

At a meeting of the Cumberland County Board of Supervisors held at 6:30 p.m. on the 9th day of June, 2015, 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

Chairman Banks called the meeting to order.

2. Welcome and Pledge of Allegiance

The Pledge of Allegiance was led by the Chairman.

3. Roll Call

County Administrator, Vivian Giles, called the roll.
Supervisor Meinhard joined closed session at 6:34 p.m.

4. Approval of Agenda

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

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

5. Adjourn into Closed Session

On a motion by Supervisor Osl and carried, the Board entered into closed meeting pursuant to the Virginia Code Sections below:

Pursuant to Virginia Code § 2.2-3711.A.7: Consultation with Legal Counsel

Subject: Host Agreement

Pursuant to Virginia Code § 2.2-3711.A.1: Personnel; and Pursuant to Virginia Code § 2.2-3711.A.4: Protection of the privacy of individuals in personal matters not related to public business

Subject: Staff matters relating to county employee rate increases

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

6. Reconvene in Open Session

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

A motion was made by Mr. Osl 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. **Public Comments**

There were no citizens signed up to speak.

8. State and Local Department/Agencies

- a) Dr. Amy Griffin Superintendent of Cumberland County Schools

Dr. Amy Griffin informed the Board that the materials for the roof replacement were delivered last week. The removal of the roof at the Elementary school will begin in the near future. Former Globe Trotter, and motivational speaker, Melvin Adams will be speaking to students on Monday June 15, 2015 in the High School gym.

- b) VDOT

Scot Shippee, Assistant Residency Administrator, gave a maintenance update.

- c) Darrell Hodges, Cumberland County Sheriff's Department

Sheriff Hodges informed the Board that previously, the county has utilized Piedmont Regional Jail inmates for roadside litter pick-up. With budget cuts, and understaffing, the Jail can no longer offer those services to surrounding counties. Sheriff Hodges stated that Judge Woodson discovered a grant that would allow deputies to transport and supervise inmates for roadside litter removal. The only cost to the county would be fuel.

Sheriff Hodges also requested the ability to hire another deputy.

On a motion by Supervisor Wheeler and carried, the Board authorized Sheriff Hodges to hire an additional deputy Sheriff:

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

d) Cumberland Public Library

Jennifer Beach, Librarian, gave an update of activities to the Board.

9. Public Hearings

a) FYE15 Budget Amendment

Finance Director, Tracie Wright, informed the Board that the difference between the budget that was approved for FYE15 and the additional expenditures that were approved throughout the year is \$157,285.60 as of June 2, 2015. To cushion for potential unexpected items that may arise through June 30, 2015, Mrs. Wright recommends a total supplemental appropriation of \$177,000.00.

In addition to the \$177,000 request, an additional \$332,000 needs to be appropriated from the general funds to the Capital Improvements Fund for the County's portion of the replacement of the Elementary School Roof and the replacement of the Courthouse lights.

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 Meinhard and carried unanimously, the Board approved the FYE15 Budget Amendment as presented:

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

b) CA 15-04 Sign Ordinance

According to Zoning Administrator, Sara Carter, the Planning Commission has been working on the sign ordinance for a few years. The Commission recommends the Board revised language that resolves several issues which includes reduced confusion between sections; adds missing definitions and clarifies existing definitions; creates consistent sign area for districts; provides uniform setbacks for signs; address the advent of electronic signs, and allows these signs in business districts and along Route 60, with provision for cycle time to prevent driver distraction; and increases the amount of sing area allowed, both for businesses and in the A-2 district.

The Chairman opened the public hearing. Stephen Donahue told the board that this amendment was an improvement but it wasn't enough and there are already enough restrictions on property rights. Mr. Donahue proposes to allow property owners the freedom to express themselves with their signs however, wherever they choose on their own property. Barbara Hinton stated that some sign restrictions are good. Patricia Pedrick stated that the Planning Commission put a lot of work into this proposed Amendment and they recommend approval, so the Board should approve it. Van Petty stated that electronic signs are everywhere and should be allowed. Leo Henderson Stated that the National Standards are helpful and the proposed amendment should be approved. With no other citizens signed up to speak, the Chairman then closed the public hearing.

