

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 12th day of May, 2015, at the Cumberland County Circuit Court Room:

Present: Lloyd Banks, Jr., District 2, Chairman
Kevin Ingle, District 3, Vice-Chairman
David Meinhard, District 4
Vivian Giles, County Administrator / Attorney
Sara Carter, Planning Director

Absent: William F. Osl, Jr., District 1
Parker Wheeler, District 5
Tracie Wright, Finance Director

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.

4. Approval of Agenda

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

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

5. Public Comments

N/A

6. State and Local Department/Agencies

- a) Dr. Amy Griffin Superintendent of Cumberland County Schools
- On May 11, 2015 the School celebrated the Retirement and Service of the following School employees; Major Peter Amico and Sargent Carrier, both with 20 years of service; Sherry Snead with 3 years of service; and Rebecca Dove had 36 years of service
 - Senior night was held on May 8, 2015 and over \$30,000 in scholarships were awarded
 - Senior Projects will be presented on May 15, 2015
 - Baccalaureate will be held on May 19, 2015 at 6:30 at the High School
 - Graduation will be held on Friday, May 22, 2015 at 7:00 p.m. in the High School Gym
 - SVCC graduation will be held on Saturday, May 16, 2015 at 9:30 a.m. at the Keysville Campus
 - The last day of school is May 28, 2015
 - The student liaison and alternate to the School Board for the 2015-2016 year are Ahkiya Allen and Hannah King
 - The Teachers of the year are CCES – Rachel Price, CCMS – Ms. Devonna Blevins-Marble; and CCHS – Ms. Myrna Barr
 - The Division wide Teacher of the year is Ms. Rachel Price

- b) VDOT

There were no representatives present.

- c) Dominion Virginia Power – Atlantic Coast Pipeline Update

Mr. Charlie Donato, Director of Economic Development with Dominion Resource Services, Inc., provided a PowerPoint presentation to the Board and the citizens present regarding the Atlantic Coast Pipeline. A copy of the presentation is located in the Official Board File.

7. **Public Hearings**

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

Zoning Administrator, Sara Carter, informed the Board that this code amendment is to clarify the regulations regarding additional dwellings on a single residential parcel. Over the years, there have been a variety of interpretations of the Zoning Ordinance regarding second and additional dwellings. In order to ensure that all citizens are treated fairly and equally, the Planning Commission decided to explore language to address additional dwellings on a single parcel. The following language is recommended by the Planning Commission on a 4-1-1 vote.

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.

The Chairman opened the public hearing. Although no citizens were signed up to speak, The Chairman allowed some citizens to voice their concerns with the proposed code amendment. Two citizens voiced concerns. One was opposed to the code amendment because she was concerned with citizens building dwellings without electricity, water and sewer with no building permits and no recourse, and without the county's knowledge. Supervisor Ingle assured the citizen that a building permit would be required. The Chairman then closed the public hearing.

It was the consensus of the Board to table any action on this item until the next regular meeting of the Board to be held on Tuesday, June 9, 2015.

b) CA 15-06 Zoning Fee Amendments

Zoning Administrator, Sara Carter, informed the Board that this code amendment addresses the fee structure for Environment, Subdivisions and Zoning. Fees have not changed for many years; for environment, the fees were set in 2001 and remain unchanged, and subdivision and zoning fees have been held constant since 2005.

The Environmental fees for Erosion and Sediment Control no longer match the adopted Zoning and Subdivision Ordinance sections, and additionally would require additional cost to homeowners if implemented as currently adopted. Staff has not been collecting fees as outlined in this fee structure for an unknown amount of time. Staff seeks to combine the current environmental fees that were to be collected at two separate times (subdivision and building) into one fee at the time of building. This has been done in practice for years, and saves citizens money,

since the review only happens once. Additionally, the fee structure proposed is less than the current adopted structure. The proposed fee structure does increase subdivision fees a small amount.

Staff recommends that fees for rezoning and conditional use permits, as well as site plan review, and commercial/industrial Erosion and Sediment Control Plans be reduced in price. Below are the proposed changes.

