

At a meeting of the Cumberland County Board of Supervisors held at 6:00 p.m. on the 10th day of October, 2017, at the Cumberland County Circuit Court Room:

Present: Kevin Ingle, District 3, Chairman
Parker Wheeler, District 5, Vice-Chairman
William F. Osl, Jr., District 1
Lloyd Banks, Jr., District 2
David Meinhard, District 4
Vivian Giles, County Administrator | Attorney
Sara Carter, Planning Director
Nicci Edmondston, Assistant County Administrator

Absent: None

1. Call to Order

The Chairman 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 Wheeler and carried unanimously, the Board approved the Agenda as amended:

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

5. State and Local Department/Agencies

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

Dr. Amy Griffin, School Superintendent, gave the following report to the Board:

- This is homecoming week. The Homecoming football game is Friday, October 13, 2017 at 7 p.m. The Homecoming dance is Saturday.
- The Virginia Opera performed “Trish and the Fish” a few weeks ago that was provided by grant funds
- 29 carpentry students that earned their OSHA certificates
- “See you at the pole” was held in September
- The NAACP recognized the African American Males that are employed by the school division.
- The Cumberland County Public Schools Foundation held the “Walk for Education” on October 6, 2017.
- Senator Mark Peake visited the School Board members yesterday
- The Schools CIP meeting will be held Wednesday, October 11, 2017

- b) VDOT

Ms. Carrie Shephard, Assistant Resident Engineer, provided the Board with the following update:

- A contractor is currently conducting surface treatment.

- VDOT is preparing routes for the Rural Rustic hard surfacing
- Rt. 735, Mt. Airy Lane, recently had the ditches pooled and the brush cut, then they will be moving on to Rt. 667, Carter Road and Rt. 703, Hunters Trail.
- Rt. 690, Columbia Road, has been patched in some areas

Supervisor Wheeler relayed compliments from citizens regarding the work recently done on Stoney Point Mill Road. Supervisor Wheeler inquired about surface treatment in the Kimberly Hills Subdivision. Ms. Shephard stated she would check.

- c) Ms. Robin Sapp, Cumberland Public Library

Ms. Sapp was not in attendance.

- d) Mrs. Doris Seal, Cumberland Community Cares Food Bank

Mrs. Doris Seal, member of the Cumberland Community Cares (CCC) Food Bank, provided the Board with a pamphlet of information regarding the proposed Food Bank. Mrs. Seal and other citizens have participated with FEEDMORE of Richmond to provide Cumberland Citizens with a mobile Food Pantry since May 2014, at which time they began serving 79 families; the group is currently serving 194 families, and expects to serve close to 250 families by the end of 2017.

Cumberland is considered a food desert, which is an underserved community or area where there is limited access to a grocery store. In Cumberland, 83% of the population is eligible for Federal Nutrition Assistance such as SNAP (Supplemental Nutrition Assistance Program), WIC (Women, Infants and Children), free school meals, etc. 16.7% of community members are considered food insecure at any given time. (This information was provided by CCC).

Mrs. Seal informed the Board that CCC has applied for, and has been approved for, two grants. The FEEDMORE Refrigeration grant will provide CCC with one (1) forty-four cubic foot refrigerator and one (1) forty-four cubic foot freezer. The FEMA Emergency Food and Shelter Program grant was an award for \$3,500.00. These grant funds will allow for the purchase of shelving and other necessities to ensure compliance with FEEDMORE's regulations.

On behalf of CCC, Mrs. Doris Seal requested use of the County owned building located at 1550 Anderson Highway, just behind the Extension Office, for a permanent location for the Cumberland Community Cares Food Bank. Ms. Linda Eanes spoke to the Board in support of the use of the said county building by CCC for a Food Bank, and anticipates a partnership with CCC to expand programming efforts to include sponsoring a Farmers Market in the future and offering healthy eating classes. Mrs. Seal thanked the Board for their ongoing support in allowing them to utilize the current Mobile Food Pantry location at the Cafeteria at the Cumberland Community Center. Ms. Vivian Giles, County Attorney, informed the Board that this request would require a public hearing as it would be a lease of county owned property.

- e) Mr. Tom Perry, Fire & EMS Chief – Adopt Cumberland Emergency Operations Plan as amended

The Chairman stated that the Board will review the document provided and take action at the November 14, 2017 Board meeting.