The Chairman requested the Board remove animated signs as a prohibited sign. Supervisor Ingle stated that he

agreed with the Chairman in regards to the animated signs. He also is in disagreement with the prohibition of banners or vehicles painted as signs, as well as the prohibition of the replacement of damaged signs that were in compliance when they were erected but may no longer be in compliance when replaced. Ms. Carter informed the Board that how legally non-conforming buildings, properties, and signs are handled is determined by State Code.

Supervisor Meinhard suggested that the Board take the recommended changes by the Planning Commission and make further revisions that the Board feels are appropriate and revisit this code amendment at the July meeting.

It was the consensus of the Board to send the amendment back to the Planning Commission with specific requests for changes to be heard at the Planning Commissions meeting on Monday June 15th, 2015, and the Board can hear the matter at the July 14, 2015 Board meeting.

c) CUP 15-03 Trice's Lake

Zoning Administrator, Sara Carter, informed the Board that the Trice's Lake Community was originally developed in the 1950's and predates the Cumberland County zoning. When the county was zoned in the 1970's, all of Trice's Lake became non-conforming. Because of the degree of non-conformity, there is extreme difficulty in assembling an adequate number of lots to conform to the Zoning Ordinance. In the past year, the Board has approved two individual Conditional Use Permits to allow development of contiguous lots.

The community received these CUPs well, and the Planning Commission requested that staff work on a

community-wide CUP. Staff and Dr. Burger met with the community at a forum on April 25, 2015 and received positive feedback from the community. The Planning Commission held a public hearing on May 18, 2015. No citizens came to speak, though the president of the civic association came in support of the request. The Planning Commission recommends this proposal to the Board for approval.

The Chairman then opened the public hearing. Mr. Chuck Farnsworth, president of the Trice's Lake Association, thanked the Planning Commission and Sara Carter for their hard work, and stated that he is all for the Conditional Use Permit. With no other citizens signed up to speak, the Chairman then closed the public hearing.

Supervisor Osl also thanked the Planning Commission and Ms. Carter for their hard work, and said that this is a major step forward for those in the Trice's Lake Community.

On a motion by Supervisor Osl and carried unanimously, the Board approved CUP 15-03 Trice's Lake:

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

d) CUP 15-04 Davis

Zoning Administrator, Sara Carter, informed the Board that Daniel and Tami Davis have an existing two bedroom home on their property. The current home meets all Zoning Ordinance standards for the district. They would

like to add a third bedroom (12 feet by 16 feet) to the lot to accommodate a parent in their home. Because of the configuration of their lot, house and the existing well and septic (which is designed for a 3 bedrooms), the only location to add a bedroom would encroach into the side yard setback on one side.

The Chairman opened the public hearing. With no one signed up to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Wheeler and carried unanimously, the Board approved CUP 15-04 Davis:

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

e) CUP 15-05 Asal Lumber Company

Zoning Administrator, Sara Carter, informed the Board that the Asal family has been running a wood mill in this location for many years. The use is a legal non-conforming use. The request was initiated because the owner would like to add an additional building for the business but is prohibited from doing so due to the non-conforming status of the use. The legal-nonconforming status of the property protects the business from county actions to limit the level of operations that existed at the time of the adoption of the Ordinance, but prohibits expansion.

If approved, this Conditional Use Permit would allow the continued expansion of the use on the property. If denied, the business is able to continue only with its current configuration of buildings. Additionally, the lumber company has acquired additional property for their business adjacent to the current location, which would be unusable for the business, without a change in zoning.

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 CUP 15-05 by the following vote:

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

10. County Attorney/County Administrator Report

- a) Consent Agenda
 - 1) Approval of Bills for May 2015 and June 2015.
Approved bills for June 9, 2015 total \$75,147.25.
Ratified bills for May 13, 2015 through June 8, 2015 warrants total \$372,968.00 with check numbers ranging from 70499 to 70756. Direct Deposits total \$152,415.41.
 - 2) Approval of Minutes (May 12, 2015)

On a motion by Supervisor Banks and carried by the following vote, the Board approved the consent agenda:

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

b) Revised Employee Manual

In October 2014, a draft personnel manual to replace the existing personnel manual was provided to the Board for review. In that draft, the primary changes from the current personnel manual are the following:

1. The option of participating in the County's health insurance plan following retirement is eliminated.
2. Language regarding disability programs is included; this program previously was not offered and was, therefore not addressed in the personnel manual.
3. Maximum amounts of leave carryover are reduced. This is recommended in an effort to minimize liability accruals.
4. A compensatory time payout provision is included in order to comply with the Federal Fair Labor Standards Act (FFLSA).
5. A computer and equipment use policy has been added.
6. A Bring Your Own Device (BYOD) policy has been added.
7. An incentive program for obtaining degrees has been added.
8. A step pay increase provision has been added for the Board's consideration. This provision would provide for the increases only if funded in the budget.
9. Grievance procedures were updated to comply with state law.

