

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 6th day of June 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
Christine Ross, District 5
Howard Estes, County Attorney
Judy Ownby, County Administrator
Sherry Swinson, Assistant County Administrator
Jill Matthews, Finance Director
Sandy Sullivan, Deputy Clerk

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:

Add: Recognition of Special Olympics - Joyce Ward

2. VDOT

Morris Drive Additional (relocating of telephone line, cost)

4. Finance & Administration

c) Updated version of Sick Leave Bank policy (per County Attorney's review)

5. County Administrator's Report

c) 2nd draft revisions of Finance & Budget Policy

Mr. Osl stated that Cumberland County had not participated in the past, but has entertained the idea to participate and that with the new guidelines it would be almost impossible to participate.

It was the consensus of the Board to have the County Administrator draft a letter to local Delegates to request that the participatory minimum be reconsidered.

Mr. Leatherwood stated that VDOT has suspended construction on the Morris Drive rural addition construction, due to an underground Verizon telephone line that is in the path of the project. Verizon refuses to pay for the relocation of the line and says that it is the responsibility of the County or the landowners to handle the expense for moving the line.

Mr. Osl, Chairman stated that he will talk to Verizon personnel to see if the matter can be resolved.

3. Public Hearings

a) Verizon CUP

Catherine Kahl, Planner explained the request for the CUP applied for by Verizon.

Verizon personnel gave a presentation requesting the construction and operation of a 300ft wireless communication tower to be located on Rt. 684.

The Chairman opened the public hearing.

There was one speaker that requested that another site be selected due to the proposed tower site being too close to his property.

The Chairman closed the public hearing.

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

WHEREAS, Verizon Wireless, Inc. has made an application (CUP #06-03-1) with the County for a conditional use permit to allow for the construction and operation of a 300 ft. wireless communication tower on property known as Tax Map Parcel #18-A-104B, located on Route 684.

WHEREAS, the Board of Supervisors has conducted a public hearing regarding the foregoing request and has found:

- a. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- b. That the conditional use will not be injurious to the use of enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- c. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- d. That the exterior architectural appeal and functional plan of any proposed structure will not cause a substantial depreciation in the property values within the neighborhood;
- e. That adequate utilities; access roads, drainage or necessary facilities have been or are being provided;
- f. That ingress and egress to property structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access of fire or catastrophe and adequately provided for;
- g. That offstreet parking and loading areas are adequate and the noise, glare or odor effects of the permit on adjoining properties and properties generally in the district are adequately provided for;

- h. That appropriate screening and buffering with reference to type, dimensions, and character of the use are adequately provided for;
- i. That any signs and exterior lighting are compatible and in harmony with properties in the district with reference to aesthetics, glare, traffic safety and economic effect;
- j. That the proposed use is compatible with adjacent properties and other property in the district;
- k. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Supervisors;
- l. That granting the conditional use permit is required by public necessity, convenience, general welfare and good zoning practice.
- m. That the purposes and goals of Section 74-732 of the Cumberland County Zoning Ordinance are met to the Board of Supervisor's satisfaction.
- n. That the guideline and requirements of Section 74-736 of the Cumberland County Ordinance have been met to the Board of Supervisor's satisfaction.

NOW THEREFORE, BE IT ORDAINED, by the Board of Supervisor's at its meeting on June 6, 2006, after notice and public hearing, that the Board of Supervisor's recommends approval of a conditional use permit requested by Verizon Wireless, Inc. to allow for the construction and operation of a 300' wireless communication tower located on Route 684, identified as Tax Map Parcel #18-104B (the "Property"), subject to the following terms and conditions:

1. This conditional use permit shall allow for construction work commenced on or before May 14, 2007, and any such expansion activities commenced thereafter shall require a new conditional use permit.