Sec. 2-3. - Fees.

The following fees shall be applicable to Chapter 34 "Environment," Chapter 54 "Subdivisions" and Chapter 74 "Zoning":

- (1) Preliminary plat review, \$100.00 plus ~~\$40.00~~ 75.00 per lot.
- (2) Final plat review, \$75.00 plus ~~\$40.00~~ 25.00 per lot.
- (3) Vacation of plat (major subdivisions), \$150.00.
- (4) Sign Permit Review, \$25.00.
- ~~(4) Plats officer review (minor subdivisions), \$10.00 per lot.~~
- ~~(54)~~ Copy fees: \$0.50 per page.
- ~~(65)~~ Application for variance (BZA): \$300.00.
- ~~(76)~~ Zoning Approval Permit: \$10.00.
- ~~(87)~~ Rezoning/Conditional Use Permit: ~~\$550.00.~~ \$350.00
- ~~(98)~~ Site Plan Review: ~~\$300.00.~~ \$150.00
- (9) Erosion and Sediment Control Plan Review (Residential): \$300
- (10) Erosion and Sediment Control Plan Review (Commercial): \$300
- (11) Erosion and Sediment Control Plan Review (Agricultural, non-exempt): \$250
- (12) Erosion and Sediment Control Agreement in Lieu of a Plan for Single Family: \$100

Existing Erosion and Sediment Control Inspection Fees (Eff. July 1, 2000)

TO BE REPEALED

Type of Project:	Fee:
FAMILY SUBDIVISIONS/MINOR SUBDIVISIONS/MANUFACTURED HOME PARKS. Fee paid at the time of authorization of the Plat by and to the Subdivision Agent prior to recordation. This fee can be paid by the developer, attorney representing the entire plat.	\$150 + \$25 per lot
SINGLE-CUT RESIDENCE SUBDIVISION. Fee paid at the time the owner/builder comes in to apply for the zoning permit prior to the building permit application. (Done of a lot by lot basis)	\$50 per lot
MAJOR SUBDIVISION. (Regardless of lot sizes) Fee paid by the developer at	\$250 + \$25

the time of authorization of Plat by and to the Subdivision Agent prior to recordation. (The R-2 application and PC/BOS Process will have been approved)	per lot
COMMERCIAL/INDUSTRIAL. Fee paid by the developer or builder, depending on the process, to the Subdivision Agent/Zoning Administrator prior to the zoning permit/building permit application.	\$300 + \$50/acre
NON-EXEMPT AGRICULTURE. i.e. Agriculture buildings such as hog house, chicken house, litter shed.	\$50/per building on minimum 10,000 sq. ft. of disturbance

After some discussion, 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 Ingle and carried by the following vote, the Board approved a Resolution for Code Amendment CA 15-06 amending Chapter 2 of the Code addressing fees:

BOARD OF SUPERVISORS
OF
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION RECOMMENDING
PROPOSED AMENDMENT TO THE
CODE OF CUMBERLAND COUNTY
CODE AMENDMENT 15-06:

“AN ORDINANCE AMENDING CHAPTER 2 OF THE
CUMBERLAND COUNTY CODE ADDRESSING FEES”

May 12, 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 Ingle, it was moved that the Board of Supervisors of Cumberland County adopt, in accordance with the following Resolution, an ordinance amending Chapter 2 Administration relating to Fees for Environment, Subdivision and Zoning;

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

Present: Vote:

Lloyd Banks, Jr., Chairman nay

Kevin Ingle, Vice-Chairman aye

David Meinhard aye

Absent:

William F. Osl absent

Parker Wheeler absent

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.

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

c) CA 15-07 Amending the definition of RV Park and Rental Cabin Campground

Zoning Administrator, Sara Carter, informed the Board that when the code amendment for Rental Cabin Campground (CA 15-01) was brought before the Board on March 10, 2015, some of the recommendations from the Planning Commission were missed, and not included in the recommendation that was presented and ultimately passed by the Board. The following is a repair of the two definitions that were not correctly carried from the Planning Commission recommendation to the Board.

