hold at least one public hearing on a proposed ordinance or any amendment of an ordinance, after notice as required by Virginia Code Section 15.2-2204, and may make appropriate changes in the proposed ordinance or amendment as a result of the hearing. Upon the completion of its work, the commission shall present the proposed ordinance or amendment including the district maps to the Board of Supervisors together with its recommendations and appropriate explanatory materials.

WHEREAS, the Board of Supervisors finds that the amendments to the following sections of the Cumberland County Code, are required by public necessity, convenience, or general welfare.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors adopts the following amendments to the County Ordinance, Chapter 66, Utilities, Section 66-62, Sewer Charge:

- (2) The charge for one ERC per month is \$25.00. The minimum sewer charge per month is \$25.00. The county reserves the right to review and revise the methodology to determine sewer user charges and the monthly sewer rates after public notice and public hearing before the Board of Supervisors regarding the proposed changes.

(The remaining provisions of Chapter 66 shall remain unchanged)

Vote:	Mr. Osl - aye	Mr. White - aye
	Mr. Petty - aye	Mr. Womack - aye
	Mrs. Ross - abstained	

4. Department and Agencies

- a) John Anzivino - Springsted (organizational study)

Mr. Anzivino summarized the findings of the study and reported that Cumberland County has a high level of cooperation among Department Heads, Staff, and Constitutional Officers. He also feels that the County has a well written personnel policy and capital improvement plan.

He reviewed the findings in each department, noting that the County had been creative in filling positions, that many employees wear multiple "hats."

Mr. Anzivino feels that the Board of Supervisors is doing a good job of positioning the County for the changes moving from the east into Cumberland County.

b) Herbert Maxey - Buckingham County

Mr. Maxey appeared before the Board of Supervisors representing aircraft owners at the Farmville Airport.

Mr. Maxey stated that the current set rate for airplanes for the County would force many aircraft owners to leave the Farmville Airport which would cause the airport to close and asked the Board of Supervisors to consider changing the tax rate back to .45 cents or .50 cents per 100 dollars rather than the current rate of \$4.20 per 100 dollars.

Mr. Womack stated that he has been a strong supporter of the Farmville Airport and feels that the full potential of the airport has not been realized and that Cumberland has been shut out in the past. Mr. Womack stated that he would like to speak with the Town of Farmville and surrounding counties on these issues.

Mr. Petty also agreed with Mr. Womack's comments.

Mr. Maxey stated that he would encourage these efforts.

Mr. Osl stated that he and Mr. Womack met with Gerry Spates and Syd Newman earlier in the week, to request that a meeting be set up with the Town, Cumberland, Prince Edward and Buckingham Officials.

b) Jerry Giles - LEPC Report; Public Works report; W & S Advisory Committee report

Mr. Giles stated that the LEPC is working on a sheltering plan for the County and that plans will be forthcoming.

Mr. Giles also stated that H & H Paving will be paving the Social Services parking lot.

c) Emergency Services Committee report

Kevin Ingle gave a report of the Emergency Services Committee and stated that a representative from Pro Comm has explained the procedure to be used for the radio systems.

Mr. Ingle also stated that the First Response vehicle for Cartersville has been received and equipped.

Mr. Ingle also stated that he recently had the opportunity to use GPS equipment and asked the Board to consider an appropriation of \$13,770.00 for the new equipment which includes two spare units.

On a motion by Mr. Womack and carried, the Board approved an appropriation in the amount of \$13,770.00 to purchase the new GPS equipment for emergency services.

Vote:	Mr. Osl - aye	Mr. White - aye
	Mr. Petty - aye	Mr. Womack - aye
	Mrs. Ross - aye	

d) Aaron Hickman - Procedure for Naming Roads

Deleted

e) Bill Bailey, Randolph Fire Department

Mr. Bailey requested a letter of support from the Board of Supervisors for the Randolph Volunteer Fire Department to pursue a FEMA grant to purchase a new pumper truck.

The Board directed the County Administrator to draft a letter of support as requested for the Randolph Volunteer Fire Department to pursue a FEMA grant for the purchase of a new pumper truck.