6. Public Comments

Mr. Scott Newton voiced his concerns with the safety of an intersection of Duncan Store Road at the fence of the tank farm. Mr. Newton also discussed the economic opportunities that can result from the construction of the ACP in our county. He expressed

concern that too much of the money being spent by construction workers is going to other counties.

7. **Public Hearings**

a) CUP 17-04 Sportsman Campground – Jackie Ford

Zoning Administrator, Sara Carter informed the Board that Mr. & Mrs. Jackie and Della Ford are seeking a Conditional Use Permit for a four unit RV Campground for construction workers at Cobbs Creek and sportsman that may come in for hunting, to be constructed on a four and a half acre lot that is currently zoned A-2. They also foresee their daughter building a house on this lot. The property is currently vacant. Mr. Ford has worked with VDoT on their requirements. He is also working with an AOSE for septic and well. A Department of Health campground permit will also be required.

The proposed use is not within a designated growth area in the Comprehensive Plan. The proposed use is compatible with surrounding zoning and the intent of the district of impacts on adjacent neighbors can be addressed. The Planning Commission recommended denial of this application on a 4-1-1 vote. The concerns stated by the Commission were the density of the property, the overall acreage compared to other similar projects, issues with enforcing no permanent occupancy on an increasing number of campgrounds throughout the county, and inconsistency with the surrounding area.

The Board discussed the proposal with Mr. Ford. The Chairman then opened up the public hearing. Mr. Scott Newton reiterated the cooperation between state and local offices regarding the regulations required for a campground. Mr. Rob McLean voiced his concerns and opposition for the project. He stated that it was nothing personal against Mr. & Mrs. Ford, but he felt that the county is ill-prepared for sites such as these. Mr. Roger Nelson is a Soil Scientist who spoke

in favor of the project. He stated that the property is in full compliance with the Virginia Department of Health, and the roads are sufficient.

With no additional citizens signed up to speak, the Chairman then closed the public hearing.

Supervisor Meinhard made a motion, which carried by the following vote, that the Board approved CUP 17-04 so long as the VDH requirements are met for the water and wastewater, and the VDOT requirements are met for the roadway entrance, and with the following conditions:

1. Number and type of recreational vehicles permitted: There shall be no more than four (4) recreational vehicles on the property.
2. 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 permanent camping sites for temporary recreational vehicles permitted on the property. Plans and permits must be approved by the Cumberland County Health Department prior to usage of the campsites. A building permit shall be required from Cumberland County for the project, which (among other things) will approve the proposed electrical connections to the recreational vehicles.
3. Scaled plan required: Prior to placement of any units on the site, the applicant shall provide a scaled plan noting the locations and spacing of the recreational vehicles on the property as well as all drive and parking areas and distances from all property lines. All recreational vehicles shall meet the same setbacks as a dwelling unit. 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 feet from each other.
4. Community safety: If county or state law enforcement is required to respond to restore order to those on the property more than two (2) times in a thirty (30) day period the conditional use permit shall be reviewed by the Board of Supervisors, and may be revoked at the Board's discretion.
5. Refuse disposal: Trash will be removed from the site at least once a week whenever there are RV's on site.

6. Noise control: Noise shall be restricted between the hours of 11:00 p.m. and 7:00 a.m. daily. The noise and sound level shall be undetectable at all property lines and at conversation levels on the property so as not to disturb other temporarily housed individuals or adjacent properties.
7. Prior to the usage of the property for any RV units, the applicant shall be required to construct a low volume commercial entrance and obtain a VDOT entrance permit.
8. 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.
9. Right to Entry: The Cumberland County Zoning Administrator shall have the right to enter the property with 48 hours notice to the owner to ensure compliance with all conditions stated herein and compliance to the definition of an RV campground, as contained in Chapter 74 of the County Code.
10. Renewal of conditional use permit: Regular renewal of the conditional use permit shall be required to demonstrate continued compliance. Such renewals shall be subject to providing documentation from each referring state and local agency as to the applicant's performance and compliance with the criteria used to approve the use, as well as a review of any code infractions and/or violations. Renewals shall be based upon the following schedule:
 - a. 1 year after approval;
 - b. 2 years after approval;
 - c. 5 years after approval;
 - d. Every five years thereafter;
 - e. Renewal shall be required upon any change in property ownership, program provider, licensing type and/or management.