10. An employee who receives a professional certification related to the employee's duties while in the employment of the County shall be awarded a one-time bonus in the amount of \$600.00. The determination of whether a certification relates to the employee's duties shall be in the sole discretion of the county administrator.

The Chairman stated that he was not in favor of the proposed step pay increases. The Board requested Ms. Giles send them an electronic copy of the proposed personnel manual for review. It was the consensus of the Board to table this item until their next regular meeting on July 14, 2015.

c) Resolution – Betty Scales Day

On a motion by Supervisor Osl and carried unanimously, the Board approved a Resolution for Ms. Betty G. Scales:

**RESOLUTION ESTABLISHING
DECEMBER 2 AS THE
BETTY G. SCALES DAY OF SERVICE IN
CUMBERLAND COUNTY**

April 17, 2015

WHEREAS, on May 12, 2015, Cumberland County lost a revered and respected life-long citizen, Mrs. Betty G. Scales, who was born in Cumberland County on December 2, 1930; and

WHEREAS, during her lifetime, Mrs. Betty G. Scales dedicated Over forty-six (46) years to the service of the County of Cumberland and her children; and

WHEREAS, Mrs. Scales began her legacy of service to the children of Cumberland County as an educator at Cedar Fork School, later moving to Pine Grove School, teaching all areas of the curriculum; and

WHEREAS, Mrs. Scales continued her service to the students in Cumberland County at Luther P. Jackson High School, Cumberland County High School, and finally at the Cumberland Elementary School; and

WHEREAS, in addition to being active in the Cumberland County School System, Betty G. Scales tirelessly and selflessly served her community as a member of the Cumberland County Social Services Board and an active member and leader of church choirs and missionary groups at her church; and

WHEREAS, Mrs. Scales distinguished herself through her dedication and commitment to serving the citizens of Cumberland County with professionalism and integrity, and in so doing earned the deep respect and esteem of all with whom worked during her lifetime; and

WHEREAS, it is the desire of the Board of Supervisors of Cumberland County to honor the life and service of Mrs. Betty G. Scales.

NOW, THEREFORE, BE IT RESOLVED that the members of the Cumberland County Board of Supervisors, through this Resolution, do hereby establish December 2 as Betty G. Scales Day of Service in Cumberland County, Virginia, to be celebrated each year in honor of the service, legacy, and life of Mrs. Betty G. Scales.

DATED this 17th day of May, 2015.

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

- d) Appointment to Workforce Investment Board – Lena Chapman

On a motion by Supervisor Osl and carried unanimously, the Board appointed Lena Chapman to the Workforce Investment Board:

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

11. Finance Director's Report

- a) Monthly budget Report

There was no discussion regarding the monthly budget report.

- b) FYE15 Budget Transfers

On a motion by the Chairman and carried unanimously, the Board approved the FYE15 Budget Transfers:

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

- c) Revenue Appropriations –

On a motion by the Chairman and carried unanimously, the Board approved the FYE15 Revenue Appropriations:

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

12. Planning Director’s Report

- a) Planning Project update

There was no discussion on the current Planning projects.

- b) CA 15-05 Number of dwellings allowed on a single parcel

On a motion by Supervisor Osl and carried unanimously, the Board approved CA 15-05 Second Dwelling on a single parcel:

BOARD OF SUPERVISORS
OF
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION RECOMMENDING
PROPOSED AMENDMENT TO THE
CODE OF CUMBERLAND COUNTY
CODE AMENDMENT 15-05:
“AN ORDINANCE AMENDING CHAPTER 74 OF THE
CUMBERLAND COUNTY CODE ADDRESSING THE NUMBER
OF DWELLING UNITS ALLOWED ON A SINGLE PARCEL”

June 9, 2015

At a meeting of the Board of Supervisors of Cumberland County, Virginia, held at the Circuit Courtroom of the

