

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 8th day of January, 2013, at the Cumberland County Circuit Court Room:

Present: William F. Osl, Jr., District 1
Lloyd Banks, Jr., District 2, Vice-Chairman
Kevin Ingle, District 3
David Meinhard, District 4, Chairman
Parker Wheeler, District 5
Vivian Giles, County Administrator / Attorney
Greg Baka, Director of Community Development
Rachel Falkenstein, Planning & Zoning
Howard Paras, Finance Director
Meghan Allen, Deputy Clerk

Absent: None

1. Call to Order

The Chairman called the meeting to order.

2. Invocation and Pledge of Allegiance

The Invocation and Pledge of Allegiance was led by Supervisor Meinhard

3. Roll Call

The County Administrator called the Roll.

4. Approval of Agenda

On a motion by Supervisor Osl and carried the Board approved the Agenda as amended:

New Item 8. Organizational & Administrative Matters
c) County Administrator/Attorney Contract

New Item 16. Additional Information
e) Business License Inspector Yearly Report

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

5. Election of Chair

County Administrator, Vivian Giles opened the floor for nominations for Chairman.

Supervisor Banks nominated Supervisor Meinhard.

Supervisor Wheeler nominated Supervisor Ingle. Mr. Ingle declined the nomination.

On a motion by Supervisor Banks and carried the Board approved the nomination of Supervisor Meinhard as Chairman.

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

6. Election of Vice Chair

The Chairman opened the floor for Vice Chairman nominations.

Supervisor Meinhard nominated Supervisor Banks.

Supervisor Osl made a motion and carried to close the nominations.

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

On a motion by Supervisor Meinhard and carried the Board approved the nomination of Supervisor Banks as Vice Chairman.

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

Adjourn to Closed Session

VA Code Section 2.2-3711 (A-1) Personnel Matters re: Discussion of assignment, performance and salaries.

On a motion by Supervisor Meinhard and carried the Board entered into closed meeting under VA Code Section 2.2-3711 (A-1) Personnel Matters re: discussion of assignment, performance and salaries.

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

A motion was made by Mr. Meinhard 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.

No action was taken regarding the items discussed.

7. **Organizational Matters**

c) County Administrator / Attorney Contract

Supervisor Banks made a motion to extend the County Administrator/Attorney, Ms. Vivian Giles' contract for twenty-four (24) months.

Supervisor Wheeler made a motion to wait on the extension and the Board should discuss it more.

Supervisor Osl suggested that the Board review Ms. Giles' performance before they renew the contract.

Supervisor Banks commented that Ms. Giles had done a great job.

Supervisor Meinhard also commented that Ms. Giles had done a great job.

On a motion by Supervisor Banks and carried the Board approved to extend the Contract of the County Administrator/Attorney Ms. Vivian Giles for twenty-four (24) months.

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

d) Set date and time of regular meetings

On a motion by Supervisor Wheeler and carried the Board approved to keep the same date and time of the regular monthly meetings.

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

e) Review Code of Ethics and Standards of Conduct

Supervisor Ingle stated that the word “should” and “shall” should be changed to “will” in both documents and that the Code of Ethics and Standards of Conduct should be mandatory guidelines for the Board to follow. He also stated that “current and

future” should be added in regards to the Board members.

On a motion by Supervisor Ingle and carried the Board approved the Code of Ethics and Standards of Conduct with the following amendments:

**CODE OF ETHICS AND STANDARDS OF
CONDUCT
FOR MEMBERS OF
THE CUMBERLAND COUNTY BOARD OF
SUPERVISORS**

Adopted January 8, 2013

CODE OF ETHICS

Recognizing that persons who hold public office have been given a public trust and that the stewardship of such office demands the highest levels of ethical and moral conduct, any person serving currently or in the future on the Cumberland County Board of Supervisors will adhere to the following Code of Ethics.

- 1.) Uphold the Constitution, laws and regulations of the United States and all governments therein and never knowingly be a part of their evasion.
- 2.) Put loyalty to the highest moral principles and to the county as a whole above loyalty to individuals, district, or particular groups.
- 3.) Give a full measure of effort and service to the position of trust for which stewardship has been granted; giving earnest effort and best thought to the performance of duties.
- 4.) Seek to find and use the most equitable, efficient, effective, and economical means for getting tasks accomplished.

- 5.) Adopt policies and programs that support the rights and recognize the needs of all citizens regardless of race, sex, age, religion, creed, Country of origin or disability.
- 6.) Avoid adopting policies, supporting programs, or engaging in activities that discriminate against or offend individuals because of race, sex, age, religion, creed, Country of origin, or disability
- 7.) Ensure the integrity of the actions of the Board of Supervisors by avoiding discrimination through the dispensing of special favors or unfair privileges, to any one whether for remuneration or not. A member should never accept for himself or family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties.
- 8.) Make no private promises of any kind binding upon the duties of any office, since a public servant has no private word which can be binding on a public duty.
- 9.) Engage in no business with the County Government, or the school system either directly or indirectly, which is inconsistent with the conscientious performance of government duties except as may be consistent with the conflict of interest statutes in the Code of Virginia.
- 10.) Never use any information gained in confidentiality in the performance of governmental duties as a means of making private profit.
- 11.) Expose through appropriate means and channels, corruption, misconduct, or neglect of duty whenever discovered.
- 12.) Adhere to the principle that the public's business should be conducted in the public view by observing and following the letter and spirit of the Freedom of Information Act using

closed sessions only to deal with the sensitive personnel, legal matters, contractual matters by the Code of Virginia.

