

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 12th day of February, 2013, at the Cumberland County Circuit Court Room:

Present: 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
Rachel Falkenstein, Planning & Zoning
Howard Paras, Finance Director
Meghan Allen, Deputy Clerk

Absent: William F. Osl, Jr., District 1

1. Invocation and Pledge of Allegiance

The Invocation and Pledge of Allegiance was led by Supervisor Wheeler

2. Approval of Agenda

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

New Item 6. County Attorney/County Administrator Report
b) Appointment to CPMT

New Item 7. Finance Director's Report
f) Appropriation of \$374 Sheriff's Department
g) Appropriation of \$6,465.30 Piedmont Regional Jail

- h) Appropriation of \$28,000 Planning and Zoning
- i) Registrar's Office request for additional funding

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

3. Public Hearing

- a) CUP 12-03 NCT Raines Tavern Telecommunications Tower

Ms. Rachel Falkenstein, Planning and Zoning, advised the Board that the permit is to allow construction of a telecommunications tower on Thompson Road. Ms. Falkenstein stated that she had received feedback both against and in favor of the tower. The planning commission held their public hearing in January and it was approved by them.

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 the Board approved the CUP 12-03 for the Raines Tavern Telecommunications Tower.

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

- b) CUP 11-06 NCT Guinea Mills Telecommunications Tower

Ms. Rachel Falkenstein advised the Board that the request is an amendment to the current CUP. The contractor is requesting additional time to construct the tower. Ms. Falkenstein is requesting to amend the

wording from 1 year to 3 years and to remove condition number seven (7). She also stated that the Planning Commission was not required to hold a public hearing since this was just an amendment to a previously approved permit.

The Chairman opened the public hearing, there was one (1) citizen signed up to speak. The citizen advised the Board that they were in favor of the tower and if they needed another location to contact him. With no other citizens signed up to speak the Chairman closed the public hearing.

Supervisor Wheeler stated that he would request that if construction had not begun after two (2) years then the company should re-apply.

Supervisor Ingle stated that he has talked with some citizens about the tower and some were on the fence but they were starting to come around.

On a motion by Supervisor Wheeler and carried the Board approved to amend CUP 11-06.

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

4. Public Comments

There were three (3) citizens signed up to speak. Their comments for the board included: request for the Board to give more “Heads up” on things going on in the County; suggested positions in the County be combined; concern with the School requesting more money; and allegations that Supervisor Wheeler has unpaid taxes.

Supervisor Wheeler commented on the accusations of him having unpaid taxes. He stated that the information was not true and he will be providing verification as soon as he can.

5. State and Local Departments / Agencies

a) VDOT

Mr. Scot Shippee, Assistant Residency Administrator, advised the Board that they are working on brush-cutting, some specific routes are 623,624, and 629. They are working on pothole repairs, littler pickup, answering customer service calls and being prepared for any winter weather.

Supervisor Ingle asked if there was any update in the Stony Point Bridge.

Mr. Shippee advised that he had not heard of any updates but would let them know if there were.

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

Dr. Griffin advised the Board that February is Career Technical Education month. The School received a Health Science Academy Planning grant from the Department of Education. The wrestling team won the James River District Championship. The Forensic Team came in Second (2nd) in the James River District. February 27th is the Jump Rope for Heart at the Elementary School. February 14th the School Board will meet with the Board to discuss their budget. February 25th the School Board will hold the Budget public hearing. The buzzer system is due to be installed very soon they are just waiting on a building permit. The division Spelling Bee winner Ranasha

Langhorn she will be participating in the Richmond Times Dispatch spelling be coming up. The next Community Lunch will be on March 25th with the Farmville Chamber of Commerce. Cumberland County Public School Foundation High Bridge Trail 5k will be on March 16th registration forms are online.

c) Bear Creek Lake State Park

Mr. James Dayton, the Assistant Manager at Bear Creek Lake State Park advised the Board that he would like to start attending the meetings more regularly to give the Board an update on what is going on in the Park. 2012 19,000 guest stay in the Cabins located at the park 22,000 campers and an overall attendance of 78,000 people at the park. They estimate that provides an estimated \$3million of economic impact to the surrounding areas. They are working on upgrading their campgrounds. They are also getting ready for the summer season and will be hiring around 20 mostly young adults to work at the park during the summer.