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

8. County Attorney/County Administrator Report

- a) Consent Agenda
 - 1) Approval of Bills for September 2017 and October 2017. Approved bills for October 10, 2017 are

\$362,415.51. Ratified bills for September 13, 2017 to October 09, 2017 of warrants total \$346,368.04 with check numbers ranging from 75998 - 76263. Direct Deposits total \$160,894.49.

- 2) Approval of Minutes (September 12, 2017)

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

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

- b) Mid-Atlantic Broadband request for tax exemption

County Attorney, Vivian Giles, informed the Board that there was a typo on the agenda, and that Mid-Atlantic Broadband is requesting exemption for personal property taxes, not real estate. Mid-Atlantic Broadband anticipates future infrastructure in Cumberland County, and therefore they are requesting tax exempt status. They currently pay approximately \$2,250 per year. The Board directed Ms. Giles to look into the possibility of using the tax exemption as an economic incentive. No action was taken on this item.

- c) Reappointment of Carolyn Helgeson to Piedmont ASAP

On a motion by Supervisor Osl, and carried unanimously, the Board reappointed Carolyn Helgeson to Piedmont ASAP:

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

9. Finance Director's Report

- a) Monthly budget Report

There was no discussion regarding the monthly budget report.

- b) Cumberland Recreation appropriation request - \$571.00 for Cheerleading funds:

On a motion by Supervisor Osl and carried unanimously, the Board approved an appropriation request from Cumberland Recreation Department for \$571.00 in cheerleading funds:

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

- c) Cumberland Recreation appropriation request - \$867.00 for Cheerleading funds:

On a motion by Supervisor Osl and carried unanimously, the Board approved an appropriation request from Cumberland Recreation Department for \$867.00 in cheerleading funds:

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

- d) Appropriation of grant funds - \$86,200 from the PSAP grant for CADD Software:

On a motion by Supervisor Osl and carried unanimously, the Board approved an appropriation request in the amount of \$86,200 for grant funds for CAD Software:

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

e) Capital Improvements Program (CIP) Schedule

On a motion by Supervisor Wheeler and carried unanimously, the Board approved the Capital Improvements Plan (CIP) Schedule as presented:

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

f) Budget Calendar FY2018-2019

On a motion by Supervisor Wheeler and carried unanimously, the Board approved the Budget calendar for FY2018-2019 as presented:

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

10. Planning Director's Report

a) Planning Project update

There was no discussion on the Planning Project updates.

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

b) CUP 16-01 Robbie Lipscomb renewal request

Robert and Whitney Lipscomb require a renewal of their Conditional Use Permit 16-01 for the operation of their Event Barn. They are in full compliance with all conditions, and there have been no complaints about the use. Staff recommends approval for the next year, per the conditions of the permit.

On a motion by Supervisor Banks and carried unanimously, the Board approved the renewal of CUP 16-01 Robbie Lipscomb for the event barn:

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

11. Old Business

None

12. New Business

None

13. Public Comments (Part 2)

Ms. Rose McClinton asked the Board if the county receives any money from the rental of the RVs. She suggested the county

permit each RV site so as to collect more money to repair roads and assist with the services the county provides.

14. Board Member Comments

Supervisor Banks suggested that staff draft regulations or a local ordinance related to campgrounds to make them more consistent and predictable. The Chairman also stated that he would like to see a local ordinance to provide a single process by which all proposed campgrounds could be permitted.

Supervisor Wheeler made a motion to approve the purchase of a third car for the Sheriff’s Department, which was approved by the following vote:

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

15. Adjourn into Closed Meeting-

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

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

Subject: Community Host Agreement

Pursuant to Virginia Code § 2.2-3711.A.1: Personnel

Subject: Employees duties, assignments and salaries

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

16. Reconvene in Open Meeting-

The Board returned to regular meeting 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.

On a motion by Supervisor Osl and carried unanimously, the Board set a public hearing for the lease of county property located

at 1550 Anderson Highway, for the next regular meeting to be held on November 14, 2017:

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

17. Additional Information

- a) Treasurer’s Report
- b) DMV Report
- c) Monthly Building Inspections Report
- d) Approved Planning Commission meeting minutes – N/A
- e) Approved EDA meeting minutes – N/A

18. Adjourn -

On a motion by Supervisor Wheeler and carried unanimously, the Board adjourned the meeting until the next regular meeting of the Board to be held on November 14, 2017 at 7:00 p.m. in the Circuit Court Room of the Cumberland Courthouse.

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

Wm. Kevin Ingle, Chairman

Vivian Giles, County Administrator/County Attorney