

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 10th day of June 2014, 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

Absent: None

1. Call to Order

The Chairman called the meeting to order.

2. Invocation and Pledge of Allegiance

The Invocation was led by Reverend William "Todd" Gess, and 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 Osl and carried the Board approved the Agenda as amended:

ADD 5. Resolution of Appreciation from the General Assembly

for Mrs. Anita French

- ADD 9. County Attorney/County Administrator's Report
h) Piedmont Regional Hazard Mitigation Plan Update

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

5. Resolution of Appreciation

The Honorable Thomas C. Wright, Jr., presented a Resolution of Appreciation from the General Assembly to Ms. Anita French, retired former Commissioner of the Revenue for Cumberland County, for her years of service.

6. Public Hearings

- a. CUP 14-01 Tillerson

Planning Director, Sara Carter, informed the Board that Mr. & Mrs. Thomas and Phyllis Tillerson own a lot located on Rt. 60, Anderson Highway, known as Tax Map # 65A2-A-20, containing 0.25 acres and known as 1750 Anderson Highway. The Tillersons had a mobile home on the property for many years. In the process of replacing the unit, it became clear that not only did the mobile home constitute a non-conforming use, but also that the lot is a non-conforming lot. The CUP will have no effect on the use of their lot for the purpose of replacing the mobile home. However, because the lot issues will continue to prevent the applicant from any future development of the parcel of land, staff recommended that the Tillersons go through the process of obtaining a CUP for setback relief.

It is the opinion of staff that the request promotes good zoning practice and allows the Tillersons the ability to fully utilize their property.

The Chairman then 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 Conditional Use Permit 14-01 Tillerson with the following conditions:

1. The lot shall not be subdivided any further than it exists at the time of the CUP.
2. Setbacks for this parcel are: Front: 75 feet from the centerline of Anderson Highway; Rear: 25 feet; Side: 8 feet; Accessory: 5 feet.
3. This CUP is granted indefinitely. However, if the underlying zoning is changed in the future that would allow the same, similar, or greater development on the parcel than granted by this CUP, it shall be rescinded at the initiation of the Zoning Administrator, with no further action required by the Planning Commission or Board of Supervisors.

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

b. CUP 14-02 Turner

Sara Carter, Planning Director, informed the Board that the Turner family owns three contiguous lots in Trice’s Lake. They are consolidating the three lots, but do not meet the dimensional standards for the R-2 zoning district, nor do their plans meet the front setback requirement. They are planning to build a single family home on the lot and have obtained a septic permit for the lot.

The CUP will allow the lot to be used for a residence, and will enable the home to match the front setback of adjacent homes. It is the opinion of staff that the request promotes good zoning practice and allows the Turners the ability to fully utilize their property.

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 Conditional Use Permit 14-02 Turner with the following conditions:

1. The lot shall not be subdivided, nor shall boundary lines be adjusted to cause the lot to become smaller and more non-conforming in the future.
2. Setbacks for this parcel are: Front: 50 feet from the centerline of Hill Crest Drive; Rear: 35 feet; Side: 25 feet; Accessory: 15 feet.
3. This CUP is granted indefinitely, However, if the underlying zoning is changed in the future that would allow the same, similar, or greater development on the parcel than granted by this CUP, it shall be rescinded at the initiation of the Zoning Administrator, with no further action required by the Planning Commission or the Board of Supervisors.

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

c. CA 14-01 Road signage

Sara Carter, Planning Director, informed the Board that this public hearing is to look at updating the County’s fee schedule. Currently, if a citizen is developing on a private road, the County does not charge the citizens for the private road sign. The County has had the ability to charge for private road signs since the inclusion of the E-911 addressing in the County code, but a fee schedule had never been established. This is a cost recovery

measure and would apply only to private roads, the signage for which is not mandatory.