2. All operations on the Property shall comply with all applicable health and environmental laws, rules and regulations, and with all County, State and Federal Laws which govern construction and operation of the tower.
3. All representations of Verizon Wireless, Inc.'s application #06-03-1 for a 300' Tower, including all attached documentation, filed on March 17, 2006, are included herein as conditions.
4. This permit shall not become effective until a removal bond in the amount of \$25,000 pursuant to Section 74-745 has been approved by the County Attorney executed, and filed with the County Administrator.
5. The Applicant will make available, at no cost to the County and solely for County purposes, the space located at 265-285 ft. on the tower.
6. The Applicant will install light shielding devices as permitted by FAA regulations to minimize the visual impact of the tower to neighbors.

Effective date: June 6, 2006

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

- b) Amendments to Chapter 58 re: change in filing due dates for exemption from real estate taxes for the elderly and disabled; personal property tax forms to March 1 of each year; and postponement of due dates for holidays, to next succeeding business day after March 1

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:

Chapter 58 Section 58-245. Application for exemption.

c) Penalties and Interest - to change the due date for filing applications for exemption from real estate taxes for the elderly and disabled persons to March 1 of each year.

Chapter 58 Section 58-363. Date of Filing

Every taxpayer owning any of the property subject to taxation under this chapter on January 1 of any year shall file a return with the Commissioner of the Revenue for the County on the appropriate forms; however, the Commissioner of the Revenue may elect not to require such a return from any taxpayer who owns such property which does not have sufficient value to generate a tax assessment. Every person who leases any of such property from the owner on such date shall file a return with the Commissioner of the Revenue, giving the name and address of the owner except any person leasing a motor vehicle which is subject to the tax imposed under Code of Virginia, §58.1-2402. Such returns shall be filed on or before March 1 of each year, except as otherwise provided by ordinance authorized by Code of Virginia, §58.1-3916.

Chapter 58 Section 58-366. Postponement of due dates for holidays

In any year in which March 1, the due date for filing returns, or June 15 and November 15, the due dates for payment of real estate taxes, or November 15, the due date for personal property and all other taxes, shall fall on a Saturday, Sunday or legal holiday on which the county offices are closed, the due date for such filing or payment, shall be the next succeeding business day on which the county offices are open.

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

4. Department and Agencies

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

Mr. Giles updated the Board on the water lines. The lines extend as far eastward as Carden's Store and as far westward as Rennie's. Gate valves have been installed on the lines in the event that the water lines are extended in the future. There are approximately 64 lines tied into the system at this time. The Water Treatment building is currently under construction.

- b) Emergency Services Committee - report

Kevin Ingle stated that the new pagers have been purchased and put into place. Mr. Ingle stated that the Emergency Services Committee is checking into publishing a brochure to distribute to citizens explaining the responsibilities of the Fire and Rescue teams and information on how citizens can become members.

Mr. Ingle also stated that a meeting is planned with the members of the Prince Edward Rescue Squad to discuss their paid EMS program and to see if it would be feasible for Cumberland to implement this program.

- c) Jill Matthews

- 1) Consider Sick Leave Bank policy

Mrs. Matthews explained the proposed Sick Leave Bank policy to the Board of Supervisors.

On a motion by Mr. Osl and carried, the Board adopted the following policy:

9.4 **SICK LEAVE BANK**

It is the objective of the Board of Supervisors to allow employees to participate in a Sick Leave Bank. The Sick Leave Bank shall provide, subject to the provisions below, an income replacement benefit to those participants who are unable to

work due to an illness or non-work related injury. All full-time, permanent employees may elect to participate in the Sick Leave Bank.

1. Enrollment- Membership in the Bank is voluntary and is established by submission of the completed enrollment form and contribution of required hours. Existing employees may only enroll in the voluntary Sick Leave Bank during the County's benefits plan open enrollment held in May of each year. Participation in the Bank becomes effective July 1 of the new plan year. Enrollment in the Bank will require a minimum donation of sixteen (16) hours of combined sick leave, annual leave, compensatory time or holiday leave initially with an additional contribution of eight (8) hours of sick leave per year thereafter. New employees may enroll in the Sick Leave Bank through the Human Resources Department within one month of employment by contributing eight (8) hours of sick leave. Members of the Bank shall automatically be assessed additional hours of leave if the Bank is depleted to 300 hours, or at the discretion of the Administration & Finance Manager. Any employee currently on leave under the provisions of the Bank when contributions are assessed will be exempt from the contribution until returning to work and accumulating adequate leave time to make such contribution. Employees with very high sick leave or annual leave balances are welcome to make an additional contribution if they wish. Any participating employee who chooses not to contribute hours during open enrollment will no longer be eligible to draw from the Sick Leave Bank. Ceasing participation during open enrollment requires written notice to the Human Resources Department. Once contributed, hours are not available for withdrawal due to a decision to no longer participate or upon separation from the County.