- 13.) Avoid using the position of public trust to gain access to the media for the purposes of criticizing colleagues, citizens or personnel, impugning their integrity, or vilifying their personal beliefs.
- 14.) Make sure, when responding to the media, that a clear distinction is made between personal opinion or belief and a decision made by the Board.
- 15.) Review these principles orally and in public session at the annual organizational meeting each year.
- 16.) Pledge to honor and uphold these principles, ever conscious that public office is a public trust.

STANDARDS OF CONDUCT

Recognizing that persons holding a position of public trust are under constant observation by the media and interested county residents, and recognizing that maintaining the integrity and dignity of the public office is essential for maintaining high levels of public confidence in our institutions of government, every current and future member of the Board of Supervisors will adhere to the following Standards of Conduct:

- 1.) Avoid during public meetings and during the performance of public duties the use of abusive, threatening, or intimidating language or gestures directed at colleagues, citizens, or personnel.
- 2.) Pay all taxes due to the County, State, or National Government.
- 3.) Avoid a private lifestyle that causes public doubt upon the integrity and competence of the County Government.

- 4.) Make a conscientious effort to be well prepared for each meeting.
- 5.) Recognizing the dignity of each individual, the Board shall attempt to avoid offering public criticism of colleagues or County employees.
- 6.) Work to create a positive environment in public meetings where citizens will feel comfortable in their roles as observers or participants.
- 7.) Maintain an attitude of courtesy and consideration toward all colleagues and staff during all discussions and deliberations.
- 8.) Be tolerant. Allow citizens, employees or colleague's sufficient opportunity to present their views.
- 9.) Be respectful and attentive. Avoid comments, body language or distracting activity that conveys a message of disrespect for the presentations from citizens, personnel, or colleagues.
- 10.) Be concise. Avoid the practice of taking more time to address an issue before the body than is necessary and essential for an adequate consideration of those matters being discussed.
- 11.) Provide appropriate mechanisms for disciplining members who violate the code of ethics and standards of conduct by using, as a final measure of discipline, censure or removal from the position.
- 12.) Board members will follow the procedure of communicating directly with the County Administrator and/or the Chairman of the Board on all County matters.

CITIZENS AND MEDIA CONTACTS

- 1.) In responding to questions, from the media or citizens, Board members should:
 - a.) Remind the listener that they are not speaking for the entire Board;
 - b.) Clarify their position on a particular item;
 - c.) Make “no public comment” on closed session matters in reference to individuals, real estate, and other areas addressed pursuant to Section 2.2-3711 of the Code of Virginia.

- 2.) Each Board member must remember that personnel matters are to remain confidential and that it is the obligation of the Board and its membership to protect the privacy of the individual.

- 3.) The Board will focus on issues and avoid making public comments about individuals, staff members, fellow Board members, community residents or media representatives. The Board Chairman should be the main contact for County matters. When requested to do any interview, the Board member asked, should contact the Chairman and the County Administrator to tell them of the nature of the interview. In turn, they will tell the other Board members of the circumstances of the interview. This procedure does not preclude any member from responding to individual questions from the media.

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

f) Review Committee Appointments

Supervisor Meinhard suggested that this item be saved for the next monthly meeting.

On a motion by Supervisor Banks and carried the Board approved to postpone the committee Appointments until the next monthly meeting.

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

g) Review Goals and Priorities

On a motion by Supervisor Ingle and carried the Board approved to keep the same Goals and Priorities as last year.

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

8. Public Comments

There was one (1) citizens signed up to speak. The citizen stated that there was no picture or biography of Supervisor Meinhard or Supervisor Ingle on the County website.

9. **State and Local Departments / Agencies**

a) VDOT

There was no representative present from VDOT.

b) Dr. Amy Griffin, Superintendent of Cumberland County Public Schools

Dr. Amy Griffin advised the Board that Middle School Student Demory Williamson would be giving the School's updates.

Miss. Williamson advised the Board that Cumberland won \$1,000 in the My Big Campus Amazing Things Contest, with 48,631 votes. The Elementary students raised \$828.75 for the Christmas Mother. The Middle and high school hosted two (2) Fine Arts Nights. High School Seniors, Mason Dukes and Troy Parrish won in the Amelia Wrestling Tournament. There have been a number of recent Project Based Learning activities. The Powhatan Community Church will be assisting the elementary students with the Backpack of Love Program.