The Chairman opened the public hearing. Two citizens voiced concern with placing the burden if the cost of the signs on the citizens. With no additional citizens signed up to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Ingle and carried, the board approved Code Amendment 14-01 by the following vote:
14-01 Road signage:

- (1) Preliminary plat review, \$100.00 plus \$10.00 per lot
- (2) Final plat review, \$75.00 plus \$10.00 per lot
- (3) Vacation of plat (major subdivisions), \$10.00 per lot
- (4) Plats officer review (minor subdivisions), \$10.00 per lot
- (5) Copy fees, \$0.50 per page
- (6) Application for variance (BZA), \$300.00
- (7) Zoning approval, \$10.00
- (8) Rezoning/Conditional Use Permit: \$550.00
- (9) Site Plan Review, \$300.00
- (10) Request for New Private Road Name and Signage: \$300.00**
- (11) Request for Multiple New Private Roads Name and Signage: \$300.00 per new named road**
- (12) Request for Private Road Sign Replacement with no name change, \$150.00**
- (13) Request for Change for Existing Road Name: \$300.00**

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

- d. Lease of the Old Clerk’s Office space to the Cumberland Museum Board

County Administrator, Vivian Giles, reminded the Board that at the April 8, 2014 meeting, the Board approved the use of the Old Clerk's Office by the Cumberland Museum Board. Ms. Giles also provided the Board with a draft lease for their review. The County will be responsible for general maintenance of the building, but the Museum Board will be responsible for the upkeep of the interior of the building.

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 the lease of the Old Clerk's Office to the Cumberland Museum Board:

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

7. Public Comments

Two citizens discussed the most recent Bodacious event. One citizen voiced concerns about the traffic, and was thankful for the maintenance of Boston Hill Road. Another citizen voiced complaints with the personal property charges assessed.

8. State and Local Department/Agencies

a) Dr. Amy Griffin Superintendent of Cumberland County Schools

Dr. Griffin informed the Board that the graduation ceremonies went well, and thanked Chairman Banks for attending. She also informed the Board of other recent changes/news at the Schools:

- Virginia Gills is the new Principal of the Elementary School

- Katherine Garrett is the new Assistant Principal of the Elementary School
- Wendy Tillett has been named the Assistant to the Principal at the Middle School
- Mr. Charles Motter will return to the classroom for math instruction as well as instruction Technology
- The HVAC system at the Elementary School is being replaced and the Elementary school employees have been moved to the LPJ Adult Education Center for the time being.
- The roof at the Bus Shop is being replaced.
- 13 athletes attended the State Track and Field competition, this is a state record.
- Mrs. Lindsey Talbert is the new Agriculture Teacher for the High School
- Summer School begins June 16th through July 16th.

b) VDOT

There was no one in attendance.

9. County Attorney/County Administrator Report

a) Consent Agenda

- 1) Approval of Bills for May and June 2014. Approved bills for June 10, 2014 total \$93,018.80. Ratified bills for May 2014 warrants total \$389,274.89 with check numbers ranging from 68221 to 68519. Direct Deposits total \$148,547.97.
- 2) Monthly Budget Report
- 3) Approval of Minutes for May 13, 2014

On a motion by Supervisor Osl and carried, the Board approved the consent agenda as presented:

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

Mr. Wheeler – aye

- b) Resolution honoring Payne Memorial United Methodist Church on their 100th Anniversary

On a motion by Supervisor Meinhard and carried unanimously, the Board approved the Resolution of Appreciation of Payne Memorial United Methodist Church:

**BOARD OF SUPERVISORS
OF THE COUNTY OF CUMBERLAND**

**RESOLUTION COMMENDING PAYNE MEMORIAL UNITED
METHODIST CHURCH ON 100 YEARS OF SERVICE TO
CUMBERLAND COUNTY**

JUNE 10, 2014

WHEREAS, Payne Memorial United Methodist Church will celebrate its 100th anniversary, having been established in 1914 by the Reverend J. T. Payne as Cumberland Court House Church; and

WHEREAS, the desire to establish the church in the village led to the appointment of several local men who were directed and authorized to build a church at Cumberland Court House, namely J. E. Clarke, J. H. Jenkins, T. M. Clarke, W. M. Smith, and B. B. Woodson; and