6. **County Attorney / County Administrator Report**

a) Approval of Minutes

Supervisor Wheeler requested a correction to the minutes "Supervisor Wheeler commented that since the Planning Director has left that would that job filled. And would it make sense for Mr. Baka, the Economic Director to do both positions and save the County \$65,000." He stated that he did not recall stating Mr. Baka's name due to the fact that would be discussing personnel matters.

The minutes now read: 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.

On a motion by Supervisor Wheeler and carried the Board approved the minutes as amended

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

b) Appointment to CPMT

County Administrator, Vivian Giles advised the Board that Ms. Metts is suggesting that Ms. Eanes be appointed to the CPMT to replace Ms. Oertel who is resigning.

On a motion by Supervisor Meinhard and carried the Board approved to appoint Ms. Eanes to the CPMT.

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

c) Authorize release of Deeds of Trust benefiting the Cumberland County Housing Community Development Corp

County Administrator Vivian Giles advised the Board that the Virginia Department of Housing and Community Development is requesting that the County release the deeds of trust that are on record with the Circuit Court Clerk in Cumberland. A program was put into place with funding from the state to provide indoor plumbing to residents. The program is now over and the Department of Housing

and Community Development is now requesting that these deeds of trust be released.

On a motion by Supervisor Wheeler and carried the Board approved authorize the release of the deeds of trust as requested by the Virginia Department of Housing and Community Development.

**BOARD OF SUPERVISORS
OF THE
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION
APPROVING AND AUTHORIZING
THE RELEASE OF RECORD OF DEEDS OF TRUST
CUMBERLAND HOUSING COMMUNITY DEVELOPMENT
CORPORATION**

February 12, 2013

WHEREAS, Cumberland County has been contacted by the Virginia Department of Housing and Community Development regarding certain Deeds of Trust of record in the Circuit Court Clerk's Office of Cumberland County, Virginia; and

WHEREAS, the said Deeds of Trust stand for the benefit of Cumberland Housing Community Development Corporation; and

WHEREAS, the said Deeds of Trust were prepare, executed, and existed in order to secure payments, if any required, under the Indoor Plumbing and Dry Well Programs; and

WHEREAS, according to the records of the Virginia Department of Housing and Community Development, all payments required under the said Indoor Plumbing and Dry Well Programs for properties located in Cumberland County, Virginia have been received and accordingly the said Deeds of

Trust should be released forthwith from all real properties located in Cumberland County, Virginia; and

WHEREAS, Cumberland Housing Community Development Corporation is an organization no longer in existence and no longer duly licensed by the Virginia State Corporation Commission; and

WHEREAS, the Virginia Department of Housing and Community Development has contacted staff of Cumberland County, Virginia to request that the County release all Deeds of Trust of record in the Circuit Court Clerk's Office of Cumberland County, Virginia held by the Cumberland Housing Community Development Corporation in order to remove from the affected real properties those liens, as required by the Code of Virginia.

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County 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 deems it appropriate to do so and does hereby authorize the release of all Deeds of Trust of record in the Circuit Court Clerk's Office of Cumberland County, Virginia held by Cumberland Housing Community Development Corporation.
- c. The Chairman of the Board is authorized to execute for each such Deed of Trust a Certificate and Affidavit of Satisfaction, Form CC-1505, in substantially the form presented at this meeting, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the Chairman of the Board in consultation with the county attorney and whose approval shall be evidenced conclusively by the execution and delivery thereof.

d. All other actions of County officials in conformity with the purposes and intent of this Resolution and in furtherance of the release of the said Deeds of Trust are ratified, approved and confirmed. The County officials are authorized and directed to execute and deliver all certificates and other instruments considered necessary or desirable in connection with, and pursuant to, this Resolution.

e. This Resolution is effective immediately.