The Planning Commission held their public hearing on this amendment at their meeting on April 20, 2015 and they recommended this amendment to the Board unanimously.

Sec. 74-2 Definitions.

Rental Cabin Campground means a camping and overnight area for use as temporary habitation operated as a business or for a fee. Continuous occupancy by the same person for more than fourteen (14) days in any thirty (30) day period or more than six (6) months in any twelve (12) month period shall be prohibited, except that one

permanent residence may be permitted for the park owner or manager.

Recreational vehicle park also known as an RV park or RV campground means a camping and overnight area for two (2) or more recreational vehicles, pick-up coaches, motor homes, camping trailers, other vehicular accommodations and tents, suitable for temporary habitation operated as a business or for a fee. A recreational vehicle park shall be served by water and sewer systems approved by the Cumberland County Health Department. A recreational vehicle park shall not be construed to mean a mobile home park or be used for permanent residence. Continuous occupancy by the same person for more than six (6) months in any twelve (12) month period shall be prohibited, except that one permanent residence may be permitted for the park owner or manager. All recreational vehicles are required to maintain current licenses, inspections, and registrations. Additionally, the vehicles must have wheels, tires, tongue and no permanent underpinning. Recreational vehicles shall comply with the setback requirements of the zoning ordinance.

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, the Board adopted a Resolution approving Code Amendment 15-07 amending Chapter 74-2 of the County Code addressing the definition of RV Park and Rental Cabin Campground:

BOARD OF SUPERVISORS
OF
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION RECOMMENDING

PROPOSED AMENDMENT TO THE
CODE OF CUMBERLAND COUNTY
CODE AMENDMENT 15-07:
“AN ORDINANCE AMENDING CHAPTER 74-2 OF THE
CUMBERLAND COUNTY CODE ADDRESSING DEFINITION
OF RV PARK AND RENTAL CABIN CAMPGROUND”

May 12, 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 Meinhard, it was moved that the Board of Supervisors of Cumberland County adopt, in accordance with the following Resolution, an ordinance amending Chapter 74-2 Zoning relating to the definition of RV Park and Rental Cabin Campground;

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
David Meinhard	aye

Absent:

William F. Osl

Parker Wheeler

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.

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

8. County Attorney/County Administrator Report

- a) Consent Agenda
 - 1) Approval of Bills for April 2015 and May 2015.
Approved bills for May 12, 2015 total \$102,839.24.
Ratified bills for April 15, 2015 through May 11, 2015 warrants total \$159,610.97 with check numbers ranging from 70324 to 70587. Direct Deposits total \$156,315.47.
 - 2) Approval of Minutes (April 7, 2015 and April 14, 2015)

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

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

b) Boards/Commission Appointments

1) Water and Sewer Advisory Board

County Administrator, Vivian Giles, informed the Board that several members' appointments had expired. The board has not been active in the past few years, but now they would like to meet to discuss upcoming water/wastewater repairs and the recommended utility rate increase. Mr. Richard Meador (District 2), Doris Brown (District 3), Roger Hatcher (District 4), and Lester Nyce (District 5) wish to be reappointed. There are vacancies in District 1 and District 5.

On a motion by Supervisor Meinhard and carried by the following vote, the Board reappointed Richard Meador, Doris Brown, Roger Hatcher and Lester Nyce to the Water and Sewer Advisory Committee for a three year term expiring May 31, 2018:

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

2) STEPS Board

County Administrator, Vivian Giles, informed the Board that the reconstituted STEPS Board has requested that the Board of Supervisors designate a

Supervisor as the STEPS Board member, and also re-designate Mr. Jerry Seal as the alternate.