Mr. Bailey also asked for support to obtain grant funding from the Office of Rural Development to purchase a pumper/tanker truck. This truck would be used mainly as a tanker, but could double as a pumper if the other pumper was not operational. Mr. Bailey

stated that the fire department is pursuing a \$65,000.00 grant from Rural Development. Additional funding from Rural Development would be a loan that would have to be paid back by the County.

It was the consensus of the Board to discuss the financial obligations of the requested funding before moving forward with any action.

f) Jill Matthews, Finance Manager

1) Agreement with AuditHead

Mrs. Matthews explained the revised proposed agreement to the Board of Supervisors.

On a motion by Mr. White and carried, the Board adopted the following agreement:

This Services Agreement, effective this 9th day of May 2006, is made between Cumberland County (Client) and AuditHead, LLC, 26 North Trade Street, Tyron, NC 28782 (AuditHead), a South Carolina Limited Liability Company.

AGREEMENT TERMS

1. The Client authorizes AuditHead to review its telecommunications systems and electric power usage for improvements and/or cost savings. This review will include a review of existing systems, services, equipment, suppliers and plans, and the client agrees to make no changes to its plans or systems during AuditHead's review.

2. Cost savings may come in three forms

a) Refunds as a result of errors and overcharges found in historical bills.

b) Savings from changing plans with your current supplier.

c) Negotiating a more cost effective plan with another supplier.

3. The Client hereby authorizes AuditHead to recommend cost savings identified above. All proposed changes must be submitted to the client for approval. Those approved will be implemented immediately. Implementation of any savings found from item 2c will require written authorization from client prior to the change. The Client is not required under any circumstances to change vendors. Any recommendations acted upon by the Client within twenty-four months of submission by AuditHead shall be deemed accepted by the Client and fee due to AuditHead.

4. The Client will provide/or provide access to AuditHead all the items necessary to complete audit.

5. AuditHead shall hold all Client records and information submitted for review in the strictest confidence.

6. AuditHead shall hold all of its recommendations, actions and suggestions submitted to the Client in the strictest confidence.

7. AuditHead maintains insurance including workman's compensation, sufficient to fully protect its employees from injury received on or caused by this project.

8. AuditHead will indemnify, defer and hold harmless the client from any and all claims of any nature caused in whole or in part by the action or inaction of AuditHead or its agents or employees.

9. This agreement is governed by and subject to the laws of Virginia. It shall be enforced only in the Circuit Court of Cumberland County, Virginia.

PAYMENT TERMS

10. The Client agrees to pay AuditHead 50% of the savings gained resulting directly from its review.

a) Amounts due resulting from one time historical refunds or adjustments will be billed by AuditHead and

shall be paid by Client within 30 days of the date Client receives refund from the carrier.

b) Amounts due as a result of future savings from changing plans with the same or different carrier(s) will be billed by AuditHead and paid by Client in twenty-four months following the review.

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mrs. Ross - aye

2) Long Term Care Insurance

Mrs. Matthews explained the proposed long term care insurance plan which would be of no cost to the County. The plan would be a benefit to employees and their families.

On a motion by Mr. Petty and carried, the Board agreed to offer the Commonwealth of Virginia Long Term Care Insurance Plan, underwritten by Aetna to County employees, with no obligation to the County of Cumberland.

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mrs. Ross - aye

5. County Administrator's Report

a) Consent Agenda

The County Administrator explained each item in the consent agenda and the following actions were taken:

On a motion by Mr. Petty and carried, the Board approved the items in the consent agenda as presented:

1. Approved minutes for April 2006.
2. Approved bills for May 2006 totaling \$116,644.38 and ratified bills for April 2006 of warrants totaling \$213,177.24 with check numbers ranging from 47493 to 47742. Direct Deposit totaling \$93,772.35.

- Piedmont Court Services Board
(to replace Mr. Heaton)

On a motion by Mr. Osl and carried, the Board appointed Mr. Womack to serve on the Piedmont Court Services Board.