WHEREAS, building plans and construction of a Methodist Church in the Village of Cumberland commenced and the estimated cost for the structure was \$1,800.00; and

WHEREAS, the land on which the church was constructed was a portion of the Effingham Tavern tract; and

WHEREAS, following the death of the Reverend J. T. Payne in 1917, the name of the church was changed to Payne Memorial

Church; and

WHEREAS, the name of the church was changed on December 9, 1922 to Payne Memorial Methodist Church, and again in 1968 to Payne Memorial United Methodist Church; and

WHEREAS, since June of 2012, the Reverend William “Todd” Gess has served as pastor of Payne Memorial United Methodist Church; and

WHEREAS, Payne Memorial United Methodist Church has served the community of Cumberland for one century and should be recognized for its service to the citizens of Cumberland County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Cumberland County, Virginia does hereby congratulate Payne Memorial United Methodist Church on the milestone of its 100th anniversary and does commend the work of the Church in serving Cumberland County and her citizens for the last one hundred years

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

c) Appointment(s) to Social Services Board

i) District 2 – re-appoint Nell Spain

On a motion by Supervisor Banks and carried unanimously, the Board appointed Nell Spain as District 2 representative on the Social Services Board:

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

Mr. Wheeler – aye

ii) District 3 – applicant Alice Metts

On a motion by Supervisor Ingle and carried unanimously, the Board appointed Alice Metts as District 3 representative on the Social Services Board:

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

iii) District 5 – applicant Cynthia Potts Gable

On a motion by Supervisor Wheeler and carried unanimously, the Board appointed Cynthia Potts Gable as District 5 representative on the Social Services Board:

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

d) Planning Commission Appointments

i) District 2

On a motion by Supervisor Banks and carried, the Board appointed Stephen P. Donahue as District 2 Planning Commission member by the following vote:

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

Mr. Wheeler – nay

ii) District 3

On a motion by Supervisor Ingle and carried unanimously, the Board appointed Dr. William “Bill” Burger as District 3 Planning Commission member:

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

iii) District 5

On a motion by Supervisor Wheeler and carried unanimously, the Board appointed Roland Gilliam as District 5 Planning Commission member:

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

e) Amend FYE14 Budget

County Administrator, Vivian Giles, reminded the Board that when there are budgetary shortfalls in one department, the shortage can be covered by funds from another department. With the current FYE14 budget, that has been the case for all expenditures except for two line items; \$162,857.00 for Piedmont Regional Jail, and \$39,315.00 for the Reassessment. \$50,000 was budgeted in FYE13 for the reassessment, and the balance of the contract price was budgeted for FYE14. The invoices for the work done in FYE13 were not received until this fiscal year causing a shortfall in the FYE14 budget.

Ms. Giles is requesting that the Board amend the FYE14 budget by \$202,172.00 to cover the Piedmont Regional Jail and Assessor invoices.

On a motion by Supervisor Wheeler and carried unanimously, the Board amended the FYE14 budget with an increase of \$202,172.00 from reserve funds:

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

f) Amended FYE14 Budget – Appropriation of Funds

On a motion by Supervisor Wheeler and carried unanimously, the Board appropriated \$202,172.00 from reserve funds to amend the FYE14 budget:

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

g) Central Virginia Criminal Justice Academy recommended Charter Agreement amendments

County Administrator, Vivian Giles, informed the Board that upon review of the proposed amendments, it appears that the changes are more to address the facility administration and do not impact the participating localities, but approval of the amendments by each locality is required. These changes will not impact the way Cumberland will interact with CVCJA, nor will the amendments affect the County's ability to send attendees to the program.

On a motion by Supervisor Wheeler and carried unanimously, the Board approved the amendments to the Central Virginia Criminal Justice Academy Charter Agreement as presented:

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

h) Piedmont Regional Hazardous Mitigation Plan Update

The Commonwealth Regional Council is planning to update the May 2012 FEMA Hazard Mitigation Plan (required every five years). The CRC is seeking support from Cumberland, and all other participating counties, in their effort to apply for grant funds to undertake the review and update of the Plan. If the Board chooses to support the CRC in their application for grant funds, this does not bind the Board in any way to the Plan or update.