On a motion by Supervisor Banks and carried by the following vote, the Board appointed Supervisor Kevin Ingle as the STEPS Board member, and Mr. Jerry Seal as the alternate STEPS Board member:

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

c) Award Bid for Cumberland Elementary School Roof

On a motion by Supervisor Ingle and carried by the following vote, the Board awarded the bid on base bid number one for Roof Replacement at the Cumberland Elementary School to TeamCraft Roofing in the amount of \$229,910.00:

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

d) Approve job description for Senior Executive Assistant

County Administrator, Vivian Giles, informed the Board that it is her intention to fill a vacancy in the County Administrator’s office. This position would provide coverage for current staff and assist Ms. Giles in legal research. There was no current job description that encompassed all of the qualifications Ms. Giles is requesting; therefore she drafted the proposed job description.

On a motion by Supervisor Ingle and carried by the following vote, the Board approved the job description for a Senior Executive Assistant as presented:

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

9. Finance Director’s Report

a) Monthly budget Report

There was no discussion regarding the monthly budget report.

b) Budget Appropriations-FYE2015 Budget

On a motion by Supervisor Banks and carried by the following vote, the Board approved the appropriations for FYE2015 as presented:

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

c) School Appropriation for Governor’s School funds

On a motion by Supervisor Banks and carried by the following vote, the Board approved an appropriation to the School for Governor’s School funds in the amount of \$15,000.00:

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

- d) Appropriation – Friends of Cumberland County Animal Control

On a motion by Supervisor Ingle and carried by the following vote, the Board approved an appropriation of a donation in the amount of \$500.00 that was received for the Friends of Cumberland County Animal Control:

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

- e) Budget Appropriation – FYE16 Budget

On a motion by Supervisor Ingle and carried by the following vote, the Board approved the appropriation of FYE 2016 funds in the amount of \$28,400,847.00:

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

10. **Planning Director’s Report**

- a) Planning Project update

There was no discussion on the current Planning projects.

- b) Set public hearing for Code Amendment 15-04 Sign Ordinance

On a motion by Supervisor Banks and carried by the following vote, the Board set Code Amendment 15-04 Sign Ordinance for a public hearing to be held on Tuesday, June 9, 2015:

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

- c) Set public hearing for Conditional Use Permit 15-03 Trice’s Lake

On a motion by Supervisor Banks and carried by the following vote, the Board set Conditional Use Permit 15-03 Trice’s Lake for a public hearing to be held on Tuesday, June 9, 2015:

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

- d) Set public hearing for Conditional Use Permit 15-04 Davis on Trent’s Mill Road

On a motion by Supervisor Banks and carried by the following vote, the Board set Conditional Use Permit 15-04 Davis on Trent’s Mill Road for a public hearing to be held on Tuesday, June 9, 2015:

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

- e) Set public hearing for Conditional Use Permit 15-05 Asal Lumber Company

On a motion by Supervisor Banks and carried by the following vote, the Board set Conditional Use Permit 15-05 Asal Lumber Company for a public hearing to be held on Tuesday, June 9, 2015:

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

11. Old Business

N/A

12. New Business

N/A

13. Public Comments (Part 2)

One citizen raised concerns about the proposed job description. They also requested clarification on action at the Board’s April 14th meeting as it pertained to abstentions on motions.

14. Board Member Comments

Supervisor Ingle gave an update on the paid members of the Cumberland Volunteer Rescue Squad. The response rate is up to 82 percent from 46 percent in April. Their response time has decreased to approximately 10 minutes. The Squad is beginning to see collections with the Revenue Recovery although they are only receiving about half of what they anticipate. The Board should anticipate receiving a request from the Cumberland

Rescue Squad in June in the amount of \$20,000 to be able to continue with the paid service for the next few months.

On a motion by Supervisor Ingle and carried by the following vote, the Board approved an appropriation to the Cumberland Volunteer Rescue Squad in the amount of \$20,000:

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

15. 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

16. 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 June 9, 2015 at 6:30 p.m. in the Circuit Courtroom of the Cumberland Courthouse, Cumberland, Virginia.

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

Lloyd Banks, Jr., Chairman

Vivian Giles, County Administrator/County Attorney