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mrs. Ross - aye

- FEMA (Local Board) (replace Mr. Heaton)

On a motion by Mr. Osl and carried, the Board appointed Mr. White to serve on the FEMA Local Board.

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mrs. Ross - aye

- c) Contract extension for completion of Comprehensive Plan by CRC

On a motion by Mr. Osl and carried, the Board approved the following contract extension:

AMENDMENT I
TO THE
Cumberland County Comprehensive Plan
Agreement to Provide
Technical Services in Support of the Plan
Executed on 7-13-2004

The Cumberland County Comprehensive Plan agreement for the Commonwealth Regional Council (the COUNCIL) to provide technical services to Cumberland County (the COUNTY) is extended by this amendment to the original agreement, which was executed on July 13, 2004. This amendment, once executed, will become part of the original agreement.

The term of this agreement shall not be for more than eighteen (18) months. The term of this amended

agreement shall begin upon the execution of the amended agreement by the COUNTY.

The amount of compensation due to the COUNCIL for these services will not change from the amount in the original contract. Thus, the total compensation for the COUNCIL will not exceed twenty thousand dollars (\$20,000). The only change is to the performance period of the contract.

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mrs. Ross - aye

d) Supplemental Appropriations:

1) School Board

On a motion by Mr. Osl and carried, the Board approved the following supplemental appropriations to the School Board:

- \$40,370.13 architectural fees
- \$138,626.60 receipts (no additional local funds)
- \$150,000 federal funds

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mrs. Ross - aye

2) Social Services

On a motion by Mr. White and carried, the Board approved an appropriation in the amount of \$4,704.75 to Social Services for April 2006 Attorney fees.

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mrs. Ross - aye

e) County Dress Code

On a motion by Mr. Osl and carried, the Board adopted the following County Dress Code:

Employee Dress Code

It is important that employees of the County of Cumberland give a positive impression of themselves as well as having pride in representing the County during working hours. Employees should be properly attired for the office environment and interaction with the public by maintaining a neat, well-groomed and professional appearance at all times.

Listed below is a general overview of acceptable business casual wear as well as a listing of some of the more common items that are not appropriate for the office. Neither group is intended to be all-inclusive. Rather, these items should help set the general parameters for proper casual business wear and allow you to make intelligent judgments about items that are not specifically addressed. A good rule of thumb is that if you are not sure if something is acceptable, choose something else or inquire first. Please keep in mind that excessively tight clothing of any kind gives an unprofessional appearance and is considered unacceptable. Clothing in all categories should be clean and free of stains and holes.

Slacks - Cotton slacks are acceptable provided they are clean and wrinkle-free. Inappropriate items include jeans of any color (except in departments where permitted, i.e. maintenance, housekeeping & utilities) sweatpants, wind suits, shorts, Bermuda shorts, bib overalls, leggings, spandex or other form-fitting pants.

Shirts - Casual shirt, sweaters and turtlenecks are acceptable. Inappropriate items include tank tops, sweatshirts, shirts with lettering, logos or slogans, halter-tops, tops with bare shoulders or exposed cleavage or midriff, and t-shirts unless worn under another blouse, shirt, jacket or jumper.

Dresses and skirts - Casual dresses and skirts, and split skirts at or below the knee are acceptable. Dress and skirts should be no shorter than four inches above the knee. Mini-skirts and spaghetti-strap dresses should not be worn to the office.

Footwear - Loafers, boots, flats, dress sandals, open-toed shoes and clogs are acceptable. Athletic shoes, sneakers (except in departments where permitted, i.e. maintenance, housekeeping & utilities), flip-flops and slippers are not acceptable.

Jewelry - Should be conservative with no visible body piercing other than pierced ears.

With the prior approval of the County Administrator, jeans and athletic shoes may be acceptable on certain days, such as clean up days. If an item of clothing is deemed to be inappropriate for the office by the employee's supervisor, the County Administrator or the Human Resource Manager, the employee may be sent home to change clothes and will be given a verbal warning for the first offense. Progressive disciplinary action will be taken for further dress code violations.