On a motion by Supervisor Wheeler and carried unanimously, the Board agreed to send a letter of intent to support the CRC in their application for grant funds for the update of the Piedmont Regional Hazard Mitigation Plan with no commitment of financial resources:

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

10. Finance Director's Report

a) Revenue Appropriations –

Finance Director, Tracie Wright provided the Board with a list of revenue appropriations.

On a motion by Supervisor Ingle and carried, the Board approved the Appropriations as listed below:

- 1) \$37,451.00 DMV select grant funds
- 2) \$440.96 reimbursement for extradition of a fugitive
- 3) \$1,446.90 reimbursement for DARE tee-shirts
- 4) \$250.00 advertising reimbursement for Sheriff
- 5) \$2,921.00 insurance reimbursement for the Sheriff Dept.
- 6) \$7,4032.73 grant funds for expanding the waterline to the Poorhouse Road industrial Park
- 7) \$4,245.18 E-911 reimbursement
- 8) \$194,960.29 Waterline expense reimbursement (grant funds)
- 9) \$300.00 reimbursement for Youth League costs
- 10) Reimbursement from CUCPS for ½ cost of turf on fields
- 11) \$3,956.40 reimbursement from CUCPS for cost of scoreboard
- 12) \$9,512.12 Clerk's Office Technology funds
- 13) \$7,500.00 GIS grant funds
- 14) \$3,829.59 copy fees collected by Clerk's office
- 15) \$137,745.00 Appropriation of local receipts for CUCPS

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

b) Budget Transfers

On a motion by Supervisor Banks and carried unanimously, the Board approved the budget transfers as presented:

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

c) VRS Resolution

Finance Director, Tracie Wright, informed the Board that the Virginia Retirement Systems, "VRS", is requesting a resolution from the Board setting the employer contribution rate effective July 1, 2014. Mrs. Wright recommends that the county adopt the certified rate of 9.75% which is lower than the current rate of 11.28%.

On a motion by Supervisor Wheeler and carried, the Board approved the VRS Resolution setting the employer rate at the certified rate of 9.75%:

Resolution

BE IT RESOLVED, that the Cumberland County Board of Supervisors employer code 55124 does hereby acknowledge that its contribution rates effective July 1, 2014 shall be based on the higher of a) the contribution rate in effect for FY 2014, or b) eighty percent of the results of the June 30, 2013 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2014-16 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2013 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that the Cumberland County Board of Supervisors employer code 55124 does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 2014:

(Check only one box)

- The Certified Rate of 9.75% The Alternate Rate of 9.09%; and

BE IT ALSO RESOLVED, that the Cumberland County Board of Supervisors employer code 55124 does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution; and

NOW, THEREFORE, the Supervisors of the County of Cumberland, Virginia, employer code 55124 are hereby authorized and directed in the name of the County of Cumberland, Virginia to carry out the provisions of this resolution, and said Supervisors of the County of Cumberland, Virginia are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the County of Cumberland, Virginia for this purpose.

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

11. Planning Director's Report

a) County Project update

 Planning Director, Sara Carter, advised the board that the list of project updates is in the packet and to let her know if they have any questions.

b) STUP 14-01 Tyson

 Planning Director, Sara Carter, advised the Board that Mary Tyson has held a Special Temporary Use Permit for locating recreational vehicles on her property since 2010. Ms. Tyson would like to explore the opportunity of overflow camping from Bear Creek Lake State Park. Additionally, she would like to seek a Conditional Use Permit (CUP) in the future to allow a standard campground on her lot.