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

d) Authority to acquire easements, initiate condemnation proceedings for the purpose of the Cumberland County water line project

County Administrator Vivian Giles advised the Board that she is requesting the authority to move forward on acquiring easements for properties and initiate the condemnation proceedings for the waterline extension project. There are a couple of property owners that they have not been able to make contact with and she needs the Board’s approval to move forward.

On a motion by Supervisor Meinhard and carried the Board approved the Resolution to authorize the acquisition of easements and the initiation of condemnation proceedings for the construction maintenance and repair of the county public water supply system

**BOARD OF SUPERVISORS
OF THE
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION
APPROVING AND AUTHORIZING
THE ACQUISITION OF EASEMENTS AND
THE INITIATION OF CONDEMNATION PROCEEDINGS
FOR THE CONSTRUCTION, MAINTENANCE, AND REPAIR
OF THE COUNTY PUBLIC WATER SUPPLY SYSTEM**

February 12, 2013

WHEREAS, Cumberland County has undertaken the construction of a water line extension along Route 60 and Fleming Road, which project is financed by loan and grant funds provided by the United States Department of Agriculture, Rural Development; and

WHEREAS, in furtherance of the said project, the acquisition of easements over and across the affected real properties, both by purchase and by condemnation, is necessary; and

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County 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 deems it appropriate to do so and does hereby authorize the purchase of all easements over and across real properties located in Cumberland County, Virginia necessary for the construction, repair and maintenance of the water line extension along Route 60 and Fleming Road and Route 13, pursuant to the authority granted in Va. Code § 15.2-1800 et seq.

c. Upon consideration of the foregoing, the Board of Supervisors deems it appropriate to do so and does hereby authorize the acquisition by eminent domain through condemnation proceedings, when needed, all easements over and across real properties located in Cumberland County, Virginia necessary for the construction, repair and maintenance of the water line extension along Route 60 and Fleming Road and Route 13, pursuant to the authority granted in Va. Code § 15.2-1901 et seq.

d. The Chairman of the Board and the County Administrator are authorized to execute, and to record and file with the Circuit Court of Cumberland County, Virginia, all documents necessary and appropriate for the acquisition of all easements, the acquisition of which is authorized hereunder; and all documents necessary and appropriate for the exercise of the power of eminent domain and the condemnation proceedings thereunder for the acquisition of all easements, the acquisition of which is authorized hereunder; and to pay to all appropriate parties the amounts necessary for the acquisition of said easements.

e. All other actions of County officials in conformity with the purposes and intent of this Resolution and in furtherance of the acquisition of all easements need for the construction, maintenance and repair of the county water system along Route 60, Fleming Road, and Route 13, by purchase or by the exercise of the power of eminent domain, are here ratified, approved and confirmed. The County officials are authorized and directed to execute and deliver all certificates and other instruments considered necessary or desirable in connection with, and pursuant to, this Resolution.

f. This Resolution is effective immediately.

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

e) Consideration of Resolution supporting Midland Trail as a National Scenic Byway

County Administrator Vivian Giles advised the Board that this resolution was to request that the County support Midland Trail as a National Scenic Byway.

Supervisor Banks suggested that the Board look into this more to make sure that are no costs to the County involved.

On a motion by Supervisor Wheeler and carried the Board approved the resolution as long as there are not costs to the County.

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

f) Consideration of RFP results-Refuse Disposal

County Administrator Vivian Giles advised the Board that the there was a handout provided with the bid information received.

The Board discussed extending the length of the contract, making it long term; issues if the Landfill opened; would they have to resubmit an RFP.

Mr. Mike Leford from van der Linde stated they would prefer the contract to be for an extended amount of time and five (5) years would be acceptable. He stated he would be willing to honor his bid for a term of five (5) years with the right of the County to terminate the contract if the landfill opens.

County Administrator/County Attorney Vivian Giles stated that she would like to go back and review the RFP, she did not want to provide misinformation. If it is permitted under the Public Procurement Act and the Board would like to they can draft the extension into the contract.

On a motion by Supervisor Banks and carried the Board approved to accept the bid from van der Linde for up to sixty (60) months with the stipulation to terminate the contract at the County's election.

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

Supervisor Wheeler had to leave the meeting early, he advised the Board prior to the meeting.