Cumberland County Courthouse, Cumberland, Virginia
23040 commencing at 7:00 p.m., May 12, 2015, the
following action was taken following a duly held public
hearing during which time County staff provided a review of
the code amendment proposal and members of the public
offered comment:

On a motion made by Supervisor Osl, it was moved that the
Board of Supervisors of Cumberland County adopt, in
accordance with the following Resolution, an ordinance
amending Chapter 74 Zoning relating to the number of
dwellings allowed on a single parcel;

Following presentation of the Resolution, the Board of
Supervisors adopted and approved the Resolution
according to the votes stated below:

<u>Present:</u>	<u>Vote:</u>
Lloyd Banks, Jr., Chairman	aye
Kevin Ingle, Vice-Chairman	aye
William F. Osl	aye
David Meinhard	aye
Parker Wheeler	aye

WHEREAS, the Board of Supervisors duly advertised
and held a public hearing on May 12, 2015; and

WHEREAS, the Board of Supervisors carefully
considered the testimony and evidence presented at the

public hearing in support or opposition to the proposed Code Amendment; and

WHEREAS, in its review of the Code Amendment, the Board of Supervisors gave reasonable consideration to furthering the goals of the County; and

WHEREAS, after discussion, staff presentation and due deliberation with respect to such information, including information and materials presented at this public hearing, and the comments in support or opposition to the proposed Code Amendment, the Board of Supervisors desires to affirm its findings and to take action with respect to the Code Amendment;

NOW, THEREFORE, BE IT RESOLVED by the 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 considers it appropriate to amend the Code of Cumberland County in accordance with the specific text and provisions of the Code Amendment as attached hereto and incorporated herein by this reference.
- c. The Board of Supervisors further finds that the Code Amendment is in substantial accordance with the County's Comprehensive Plan and Zoning Ordinance.
- d. Upon consideration of the foregoing, the proposed Code Amendment text, testimony, staff remarks, and public comment, the Cumberland County Board of Supervisors adopts, as set forth in the specific ordinance text as attached hereto, and requests county staff to do and perform such acts necessary and as consistent with this Resolution for recommendation of adoption of the ordinance.

- e. This Resolution is effective immediately.

Sec. 74-15. – Number of dwelling units allowed on one parcel.

One additional single-family dwelling may be permitted on the same lot or parcel of land as that of the main dwelling, provided that the parcel meets the bulk area requirements and setbacks for the zoning district with a second dwelling, all local and state regulations are met, and provision for access is made. One additional unit per twenty-five (25) acres of land is allowed for bona fide farm workers residing on the property, provided that all above conditions are met.

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

- c) Set public hearing for REZ 15-02 Asal for July 14, 2015

On a motion by the Chairman and carried, the Board set REZ 15-02 for public hearing at the next regular meeting of the Board to be held on July 14, 2015:

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

- d) Set public hearing for CA 15-08 Churches and Cemeteries in A-2

On a motion by the Chairman and carried, the Board set CA 15-08 for public hearing at the next regular meeting of the Board to be held on July 14, 2015:

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

13. Old Business

N/A

14. New Business

N/A

15. Public Comments (Part 2)

N/A

16. Board Member Comments

Supervisor Ingle thanked staff and the Planning Commission for their service, hard work, and effort to making Cumberland a more productive County.

Supervisor Wheeler stated that he is anticipating the time when the Planning Commission will be able to go through the County and designate business zones.

Supervisor Osl suggested that the Board review the way that they fund the Emergency Services in the county, and provide a base level of funding for each of the agencies as there is currently a variance amongst the agencies and is creating some concern.

Supervisor Banks thanked those citizens in attendance.

17. Additional Information

- a) Treasurer's Report
- b) DMV Report
- c) Recycling Report
- d) Monthly Building Inspections Report
- e) Approved Planning Commission meeting minutes
- f) Approved IDA meeting minutes-N/A

18. Adjourn -

On a motion by Supervisor Banks and carried unanimously, the Board adjourned the meeting until the next regular meeting of the Board to be held on July 14, 2015 at 6:00 p.m. in the Circuit Courtroom of the Cumberland Courthouse, Cumberland, Virginia.

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

Lloyd Banks, Jr., Chairman

Vivian Giles, County Administrator/County Attorney