Participation in the Sick Leave Bank shall run concurrently with Family Medical Leave Act time provisions.

2. Qualifying Event - Eligible members may draw on the Bank only in the event of their own illness or non-work related injury. No member of the Bank will be granted sick leave from the Bank until his or her own sick leave and annual leave is depleted. The first five (5) consecutive days of illness not covered by accumulated sick leave or annual leave will not be covered by the Bank. This must be taken as leave without pay. Any non-consecutive absences from work will be considered separate events and will be individually subject to all Bank requirements.

3. Approval of Qualifying Event - All requests to draw leave time from the Bank must be approved by the Administration & Finance Manager and are not to exceed 15 consecutive days or 120 hours. Any qualifying event requiring a draw of leave exceeding 15 days or 120 hours will be subject to approval by a review panel consisting of the County Administrator, the Administration & Finance Manager, the affected employee's direct supervisor and two (2) members of the Board of Supervisors. Approved extended draws from the Bank will be awarded at a maximum benefit of sixty-four (64) hours per pay period (semi-monthly). Eligible members who draw on the Bank must submit a physician's written statement of the necessity of continued absence every two (2) weeks, unless the member's medical condition is serious enough to preclude him or her from doing so. Members utilizing sick leave days from the Bank shall not be required to replace those days used, except as regular contributing members of the Bank.

- 2) Consider covering social services department under County's workers' compensation

Mrs. Matthews explained the proposed addition to the workers' compensation policy to the Board of Supervisors.

On a motion by Mr. Osl and carried, the Board agreed to offer Social Services the opportunity to be covered under the County's Workers' Compensation Policy through VACO Insurance Company.

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

- 3) Approval of job description for CSA position

Mrs. Matthews presented the proposed job description for the CSA position to the Board of Supervisors.

On a motion by Mr. Petty and carried, the Board approved a job description for the CSA position.

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. Womack and carried, the Board approved the items in the consent agenda as presented:

1. Approved minutes for May 2006.

2. Approved bills for June 2006 totaling \$232,943.22 and ratified bills for May 2006 of warrants totaling \$469,994.10 with check numbers ranging from 47743 to 48033. Direct Deposit totaling \$95,046.64.
3. Appropriated \$1,525.86 and \$5,136.00 to Clerk's Office that will be paid from the State Technology Trust funds.
4. Appropriated for the FY 2006-07 budget in the amount of \$24,888,033.00.

Appropriations are made in total for each department except for salaries and benefits which cannot be moved to other line items without prior authorization.

5. Transferred \$212,970.00 from CIP to General Fund Reserve (effective July 1, 2006)

This is the amount needed to move from CIP to cover the 3 cents tax rate reduction in the upcoming budget.

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

b) Appointments

- 1) BZA - recommendation for appointment

It was the consensus of the Board to table this item until the regular Board of Supervisors meeting on July 11, 2006.

- 2) Social Services Board - terms expiring 7/06
- Districts 2, 3 and 5

On a motion by Mr. Osl and carried, the Board made the following appointments to the Social Services Board:

District 2	Robert Risby
District 3	Virginia Little
District 5	Susan Oertel

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

- c) Finance & Budget Policy
- Suggested revisions
(2nd draft 5-19-06) incorporates Auditor's and Treasurer's recommendations)

It was the consensus of the Board to review the proposed revisions and to have Mrs. Matthews research the debt service percentage before taking action.

- d) Appropriation to Schools totaling \$459,784.00

On a motion by Mr. White and carried the Board approved an additional appropriation to the Schools in the amount of \$459,784.00.