 On a motion by Supervisor Osl and carried, the Board approved STUP Tyson for a period of one year with the following conditions:

1. Number and type of recreational vehicles permitted: There shall be no more than twelve (12) recreational vehicles on the property used as temporary housing for construction workers, with the actual number of vehicles determined by the Health Department in accordance with its requirements for connections to the private water and sewer systems.
2. Number of individuals residing on site: Per Cumberland Health Department requirements, no more than two persons per unit, for a total of (24) individuals, shall temporarily reside on site.
3. Septic, well and electrical connections: The applicant shall comply with all federal, state and local regulations pertaining to the use of private water, sewer and electricity. The applicant shall provide a written letter from the Cumberland County Health Department indicating the maximum number of temporary recreational vehicles permitted on the property, not to exceed twelve (12), and how such vehicles may connect to the private water and sewer systems onsite. A building permit shall be required from Cumberland County, which (among other things) will approve the proposed electrical connections to the temporary residences.
4. Scaled plan required: The applicant shall provide a scaled plan noting the locations and spacing of the recreational vehicles on the property and distances from all property lines and the centerline of Route 690. In no event shall any recreational vehicles be closer than 75 feet from the centerline of Rt. 690, 25 feet from side property lines and 35 feet from rear property lines. The scaled plan shall also clearly show the location of all on-site utilities (water, sewer and electrical). Recreational vehicles shall be separated by a minimum of 10 from each other. Adequate provisions shall be made to prevent mud from being tracked onto Rt. 690 from the site. Such provisions shall at a minimum include gravel at the site entrance and if necessary at vehicle parking locations.

5. Temporary residency/ no commercial activity permitted: Permanent residency may not be established on the property unless meeting all applicable subdivision and zoning regulations. No more than one temporary address shall be assigned to the property for the temporary residences. No commercial activity shall be conducted on the property.
6. Community safety: If county or state law enforcement is required to respond to restore order to those residing on the property more than two (2) times in a thirty (30) day period the special temporary use permit shall be revoked.
7. Refuse disposal: A dumpster shall be provided for trash disposal and emptied when full but in no event shall the dumpster be emptied less than once a month.
8. Noise control: Noise shall be restricted between the hours of 11:00 p.m. and 5:30 a.m. daily. The noise and sounds levels controls shall be at 0 decibels at all property lines and at conversation levels on the property so as not to disturb other temporarily housed individuals or adjacent properties.
9. Land disturbance: If more than 10,000 square feet of land is disturbed by the project, a professionally prepared erosion and sediment control plan shall be submitted to the county in accordance with state and local regulations for review and approval prior to locating any recreational vehicles on the property.
10. Bonding: The applicant shall provide Cumberland County with a performance bond in the amount of two-thousand five hundred dollars (\$2,500.00) to ensure the property is returned to its original state at the applicant's expense at the expiration of the permit. The bond will be released once the applicant has returned the property to its original condition, as determined by the Director of Planning.
11. Release waiver: Within thirty (30) days of approval of this request, the applicant shall sign a release waiver drafted by

Cumberland County indicating in writing that if not removed by the applicant prior to the expiration of the permit or any subsequent renewal, Cumberland County can remove the temporary structure(s) without notice or recourse by the applicant; and

12. Future approvals or continued approvals not guaranteed: Approval of the special temporary use permit by the Board or any extension thereof or action consistent with such approval by County staff is not to be construed as approval or acceptance of a site plan or of any expansion of the existing structure(s) or continued use identified herein. Any action STUP or termination of the STUP is conclusive and non-appealable. Applicant specifically waives any such right of appeal by submission of the application and approval by the county thereof.

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

12. Public Comments (Part 2)

Tanny Hobson informed the Board of her hope to serve the Cumberland citizens by opening a food pantry or donation center on Stoney Point Road. The Board directed her to Sara Carter, Planning Director.

13. Board Member Comments

Supervisors Ingle and Meinhard thanked the citizens for coming out to the Board meeting, and congratulated to the new staff at the Schools. Supervisor Ingle also thanked the County staff for all of their hard work.

Chairman Banks thanked the citizens who come out to the meetings and take part in their community.

14. Additional Information

- a) Treasurer's Report
- b) DMV Report
- c) Recycling Report
- d) Building Inspections Report

15. Adjourn – Regular meeting on July 8, 2014 at 7:00 p.m. in the Circuit Courtroom, Cumberland Courthouse.

Lloyd Banks, Jr., Chairman

Vivian Giles, County Administrator/County Attorney