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mrs. Ross - aye

- f) Request to change due date for personal property filing deadlines

The County Administrator stated that the Commissioner of Revenue has requested to change the due date for personal property filing to March 1 and for filing tax relief for the elderly and disabled to March 1st.

On a motion by Mr. Womack and carried, the Board agreed to hold a public hearing at the June 6, 2006 Board of Supervisors meeting regarding the proposed change in the personal property filing date and the filing date for tax relief for the elderly and disabled.

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mrs. Ross - aye

6. Assistant County Administrator's Report

- Update on projects

Sherry Swinson, Assistant County Administrator stated that she has been working with Mr. Petty on Jamestown 2007 and

that Mr. Petty has established a committee made up of current Chairs of different events and a meeting will be held on May 30, 2006 to discuss events for Jamestown 2007.

Ms. Swinson requested that the Board of Supervisors consider extending the water line west 770 feet with a cost of \$113,340.00.

On a motion by Mr. White and carried the Board approved the 770 feet extension westward for the water line with the cost \$113,340.00 from the CIP fund.

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mrs. Ross - aye

7. County Attorney's Report - John Rick

- a) Consider Resolution approving the assignment of the Cable television franchise from Charter Communications to Cebridge Acquisition Company.

Mr. Rick was not present, however, by written response he requested that the Board of Supervisors table a decision until the June 6, 2006 meeting so that he would have more time to research the proposed transfer.

- b) Info re: Social Services attorney requirement (discussed at April meeting)

By written response, Mr. Rick stated that when Social Services personnel have to appear in court to deal with matters related to their office, they are to be represented by legal counsel.

This requirement was set in to place by Judge Marvin Dunkum of Buckingham. Judge Dunkum incorporated this requirement because Social Services personnel often end up handling attorney matters in court without proper legal training.

8. Board Members

Mr. Womack welcomed Mrs. Ross to the Board of Supervisors and thanked all the candidates for their interest in the position.

Mr. Petty welcomed Mrs. Ross to the Board of Supervisors and stated that there will be times that you cannot please everyone.

Mr. Petty also thanked the other candidates for their interest in the position.

Mr. White stated that the Civil War plaques are currently being framed and a rededication ceremony will be held on Memorial Day Weekend. Also, a number of responses were received from the Cartersville area regarding interest in having wireless technology in the County.

Mr. White welcomed Mrs. Ross to the Board.

Mrs. Ross thanked the Board of Supervisors for the opportunity to work with the Board and is looking forward to hearing from the citizens of District 5 on their concerns and wishes for the County.

Mr. Osl stated the Board has begun the process with the Planning Commission on the necessary requirements for Allied in terms of filing zoning applications.

Mr. Osl recently had the opportunity to represent the Board of Supervisors at the Trices Lake Association to discuss the overall economic development plan for the County, as well as proposed reservoir, landfill, and eminent domain.

9. Public Comments

One citizen expressed interest in the status of the comprehensive plan for the County and whether a proposed development is in the flood plain of the County.

Mr. Osl stated that the textual part of the comprehensive plan is complete and can be reviewed online however; the future landuse mapping has not yet been completed.

Another citizen had a concern that Allied Waste Company has changed its name and that the old company name was BFI, and also expressed a concern of bird control from the proposed landfill.

Mr. Osl stated that Allied did not change its name and it is not BFI, but that Allied did buy some assets of BFI.

10. Additional Information

The following information was included in the packet:

- a) First quarter report from Dept. of Health
- b) Meeting at Cumberland Elementary School on Tuesday, May 16, at 6:00 p.m.
re: growing problem of gangs in Central Virginia

Pat Scales will conduct the session.

- c) Steering Committees schedule of meetings

11. Adjourn

The Chairman ordered the meeting recessed until May 15, 2006 at 10:00 a.m. for County Attorney interviews.

NOTE: The next regular scheduled Board of Supervisors meeting will be held on Tuesday, June 6, 2006.

Chairman

County Administrator