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

- e) Approval of Piedmont Regional Jail and Piedmont Detainee Center budgets for FY 2006-07

On a motion by Mr. Womack and based on his statement that he is unaware of any problems associated with the budget, the Board of Supervisors accepted the FY 2006-07 budget for the Piedmont Regional Jail and Piedmont Detainee Center as presented and approved by the Piedmont Regional Jail Board.

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

f) Appropriation for Attorney Expenses for Social Services FY 05-06

On a motion by Mr. Petty and carried, the Board approved an appropriation in the amount of \$6,371.50 for attorney fees for Social Services.

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

6. **Assistant County Administrator's Report**

a) Update on projects

Sherry Swinson, Assistant County Administrator stated that she attended a meeting at the Commonwealth Regional Council for Practicing Economic Developers, which was the first meeting held for this group. A date of June 27, 2006 was set for the ribbon cutting at the Heartland Business Park. This event will be held at 10:00 a.m.

Ms. Swinson also stated that the 7th Annual James River clean up, from the City of Richmond to Lynchburg is scheduled to be held on June 10th from 9:00 a.m. until 1:00 p.m. Also, she has been notified about a potential National Extensions Convention to be held in Vermont this year.

b) Consider Dewberry's proposal for engineering services for waterline extensions (VDEQ)

On a motion by Mr. White and carried, the Board approved engineering services for the waterline extension by Dewberry & Davis, Inc., to be reimbursed by DEQ, in the amount of \$17,800.00.

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

- c) Additional information on VDOT crosswalks
This is being considered.

7. County Attorney's Report

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

Rescheduled for July Board Meeting.

- b) Proposal by Kinex for franchise agreement with Cumberland County

Deleted

8. Board Members

Mr. Petty reminded everyone of the upcoming Jamestown 2007 event and that there will be a meeting in the Old Clerk's Office on June 14th regarding the Jamestown 2007 events.

Mrs. Ross stated that she attended a Crossroads Services Board meeting and is looking forward to future meetings.

Mr. Osl stated that he had attended various meetings and events including the May 21st GED Graduation which included five Cumberland residents and the June 2nd graduation for Cumberland High School graduates.

Mr. Osl stated that he had exchanged emails with Delegate Clarke Hogan regarding the Farmville Regional Airport and is hoping to see a committee formed that will discuss issues regarding the airport including economic development.

Mr. Womack stated that he had a chance to observe senior projects at the school and that he looks forward to growth at the Farmville Regional Airport.

Mr. White acknowledged D-Day Anniversary and the soldiers that were lost. Mr. White also stated that the historical plaques have been installed and thanked the Maintenance Department for their hard work.

Mr. White stated that there is over \$750,000.00 in unpaid real estate and personal property taxes in Cumberland County and that this is an issue that needs continued attention. He also stated that the tax relief for the elderly and disabled needs to be reviewed.

Mr. White noted that there have recently been missed Rescue Squad calls and that the County needs to continue exploring the possibility of paid EMS Services for Cumberland County.

Mr. White and Mr. Petty recently attended a Capital Improvement Committee meeting with the School Board regarding the construction and design of the new school and requested that the Board of Supervisors schedule a meeting with the School Board in the near future.

Mr. White stated that he understands how the airport affects the community and the region and that the tax rate of .45 cents may not be the correct tax rate for Cumberland County and \$4.20 may not be the correct rate for airplane owners. He also shared the updated floor plans for Flippen's Store with the Board.

9. Public Comments

One citizen expressed a concern about the PA system used in the courtroom and a citizen expressed a concern about the renovations to Flippen's Store regarding public access needing to be in the front of the building.

10. Additional Information

The regular scheduled Board meeting for August will be held on August 15, 2006.

11. Adjourn

The Chairman adjourned the meeting to the regular Board meeting scheduled for July 11, 2006.

NOTE: A special meeting was called by the Board of Supervisors on Monday, July 10, 2006 at 11:00 a.m., at the Luther P. Jackson Adult Education Center to meet in joint session with the School Board for the purpose of discussing school financing.

Chairman

County Administrator