7. Finance Director's Report

- a) Consent Agenda
 - 1) Approval of Bills for January 2013 and February 2013
Approved bills for February total \$130,189.17. Ratified bills for January warrants total \$371,085.10 with check numbers ranging from 65494-65689. Direct Deposits total \$155,683.46.
 - 2) Monthly Budget Report

On a motion by Supervisor Meinhard and carried the Board approved the consent agenda

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

b) Appropriation of \$747.20 Building Inspections

On a motion by Supervisor Ingle and carried the Board approved the appropriation of \$747.20 for the building inspections office.

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

c) Appropriation of \$4353.83 Piedmont Regional Jail

There was some concern from the Board on where the money would come from to pay these bills.

Supervisor Ingle suggested the Board meet to discuss the current budget and to discuss where they can pull money to pay the jail and other requests. The Board agreed to meet on Tuesday, March 5th at 7pm to discuss the current budget.

On a motion by Supervisor Ingle and carried the Board approved to table this appropriation until they can find out when they will receive the final bill from Piedmont Regional Jail.

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

d) Appropriation of \$6,603 Circuit Court Clerk's Office

On a motion by Supervisor Meinhard and carried the Board approved the appropriation of \$6,603 for the Circuit Court Clerk's Office.

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

e) Budget Workshop Schedule

Mr. Howard Paras advised the Board that the schedule for the upcoming FY 2013-14 Budget Workshop was in their packet for review.

f) Appropriation of \$374 Sheriff's Department

Mr. Howard Paras, Finance Director, advised the Board that this money was received as a donation from a citizen.

On a motion by Supervisor Banks and carried the Board appropriation of \$375 for the Sheriff's Department.

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

g) Appropriation of \$6465.30 Piedmont Regional Jail

On a motion by Supervisor Ingle and carried the Board approved to table this appropriation until they can find out when they will receive a final bill from Piedmont Regional Jail.

Vote: Mr. Osl – absent Mr. Banks – aye

Mr. Ingle – aye Mr. Meinhard – aye
Mr. Wheeler – absent

h) Appropriation of \$28,000 Planning and Zoning

On a motion by Supervisor Ingle and carried the Board approved the appropriation of \$28,000 for the Planning and Zoning Department.

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

i) Registrar request for additional funds

Ms. Vivian Giles, County Administrator suggested to the Board to hold off on this item and they could discuss it at the upcoming current budget meeting.

On a motion by Supervisor Meinhard and carried the Board approved to table this item until the current budget meeting.

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

8. Planning Director's Report

a) Update on Planning Commission Activities

There were no updates on the Planning Commission.

b) County Project update

Ms. Rachel Falkenstein advised the Board that there was a list of updates on current projects in their packet and if they had any questions to let her know.

Supervisor Ingle questioned if there was any update on Buggs Island Wireless.

Ms. Falkenstein stated that she did not have any recent updates.

9. Public Comments (Part Two)

There were two (2) citizens signed up to speak. Their comments for the Board included: appreciation of the Sheriff's Department for their response to calls; a suggestion that the microphones need to be louder; the money for piedmont regional jail should have been budgeted for.

10. Board Member Comments

Supervisor Ingle commented in response to a citizen comment about the County vehicle fleet, the he has been looking into more cost efficient solutions. And he also stated that he has written his biography and will be submitting a picture of himself soon for the website.

Supervisor Banks commented that he wanted to thank everyone who came to the meeting. He stated that he wanted the Board to be mindful of spending and he still had some concerns with the Bodacious event.

Supervisor Meinhard commented that he was working on his biography and would have it complete soon.

He also wanted to thank everyone who came to the meeting, and was in support of the Board watching the spending, and also wanted verification that Mr. Wheeler has paid his alleged unpaid taxes.

Supervisor Meinhard asked if there were any citizens who wanted to speak but did not get a chance to.

One (1) citizen requested to address the Board. They questioned if the Board knew why the tax on their electric bill went up.

11. Additional Information

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

12. Adjourn – Budget Workshops February 13th & 14th at 5:00pm

David Meinhard, Chairman

Vivian Giles, County Administrator