Dr. Griffin stated that there were a few more items she wanted to bring up to the Board. She stated that they had 25 students and parents attend a college financial aid workshop, and Cumberland will have students participating in the Longwood honors band on Friday night. They also have been taking extra security measures since the Sandy Hook incident.

10. County Attorney / County Administrator Report

a) Consent Agenda

- 1) Approval of Minutes
- 2) Approval of Bills for December 2012 and January 2013.
Approved bills for January total \$317,884.06. Ratified bills for December warrants total \$287,590.27 with check numbers ranging from 65278 - 65493. Direct Deposits total \$158,968.01.
- 3) Monthly Budget Report

On a motion by Supervisor Osl and carried the Board approved the Consent Agenda.

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

b) Appropriation of \$100 Recreation Department

Supervisor Banks stated that he wanted to make sure that this was one source of funds to another, not new money.

The County Finance Director, Howard Paras stated that this money was brought in from the Fall Sports Season.

County Administrator, Vivian Giles stated that all four of the appropriations are money that have come in, for example through registrations fees and things of that nature.

On a motion by Supervisor Wheeler and carried the Board approved the appropriation of \$100 for the Recreation Department.

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

c) Appropriation of \$4,200 Recreation Department

On a motion by Supervisor Osl and carried the Board approved the appropriation of \$4,200 for the Recreation Department.

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

d) Appropriation of \$50 Recreation Department

On a motion by Supervisor Osl and carried the Board approved the appropriation of \$50 for the Recreation Department.

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

e) Appropriations of \$1,163.40 Insurance Recoveries

Supervisor Osl questioned what this was for.

County Administrator, Vivian Giles advised the Board that they were unsure but believed it was for an insurance claim on a Deputy vehicle.

On a motion by Supervisor Wheeler and carried the Board approved the appropriation of \$1,163.40

for Insurance Recoveries under the assumption that it was for an insurance claim on a Deputy vehicle.

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

County Administrator, Vivian Giles later stated that after reviewing some information the appropriation was for an insurance claim on a Deputy vehicle.

11. Planning Director's Report

a) Update on Planning Commission Activities

Ms. Rachel Falkenstein in the Planning Department advised the Board that the proposed shooting range conditional use permit was discussed at the December Planning Commission Meeting and due do some questions received they have requested more information from the applicant. The Planning commission will be having a public hearing for CUP 12-03 National Communication Towers at the January meeting.

b) Amendment to CUP 11-06 NCT

Ms. Rachel Falkenstein with the Planning Department advised the Board that the National Communication Towers LLC is requesting an amendment to their conditional use permit. They are requesting that the time frame to begin construction be extended from one (1) year to thee (3) years.

On a motion by Supervisor Osl and carried the Board approved to set the amendment to CUP 11-06 for the National Communication Towers for Public Hearing at the next monthly meeting.

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

12. Community Development Director's Report

a) Update on projects

Community Development Director, Greg Baka went over the list of activity in the Community Development office for 2012 that was in the Board packet. He stated that he forgot to add to the list the opening of the Cumberland Animal hospital. He also noted that the waterline extension is almost ninety-nine percent (99%) complete. There are also some prospects of possible restaurants coming to Cumberland.

Supervisor Meinhard questioned the status of the Buggs Island Telephone.

Mr. Baka stated that there have been some issues with the company's subcontractor, so this has put a delay on the high-speed internet service. But he does foresee there being high-speed broadband wireless service in 2013.

Supervisor Banks questioned if the towers would work any differently than Verizon's.

Mr. Baka stated that they would not operate any differently there is just different technology to allow them to generate further.

13. Public Comments (Part Two)

There were no citizens signed up to speak.

14. Board Member Comments

Supervisor Ingle commented that he received a lot of feedback in support of funding Madeline's House. He stated that he felt he represented the wishes of his district by supporting Madeline's House and he was not there to blow tax payer dollars.

Supervisor Wheeler questioned that since the Planning Director had left, would that job filled. And would it make sense to combine that position with the Economic Director and save the County \$65,000.

County Administrator, Ms. Vivian Giles stated that Ms. Rachel Falkenstein is filling in for now.

Supervisor Banks and Meinhard stated that the decision will be up to Ms. Giles.

Supervisor Osl commented that the Board needed to be proactive. There have been items brought up to them that have time issues. If there are items that have a time line they need to be worked on ahead of time so the Board will have time to discuss and make a decision.

Supervisor Meinhard commented that he had been led to believe that some of the Board members have been in violation of the Code of Ethics and Standards of Conduct. He stated that he urged any Board member that was in violation to make any corrections necessary prior to the next Board Meeting.

15. Additional Information

- a) Treasurer's Report
- b) DMV Report
- c) Recycling Report
- d) Building Inspections Report
- e) Business License Inspector Report

16. Adjourn - Scheduled meeting: February 12, 2012

David Meinhard, Chairman

Vivian Giles, County Administrator